

# Women's Peace in Cyprus:

## Recommendations of the Gender Advisory Team (GAT) on Implementing UNSCR 1325 Provisions on Women, Peace and Security

REPORT 3/2012



This report has been co-authored by members of the Gender Advisory Team (GAT), some of which are listed at the end of the report. GAT has been working on the implementation of UNSCR 1325 since 2009 and has in that time produced a number of texts and recommendations, which have formed the basis of the present report. GAT's members are academics and activists working on issues of gender equality from a peace-building perspective, who are also committed to the incorporation of a women's rights agenda in the negotiations.

**WOMEN'S PEACE IN CYPRUS:**  
RECOMMENDATIONS  
OF THE GENDER ADVISORY TEAM (GAT)  
ON IMPLEMENTING UNSCR 1325 PROVISIONS  
ON WOMEN, PEACE AND SECURITY

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# INTRODUCTION

## **United Nations Security Council Resolution 1325 (2000), a Landmark in Women's Activism: Its Relevance to Cyprus**

Women's movements and feminist scholarship have long promoted the view that the social phenomena of peace, security and war are gendered. Feminists have challenged the patriarchal, oppressive and sexist militarized cultures that promote and sustain conflict and war. Research shows that in contemporary conflicts especially after the end of the cold war, women and children increasingly suffer the greatest harm, and that women have different experiences, needs, concerns and ideas to put forward to rebuild their societies and promote democracy, gender equality and human rights. In 2000 the United Nations' Security Council (UNSC), after pressure exerted by many women's organizations, recognized the gendered nature of war and peace processes and formalized it in the unanimous adoption of Resolution 1325 on 'Women, Peace and Security' (known as UNSCR 1325). Since its adoption, we have seen some progress in its implementation in conflict societies like South Africa, Rwanda, Uganda (where women participated in the Juba talks), Columbia, Nepal and Sri Lanka.

After fifty-five years and 4,213 sessions of the Security Council, here at last is a public acknowledgement at the highest possible level of the gender-specific deliberately inflicted torment of women in warfare. Here women's agency and capability were brought to view, and governments and international bodies [have been] authorized to increase support of women's work for peace.<sup>1</sup>

The adoption of resolution 1325 by a predominantly male-dominated body of the international organization was indeed impressive, also considering that all five permanent UNSC member states have the most sophisticated arms-producing industries and are out looking for markets!

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<sup>1</sup> Cynthia Cockburn, 2007, *From where we stand – war, women's activism and feminist analysis*. London: Zed Books. p152.

## Women's Mobilization

Women began raising their voices millennia back, demanding an end to wars and establishing a safe and peaceful environment for themselves, their families and society. The Lysistrata model was not only used to bring an end to the protracted Peloponnesian wars between Athens and Sparta but also inspired sex strikes in the 21<sup>st</sup> century in violence-plagued areas in the Philippines in 2008, in 2006 in the Columbian city of Pereira known for its drug trafficking and violent crimes, and in 2009 by women in Kenya to protect the growing divide in Kenya's coalition government. In all cases, as we are informed by UNHCR spokesperson Kitty McKinsey, this 'tool' did work: "Women wanted their husbands to not fight anymore and by using their feminine wiles they were able to enforce their wish"<sup>2</sup>

Prior to and after the many wars that have plagued humanity, women have often been powerless victims of militarization or nationalism, of anachronistic traditions and patriarchal norms. But they have also been agents to prevent or stop wars. Examples include the "Shoals of Peace Women" in 17<sup>th</sup> century England, who seized the British parliament wearing white ribbons and demanding an end to the civil war; the women's protest in the 20<sup>th</sup> century at the air force base at Greenham Common in the UK when the government intended to put US cruise missiles there; and the march of thousands of women in the 1980s in the USA outside the Pentagon demanding an end to the cold war, the arms race, and nuclear testing. In 2002 and 2003 in Cyprus after a long stalemate in the official negotiations, members of 'Hands Across the Divide' (HAD), a bicomunal women's NGO, staged peaceful protests in the northern and southern parts of Nicosia (crossing the Green line was forbidden then) demanding an end to partitioning militaristic lines and 'a speedy and peaceful solution'; they carried white doves and balloons to create a positive symbolic message. In 2008 HAD members wrote letters to the Cypriot negotiators inviting them to take into consideration UNSCR 1325 to include women in the peace negotiations and in the working groups. Such feminist and women's actions both empowered women and healed former divisions.

## UNSCR 1325: A Feminist Achievement

Finally, in 2000, women (and a very few men) succeeded in getting the male-dominated body of the UN to devote an entire session discussing women's experiences in conflict and post-war situations. Much of this foundation work was laid during the UN International Women's Decades (Nairobi, Mexico, and Beijing, where the Platform of Action featured 'Women and Armed Conflict' as one of the 12 critical areas of concern). Many NGOs from Africa, Asia and Europe, and many known and unknown women active in the field of armed conflict, peace and security were involved, and all agreed to the establishment of the 'transnational Advocacy Network' and the 'Women and Armed Conflict Caucus'. This was coordinated by WILPF (Women's

<sup>2</sup> See [www.cnn.com](http://www.cnn.com) 2011/WORLD/asiapcf/09/19/Philippines sex strike (last accessed 6 November 2012).



International League for Peace and Freedom) who also oversaw the process of drafting, redrafting and finalising the document.

Women knew what they wanted and lobbied in coordination with an environment that proved conducive to hearing their concerns. The General Assembly in March of that same year, in a special 23<sup>rd</sup> session, discussed further initiatives to implement the 'Beijing Declaration and Platform of Action' and ended with a declaration on 'women and armed conflict'. The Bangladeshi Ambassador to the UN, Anwarul Chowdhury, then chair of the SC, made a powerful speech on the intersections between gender, peace and security on March 8, supporting the women's caucus in their pursuit of a SC open session.<sup>3</sup>

Coalitions and alliances of women were important in bringing UNSCR 1325 to fruition: feminist academics sent books written on the issues of conflict, women, security and peace to all members of the Security Council to explain the impact of war on women, girls and men, and how these differing experiences invite us to rethink conflict resolution processes and policies and how women are disproportionately victimized and their bodies turned into weapons to humiliate the enemy.

NGO women who were lobbying at the United Nations in New York, and were in touch with members from the SC and other UN departments dealing with women's issues, sent messages to other NGOs back at home to lobby their governments on the importance of the women's agenda and to mobilize support from both the relevant departments of their national governments and from women's grass-roots groups.

A few days before the convening of the SC session in October 2000, a women's working group called the 'Arria meeting', where SC members met representatives from civil society. Women from Africa, Asia, and Latin America spoke animatedly about the experiences of women and girls in the conflicts of their war-torn societies and passionately presented the work of women in peace building at the grass-roots level. On October 31, 2000, and after debates over two days, 1325 was unanimously adopted, and as Hill remarked, 'the last bastion of gender-free thinking in the UN had fallen'.<sup>4</sup>

It is obvious that the model of success that emerges from this calls for a linkage approach: between the macro, meso and micro levels of decision-making bodies, governments and diplomats, UN departments and civil society; linkages within civil society - academics with activists and grass-roots operations back home with women's organizations and government; and of course trans-national coalition building across countries and continents, as well as cooperation amongst women from different backgrounds who are differently positioned in relation to structures of power and experiences of war and conflicts.<sup>5</sup>

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<sup>3</sup> Karim Anwarul Chowdhury, 2011. "The Intrinsic Role of Women in Peace and Security-Genesis and Follow-up of UNSCR 1325", *Palestine-Israel Journal* 17 (3 & 4): 9-13; Cynthia Cockburn, 2012. *Antimilitarism, and Political Gender Dynamics of Peace Movements*. London: Macmillan.

<sup>4</sup> Felicity Hill, as quoted in Cockburn, 2007, *From where we stand*. p. 149.

<sup>5</sup> Maria Hadjipavlou-Trigeorgis, 1987, *Identity Conflict Resolution in Divided Societies: The Case of Cyprus* (unpublished doctoral thesis), Boston University, U.S.A.

## Main Issues Raised in the Resolution

We have at our disposal a plethora of documents explaining and interpreting the different clauses of UNSCR1325.<sup>6</sup> Europe is a frontrunner when it comes to efforts to implement SCR 1325. The majority of National Action Plans (NAPs) on Women, Peace, and Security (WPS) originate in Europe. Out of 193 UN member-states, only 37 have adopted a National Action Plan (NAP), the last one being the USA in 2011, and include 19 European states, Australia and Canada. At EU-level the *Comprehensive Approach to the EU Implementation of the UNSCRs 1325 and 1820* on women, peace and security was adopted.

Much of the current debate and advocacy work around the themes of women in war, and post-conflict peace building and reconstruction focus on UNSCR 1325. Stress is put on the intersection of peace politics with the varied and interconnected forms of violence against women<sup>7</sup> as well as on the dual relation of women to conflict, whereby women suffer wartime victimization in specific ways but also employ tremendous agency in advocating inclusive and sustainable approaches to peace at all levels of government.

The content of Resolution 1325 in brief is the following: The preamble acknowledges the specific effect of armed conflict on women and women's role in *preventing* and *resolving* conflict in the context of the SC responsibility for the maintenance of international peace and security. It consists of **18 short points, which cover three main themes:**

- *Protection*, which includes women's rights, a clear understanding of gender needs in time of war, the *protection* of women and girls from gender-based violence, particularly rape and other forms of sexual abuse and an end to impunity for such crimes (UNSCR 1820 further elaborates on processes to deal with perpetrators).
- *Participation*, which provides that women's work on peace must be included in decision-making at all levels in national and regional institutions, including significant posts in the UN itself, in all mechanisms for the prevention and management of conflict and in all negotiations for peace.
- The inclusion of a *gender perspective* in the UN peace-keeping operations and in measures of disarmament.

Following UNSC Resolution 1325 three other resolutions were adopted by the SC: Resolution 1820 in 2008, which classifies rape and other forms of sexual violence as war crimes and recommends military disciplinary measures and the debunking of myths that fuel sexual violence; SC Resolution 1888, that goes a step further to combat the culture of impunity and

<sup>6</sup> See "Commitments for Action to Advance UNSCR 1325" by the Civil Society Advisory Group to the UN on Women, Peace and Security (CSAG); and CSO Position Paper "10 Points on 10 Years UNSCR 1325 in Europe" which was signed by more than 80 civil society networks and organizations worldwide.

<sup>7</sup> Shahrzad Mojab, 2010, *Women, War, Violence and Learning* (ed.). London: Routledge.

recommends that the UN should work with national, legal and judicial officials and personnel to address impunity of gender-based violence; Resolution 1889 (2009), that proposes the need for indicators to monitor the implementation of Resolution 1325 and the progress achieved. In 2010 Resolution 1960 was adopted, calling for complete cessation by all parties to conflict of all acts of sexual violence and provision of assistance to victims of rape and sexual violence. In addition, this resolution calls upon the member states to provide a greater number of female military, and police personnel to the UN peace-keeping operation and provide training on gender-based violence.

## **Recent UN Good Offices Initiative in Cyprus, 2012**

Over the last three years, the UN's Good Offices mission in Cyprus has supported the incorporation of gender concerns in the agenda of the peace negotiations. Towards this end, they have facilitated GAT's communication with negotiators on the Team's recommendations on particular aspects of their discussion – namely governance, citizenship, and property, as included in this report. Two open-day events were held in 2010 and 2012 respectively, marking the anniversary of UNSCR 1325. GAT participated in both, joining deliberations over the relevance of the Resolution to Cyprus.

During these deliberations, women identified the following as obstacles to women's participation in decision-making and in the formal or informal peace talks:

- *historical* reasons, including the legacy of the island's occupation by foreign powers over the centuries including colonialism, and ethnic nationalism.
- *structural* obstacles, like entrenched patriarchy and hierarchic, gendered institutions such as the family, religion, education and trade unions, etc.
- *political* obstacles, such as the male-centred culture in political parties, the gendered separation of private and public realms of life, gendered stereotypes and a hegemonic male discourse that leaves no space for women to voice their concerns and needs.
- *psychological* factors, such as women internalizing their oppression and secondary roles early on in their socialization; fear of success and low self-confidence; normalization of traditional stereotypical roles.

Differences also emerged as Turkish Cypriot women articulated a host of other grievances which the Greek Cypriot women do not experience as members of the dominant community and living in the Cyprus Republic, which is internationally recognized, and enjoying EU membership with all the benefits this entails.

The participants developed five key recommendations within the principles of Resolution 1325 addressed chiefly to the UN:

- Support the development and implementation of a Cyprus-wide campaign on human security that would take into account the gender approach to security and define the concepts of security and safety from a women's perspective.

- Support women in decision-making processes and support women to influence the political structures in their communities, including advocacy for the promotion of a participation quota not lower than 30%, as a temporary measure.
- Support the training of women in decision-making.
- Support rural women's access to decision-making.
- Facilitate a 'women's discourse conference' on the Cyprus problem so as to inform and engage women from all communities on the peace process and create a safe space for their full and inclusive participation.

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# GAT: THE GENDER ADVISORY TEAM CYPRUS

## An Overview

The Gender Advisory Team (GAT) was formed in October 2009, as a core group of women who are interested in seeing gender equality integrated into the peace negotiations in Cyprus as well as in all the peace building processes post-conflict. GAT consists of civil society activists and scholars from both sides of the divide, who have extensive knowledge and hands-on experience on gender issues in their respective communities and elsewhere. This experience has informed GAT's work for the last three years, as the team engaged with advisors to the negotiators so as to impress upon them the need to make gender issues part of their discussions whose aim is to secure a sustainable peace agreement to benefit the entirety of the Cypriot population, men and women.

GAT members envision a multicultural, democratic society based on gender equality where everyone has equal access to resources, equal opportunities for personal and social development, equal representation and participation, and where human rights and civic freedoms are respected. In this vein, GAT aims at mainstreaming gender equality in the peace process, by ensuring women's active participation in all phases of the process, and gender-proofing the content and basis of future peace agreements. GAT acknowledges the existing differences amongst the different Cypriot communities, which should be noted in all relevant documents.

GAT works on the principles of participatory democracy as a process emphasizing the broad participation of constituents striving to create opportunities for Cypriot women in making meaningful contributions to decision-making so as to bring about social change towards a more tolerant, humane, equitable and non-patriarchal society. Following feminist principles, GAT does not believe in hierarchy or any sort of vertical decision-making structures and makes decisions in consensus. Membership is open for any individuals sharing the same vision, mission, approach, values and principles. GAT believes in the feminist values of:

- Gender Equality at All Levels
- Respect for Human Rights and Women's Human Rights
- Participatory Democracy
- Respect for Diversity and Differences
- Social Justice and Fairness
- Elimination of All Forms of Violence and Discrimination

- Solidarity and Connectedness
- Reconciliation through Problem-Solving
- Embracing and Celebrating Diverse Women's Experiences

### **GAT's Intervention and Contribution**

During the many attempts to craft a peace agreement over the decades, leaders of the Greek-Cypriot and Turkish-Cypriot communities of different political persuasions have considered a number of issues and agreed on some but diverged on others. What is an established fact is that one issue has remained beyond the purview of these negotiations, and largely by agreement of both sides: women's rights in particular, and gender issues more generally. In this respect, GAT has identified the following features as diachronic failures in the development of the peace negotiations:

- Cypriot women have never sat at the negotiating table and their presence in positions of leadership in all other institutions or committees whose work feeds into the negotiation discussions is very low.
- The context of the negotiations lacks a gender perspective and thus fails to address gender equality issues. Despite the fact that 'equality' (qualified or otherwise) has been the key principle guiding the negotiations, the interpretation of such 'equality' has tended to focus exclusively on only one form of difference (ethnic), rather than approaching it in tandem with other kinds of differences (of which gender is a key component).
- There is very limited action on the part of women's organisations to address negotiators as decision-makers obligated to ensure gender equality. Inter-communal lobbyists for women's and gender issues more widely are conspicuous in their absence and communal lobbyists tend to focus their effort on each authority separately.
- Despite the attention to 'human rights' by negotiators, particular sets of human rights, including gender-based rights and social rights associated with them, have diachronically fallen outside the scope of concern.

Having identified these failures, GAT is committed to ensuring gender equality and the respect of women's human rights in the peace agreement and in post-agreement implementation.

To this end, GAT has presented the two Cypriot leaders three sets of recommendations on matters pertaining to chapters under discussion. In March 2010, GAT submitted to the leaders, Demetris Christofias and Mehmet Ali Talat, a set of recommendations to ensure that their discussions on 'governance and power-sharing' address issues of gender equality. The following year, in September 2011, GAT submitted further recommendations to Demetris Christofias and Derviş Eroğlu on matters pertaining to 'citizenship' and 'property'. A further set of recommendations, on economic issues, was prepared by GAT in October 2012. These sets of recommendations are publicized in the current report. GAT's efforts were acknowledged by the United Nations Secretary General Ban Ki-Moon in his report on his mission of good offices in Cyprus on 24 November 2010 (Doc Ref: s/2010/603), where he stated that:

... mindful of the important role of women in peace negotiations, as recognized by the Security Council in resolution 1325 (2000), I would encourage the sides to continue their engagement with the Gender Advisory Team, consisting of civil society activists and scholars from across the island, and to seriously consider its gender-focused recommendations on the main areas under discussion in the peace talks. (§43)

GAT's work has also been acknowledged by the leaders' representatives, who met the team together and separately several times. During these meetings, they committed to studying the recommendations and taking up the issues raised. GAT has also met with members of relevant technical committees, who have communicated a willingness to address gender issues in their work.

GAT believes that at this stage of its work, and with a mind to the seemingly difficult task of the negotiators, the issues that it raises stretch beyond the negotiation room and embrace the vast majority of the population in Cyprus. To this end, it seeks to foster alliances with individuals and organizations across the divide to ensure that gender equality is mainstreamed in peace efforts at all levels, both prior to the signing of an agreement, and after it. GAT thus aims at empowering women from different social levels through raising awareness of women's needs, rights, priorities, and concerns; finding common ground in a women's agenda for peace and reconciliation; connecting on a grass-roots level with other women's organizations, and with a larger community by mobilizing through a 'peace and gender' perspective, and collaborating with other organizations locally or internationally on women's issues.





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# GAT RECOMMENDATIONS ON GOVERNANCE AND POWER-SHARING

GAT believes that ‘neutrality or objective terms in official documents’, especially state documents, imply a male-centred approach and that women are deprived of the opportunity to voice their needs, views and perspectives on the content and language used in such documents, be they a peace agreement or a new constitution. To remedy this, UNSCR 1325 on women, peace and security (2000) calls upon member-states to include women’s perspectives and contributions to both the peace process and conflict resolution. Within this context, GAT has submitted the following recommendations, which are based on key principles of gender equality pertaining to the set-up and organization of government structures in an envisioned federal state.

## NON-DISCRIMINATION

1. The Constitution of the United Federal Cyprus must provide equal rights and opportunities for men and women, and must use clear and direct language prohibiting any form of discrimination. Thus, the Constitution in both its preamble and ensuing articles must contain specific texts on gender equality and on special temporary measures intended to combat discrimination.
2. The Constitution must prohibit any kind of direct and/or indirect discrimination based on gender, sex, maternity, parental leave, marital status, sexual orientation as well as age, birth and conscience, language, religion, ethnic or social origin, colour, disability, ideology and culture. The Constitution must ensure the implementation of all provisions contained in the Lisbon Treaty and relevant EU Directives on issues concerning burden of proof in discrimination cases, employment, equal pay, social security, occupational social security and self-employment.

## GENDER STEREOTYPES

3. Fundamental rights and freedoms must not be limited for reasons of general morality or public morals. All women, including homemakers, must have health and social security rights and benefits; and women’s bodily, sexual, and reproductive rights must be secured.
4. Wording in the comprehensive settlement must be gender sensitive and must avoid gender stereotyping such as underlining women’s gender roles within the family, motherhood, or in need of paternalistic protection.

5. The Constitution must declare that the state commits itself to ensuring the actual implementation of gender equality in every field, by taking all necessary legal and institutional, temporary and special measures (such as quotas or positive discrimination) to achieve genuine equality. These measures must not be perceived as discrimination or as measures contravening the equality article.

## INSTITUTIONS

6. Equal distribution of positions in the cabinet, federal and federated unit/constituent state parliaments and local governments to men and women must be secured through temporary special measures in the Constitution and a commitment must be made by the parties to an agreement that such initiatives will be placed on the legislative calendar of a United Federal Cyprus.
7. Gender balance in all public decision-making bodies namely, the Supreme Court, the Public Service Commission and independent offices *inter alia* must be secured. There must be two seats allocated for women from both communities on the Supreme Court, and half of the commissioners on the Public Service Commission and in independent offices must be women.
8. Political and public institutions must establish means to ensure gender-equality and non-discrimination, such as gender equality mechanisms, focal points, a special Ministry or a specific portfolio within a given Ministry, a parliamentary commission, a special desk at the Ombudsperson's office, and a separate unit within the federal police force. Effective coordination among federal units and between federal and constituent state units must be ensured.

## INTERNATIONAL AND DOMESTIC LAW

9. All international and regional conventions and treaties<sup>8</sup> pertaining to women's rights specifically as well as to human rights more broadly, which ensure the protection of women in vulnerable situations, together with all protocols must be ratified and incorporated into the Constitution, thereby serving as a basis for the development of further legislation.

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<sup>8</sup> These conventions and treaties include (but are not limited to): the UN Convention for the Elimination of Discrimination against Women (CEDAW), the Council of Europe (CoE) Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Convention on the Rights of the Child, the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the CoE Convention on Action against Trafficking in Human Beings, the CoE Framework Convention for the Protection of National Minorities, the UN Convention Relating to the Status of Refugees, the European Convention on Social and Medical Assistance, the European Social Charter, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention against Torture and Other Cruel and Degrading Treatment or Punishment and the UNESCO Convention on Discrimination in Education. They should also include all the relevant UN documents from the International Women's Decades, especially the Beijing Plan of Action (1995).

10. Legislation related to social issues must take into account discrepancies that currently exist between the criminal and family codes of each federated unit/constituent state and ensure harmonization in this respect, so that the policies, legislation and practices do not disadvantage people in one community over the other. Specific federal-based legislation must be developed for gender-based violence (including rape within the sphere of the domestic) and abuse, and all gender-related human rights violations must be accorded legal assistance.

## **CITIZENSHIP**

11. Women must be granted equal rights with men to acquire, change or retain their citizenship. Neither marriage to an alien nor change of citizenship by the spouse during marriage shall automatically change the citizenship of the wife, render her stateless or force upon her the citizenship of the husband. Women must be granted equal rights with men with respect to the citizenship of their children. Each federated unit/constituent state's criteria for citizenship must not preclude the citizenship of the other federated unit/constituent state.
12. A federal competency within citizenship, immigration, migration and asylum, laws and mechanisms on trafficking in human beings must be developed according to international best practices and the EU acquis. A federal task force on trafficking must be established, whereby women will be represented on all levels. Legislation must be enacted that penalizes the trafficker and not the victim. The status of a 'victim of trafficking' must not be linked to the willingness of victims to testify against their traffickers.
13. Legislation regarding immigrants, refugees and asylum seekers must also secure the rights of women and children and must be in accordance with the relevant international and regional conventions and treaties.



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# EXPLANATORY NOTE ON GAT'S RECOMMENDATIONS ON GOVERNANCE AND POWER-SHARING

## A feminist position on sharing governmental power

'Power-sharing' is a term that resonates with all those stereotypes about gender roles in peace work. Intuitively understood as the diachronic domain of men; 'power' tends to signal what women should not be interested in – and most 'good' women often aren't. 'Sharing' of course carries a more 'homely' ring to it, but in the given hyphenated structure ('power-sharing'), it tends both to be effaced by the power of the first term, and to act as a prop that lends 'power' an added 'technical' implication. The question of 'power-sharing' thus tends to be understood as a technical matter pertaining to numbers in the allocation of seats in government and state institutions and in the calibration of each citizen's vote. Together, governance and power-sharing have resonated more with politicians, the vast majority of them male, who propose and reject schemes of assigning weight to votes, ministries, and state institutions.

GAT's recommendations on governance and power-sharing take a different approach. At the height of the most recent round of negotiations in 2009, GAT realised that if things went well we might have successfully concluded negotiations and have a bright new peaceful state that caters chiefly to two ethnic sets of men. And if things did not go as well, we would continue to have two state structures each catering chiefly to its 'own' men (restrictedly defined in more senses than the ethnic). Either of the two outcomes would be to the detriment of all those groups who fall through the gaps of the 'ethnic' divide. Women, who constitute 49% of the population in Cyprus,<sup>9</sup> are the obvious group finding itself at a disadvantage through this exclusive focus on the ethnic divide. From the inception of modern statehood in Cyprus, women's representation in government has been minimal. And the ways in which the peace negotiations have been structured threaten to perpetuate this situation into the future state. GAT's key concern in putting forth this first set of recommendations has therefore been to re-position the interpretation of 'power-sharing' within more pluralistic framings of democratic rights. And while women's rights are central to this attempt, they are not the sole concern. They also embrace the rights of sexual and immigrant minorities, and of children, youth, and the elderly.

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<sup>9</sup> World Bank data search, <http://www.worldbank.org> (last searched 2 November 2012).

In a context where 'the Cyprus problem' is presented as 'urgent' and everything else 'secondary', and because, despite its persistence over three generations now, 'the Cyprus problem' is likely to be outlived by the problem of gender inequality, women, along with other social groups, have a stake in the phrasing of the Constitution, the government's organogram, the design of the courts, the make-up of the police, and so on. The recommendations put forth by GAT are a mere sketch of the basic minimum that gender mainstreaming efforts throughout the world now imply. They serve, above all, as a reminder that 'sharing' must not be about ethnic ratios solely, but about gender ones as well. And that it needs to be framed in the aim not of a compromise against some ideal of autonomy, but of obligation, cohesion, cooperation, and inclusion - all necessary components of participatory democracy.

### **Constitution and State Bodies**

While the constitutions on both sides are currently mired in 'special temporary measures' for the purpose of curtailing rights, a future constitution must fulfil the promise of inclusion for everyone. The citizenry that will be expected to hold up the future constitution as its own, needs to see its place clearly reflected therein. Women, who make up half that population, need to be acknowledged as the hitherto politically silenced majority, who, now unequivocally, have recourse to 'The Law'.

This is why GAT recommends that text on gender equality be included in the Constitution; legal text that is at least amenable to 'emergency measures' and special laws that could abrogate the rights gained by reflecting gender concerns in other legal bodies. Gender equality must be enshrined in the foundation of the state.

Gender equality is not achievable simply along a men/women axis, but through the prohibition of discrimination across a variety of different aspects of identity. GAT has drawn on the examples of constitutional clauses against discrimination elsewhere, to identify the vectors of inequality as relating to gendered identities per se (gender, sex, maternity, parental leave, marital status, sexual orientation) and as extending beyond them into characteristics through which gender discrimination may nevertheless be perpetuated (age, birth and conscience, language, religion, ethnic or social origin, colour, disability, ideology and culture). Patriarchal views about women's multiple identities impact on employment opportunities, pay, social security, occupational social security and self-employment. In recognition of this, GAT proposes that a state mechanism should be established via constitutional provisions to deal with discrimination in a gender-sensitive way. The prevalence of patriarchal views often impact on the interpretation of 'burden of proof', thus disadvantaging those most in need of such legislation. Burden of proof ordinarily lies with the prosecution and it is up to the prosecution to demonstrate that the defendant is guilty. In cases where a victim accuses a defendant of discrimination the defendant should be the one to prove that they did not discriminate, instead of the victim (prosecution) having to prove that they did. This type of legal precaution works as a catalyst to eradicate discrimination in a society and has proven to be an effective method

towards progress. It is for this reason that the mechanism should have the stature that would allow it to be effective in the eradication of discrimination in the federal state. As the Cypriot conflict experience has proven that such discrimination may easily topple the state itself, it is crucial that discrimination is addressed as an issue of constitutional priority and not a side issue. A range of EU and other regional and international conventions and treaties pertaining to women's rights specifically as well as to human rights more broadly, that ensure the protection of women in vulnerable situations, together with all protocols, must be ratified and incorporated into the Constitution.

The hitherto exclusionary and divisive application of special measures must be turned on its head in a Constitution that commits the State to ensuring the actual implementation of gender equality. The distribution of cabinet, parliamentary, and local government seats along gender lines must complement ethnically based distribution. Far from being seen as a negatively connoted 'positive discrimination' measure favouring women who would not otherwise deserve such seats, allocations based on gender quotas must be viewed as a measure addressing historical power imbalances. This proposition is of particular relevance to Cyprus, where ethnic quotas have been normalized in public perception to the exclusion of all other kinds of quota systems. The period for which such quotas should be maintained must be assessed at regular intervals and with a view to maintaining effective representation of women after they have been dispensed with. Social stereotypes need to be superseded before women, along with other under-represented groups, realize their full potential. The Supreme Court, the Public Service Commission and independent offices are locations of power where such under-represented groups must have a voice. At the same time, the effectiveness of quota systems must be assessed by specialized bodies. And in the effort to eradicate these stereotypes, the coordination of bodies within and across the federal units is crucial.

## **Language**

For the same reasons that 'power-sharing' has become a 'male' topic, the language of all peace agreements and state documents must seek to overturn assumptions embedded in words about men's and women's roles in society. 'Morality', 'honour', 'ownership', 'protection', 'order', 'role', are such words; particular descriptions of parent-hood, home-making, and the public-private distinction are other minefields, which weaken women's agency. Thus, the wording of the terms of a peace agreement is not merely an issue of semantics but of essence. It must be seen in the wider effort to inaugurate a more just and less prejudiced society where equality is engrained in public perceptions. Key to this is the overturning of historically engrained perceptions of women as victims, symbols of the nationalist order, and integrally tied to the domestic but not the public realm.

A specific example is the limitation of fundamental rights and freedoms, often limited for reasons of general morality or public morals. Such limitations must be eclipsed. Home-making roles should be recognised irrespective of gender through access to social rights and benefits.

Health rights are often impacted by gender inequalities that fail to target women's health. Such imbalances must be addressed by the welfare systems. Bodily, sexual, and reproductive rights are a specific area of concern in this frame, where research has proven that whatever rights have been accorded to women on these fronts were provided as a corollary to nationalist concerns.<sup>10</sup> Furthermore, coming out of a conflict nationalist culture, it would be essential to avoid feminizing pain and suffering and address psychological trauma and pain as gender issues that have affected both men and women and relevant mechanisms should be set up to address such issues which relate to human rights and must be of concern to state institutions too.

The language of an agreement must, in short, enable a paradigm shift in women's position within Cypriot society. To bolster this, equal access to justice must be ensured for women across the constituent states. Thus, legislation must scrutinize the discrepancies that exist between the criminal and family codes across constituent states and communities. Women's rights must be ensured across the whole of Cypriot territory and not be determined by a woman's location. The most effective way of ensuring this is to address gender-based violence and abuse at the federal level of legislation and to accord legal assistance to all gender-related human rights violations.

## Citizenship

The approach to citizenship must leave behind once and for all the treatment of women as the property of men. Such an approach is implied for example in the 1960 Constitution's citizenship rule that 'the wife belongs to the community of the husband'. Such approaches contravene international conventions and seriously undermine individual rights and women's rights in particular. A fresh approach to citizenship must recognize the equality of men and women in acquiring, changing, or retaining citizenship. Loss of citizenship through marriage and statelessness are as intolerable in a democratic polity as is the forcible or automatic change of citizenship. This should hold not only for citizenship, but also for membership in communities or constituent state/federal units, where the criterion of marriage is clearly discriminatory on gender grounds. A separate set of recommendations on citizenship addresses the implications of this in greater depth.

In a more general context, citizenship should be seen not within an exclusionist nationalist frame, but as a vehicle for enhancing pluralism and social justice. This means also addressing the needs of the disadvantaged and the vulnerable beyond the space where citizenship is administered. Migrant women, refugee and asylum-seekers, and victims of trafficking occupy exemplary positions in this space, whose rights should be safeguarded through laws and effective mechanisms and procedures.

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<sup>10</sup> See Myria Vassiliadou (2002), "The Patriarchal and National Struggles of Cypriot Women within a European Context", *European Journal of Women's Studies* 9(4): 459-482.



## **Conclusion**

It is GAT's vision that the mainstreaming of gender in the peace negotiations, and the implementation of an agreement, as well as in efforts outside the formal frame of negotiations, will contribute to a different understanding of the problems that have plagued the island over the decades. These have not only been problems of ethnicized politics and foreign interventions but also of a social and patriarchal order. 'Cyprus' from this perspective might slowly begin to look like a different place, a place other than conflict, war and trauma, a place where the future can be imagined productively and built solidly. This is what a feminist (in a non-exclusive sense vis-à-vis men) 'sharing' of 'power' should be about. GAT imagines a Cyprus where both men's and women's experiences (without homogenizing the social categories 'man' and 'woman'), talents and rights will be actualized to the benefit of all the polity.



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# GAT RECOMMENDATIONS ON CITIZENSHIP RIGHTS

The following recommendations address issues of gender rights in matters relating to citizenship.

## PRINCIPLES

1. Citizenship rights should be accessible on a non-discriminatory basis on all levels, including gender.
2. Measures to ensure that the experience of citizenship is based on equal opportunity for participation in all spheres of life must be ensured, including the right of women to affirmative action for the purposes of redressing the imbalances created by history, tradition or custom.

## ACCESS TO CITIZENSHIP

3. Citizenship rights should not be treated as a unitary bundle; transferability of rights between the two constituent states should be provided for and different categories of rights should be accessible in both constituent states on a non-exclusive basis (e.g., the granting of political rights in one constituent state should not exclude access to cultural rights in the other constituent state). The right of choice in exercising each of these rights should be recognised.
4. Provisions should be incorporated in the law to allow minors to enjoy the same rights in both constituent states.

## NON-DISCRIMINATION

5. Citizenship should not be presumed on ethno-national hetero-normative bases and should not be modelled on the performance of militant violence.
6. Discrimination at all levels (on the basis of ethnicity, race, class, age, sexuality, pregnancy, marital status, language, political belief or ideology, religion, culture, physical and mental ability, and place of birth) should be criminalized in both constituent states and at federal level and in both civil and military legislation.
7. The protection of women's and children's rights, and the rights of sexual minorities and the elderly, should be equally guaranteed in both constituent states as well as at the federal level.
8. Protection of minority rights in each constituent state (cultural, educational and social) should be guaranteed.

9. Appropriate monitoring mechanisms should be set up to scrutinize violations of anti-discrimination legislation in the mass media, and any other public information mechanisms (including parliamentary debates and speeches).

### **GENDER MAINSTREAMING AND INSTITUTIONS**

10. Gender mainstreaming should be prioritised at all levels and mechanisms should be set up to ensure it is actively pursued.
11. Institutions pertaining to social and economic rights (e.g., ombudsperson offices, trade unions, equality bodies, monitoring bodies, etc.) should ensure equality of protection in both constituent states.
12. Institutions pertaining to equality should be staffed by professionals with expertise in inter-sectional gender issues and provisions for on-going training should be included in the law.
13. All levels of education in both constituent states should include gender awareness, reproductive health issues, and cultural pluralism, including the institutionalization of both languages in the educational system, and the purging of discriminatory language and incitement to hatred references.
14. Health protection should include women's health and should be guaranteed for women in poverty.
15. Provisions in the law should ensure everyone's protection from all forms of gender-based violence.

### **FAMILY LAW**

16. Civil law should include gender-sensitive provisions in matters of marriage, divorce, and custody legislation and in legislation pertaining to reproductive rights in both constituent states.
17. Domestic violence (including marital rape and physical and mental assault) should be combated at both the constituent state and federal levels through effective cooperation of the police and justice system.
18. Equal parental responsibility should be stipulated in both constituent states and at the federal levels.
19. Civil partnerships should be recognised in both constituent states.

### **NON-CITIZENS**

20. Protection of vulnerable groups of non-citizens should be guaranteed, including refugees, torture victims, and victims of trafficking.

### **NON-ABROGATION**

21. Women's rights should not be suspended under emergency or exceptional legislation.

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# EXPLANATORY NOTE ON GAT'S RECOMMENDATIONS ON CITIZENSHIP RIGHTS

## Reconsidering citizenship and inclusion

Citizenship is the mode through which the foundation of community under a state rests. Its legal formulation determines the contours of solidarity within the group as distinct from others. A feminist understanding would propose that such solidarity must be fostered as widely as possible. For this to be achieved, citizenship must be focused more on inclusion than exclusion.

Citizenship rights are often framed within the rights-obligations dyad, whereby rights are bestowed on citizens by the state in return for the citizens' adherence to obligations to the state. Citizenship rights have a profound impact on all facets of individuals' lives, and in many cases these also determine entitlement to basic forms of human rights. For this reason, the economic model of exchange between state and citizens may not be the best to frame the conceptualisation of citizenship rights. Citizenship rights determine the conditions into which one is born and develops one's capacities as a human being, which precede any obligations the citizen subsequently is expected to honour. The extreme condition of statelessness exemplifies the fragility of this exchange arrangement, where human development can be totally thwarted where citizenship rights are denied (irrespective of an individual's 'honouring' their obligations to the state). Citizenship rights should hence create the conditions for fostering this development, and should be conceptualised, like human rights, as inherent from birth, preceding obligations (political or economic) that a citizen may develop throughout their lives.

From this follows that they should not be suspended under laws of emergency, such as in war or other conflict, which normally suspend a wide range of rights. In Cyprus, the experience of emergency legislation shows that so-called 'temporary measures' may remain in place long after the end of hostilities, with adverse effects on large numbers of citizens, be they minority members or not. The side-lining of gender within the frame of the ethnic conflict makes it all the more important to protect gender-relevant citizenship rights from suspension under exceptional legislation.

## Non-discrimination

Non-discrimination is a vital presupposition to securing this form of citizenship. To effectively eradicate already existing forms of discrimination, these may at first be acknowledged. Cyprus's modern history is rife with exclusions that are ethnically determined (e.g., of acknowledged and unacknowledged minority groups, effacement of hybrid identities, etc.).<sup>11</sup> These exclusions impact on gender in two ways. First, they distribute power along ethnic lines, overlooking gender differences. The needs of men across ethnic groups are thus prioritised over those of women. Second, in being based on a particular image of an 'ideal' citizen, stereotypes are formed and become engrained in the public imagination. This ideal citizen, in Cyprus, is male, belongs to a majority ethnicity (Greek-Cypriot / Turkish-Cypriot), and is the protector of the nation – thus able-bodied, masculine, heterosexual, and combat-ready.

The historical construction of this citizen has assumed that women, by correlation, are the 'weaker sex', in need of men's protection (in a father's home, or in marriage), and vulnerable to assault by the enemy. Their traditional status has been in the home, as reproducers of the family and nation.<sup>12</sup> Over the decades, these imbalances have been subsumed into the heritage of the Cyprus conflict, rendering gender differences invisible against the hegemonic idiom of ethnic difference.<sup>13</sup> Even when women took up other roles as wage earners, this perception of gender roles remained intact.<sup>14</sup> This legacy must be addressed on both the institutional and the societal level.

On the level of institutions, the position of the army as a privileged body within the government mechanism, which perpetuates masculine, combat- and violence-oriented stereotypes, must be reassessed. The assumption that proper personhood consists of heterosexuality (i.e., the assumption of hetero-normativity), purity of blood, and affective orientation towards the nation (the precepts of ethno-nationalism) should be superseded by more inclusive concepts of personhood and citizenship that are sensitive to multiple differences. To achieve this, institutional reform, including of the military, must be complemented by measures that render unacceptable (through criminalization) actions and behaviours that seek to marginalise and victimise others across a range of identity vectors (of which gender is one). The mass media, as a key medium for the social transmission of stereotypes, must be scrutinised on a state institutional level. Women's rights must also be recognised in their interrelation with other

<sup>11</sup> See Costas M. Constantinou, 2007, "Aporias of Identity: Bicomunalism, Hybridity and the 'Cyprus Problem'?" *Cooperation and Conflict* 42 (3): 247-270.

<sup>12</sup> Floya Anthias 1989, "Women and Nationalism in Cyprus", in Nira Yuval-Davis and Floya Anthias (eds) *Woman - Nation - State*. London: Macmillan. pp 150-167.

<sup>13</sup> Olga Demetriou, 2012. "The Militarization of Opulence: Engender a Conflict Heritage Site", *International feminist journal of politics* 14(1): 56-77.

<sup>14</sup> Anna M. Agathangelou, 2004, *The Global Political Economy of Sex: Desire, Violence, and Insecurity in Mediterranean Nation States*, London: Palgrave Macmillan.

aspects of identity (intersectionality) – and for this reason must be protected alongside and within legislation concerning minority rights, as well as the rights of particularly vulnerable groups including children, the elderly, and sexual minorities.

## **Access**

The framing mentality of negotiations thus far has taken the rights-obligations model of citizenship as a basis and has viewed voting rights as a key determinant of citizenship. It has hence interpreted ethnic belonging as corollary to federal unit / constituent state membership. This mentality de-prioritises other forms of citizenship and perpetuates an exclusionary rather than inclusive approach to citizenship.

To rectify this, citizenship rights must be viewed in their multiplicity: cultural rights (e.g., to education) must be seen independently from political rights (e.g., voting). Breaking up this unitary bundle of citizenship rights would allow their transferability between federal units / constituent states. This is especially important to citizens who are not voters, i.e., minors. Rather than determining that where children live will also determine the educational, language, and other cultural rights they have access to, on the basis of the kind of voters they are expected to become, those cultural and civic rights that are not tied to voting should be equally accessible to all citizens. Thus, where people are educated, or even work and access social rights, should be a matter of free will rather than being determined by birth or residence. Minors in particular, who are excluded from some political rights due to age (mainly voting), should be able to enjoy all other citizenship rights everywhere on the island.

Those groups who are excluded from citizenship rights by virtue of not being citizens must nevertheless not be allowed to fall beyond the purview of state protection. Statelessness must not be considered a tolerable condition. Similarly, the vulnerability of persons whose rights are under threat in their own states must be recognised and rights should be granted to them to ameliorate their predicament. Such vulnerable groups are refugees, victims of torture, and victims of trafficking. It should be recognised that large numbers of such persons exist in Cyprus and will continue to remain in a precarious state following a peace agreement.

## **Gender Mainstreaming**

To effectively achieve all this, the institutional set-up of the state must be gender-mainstreamed. This means treating gender differences as an aspect of all social relations and accounting for gender differentials across all state structures. Specialised structures devoted to implementing and monitoring gender mainstreaming must also be set-up to ensure that efforts are effective. This includes specialised offices, as well as the integration of gender expertise within existing offices pertaining to equality and social and economic rights. Education must be a particular target of gender-mainstreaming efforts because it is through education that a new citizenship consciousness can be fostered - one that addresses the inequalities created by history and introduces more inclusive mentalities of citizenship. Health is another area where lack of

gender mainstreaming may adversely affect citizen's lives if it does not recognise the need for specialised knowledge and infrastructure to address women's health.

Gender-based violence is another issue of priority in gender mainstreaming efforts, where the state should take legal and practical steps to eradicate the problem, which has traditionally been obscured by nationalist rhetoric. The results of this have been the failure, for example, to address domestic violence as a public issue and the treatment of gender-based violence perpetrated in the course of hostilities according to a patriarchal 'honour-shame' model (which prioritised the needs of the nation over the needs of women). To combat domestic violence effectively as a public matter, protection within the federal units / constituent states must be complemented by efficient cooperation across the state structures that span them, including the police and the courts. To redress these failures more widely, matters of civil law (which have been often relegated to a status within communal legislation) must be given attention and streamlined across the island, not treated as corollaries to tradition or religious custom. The recognition of civil partnerships falls within this frame. Equality in parental rights is another aspect. Marriage, divorce, and custody are matters where equality provisions should be propped up with gender-sensitive provisions, arising from the recognition that across the divide, women are often the partners who face harder economic and social problems after the break-up of marriage.

## **Conclusion**

A gender-sensitive citizenship regime presumes a shift of mental frames across a number of issues and planes of action. It is important to guarantee this holistic approach throughout the negotiation process, and to recognise that from this change of frames also stem other considerations, such as property and economic rights, for example.



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# GAT RECOMMENDATIONS ON PROPERTY RIGHTS

The following recommendations stem from considerations about women's access to property that should be taken into account in determining the property clauses of an eventual agreement.

## PRINCIPLES

1. Women should be guaranteed equal access to property and land ownership and to inheritance rights in the legislation of both constituent states as well as federal law.
2. Women's rights to management of property should be equally guaranteed in both constituent states.
3. Mechanisms should be instituted and gender mainstreamed at both constituent state and federal levels to protect against the exploitation of women's property.

## MARRIAGE AND DIVORCE

4. Protection of women's property rights on both constituent state level and federal level should be guaranteed in marriage and divorce.
5. Effective cooperation of police, judicial and economic institutions within the constituent states and at federal level should be ensured for the purpose of guaranteeing women's property rights as well as rights to alimony and child support.
6. Possession of property through deception or coercion, including within marriage and in divorce, should be criminalized.
7. Protection of property rights within civil partnerships should be guaranteed.
8. The contribution of women's unpaid labour in the accrual of property during marriage should be reflected in legislation on property allocation in case of divorce.

## VULNERABLE GROUPS

9. Monitoring of gender equality in terms of property rights for minorities and other vulnerable groups should be stipulated in law and guaranteed through the set-up of effective mechanisms.
10. Effective representation of women in decision-making on matters pertaining to property rights held in common by minority groups (e.g., Roma) and other religious or cultural associations administering property on behalf of communities or minority or cultural groups should be guaranteed.

11. Legal guarantees for protection of women and children in poverty and/or propertyless women should be provided equally in constituent state and federal legislation.
12. Protection of vulnerable women (e.g., victims of violence, care-dependent women including elderly or physically or mentally impaired women) from fraudulent alienation of their property should be guaranteed.
13. Gender-sensitive provisions should be included in legislation regarding bankruptcy, dispossession, debt, etc.

### **WEALTH MANAGEMENT**

14. Institutions should be set-up to monitor women's representation in wealth management institutions (e.g., banks, business associations, financial corporations, property boards, etc.), with a view to proposing policies to address gender discrimination and exclusion.

### **REFUGEES AND POST-CONFLICT RECONSTRUCTION**

15. Any indemnity provision, including those relating to property dispossession, should not be gender-biased.
16. Gender issues should be mainstreamed in the legislation regarding post-conflict reconstruction, and women's representation should be effectively guaranteed in the institutions set up to implement it.

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# **EXPLANATORY NOTE ON GAT'S RECOMMENDATIONS ON PROPERTY RIGHTS**

## **Ensuring women's access to property**

In the recent history of negotiations to solve the Cyprus problem, property has emerged as a key issue of concern. Because of the prevalence of the ethnic dimension in the negotiations, and perhaps due to the fact that laws across the divide have generally adhered to gender equality principles, gender has not been highlighted as a key concern in these negotiations. There is, however, room to reconsider the place of gender in developing a property regime in the new federal state.

Civil society initiatives over the last few years have pointed to gaps in the legislation pertaining to property in areas outside the Cyprus conflict framework (e.g., divorce management), as well as within it (e.g., access to benefits associated with loss of property during the conflict). It is such gaps that will need to be filled through the introduction of a property regime in the new federal state.

More generally, gender-specific issues associated with property rights that have been highlighted across the globe (unequal distribution of property among men and women and the feminisation of poverty whereby women constitute the vast majority of the poor and the landless in the world) should be taken into account so that women's property ownership is monitored, guaranteed, and protected.

### **Marriage, Divorce, and Inheritance**

Three axes of legislation where this is particularly pertinent are marriage, divorce, and inheritance. It is indeed commonly acknowledged that one of the main barriers to women seeking remedies through divorce from abusive marriages, is the lack of guarantee of access to property or wealth. Where men are the sole or major wage-earners, the lack of income that will arise from non-effective implementation of legislation that may exist in a state can act as a deterrent to wives who may be victimised, physically or psychologically. It is also a common phenomenon that when divorce does take place, alimony or other child support is difficult to secure from ex-husbands. The division of property may also be subject to legal and financial loopholes that fail to guarantee fairness, especially in cases where women's contribution has mostly been in the household.

In the Cypriot experience, divorced women's groups have raised the issue of bankruptcy targeting women, for example, in situations where they have acted as guarantors of their husband's debt within marriage and are being threatened with foreclosure and huge debts when their former spouses renege on their debts after the dissolution of the marriage. In parallel situations, transfers of assets may be agreed upon by both spouses acting in good faith within marriage, but may equally, on dissolution of the marriage, be used by one of them (often the husband) to dispossess the other of assets they would otherwise have claims to.

It is imperative that measures are put in place across the island to eradicate this form of gender-biased dispossession. To ensure this, laws must be enacted on both federal unit / constituent state level. These laws must be streamlined across the two sets of authorities and they must include provisions for the effective implementation of women's property and alimony claims. The cooperation of units within the judicial and police systems, as well as with economic institutions such as banks must be included in these provisions. Moreover, the recognition of civil partnerships must also guarantee that the same protection of property rights applies to them.

Traditional laws pertaining to inheritance and property distribution in marriage (dowry, dower, bride wealth, etc.) have the effect of treating women as property and in most cases disadvantage them economically and socially. Laws must therefore be closely scrutinised so that the legacy of these forms of traditional law is eradicated effectively. Awareness of the gendered aspects of property rights must be fostered through the public education system.

### **Poverty as Corollary to Marginalization**

Whereas legislation may address gender equality in property rights, social dynamics leading to the feminization of poverty may still pertain in the most disadvantaged social groups. Unemployment most often adversely affects women, and where property is scarce, men's management of it places women at a distinct disadvantage. Customary property rights that disadvantage women may also persist even where they have been eradicated in law. Such social conditions should be monitored with a view to putting policies in place to counter-act gender-based discrimination.

Women in poverty and their children are particularly vulnerable groups who should be legally and effectively protected against destitution. Other vulnerable groups include women who are dependent on the care of others and women who have been victims of violence. In both of those cases, carers or perpetrators may use psychological or physical pressure to distance women from their property. To prevent this, law and policy should provide for scrutiny of the property management of such vulnerable individuals (including the mentally impaired) and the prevention of fraudulent or enforced alienation of such property.

Communal property, which may be held by minority groups, is also often administered by communal leaders, who are generally male. Women's access to such communal property rights must be guaranteed through gender-sensitive legislation that provides for women's representation in communal property management bodies.

## **Property and the Cyprus Conflict**

The negotiation of property rights thus far has been gender-neutral. Categories proposed, such as 'dispossessed owners', 'current users', etc., who are envisioned as having rights to compensation, reinstatement, or exchange, are genderless. Yet, the access to remedies that have been put in place thus far to alleviate the loss of property during the conflict have had gender-specific effects, and have, in some cases, also differentiated between the categories of the dispossessed in terms of gender. While a settlement of the property issue will, according to all indicators, be based on the possession of title deeds and thus be gender-neutral, it is nevertheless imperative that indemnity provisions are scrutinised for possible gender-bias. In cases where inheritance of the dispossessed property applies, for example, it should be ensured that gender-bias does not pertain.

Post-conflict reconstruction often impacts on property distribution amongst social groups. When this takes place in Cyprus, it must be closely monitored to ensure that women and vulnerable groups are represented in decision-making bodies regarding property development, and that the policies and legislation put in place during the implementation phase do not disadvantage such groups.

More generally, women should be represented in decision-making positions within institutions that play a role in the management of property and wealth. This includes both state (e.g., property boards) and non-state institutions (banks, institutions in the business and finance sectors, etc.), where legislation and policy can be implemented to target gender discrimination.

## **Conclusion**

Given the centrality of property to the system of capitalism on which the state is based, it is of utmost importance to gender equality that women's property is protected and that women have an equitable share in the nation's property. Individual, communal, and state property should not be managed or distributed to the disadvantage of women. This necessitates that women also have an effective presence in economic life.



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# GAT RECOMMENDATIONS ON ECONOMIC RIGHTS

This document includes recommendations that aim to contribute to women's economic empowerment and thereby reduce the gender gap in the economic field.

## PRINCIPLES

1. The economic advancement of women should constitute a point of priority in economic planning and resource allocation.
2. Economic policies should be scrutinised to ensure that they do not disadvantage women, directly or indirectly.
3. Women and their interests should be represented at all levels of economic decision-making.
4. The feminisation of poverty, the gender pay gap, the glass ceiling, and other established barriers to women's economic empowerment must be addressed as points of priority in policy and legislation.

## RESEARCH, MONITORING, AND EDUCATION

5. The federal state shall adopt gender budgeting initiatives. Gender budgeting aims at mainstreaming a gender equality perspective into public finance by ensuring budgets are planned, approved, executed, monitored and audited in a gender-sensitive way. This means that policies are assessed in terms of their gender impact and budget allocations are made to reduce gender gaps. To this end, gender-disaggregated statistics shall be compiled.
6. Monitoring bodies shall be set up at both federal unit / constituent state and federal state level, mandated to address gender inequities in the area of employment. The eradication of the gender pay gap and lack of access to social security will be central points of concern in such monitoring.
7. Research on the gender impact of neoliberal economic policies in Cyprus shall be undertaken. The informal sector, flexible employment arrangements, part-time employment agreements and practices, and other aspects of precarity should constitute particular foci in such research.
8. Schools should provide training on gender bias and teach students about gender equity. Young girls in particular shall be taught leadership skills, which include skills in negotiation and networking.
9. Training in cooperative education, management and marketing should be incorporated into public education.

## **EMPLOYMENT AND SOCIAL SECURITY**

10. Access to social security benefits should be guaranteed for all forms of labour, including informal and precarious labour, as well as domestic labour.
11. Gender discrimination at work, including in pay and employment opportunities and dismissal, should be forbidden in law. Gender, ethnicity, race, class, culture, age, sexuality, pregnancy, or marital status must be understood as constituting grounds of discrimination.
12. Domestic and migrant workers should be guaranteed fair terms of employment as well as decent working conditions. The minimum terms and conditions of their employment should be clearly stipulated in their contracts and violations of the terms of the contract should not adversely affect their living conditions (e.g., through suspending their right to work). Employers should be required by law to inform domestic workers of their terms and conditions of employment, such as the type of work to be performed, including tasks not to be performed, the normal hours of work, etc.
13. Social security policies and reforms to social security schemes should take into account the gender dimensions of their application. Restoring higher budget allocations to social sectors is vital as privatization processes affecting the provision of basic public services such as water or electricity, or other public services (especially in health, education, culture and science) present difficulties in the raising of the family.

## **WEALTH MANAGEMENT**

14. The federal state shall adopt legislative measures establishing quotas or targets for gender representation on company boards.
15. Measures shall be taken to ease the access of self-employed women to economic resources such as credit, agricultural inputs, and land. This can be done through the development of legislation protecting the rights of women regarding inheritance of land and land-based resources; the establishment of legal and non-legal infrastructure through land reforms, national mechanisms and community tribunals to monitor the enforcement of pro-women laws, policies and practices; the set-up of technical and financial schemes to support women land-buyers, owners and producers in order to ensure redistribution.
16. Provision should be made in law and policies designed to promote the organization of self-employed women into cooperatives.



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# **EXPLANATORY NOTE ON GAT'S RECOMMENDATIONS ON ECONOMIC RIGHTS**

## **Ensuring women's economic empowerment**

Women's empowerment in the economic field is imperative for overcoming gender inequalities in societies. A gender gap in the economic field exists globally and women's contributions to the economy are often overlooked. This also holds true for Cyprus. This gender gap necessitates the vindication of a broad range of economic rights for women such as equal pay for equal work, control over land and productive resources and equitable inheritance of these properties.

The challenges faced by well-educated women in the job market are very different from those of the uneducated women whose unpaid labour is deemed invisible. However, in both cases, women face significant problems in the economic field precisely due to their gender.

### **Challenges Women Face in the Job Market**

Women's employability is affected by a rise in discriminatory practices, especially in the private sector. The gender pay gap and cuts in social protection (which affects compatibility of work with family responsibilities) are the most cited problems. Women rarely hold management positions even in the sectors with a high proportion of the female labour force, such as education or health service provision. Furthermore, even with higher education levels, women have difficulty finding employment and on average remain unemployed for longer periods than men. This is especially the case for women seeking to return to the labour market after childbirth or child-rearing. Often stereotypes regarding women's low productivity because of childcare responsibilities are employed to render inconsequential the difficulties faced by women of child-bearing age in securing jobs.

Neoliberal economic policies that were introduced from the 1980s onwards aggravated the challenges faced by women in the job market. Such policies were coupled with changes in labour relations and working conditions. New forms of employment (part-time, seasonal and discontinuous employment, etc.) and work in the informal sector of the economy have become prevalent. The gender implication of neoliberal economic policies is that most often it is the women who are pushed towards part-time work and the informal sector of economy. Especially in countries where women do not enjoy social support for raising their children, part-time (or 'flexible') job arrangements become the only way for women who are juggling household and work responsibilities. Such arrangements should be continuously scrutinized and the meaning

of 'flexibility' in work interpreted in a manner that effectively allows workers to be more productive, not as a mechanism for lowering their income.

Informal employment is one of the significant features of the current economic structure, especially in developing countries. The informal sector consists of small-scale, self-employed activities typically at a low level of organization and technology, with the primary objective of generating employment and incomes. Since these activities are usually conducted without proper recognition from the authorities, individuals working in the informal sector are deprived of legal rights and rights to social security benefits. Thus the informal sector increases the vulnerability of those who are poorer and more disadvantaged within the labour market. Evidence suggests that women are more likely to be employed in the informal sector.

An alternative for women facing difficulties in competing with men on the labour market can be self-employment and entrepreneurship. Successful self-employment critically depends on the equality of economic opportunities, such as access to land and assets. However, the existing evidence shows that women still have more restricted access than men to credit, agricultural inputs, and land.

## **Women's Unpaid Labour**

Another challenge women face is related to their assuming the primary responsibility for domestic tasks due to gender stereotypes and traditions. The fact that women take on a significant proportion of household responsibilities has various implications. First of all, the definition of 'market' in terms of 'pay' or 'profit' leads to the persistent underestimation of women's work and discounting of domestic work. Since women's labour at home (including care work) is not considered a profit-generating activity, their work becomes invisible.

Meanwhile, the increase in unpaid work means that women's capacity to find employment and other sources of income is significantly curtailed, which increases income poverty among women. Unpaid labour puts a disproportionate burden on poor women, since in poorer households the time taken up by unpaid domestic work is greater than in households with higher incomes that are able to purchase food and services. Furthermore, women may try to use household-based skills to earn income in the informal sector, for example in preparing food or selling small surpluses from subsistence production. Yet this pattern traps them in low-productivity activities.

## **Social Policies**

All social security reforms have gender implications. These include parental leave provisions, compensating women for unpaid care work, gendered aspects of pension reforms, social benefits for part-time and flexible work arrangements, and gender-relevant benefits in the case of poverty and unemployment. Social programmes generally include child and housing benefits, which are vital to women, who are most frequently responsible for managing household resources to feed their families.

The global crisis that began in 2007 led to the implementation of austerity measures in various countries. Cyprus, both north and south of the dividing line, took its fair share of such measures. Austerity measures also include weakening of social policies, which poses a major challenge to women who manage family resources and assume the role of care-givers. Gender-sensitivity in the design of austerity measures means that social policies must take into consideration the specific needs of women. A system that is based on universal social security benefits obviously benefits women more.

### **Gender-Responsive Budgeting**

Budgets influence the overall level of national income and employment and reflect a government's political priorities regarding public investment. In that sense, they are a powerful tool for promoting gender equality within national development frameworks. The key aim of gender budgeting is to mainstream a gender equality perspective into public finance, thereby reducing gender gaps by ensuring that budgets are planned, approved, executed, monitored and audited in a gender-sensitive way. Auditing government budgets is called for in order to determine their impact on women as differentiated from men. In these evaluations not only is expenditure (such as pensions, family benefits, etc.) covered, but also income or revenue of government (taxes, prices of public goods including privatized goods, tariffs, etc.).

### **Conclusion**

Women's economic empowerment is key to creating a more equitable, fairer society. Challenges women face in the economic field must be addressed and measures taken to decrease the gender gap in this field. Measures such as equal pay, social protection, ensuring women's representation in management positions, contribute to women's empowerment in the job market. At the same time, the needs of women who are working as precarious workers and women who are not selling their labour power in the market but constantly spending unpaid labour must be taken into consideration. It should be ensured that all women and especially women who are vulnerable in economic terms are supported by social security benefits.



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# AFTERWORD

## The Challenges Ahead

At the current conjuncture, attempts to promote the implementation of UNSCR 1325 are being challenged on both the local and the global front.

On the local front, as of the time of preparing this report (late 2012), another round of the Cyprus peace negotiations seems to be winding down and the form that fresh negotiations might take remains uncertain. Given that the peace process in Cyprus has been mired in stalled negotiation attempts and difficulties in reaching concrete agreements on specific issues (and hence a comprehensive agreement as well), uncertainty might continue to dominate the future. The implementation of UNSCR 1325 should not be allowed to fall prey to this uncertainty. Some of the recommendations contained in this report could form the basis of efforts by both sides to incorporate a gender perspective in their work and in the management of issues that continue to define the lives of women and men north and south of the dividing Green Line, even outside the context of negotiations. This incorporation can begin to take place off, as well as on, the negotiating table. The recent round of negotiations has also benefitted from the set-up of special working groups and technical committees working on such daily issues. As this work is expected to continue, the said teams can begin the work of gender-mainstreaming in their deliberations. GAT has indeed been encouraged by efforts on behalf of the negotiating teams to explore ways in which this work can take effect.

On the global level, the economic crisis that has engulfed most of the world since 2007 is threatening what has already been achieved in recent years on the level of equality. This in turn has direct and indirect impact on Cyprus. The global crisis has already been seen to affect both parts of the island. The onset of austerity measures that adhere to a neoliberal economic model that focuses on privatization and budgetary cuts at the expense of welfare is already having an adverse effect on women's rights. As precarity threatens to dominate working arrangements, women are especially disadvantaged by decreasing attention to unpaid work, instability of employment, and the dependence on unremunerated and de-valued care-work. Cuts to social benefits threaten the stability of the domestic environment. Women's unemployment in times of crisis has been shown to exceed that of men and to widen the gender pay gap, even after recovery from recession.<sup>15</sup> These changes also have a wider adverse impact on gender

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<sup>15</sup> Heidi Hartmann, Ph.D., Jocelyn Fischer, and Jacqui Logan. 2012. *Women and Men in the Recovery: Where the Jobs Are*. Washington, DC: Institute for Women's Policy Research.

equality, as harsh economic measures exacerbate social tensions. In this environment, social forces that espouse conservatism, racism, and sexism, use populist rhetoric to gain support. Public perceptions against disadvantaged groups, including women across all social strata, and also women and men from minority and migrant backgrounds, gain both publicity and popularity. This further fuels social conflict, making violence (primarily racist and sexist violence) acceptable, as has been seen from recent examples in Europe (with Greece often cited as a chief example). For these reasons, it is imperative that gender equality is not overlooked or sidelined, and much less sacrificed, in an attempt to trim budgets in a shrinking economy.

Within the European Union (EU), measures have been taken that address gender equality.<sup>16</sup> It is evident from the nature of the EU Directives regarding gender equality, that engagement with the economic dimension of men's and women's citizenship rights predominates. As the EU continues to adopt policy frameworks to address gender equality beyond the economic sphere, it is crucial that advances already made are secured within the uncertain climate of financial collapse. Cyprus, as a member of the EU, a membership to which both negotiating sides are committed, must ensure that EU standards on gender equality are respected in practice across the island and that efforts are made to advance the cause within the union as a whole. The inclusion of women's perspectives and women's voices in peace negotiations need not only be seen as a United Nations issue but as an issue that foregrounds the importance of inclusion in dealing with conflict, be that between or within states, or within society at large.

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<sup>16</sup> These include the Directive on equal pay for men and women (75/117); the Directive on equal treatment of men and women in employment (76/207, amended by Directive 2002/73); the Directive on equal treatment of men and women in statutory schemes of social security (79/7); the Directive on equal treatment of men and women in occupational social security schemes (86/378, amended by Directive 96/97); the Directive on equal treatment of men and women engaged in an activity, including agriculture, in a self-employed capacity (86/613); the Pregnant Workers' Directive (92/85); the Parental Leave Directive (96/34); the Directive on equal treatment of men and women in the access to and the supply of goods and services (2004/113); the Directive on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity (86/613).

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## FURTHER READING

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- PeaceWomen: [http://www.peacewomen.org/security\\_council\\_monitor/](http://www.peacewomen.org/security_council_monitor/)
- Women's International League for Peace and Freedom: <http://www.wilpfinternational.org/>
- UNECE reports on gender: <http://www.unece.org/gender/publication.html>
- Kadın Emeğini Değerlendirme Vakfı (Foundation for the Valuation of Women's Labour) <http://kedv.org.tr/>
- Self Employed Women's Association (SEWA), <http://www.sewa.org/>





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## GAT MEMBERS' BIOGRAPHICAL NOTES

GAT members who contributed to the preparation of this report include:

### **Mine Atli**

As a committed feminist peace activist, Mine has worked professionally and voluntarily for various civil society organizations that advocate for gender equality, peace and democracy. Mine has designed and coordinated projects in her own community that deal with research on women, gender-profiling, and awareness-raising, and has led workshops aimed to overcome gender stereotypes and raise gender awareness. She has contributed articles to various magazines and national newspapers on issues surrounding conflict, youth activism and gender equality. She is currently training with a law firm in the northern part of Cyprus that specializes in human rights and family law.

### **Olga Demetriou**

Olga is a social anthropologist interested in gender, human rights, minorities, and migration, and is a founding member of GAT. She is currently Senior Research Consultant at PRIO Cyprus Centre. As a researcher for Amnesty International between 2003 and 2008, she conducted research into migrant women's rights and trafficking for sexual exploitation, and as an affiliate of universities in the UK and Cyprus, she has taught on the sociology of gender, anthropology and feminism, and gender-based violence. She has published in the *International Feminist Journal of Politics* (2012) and elsewhere on gender in relation to space, conflict, and migration. Her monograph, *Capricious Borders: Minority, Population and Counter-Conduct between Greece and Turkey* (Berghahn Books) is forthcoming in 2013.

### **Umut Bozkurt**

Umut is a lecturer at the Department of International Relations, Eastern Mediterranean University, Cyprus. She is the co-editor of *Beyond a Divided Cyprus: A State and Society in Transformation* (Palgrave Macmillan, 2012). She holds a PhD in Politics from the University of York (2009). She is interested in gender, political economy, and transitional justice and co-authored a report on reconciliation in Cyprus for the International Centre for Transitional Justice in 2012.

### **Maria Hadjipavlou**

Maria is a well-known expert in conflict resolution and feminism and a founding member of GAT. She has been promoting reconciliation and peace across the divide in Cyprus for the last 35 years and helped establish the non-governmental organizations the 'Peace Centre' and

'Hands Across the Divide' of which she is president. She is a trainer in conflict resolution and gender-raising consciousness. She has been a trainer for UNFPA and WINpeace (Women's Initiative for Peace)-Turkey, Greece and Cyprus; she is also a member of the scientific committee of the Cyprus Observatory of Gender Equality. For a number of years she has been a member of the expert team of the Council of Europe on gender issues and inter-cultural dialogue. She was instrumental in the establishment of an inter-disciplinary minor in gender studies as well as a graduate program in gender studies at the University of Cyprus. She has published widely in the fields of conflict resolution, Cyprus and gender issues, including the monograph *Women and Change in Cyprus: Feminisms and Gender in Conflict* (IB Tauris, 2010). She is an Associate Professor at the University of Cyprus where she teaches, among others, courses on gender and politics, feminist theory and conflict resolution.

### **Biran Mertan**

Biran is the founding Director of Eastern Mediterranean University (EMU) Psychology Department and Psychological Counselling Guidance and Research Centre, as well as a founding member of EMU's Women's Studies Centre. Her interest in gender studies started with research investigating mother/child relationships. Over the years, her interest has evolved into active participation in women's bicomunal peace work in Cyprus.

### **Yiouli Taki**

Yiouli was previously coordinator and co-author of the PRIO published information booklets on the Annan Plan. Since 2005 she has been a Senior Researcher for INDEX: Research & Dialogue and is currently completing a Democratic Audit of the Republic of Cyprus. Through INDEX she has coordinated a wide range of European-funded projects on issues including citizen's consultations, training for single parents to re-enter the labour market, the needs of recognised refugees and the trafficking of human beings amongst others.

### **Magda Zenon**

Magda has been active in civil society in regard to human and women's rights in South Africa, Greece and now Cyprus where she is an active and founding member of a number of organisations including Hands Across the Divide, the only bicomunal women's organization in Cyprus, the Cyprus Women's Lobby, which represents the Republic of Cyprus at the European Women's Lobby and the Gender Advisory Team (GAT).

### **Rana Zincir Celal**

Rana is an independent consultant based in Turkey and Cyprus, with a track-record in designing and implementing initiatives related to culture, peace building, gender and philanthropy. She is currently on the Board of the Association for Historical Dialogue and Research - Home for Cooperation and MAX Multi-Arts Crossings, and is a founding member of the Gender Advisory Team.

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Throughout history, women have fallen victims to militarization, nationalism and anachronistic patriarchal traditions. Since 1974, in the context of the Cyprus conflict, leaders of the two major ethnic communities on the island have discussed a variety of issues, agreeing on some, disagreeing on others. The one issue though that has never been part of the peace negotiations is gender equality or more specifically, women's rights. In 2000 the United Nations' Security Council, following much lobbying by women's organizations world-wide, finally identified the gendered aspect of war and peace processes and formalized it through the unanimous adoption of Resolution 1325 on 'Women, Peace and Security'.

It is in this context that in 2009 the Gender Advisory Team came together in a determined effort to mainstream gender equality in the Cyprus peace process. Recommendations on 'governance and power-sharing', 'citizenship rights', 'property rights' and 'economic rights' have already been developed by GAT based on the principles of UNSC Resolution 1325. Of these, the first 3 have already been presented to the negotiators and the UN Good Offices team. GAT is hopeful that this process will continue, following the willingness of the negotiating teams to explore ways in which the work on mainstreaming gender equality can be further developed and applied.

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