

Towards a Gendered Peace:

Interventions in the negotiation process inspired by UNSCR 1325

Citizenship is more than a question of voting. It is based on the relationship between individuals and the state and on the formation of societies as political groups. Yet, as the foundation of the concepts of “civic” and “public”, citizenship is often construed in law and practiced on a daily basis in ways that sideline women. Traditional perspectives oppose the political/public sphere to that of the domestic or personal, and equate the first with men and the second with women. Such perspectives have long been superseded by both feminist thought and democratic precepts. The public-private distinction has been shown to perpetuate militarism and sexism, making gender inequalities appear ‘natural’.

Citizenship has been regarded as a definitive tool for inclusion, and exclusion; it has been recognized as the gateway for being entitled to certain civic, economic and social rights. It is now recognized that citizenship is not only about policy design concerning who belongs and who does not. It is also about being and acting politically in big and small ways. If universal suffrage marked the beginning of modern feminist democratic demands, equality in political and economic representation remains a field of struggle. Therefore, rethinking citizenship is intimately tied to rethinking the status of women.

This is the case in Cyprus too, where traditional distinctions of gender roles still mire the conduct of politics. GAT believes that the rethinking of citizenship is necessary and that it must be incorporated in discussions over a future constitution, currently the focus of peace negotiations. Shifts to more inclusive perceptions of citizenship are necessary, to refocus the understanding of ‘citizenship’ as something more than a status defined by the act of voting. Understandings of citizenship must go beyond mutually exclusive identities and adherence to nationalist logics. These understandings may divide effectively cabinet positions and jurisdictions between Greek-Cypriot and Turkish-Cypriot men (ignoring minorities), but they do nothing to ensure that women are also represented, that they are protected from violence everywhere on the island, or that they have free choice in marriage, divorce, and child-rearing.

In GAT’s view, citizenship should be conceptualized less as ‘nationality’ (a term that retains assumptions of racialized claims to rights) and more as ‘citizenhood’ (a term that refers to political practice as a mode of being, an identity experienced every day and not only at election time). GAT presents herein a set of recommendations in the framework of **UNSCR 1325 on Women, Peace, and Security** aiming at the integration into the peace negotiation process of perspectives that will truly serve the needs of women in the country.

1. CITIZENSHIP AND THE UNBUNDLING OF RIGHTS

- GAT recommends that the rights arising from a unitary state citizenship (at the federal level) are disentangled from rights that should arise from communal or regional membership (at the level of the two constituent states). The negotiators must approach citizenship not as a rigid concept, directly tied to ethnicity, but as a flexible one, the purpose of which is to enable individuals to prosper, not align them to mutually exclusive identity structures.
- Bicommunality should be maintained through laws concerning voting rights and the determination of voting districts, but this should not be the guiding principle for the creation of ethnically homogeneous regions. Voting should be disentangled from other rights, including residency.
- The rights of all residents should be respected and special emphasis should be placed on the protection of the citizenship rights of those individuals and groups who do not enjoy the protection of one of the main communal groups (Greek-Cypriot or Turkish-Cypriot) – i.e. Armenians, Latins, Maronites, Roma, other natives who may for example not belong to any of the aforementioned groups, and naturalised citizens.
- Communal or regional membership rights (constituent states level) should be disentangled from ethnic belonging and each individual should have the right to choose their regional membership on their 18th year. Minors should enjoy all applicable civil and political rights (i.e. excluding voting) through their unitary state citizenship.

BECAUSE...

The **agreement brokered in 1960** recognised only two communities as constituting the state, the Greek and Turkish. These were defined by origin, language, culture or religion (Article 2). Despite the implication that these could be present across communities, nothing in the constitution accommodated for cases of hybridity. Individuals and religious groups who did not fall under those provisions, including naturalized citizens, had to choose one of the two groups. Other citizens were assigned a group from which they could subsequently switch, but only after approval by Communal Chambers (Article 2) – the process was unclear, arbitrary, and unrepeatable. Freedom of choice was thus practically absent. Among others, this impacted on gender rights relating to marriage and reproduction (Article 22). It also undermined freedom of belief by linking religion to education (Article 20) and personal status (Article 111).

WE THINK:

Citizenship rights must not be approached as a unified set. There need to be provisions for the transferability of rights between the two constituent polities without exclusions. The right to choose needs to be recognized when it comes to exercising each of these rights. Citizens should not be conceptualized as future voters from the moment they are born, but as individuals with independent capacities to think and act politically.

2. CITIZENSHIP AND MILITARIST CULTURE

- GAT recommends the amendment of military service laws. Military service should be optional, not compulsory.
- The premise of existence of the military should shift. The army should not exist for the purpose of exercising violence and for territorial expansionism; it should exist for the service of society and its citizens and exercise violence only as a last resort.
- In the event that it is deemed necessary to maintain an army, this army should be a federal army open to all groups, persons and communities and integrated at all levels of the hierarchy. Its role should be clearly defined in legislation.
- Expert training should be provided to all army personnel and be on-going on issues of gender equality, sexual orientation, and human rights. The objective of this training should be to sensitize personnel on these matters and to encourage critical approaches towards militarist cultures.
- Citizenship in law and in practice should be disassociated from precepts that preference ethnic purity and heterosexuality, as well as from all practices of violence.
- Discrimination should be criminalized in both civilian and military law.

WE THINK:

Complete demilitarization should be among the key aims of an agreement. But if the existence of an army is deemed necessary, military service should be optional and in the service of citizens. A federal army should be open to all groups and integrated at all levels. It should not pit one community against another and should not groom one gender as the protector of another.

BECAUSE...

In June 2014 and September 2013, two men killed their wives using their army-issued guns, the former also killing his daughter and severely injuring his son before committing suicide. It is **estimated** that civilians hold 275000 guns in the Republic of Cyprus – data relating to the north is unavailable. The **UN** states that a third of homicides in Cyprus in the ten years have been carried out using firearms. Since 1994, the National Guard has been issuing firearms to all recruits. Military service is compulsory on both sides but openly gay recruits are discriminated in practice. In the north, Cypriot recruits, number only a quarter of the troops stationed there, the rest belonging to the Turkish military. The link between the prevalence of military culture and violence against women has not yet been scrutinized but it is known that intense militarization creates an environment where gender-based violence, and sexism is condoned. Homicides are only the tip of the iceberg.

3. CITIZENSHIP AND EDUCATION

- GAT recommends that legislation at both federal and local level includes provisions that allow minors to enjoy the same rights in all constituent entities, including rights to education.
- The right to education should be recognized and safeguarded for each child and teenager and for each group. Every community and group should have the right to operate its own schools, to organize language classes and to organize extracurricular activities in whichever way it considers appropriate to aid the promotion of its cultural identity and tradition.
- Education and school management based on principles of participation should be promoted.
- Subjects such as history, geography, citizenship and religious education should be common to all schools while curricula should be developed with a gender-sensitive approach for all subjects. Reconciliation and multiperspectivity should be introduced throughout the curriculum through peace education.
- Subjects on equality, sexual education, human rights, and emotional learning should be commonly taught at all levels.
- Subjects on cooperative education (aiding the transition to the workplace), management and marketing should be introduced in the curriculum with emphasis on enhancing economic career prospects.
- Teachers' training should include gender-sensitive approaches and be guided by a reconciliation ethic.

BECAUSE...

Many studies have linked the separation of the educational systems in Cyprus to the development and perpetuation of the conflict. Ethnocentrism has also been shown to pervade curricula on both sides and minority or migrant students are poorly integrated. Recent reform attempts have failed to prioritize inclusivity, human rights, critical thinking, and equality. Sexual education and reproductive health are not adequately addressed and problems of bullying and harassment in schools persist. In addition to these problems, an ethic of reconciliation is absent despite on-going negotiations for a settlement based on federal principles. This jars with the objective of both sides to cultivate a civic consciousness that will allow peace to endure following an agreement.

WE THINK:

Minors should enjoy the same rights in both constituent polities, including the right to education. Education should be participatory and promote a common civic identity through subjects such as history, geography, and religious education. Language rights and cultural identity should be promoted through the operation of community schools and the organization of extracurricular activities.

4. CITIZENSHIP AND FAMILY LIFE

- GAT recommends that legislation should include gender and sexual equality safeguards in issues of marriage, divorce, custody of children, inheritance, and reproductive rights.
- Civil partnerships should be recognized in law for all couples. Religion should be legally disengaged from family life.
- Parental responsibility should be clearly defined in legislation on both federal and local levels. Laws relating to reproduction and child rearing should take into account the existence of family arrangements beyond the norm of heterosexual married couples. Moral and traditional prejudgments should not trump the child's best interests or women's reproductive choices.
- The right of every person and family to choose their place of residence irrespective of their status as displaced persons, as well as the ability to change it, should be safeguarded.
- Domestic violence should be combated through the effective cooperation of police, judiciary and welfare services on both federal and local levels.

WE THINK:

Special federal laws should be developed for the protection of freedoms and rights of all forms of family and all family members. The rights of families and family members should be ensured irrespective of gender, ethnicity, sexual orientation, religion, race, age, class, political convictions, physical or mental ability, or country of origin.

BECAUSE...

Just as war and conflict affect women in particular ways, so does post-conflict reconstruction impact on women's daily lives. Much of this impact is felt in family life. The way in which families are defined in law and regulated by state structures are intertwined with ideas about citizenship. In the post-conflict settings of Iraq and Afghanistan, the emphasis on communal power-sharing has ushered a backlash on women's rights, in turn prefiguring the recent full-blown assault on democratic gains. In Rwanda, where domestic violence is still largely viewed as a family affair, transitional justice processes were criticized for lack of effectiveness in addressing sexual crimes. The **World Bank** reports that much of the global liberalization of family law that has promoted gender equality in the last century has depended on the link between religion and the state.

GAT's RECOMMENDATIONS ON CITIZENSHIP IN THE CONTEXT OF THE CURRENT PHASE OF NEGOTIATIONS (FEB 2014-)

The three parameters within which negotiations are currently being conducted have been recognized as: single international legal personality, single sovereignty, and single united Cyprus citizenship (Joint Declaration, 11 February 2014). GAT welcomes this 'single citizenship' which will be common to all citizens of the new state. However, it maintains reservations regarding the relationship of this unified state citizenship, regulated by federal law, to the complementary citizenship at the level of the constituent states. Potential restrictions may arise from this relationship that undermine gender rights and equality that should be clearly eliminated. For GAT, citizenship is not an immutable construction, but a relationship between individuals and the state that should be malleable. Opportunities should be offered for this relationship to be deconstructed and re-configured away from exclusions and binarisms based on gender, ethnicity, race, sexual orientation, age, physical or mental ability, class, political convictions, and country of origin. The recommendations included in this brief stem from these principles: (i) that citizenship rights must not entail discrimination and (ii) that citizenship must be based on equal opportunities, including the right of women to take action with a view to achieving the elimination of prejudices entrenched through past practices as provided in Article 5 of the UN Convention on the Elimination of All Forms of Discrimination against Women.

For more information on GAT and its work please visit our website: <http://www.gat1325.org/>

THE AUTHOR

The Gender Advisory team consists of women's rights practitioners and academics working on gender in Cyprus, who share a commitment to equality and peace.

The project

This brief is a follow-up to the recommendations GAT published in 2012, which can be found on its website, www.gat1325.org. The recommendations contained herein resulted from internal consultation within GAT as well as workshops and seminars held with international experts on gender and citizenship law in 2013, details of which are posted on the website.

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