



Enforcement of sexual violence law in post-civil conflict societies

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Abstract

The climate of impunity in many post-civil conflict societies results in unprecedented levels of violence against women, making legal implementation and law enforcement particularly difficult. We argue that the presence of strong legal provisions mediates the negative influence of the post-civil conflict environment on violence against women. Specifically, we examine the role of strong legal protections on the enforcement of sexual violence legislation in post-civil conflict countries. To examine our hypothesis, we utilize an original dataset measuring the strength and enforcement of domestic legal statutes addressing violence against women for the years 2007–2010 in post-civil conflict countries. We find elements of civil conflict as well as domestic and international legal regimes to be reliably associated with the enforcement of violence against women laws and rape prevalence in post-civil conflict states.

Keywords

Gender, gender-based violence, political institutions, post-civil conflict, violence against women

Introduction

Many post-civil conflict societies are characterized by heightened levels of violence against women, where “violence against women is empowered and maintained by a culture of impunity” (Asia Justice and Rights, 2015). Consider Tajikistan, a country ravaged by civil war in the 1990s, leaving at least 50,000 people dead and 1.2 million displaced. During the conflict, women in Tajikistan suffered disproportionately via an increasing societal acceptance of forced marriages and human trafficking, among other forms of violence. From 2001 to 2004, an estimated two-thirds of Tajik women were exposed to domestic violence and 344 women committed suicide, while 433 were murdered by their partners (IRIN, 2004).

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Violence against women (VAW) is a defining feature of conflict and, since 2000, the United Nations has passed five resolutions addressing women and girls in conflict and post-conflict societies. Security Council resolution 1325 on women, peace, and security calls for the mainstreaming of gender perspectives in all aspects of peace operations and women's participation in post conflict peace-building and governance. The other four resolutions (1820, 1888, 1889, and 1960) address the need to end sexual violence against women in conflict and the inclusion of sexual violence issues in peace processes. Provisions in other conflict-related international law also address VAW, wherein sexual violence is considered a war crime or crime against humanity under the Geneva War Crimes Convention, an act of torture under the UN Convention Against Torture, and has been linked to the crime of genocide under the Genocide Convention (True, 2012). While increased international attention to and recognition of the pervasive problem of VAW in conflict and post-conflict environments represents an important step toward protecting women from violence, the effort to fully implement UN Resolutions and international law lags and women continue to face widespread violence in these settings.

At the same time, some research shows that civil conflict may serve as a catalyst for change as women take on non-traditional roles during and following conflict (Berry, 2015; Hughes, 2009). Increased political opportunities for women have the potential to create greater gender egalitarian norms and greater representation of women, and reduce levels of VAW. Following the 1994 genocide in Rwanda, greater gender egalitarian norms took hold in society. Women's organizations became active in the aftermath of the conflict and mobilization, coupled with institutional changes and a gender-sensitive leadership, women gaining greater access to the formal political realm following the genocide (Berry, 2015). Greater women's representation facilitated the adoption of policies addressing the needs of women in the post-civil conflict environment, including legislation granting women the right to inherit land from deceased family members.

The vastly different outcomes for women following the conflicts in Tajikistan and Rwanda give rise to the question: what factors are important for ensuring that gender egalitarian norms take hold in post-civil conflict societies (as in the case of Rwanda)? We assert that in order for the climate of impunity in the post-civil conflict environment to subside, law enforcement must be effective: police and security forces must make arrests and conduct investigations, and lawyers and judges must prosecute and sentence perpetrators when gender-based violent crimes are committed. Importantly, we argue that absent strong legislation addressing VAW, ineffective enforcement of VAW laws and impunity are likely to persist and gender egalitarian norms are unlikely to take hold in the post-civil conflict environment.

Violence against women in post-civil conflict states

Post-civil conflict states experience significant problems in establishing political, economic, and social stability and often face the heightened probability of civil war recurrence, or the "conflict trap" (Collier et al., 2003). In fact, around half of all civil wars are due to post-conflict relapses within the first decade of peace (Collier et al., 2003). One reason for the heightened risk of civil conflict recurrence is that war exacerbates many of the economic, political, and social issues that led to conflict in the first place (i.e. increasing already high levels of poverty) (Collier et al., 2008; Walter, 2009). Further, information and commitment

problems heighten the risk of civil conflict recurrence. Longer wars tend to reveal more information about both sides (Doyle and Sambanis, 2002; Walter, 2004). Commitment problems, such as the failure of warring parties (particularly the government) to credibly commit not to renege on promises, result in repeated bargaining failures, particularly where political and legal institutions are weak.

The fragile post-civil conflict environment disproportionately affects women. Lingering effects of the conflict result in the perpetuation and even escalation of VAW post-conflict. Public reintegration of soldiers may increase domestic violence, for example, as a result of increased militarization in society and “the celebration of armed masculinity that continues despite the formal laying down of guns and amnesty” (True, 2012: 137). In other words, violence committed during conflict continues to influence long-term patterns of violence, including VAW, in the post-conflict environment (Boesten, 2010). The intergenerational model of domestic violence offers another explanation for the prevalence of VAW in the post-civil conflict environment (Pollak, 2004), in which violent behavior is transmitted through generations (i.e. husbands who grew up in violent homes are more likely to be violent, wives who grew up in violent homes are more likely to remain with violent husbands, etc.). Leiby et al. (2015) find that individuals exposed to more violence during the Peruvian civil war were more likely to find themselves in situations of domestic violence and this may in part be attributed to posttraumatic stress and mental health issues faced by soldiers when they return to civilian life as well as the increased likelihood that victims of violence are more likely to enter into and stay in abusive relationships (Leiby et al., 2015: 10).

Civil conflict may also indirectly influence the prevalence of VAW by placing women in positions of vulnerability to violence. While men are more likely to die in combat than women, and women may outnumber men following conflict (Hughes, 2009), the number of female deaths *after* conflict is on par with that of men, largely owing to the lingering social and economic effects of conflict (Li and Wen, 2005; Plümper and Nuemayer, 2006).¹ Women often assume the role of the head of household as they are widowed or abandoned following conflict. Households headed by women face poverty and vulnerability to continued violence (Williams, 2012). Women may face discrimination in finding employment following conflict as male combatants are reintegrated into the formal economy. Women, therefore, are susceptible to informal work, often leaving them vulnerable to violence and trafficking (Chinkin, 2008). In addition, if men return home following conflict, gender roles may be reversed as women may have taken on more formal roles during conflict. This role reversal influences traditions of patriarchy and challenges the “breadwinner” or “provider” identity of men in the home, which may result in men using violence against women to reaffirm dominance (Kersten, 1996; True, 2012: 31). Given the heightened levels of VAW often characteristic of post-civil conflict states, what factors are important for ensuring a post-conflict environment characterized by greater egalitarian norms?

Post-civil conflict reconstruction: ensuring security for women

State political institutions often collapse during civil conflict and as a result, post-civil conflict states face an environment ripe with impunity which often results in the perpetuation of VAW as a result of the legacy of the conflict (Bastick et al., 2007). In post-civil conflict states, security is vital for ensuring the return of refugees, the establishment of the rule of law, peace-building, and reconstruction. Evidence abounds of the importance of ensuring physical

security for women in the post-civil conflict environment. For example, the Women's Commission for Refugee Women and Children makes various recommendations, including providing "firewood patrols" composed of law enforcement to accompany women traveling outside of refugee camps to collect firewood in Darfur (Patrick, 2006). Also, in Liberia, increased attention was placed on the protection and security of women by engaging in extensive post-civil conflict security sector reform, including encouraging women to join the police force (Cordell, 2010). Huber and Karim's article in this collection expands on this argument, by highlighting that gender balancing in governance, specifically in the security sector, is important for the promotion of gender equality and the perceived legitimacy of the security sector in society.

In order to ensure post-civil conflict security, post-war reconstruction often emphasizes law enforcement, as well as reform in the judicial, legal, and penal systems (Ní Aoláin et al., 2011). Political reconstruction following conflict requires "the establishment and development of legitimate, accountable and capable institutions which ensure a minimum degree of security and protection of all citizens' rights" (Sorenson, 1998: 5). The inclusion of women in post-civil conflict peacebuilding, including negotiation of peace settlements and post-conflict governance, is vital for societies recovering from a legacy of VAW. As Ní Aoláin et al. (2011: 62) state,

Centralizing gender within any and all programs designed to enhance post-conflict security not only increases the chances that the programs will succeed in providing security for both men and women, but also provides the best opportunity to recalibrate what it means to be secure, and contributes to the long-term viability of the transitioning society.

We argue that strong legal measures and policies addressing VAW are vital for enhancing law enforcement and creating security for women in the post-civil conflict environment.

Violence against women legal protections and enforcement

In order to ensure women's security and effective law enforcement in the post-civil conflict environment, legislation protecting women from violence must hold perpetrators to account, prevent impunity for conflict-related violence, and provide for adequate sanction. Strong domestic legal standards are important for ensuring the increased "provision of formal justice mechanisms, the monitoring of informal justice mechanisms, and the availability of health, education, and other government services" (Ní Aoláin et al., 2011: 78). While the extent to which law is an effective barrier to human rights abuse is debated, Keith et al. (2009) find evidence that pursuing rights protection through constitutional guarantees has the potential to improve respect for human rights.² Further, in the long term, strong legal reforms following conflict can have a persuasive and communicative effect in changing people's attitudes and perceptions (Ní Aoláin et al., 2011). That is, the adoption of VAW legal guarantees is an indicator of the growing societal acceptance of gender egalitarian norms and the recognition of VAW as a public rather than private problem.

Of course there is often a disconnect between law and practice and states may adopt new policies in order to *express* their commitment to ending VAW and gain legitimacy internationally (Meyer and Rowan, 1977). Decoupling, or the failure of law to have an influence on actual practice, indicates that legal protections may not ensure effective law enforcement. Tir and Bailey's article in this collection highlights this gap between law (*de jure* protections) and

practice (*de facto* protections), arguing that laws establishing gender equality have improved over time, while attitudes and behavior have often failed to follow suit. That is, given that the adoption of discriminatory laws against women is largely viewed as inappropriate by the international community, states are likely to adopt laws protecting women, but the lived experiences of women often remain poor.

However, we argue that there is significant variation in the *strength* of laws. Stronger laws or those that are more comprehensive in scope signal greater societal recognition of gender egalitarian norms, and as a result, are more likely to ensure the necessary resources for training, investigation, and prosecution, which is an important step for ensuring better law enforcement and outcomes for women. We argue that when stronger laws are in place, decoupling is less likely (Hafner-Burton and Tsutsui, 2005). Richards and Haglund (2015) find that the strength of VAW legal protections is positively associated with better outcomes for women, including increased human development, and greater gender equality. If strong VAW legislation is important for women's security, should one expect to observe strong legislation in the post-civil conflict environment?

The post-civil conflict environment may provide opportunities to secure strong VAW legislation. Some scholars find that conflict and crises create opportunities for women to gain access to the political process and participate politically. Huber and Karim take this approach, arguing that the post-conflict environment can create unique opportunities for security sector gender policy reform, including the introduction of gender quotas, because in this environment, the security sector takes on a new public role. The political upheaval following conflict creates new opportunities for reform. For example, women often take on new roles and identities during conflict, as female combatants or as politically active participants in social movements and women's organizations (Hughes, 2009). Data analyzed in Thomas and Wood's article in this collection shows that women frequently participate in armed groups, in which nearly half of all armed groups include female participants and around a third include female combatants. Following conflict, women may prefer to maintain their new identities and remain politically active. Further, men are relatively more likely to die in combat and more likely to be imprisoned, resulting in higher numbers of women competing for political positions in many post-conflict societies (Berry, 2015; Hughes, 2009). In addition, conflict can create political space for women as room is made for new candidates during reconstruction and women may represent candidates far removed from the previous regime (Hughes, 2009).

Rwanda represents one of the commonly cited examples of women making political gains following conflict (and genocide). Women's political representation rose to 56% in 2002, the highest proportion in the world (Devlin and Elgie, 2008). Rwanda adopted a party-list proportional representation system and a 30% gender quota. As a result of greater representation, women also gained rights to land and inheritance, and have taken on traditionally male occupations as landowners and entrepreneurs (True, 2012: 149).³

As women gain greater political opportunities, the likelihood of observing legal reform and security for women in post-civil conflict societies grows. Various studies find that female legislators are more likely than male legislators to introduce bills that address issues related to women's rights (Norris, 1996; Thomas, 1991). In the post-civil conflict environment, then, women may better understand VAW policy solutions, as a result of shared experiences with VAW during conflict. This is particularly important because as Chu and Braithwaite's article in this collection points out, "roughly 52% of civil conflicts between 1989 and 2009 featured combatants engaging in sexual violence against noncombatants." As a result, large numbers

of women often bring shared experiences with sexual violence to the table in the post-civil conflict environment. Even when women enter into the public realm during or following conflict for reasons other than gender, shared experiences can give rise to a collective consciousness related to feminist issues (Shayne, 2004). As a result, there is often a common interest in ensuring that policies in the new regime reflect the need to protect women from violence following conflict.

For example, following the 12 year civil war in El Salvador, a coalition of left- and right-wing women members of Congress united around the issue of VAW and successfully passed legislation related to intra-familial violence and the Family Code (Blumberg, 2001). Placing women in positions of power following conflict provides an opportunity to ensure the adoption of policies and security for women in the post-civil conflict environment that may not exist otherwise. Richards and Haglund (2015) find evidence that increases in the proportion of women in the lower house of parliament are positively associated with strong VAW legal protections. Women in post-civil conflict societies may have increased opportunities to participate politically and undertake VAW legal reform, which is likely to positively influence law enforcement. As a result, we posit:

Hypothesis: Post-civil conflict societies with stronger VAW legal protections are associated with stronger VAW law enforcement and better VAW-related outcomes.

Research design

Sample

The sample used to test the hypothesis includes all post-civil conflict countries from 2007 to 2010. We examine all countries that have experienced civil conflict since 1946, as defined by the UCDP/PRIO Armed Conflict Database.⁴ The UCDP/PRIO database defines conflict as, “a contested compatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths” (Gleditsch et al., 2002; Pettersson and Wallenstein, 2015). The temporal constraint of 2007–2010 is imposed by the Richards and Haglund (2015) data on the strength and enforcement of legal protections related to VAW.

Dependent variables

Enforcement. The primary dependent variable represents the level of enforcement of VAW laws (rape, marital rape, sexual harassment, and domestic violence; *Enforcement*; Richards and Haglund, 2015). This is an ordinal measure that takes on the values 0 (rare or no enforcement of the law), 1 (incomplete or weak enforcement), and 2 (enforcement is routine or effective).⁵ These data were coded using information from the annual *Country Reports on Human Rights Practices* published by the US State Department. Detailed information on the coding of this variable is available in Richards and Haglund (2015), as well as the Online Appendix.

Rape prevalence. To examine an additional implication of the hypothesis, we also estimate a model examining VAW outcomes. We expect strong VAW laws and enforcement to be positively associated with VAW outcomes. The dependent variable captures women’s physical

security, specifically rape and sexual assault. This variable comes from the WomanStats Project Database and represents the prevalence of rape within the cultural context, accounting for the likelihood of rape being reported and the inclusivity of what is legally considered rape. The variable ranges from 0 (rape is virtually non-existent, modified by strength of taboos against reporting and legal inclusivity) to 4 (rape is the norm, modified based on strength of taboos against reporting and legal inclusivity).⁶

Independent variables

VAW legal guarantees. In order to examine the Legal Guarantees Hypothesis, we utilize Richards and Haglund's (2015) data on the strength of a country's overall protections against rape, marital rape, domestic violence, and sexual harassment. We employ their additive "total VAW laws" index ranging from 0 (no legal protections against VAW) to 12 (full legal protections for all four of these types of VAW) created by combining their individual measures of these same four types of VAW:⁷

- Legal guarantees prohibiting [type of violence against women] are
- (0) nonexistent/discriminatory;
 - (1) incomplete/weak;
 - (2) correlative;
 - (3) fully provided for.

Control variables

We include a number of variables as controls for alternative explanations of our dependent variables. In the Online Appendix, we include a table with variable descriptions, descriptive statistics, and source information for each control variable. First, we expect the passage of time to be positively related to enforcement of VAW legal protections, so we include a variable indicating the number of years since the last civil conflict (*Domestic Peace Years*) (Gleditsch et al., 2002; Pettersson and Wallenstein, 2015).⁸ Second, we include a variable that captures the intensity of the most recent civil conflict-year (*Civil War Intensity*). Third, we expect that it will be more difficult for law enforcement to function effectively as the number of displaced people grows, and we include a variable capturing the logged number of refugees in the country (*Refugees*). We also include the gross national income per capita as a proxy for a country's level of bureaucratic/administrative capacity (*Capacity*), as well as level of economic development (Hendrix, 2010: 281). A variable capturing economic globalization (*Economic Globalization*) is included as well, as economic globalization can create an environment in which advancements in women's rights become more likely or may create a highly unequal environment in which women receive few benefits from these policies. We also expect law enforcement to be hindered to the extent that there is rampant corruption in public office and include a variable capturing corruption (*Transparency*).

We examine fertility rate (*Fertility Rate*) as a proxy measure of traditional attitudes toward women, as some scholars suggest that fertility rate often declines when women become able to control reproductive decisions and larger numbers of women enter into the formal economic sphere (Furuoka, 2009). We also expect federal states may have more uneven law enforcement owing to differences across subnational political units and include a variable to control for federalism (*Federalism*). An indicator of the percentage of women

in the lower house of parliament (*Women in Parliament*) is included, as the legislature has access to the “power of the purse” and we expect the legislature to be likely to ensure adequate resources for law enforcement when more women are in office.

We also control for the number of years a country has been party to the Convention on the Elimination of Discrimination Against Women (CEDAW). We expect that the longer a country has been party to CEDAW (*CEDAW Years*), the greater is the chance for treaty norms to diffuse in society, breaking down traditional attitudes that might prevent enforcement of existing laws (e.g. Goodman and Jinks, 2013; Simmons, 2009). Huber and Karim’s article in this collection also highlights that CEDAW ratification may provide a signal of commitment to gender reforms or greater political will to implement such reforms.

We include control variables for other political institutions such as the presence of an independent judiciary (*Judicial Independence*). Judicial independence has been found to be related to numerous human rights outcomes (see, e.g. Conrad and Hencken Ritter, 2013; Powell and Staton, 2009). We expect an independent judiciary to increase the likelihood of legal repercussions for VAW, which should reduce its occurrence. Also, to the extent that women believe that reports of violence against them will result in punishment, they are more likely to report to law enforcement officials. Finally, we also control for a variable capturing substantive and procedural democracy (*Democracy*), as one might expect democratic institutions to encourage representation and accountability for the failure to uphold basic human rights, including VAW.

Model specification

Our dependent variable, an ordered variable capturing the enforcement of VAW laws, calls for an ordered logistic specification. Brant tests demonstrate that our models meet the proportional odds assumption of ordered logit. In a nod towards the pooled nature of our data, we use Huber–White standard errors.

Our basic models are as follows. A “+” preceding a factor listed below indicates an expectation of a positive relationship and a “–” indicates an expectation of a negative relationship with enforcement and rape prevalence. A “+/-” preceding a factor listed below indicates uncertainty as to how that factor will be associated with legal guarantees.

$$\begin{aligned} \text{Enforcement} = & + \text{Total VAW Laws} + \text{CEDAW Years} + \text{Domestic Peace Years} - \text{Civil War} \\ & \text{Intensity} - \text{Refugees} + \text{Capacity} (+/-) \text{Economic Globalization} + \text{Transparency} - \text{Fertility} \\ & - \text{Federalism} + \text{Women in Parliament} + \text{Judicial Independence} + \text{Democracy} \end{aligned}$$

$$\begin{aligned} \text{Rape Prevalence} = & + \text{Enforcement} + \text{Total VAW Laws} + \text{CEDAW Years} + \text{Domestic Peace Years} \\ & - \text{Civil War Intensity} - \text{Refugees} + \text{Capacity} (+/-) \text{Economic Globalization} + \text{Transparency} - \text{Fertility} \\ & - \text{Federalism} + \text{Women in Parliament} + \text{Judicial Independence} + \text{Democracy} \end{aligned}$$

Findings

Enforcement model

Table 1 shows the results from two ordered logit models. The first, labeled “Enforcement,” is an estimation of the level of enforcement of VAW laws in our sample of post-civil conflict states. Five of the 13 indicators were found to be statistically significant associates of

Table 1. Ordered logit estimation of post-civil conflict enforcement of VAW laws and rape prevalence

	Enforcement	Rape prevalence
Total VAW laws	1.233*** (0.001)	0.860* (0.058)
Enforcement of VAW laws	—	0.491** (0.051)
Democracy	1.020 (0.683)	0.886*** (0.009)
Judicial independence	1.389 (0.290)	0.721 (0.309)
CEDAW years	1.005 (0.858)	0.922*** (0.002)
Fertility rate	0.650** (0.047)	1.343 (0.179)
Federalism	0.908 (0.775)	1.601 (0.185)
Capacity	0.429 (0.168)	0.520 (0.355)
Economic globalization	1.447 (0.648)	0.105** (0.026)
Refugees	1.198 (0.209)	1.010 (0.934)
Transparency	1.888*** (0.000)	1.205 (0.290)
Women in parliament	1.015 (0.470)	0.986 (0.469)
Conflict intensity	0.235*** (0.000)	2.225* (0.078)
Domestic peace years	1.059*** (0.000)	0.966*** (0.008)
N	258	258
Probability > X^2	0.0000	0.0000

Figures reported are odds ratios with *p*-values in parentheses. Two-tailed significance tests reported.

* $p \leq 0.10$, ** $p \leq 0.05$, *** $p \leq 0.01$.

enforcement of VAW laws in these states. Of these five indicators, three were associated with greater odds of maximum enforcement (total VAW laws, transparency, domestic peace years) and two with lesser odds of the same (fertility rate and conflict intensity).

A country's previous level of peak conflict intensity was found to be reliably associated with lower levels of enforcement of VAW laws. The odds ratio of 0.235 tells us that countries that had experienced a high-intensity conflict are 0.235 times as likely to have a high degree of enforcement of VAW laws as those coming from a low-intensity conflict. Alternatively, we could say that the chances of a high level of VAW law enforcement for a country whose last conflict was high intensity are 76.5% lower than a country whose last conflict was low intensity. Complementing this is our finding that, *ceteris paribus*, the greater the number of peaceful years that pass since a country's last conflict, the greater are the chances for high levels of enforcement of VAW laws. The effect is very small, however. Each additional peaceful year that passes raises the likelihood of high levels of VAW law enforcement ~5.9%. So, time may help, but one should not wait for it alone to do all the heavy lifting that peace and protection require in a post-civil conflict country.

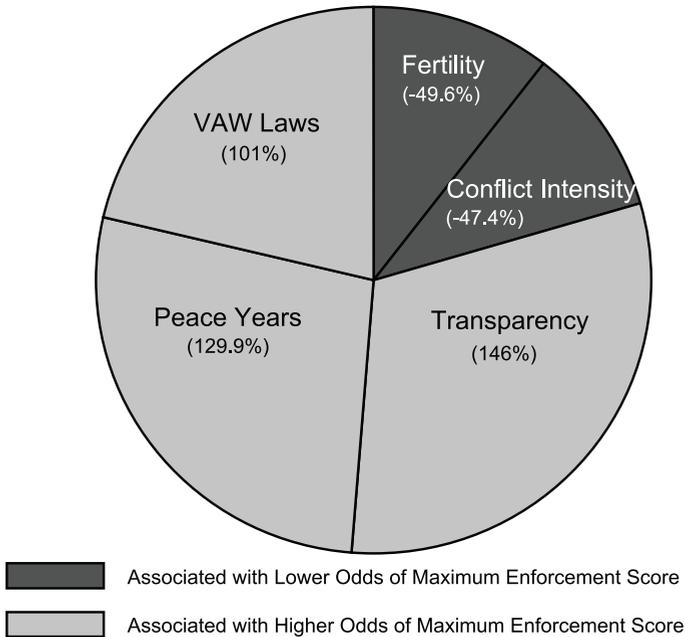


Figure 1. Percentage change in the odds of maximum enforcement of VAW laws in post-civil conflict states, per 1 standard deviation increase in X.

As hypothesized, countries with better legal frameworks protecting women against violence were found to have reliably better levels of VAW law enforcement, in practice.⁹ The odds ratio of 1.233 from Table 1 indicates that for each step a country takes up the 13-point scale of total VAW legal protections, the odds of the country having the greatest level of enforcement of these laws increases ~23%. This reliable relationship between law and practice in post-civil conflict countries is encouraging, given the well-acknowledged general gap between *de jure* and *de facto* protections. Also as hypothesized, a country's fertility rate was found to be negatively and reliably associated with its level of enforcement of VAW laws. We included fertility rate in our models as a proxy measure of traditional attitudes toward women, and it is plausible that countries where traditional attitudinal structures prevail are less likely to have VAW laws, in whatever form they may exist, routinely and fairly enforced.

Figure 1 is a pie chart illustrating the percentage change in the odds of maximum enforcement of VAW laws in post-civil conflict states, per 1 standard-deviation increase in these five factors. Using standard deviation as a base for comparison allows us to compare effect sizes across these indicators. The lighter-shaded slices are those factors associated with greater odds of a maximum enforcement score, and the darker slices are those associated with lower odds of maximum enforcement. For example, a 1 standard deviation increase in peace years (14.6) has a greater effect (129.9%) on increasing the odds of maximum VAW law enforcement than does an additional 1 standard deviation increase (3.33) on the VAW laws indicator scale (101%). In real terms, we would expect 15 years of peace after civil conflict to have the same impact on enforcement as moving from 0 (no law) to 3 (full guarantee) for one of the four types of VAW included in the VAW laws indicator.

A state's level of transparency (freedom from corruption) was found to be reliably associated with greater levels of enforcement of VAW laws. For every 1 standard deviation increase on the transparency scale (1.42), the odds of a post-conflict state having a maximum level of enforcement are increased by 146%. Schuler et al. (2008: 341) note that, in Bangladesh, "weaknesses in formal and informal institutions at the local level that foster patriarchal attitudes and breed corruption discourage abused women from seeking recourse through the shalish or court system and decrease the likelihood of a favorable outcome when they do." Clearly, enforcement is unlikely if victims of violence disregard formal enforcement institutions because they believe corruption—financial and/or values-related—to be so rife that engaging these institutions is either in vain or, perhaps, dangerous to the victim herself.

The remaining two factors are associated with reduced odds of maximum enforcement. For example, a 1 standard deviation rise in fertility rates (1.6%) reduces the odds of maximum enforcement by 49.6%. A difference in about 1.6% in fertility rate in 2010 terms would, for example, be the difference between being Nigeria (6.02%) and being Niger (7.58%). A country with a one-point higher score than another country on the three-point conflict intensity scale is associated with a 33.3% increased probability of manifesting essentially no enforcement (a score of 0 on the enforcement measure), a 32.3% decrease in the probability of a score of "some" enforcement, and a 1% decrease in the probability of attaining the maximum enforcement score.¹⁰

Rape prevalence model

The second model in Table 1, labeled "Rape prevalence," is an estimation of rape prevalence in our sample of post-civil conflict states. The independent variables list is identical to the previous model with the exception that enforcement has now entered as an explanatory factor. Seven of the 13 indicators were found to be statistically significant associates of rape prevalence in our sample of post-civil conflict states. Of these seven indicators, six were associated with lower rape prevalence (CEDAW years, VAW laws, domestic peace years, enforcement, democracy and globalization) and only one with higher rape prevalence (conflict intensity). Schuld (2013: 60) explains "post-conflict societies sometimes experience levels of violence comparable to those in times of civil war ... Political, conflict-related violence between armed groups, the government and civilians becomes 'ordinary crime' after conflict is officially resolved."

For each 1 standard deviation increase in the conflict intensity score (0.44), we would expect the odds of being in the highest category of rape prevalence ("rape is routine") to increase by 42.6%. A change of 0.44 on a 0–2 ordinal scale is not particularly clear, so we turn to marginal effects analysis to examine the effect of a full one-score increase in the conflict intensity scale, which we find associated with a 15.5% decrease of a country getting a score of 3 ("rape is regular") and a 17.9% increase in receiving a score of 4 ("rape is routine"). The number of years since a state's most recent civil conflict carries an odds ratio of 0.966 in Table 1. Thus, for each additional year of peace from civil conflict, a post-conflict state's odds of being in the highest category of rape prevalence is decreased by about 3.4%. The standard deviation for peace years is ~15 years, so we could also say that for each additional 15 years of peace, a post-conflict state's odds of being in the highest category of rape prevalence is decreased by about 39.5%. As in our previous model, time may not be worth waiting for when it comes to violence. The effect of a single additional peace year on the

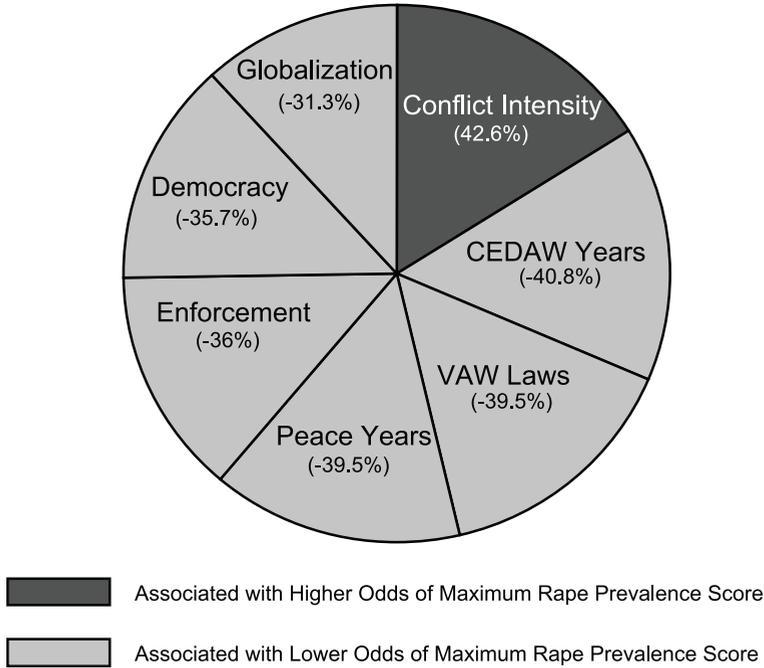


Figure 2. Percentage change in the odds of highest rape prevalence in post-civil conflict states, per 1 standard deviation increase in X.

odds of a high level of rape prevalence is small (a 0.7% increase in odds of “rape is regular” and a 0.8% decrease in odds of “rape is routine”).

A post-civil conflict state’s level of democracy is also reliably associated with rape prevalence. The odds ratio of 0.886 for a one-unit change in democracy in Table 1 translates to an odds ratio of 0.643 for a 1 standard deviation change in the same. That is, for each increase in a post-civil conflict country’s level of democracy on this index, its odds of being in the highest category of rape prevalence is decreased by ~11.4%. A 1 standard deviation change on the democracy scale is 3.644 in our sample, so we can say that change is associated with a country being 35.7% less likely to be in the highest category of rape prevalence. When combined with the aforementioned peace-years finding, our results corroborate the main conclusion of Beer (2009) that democracy can affect positive outcomes for women, but that time is also a necessary element for this to happen (although, Beer notes, one seemingly ignored by many studies of democracy and gender).

Table 1 shows that legal regimes are related to a country’s rape prevalence score. The strength of a country’s VAW laws, its level of enforcement of those laws, and the number of years it has been party to CEDAW are all reliably associated with lower rape prevalence. Figure 2 is a pie chart illustrating the percentage change in the odds of highest rape prevalence in post-civil conflict states, per 1 standard deviation increase in these factors. Looking first at our three legal indicators, we see that a 1 standard deviation increase in the number of years a country has been party to CEDAW (~6 years) is associated with a 40.8% decrease in the odds of it being in the highest category of rape prevalence. Mere party status alone is

not likely to be responsible for this finding. Instead, this indicator is likely acting as a proxy for the presence of domestic women's rights organizations, as posited by Simmons (2009).

Close behind the CEDAW indicator in effect size, a 1 standard deviation increase on the 13-point VAW laws scale (a 3.31 score increase) is associated with a 39.4% decrease in the odds of a country being in the highest category of rape prevalence. Clearly, having explicit legal guarantees addressing VAW matters to outcomes—even accounting for 13 other possible explanations for a country's level of rape prevalence. Next, as one might expect, law enforcement is associated with outcomes. A 1 standard-deviation change in enforcement of VAW laws (0.63) is associated with a 35.7% decrease in the odds of it being in the highest category of rape prevalence. A full one-score increase in enforcement is associated with a 13.5% increase of a country getting a score of 3 ("rape is regular") and a 17.6% decrease in receiving a score of 4 ("rape is routine"). As it was with conflict, it appears the dominant cutpoint in the WomanStat rape prevalence scale is between the scores of 3 and 4.

Finally, countries with more globalized economies were found to have lower levels of rape prevalence. Transforming the logged (base 10) data gives us a 1 standard deviation change in trade as a percentage of GDP of about 1.46%. To illustrate, each 1.46% increase in trade as a percentage of a country's GDP is associated with a 31.3% decrease in the odds of it having the highest level of rape prevalence. This complements Richards and Haglund's (2015) finding that increasing a country's level of trade is reliably associated with lower levels of gender inequality (as measured by the UN Gender Inequality Index).

Conclusion

We set out to explore the enforcement of laws addressing violence against women in post-civil conflict states. We did so by looking at both the associates of enforcement itself and how enforcement is related to the outcome of rape prevalence. Two main stories emerge. First, we found that civil conflict-related elements such as conflict intensity and the time since cessation of conflict are reliably associated with both the enforcement of VAW laws and the level of rape prevalence in post-civil conflict states. These indicators were also consistent in their effects. The greater the peak intensity of a country's last civil conflict, the less enforcement of VAW laws and the greater rape prevalence one would expect. Conversely, the more years that have passed since the end of the last civil conflict, the greater is enforcement of VAW laws and lower is the level of rape prevalence.

The lesson here is clear: civil conflict has a legacy effect on violence against women in both law and practice. It impedes legal progress and is associated with greater sexual violence. Further, these findings beg us to remember two important things about post-civil conflict states. First, violence does not magically stop when a conflict formally ceases. Instead, lingering elements—in some way related to the past conflict—inspire violence to find other forms and outlets. For example, violence can move off the battlefield and into the home. Second, we are reminded that change for the better takes time. No matter what we rely on to improve respect for human rights of any kind in a post-conflict setting, time is required for it to take effect. Time of peace, certainly, is important for ending the climate of impunity following conflict, and subsequently VAW outcomes.

Second, we found legal regimes to be important. The stronger a post-civil conflict country's VAW laws, the greater are its levels of enforcement of such laws and the lower are the odds of high rape prevalence. Further, the greater the enforcement of VAW laws, the lower

are the odds of high rape prevalence. To get a high score on the index of VAW-related laws, states had to have explicit, full legal prohibitions on the types of violence included (rape, marital rape, domestic violence, sexual harassment). As Richards and Haglund (2015) demonstrate, VAW laws come in a broad array of quality. Thus, writing high-quality, explicit legal guarantees matters both to enforcement and substantive outcomes. Politically, this finding about explicit legal guarantees is an important signal at this time when agencies such as UNWOMEN and individuals like the UN Special Rapporteur on Violence Against Women are actively soliciting comments about the possibility of an international treaty dealing specifically with violence against women and girls, owing to CEDAW's lack of binding specificity on the matter of violence.

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Notes

1. Li and Wen (2005) find that increases in the percentage of years a country has been involved in severe intrastate conflict are associated with a rise in the adult male mortality rate of around 9% and a rise in the female mortality rate of around 7%.
2. While Keith et al. (2009) look solely at constitutional provisions, here we examine domestic legal guarantees in legislation, including criminal codes, penal codes, domestic statutes, and case law.
3. Tir and Bailey's article in this collection notes that states may prioritize centralized decision-making, defense spending, and restricted rights for citizens, at the expense of policies designed to enhance women's welfare, meaning that women may not always make these gains following conflict. The empirical evidence is mixed and conditional on many factors (large scale war, war waged to contest the government, role of international organizations).
4. There are 80 countries in our sample that have experienced a civil conflict since 1946.
5. A score of 1 represents selective or uneven enforcement.
6. This variable is called LRW-SCALE 7 in the WomanStats dataset (WomanStats Project Database, 2011). The data on rape prevalence was coded in 2011 for the period 2005–2010. WomanStats produces one value for the 2005–2010 time period, so we use the 2005–2010 value for the years 2007–2010 for each country in the sample.
7. The creation and sourcing of these data are detailed in Richards and Haglund (2015: 76–82).
8. This variable ranges from 0 to 62. For the purposes of focusing solely on post-conflict countries, we exclude countries currently experiencing conflict.
9. We recognize the possibility of endogeneity in the models shown in Table 1 such that women's representation in parliament, democracy, and trade have been shown to be reliably associated with a country's level of VAW laws. To test whether this possibility was affecting our findings from the regular ordinal logit estimation, we estimated simultaneous bivariate ordered probit versions of our models. These returned $p > \chi^2$ independence-of-equation statistics of 0.9138 and 0.3331 for

the enforcement and rape prevalence models, respectively. This indicates no threat to inference via endogeneity from using the original ordered logit estimations reported in Table 1.

10. Generated using Long and Freese's (2014) "mchange" Stata command.

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