



Report of CEDAW Committee's Africa Regional Consultations on the Proposed General Recommendations on Women's Human Rights in Conflict and Post Conflict Situations

Convened by the Committee on the Elimination of Discrimination against Women

With the support of:

The United Nations Entity for Gender Equality and Empowerment of Women (UN Women) in collaboration with OHCHR, UNECA and UNFPA and FAO

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1. Background to the Africa Regional Consultations

1.1. CEDAW: An overarching legal framework for women's rights

2. The Convention on the Elimination of all forms of Discrimination is the authoritative legal instrument on women's human rights and a binding source of international law for those States that have ratified it, setting out the meaning of internationally recognized norms and standards of non-discrimination on the basis of sex and gender as well as containing provisions with far-reaching human rights guarantees in the civil, political, economic, social and cultural fields. Recognizing that the Convention is applicable at all times¹, with the goal of eliminating of all forms of discrimination against women and achieving substantive equality, the proposed general recommendation will address the full range of women's human rights violations which occur during armed conflict and its role in protecting and advancing rights in the post-conflict context.²
3. The Committee on the Elimination of Discrimination against Women (the Committee) decided at its forty-seventh session held in October 2010, pursuant to Article 21 of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention), to adopt a General Recommendation on the protection of women's human rights in conflict and post-conflict situations.³ The purpose of the general recommendation is to provide appropriate and authoritative guidance to States Parties on the measures to be adopted to ensure full compliance with their obligations to protect, respect and fulfill women's human rights during times of armed conflict and in all peace-building processes, which includes the immediate aftermath of conflict and long-term post-conflict reconstruction.
4. On the occasion of its forty-ninth session, held in New York from 11 July to 29 July 2011, the Committee held a general discussion on the proposed general recommendation. Based on the overwhelming interest by a broad spectrum of participants and contributors from UN agencies, State Parties and NGOs, it was decided that the process of elaborating the general recommendation would be supplemented with six regional consultations.⁴ The objective of these regional consultations is to receive first-hand information from a variety of institutions, experts and individuals on the issues facing women in conflict and post-conflict situations.

¹ CEDAW General Recommendation No. 28 on Core Obligations of States Parties CEDAW/C/GC/28 (the obligation of States parties do not cease in periods of armed conflict or in states of emergency resulting from political events or natural disasters).

² CEDAW Concept Note: General Discussion on the protection of women's human rights in conflict and post-conflict contexts, p.6

³ Convention on the Elimination of All Forms of Discrimination Against Women, Article 21(1) The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties

⁴ Africa; LAC; Eastern Europe and Central Asia; Pacific Islands; East, South East and South Asia; Arab States

5. The proposed general recommendation will address violations occurring in international and non-international armed conflicts as well as in situations of extreme violence and internal disturbances which may not necessarily be classified as armed conflict in terms of international humanitarian law. It is important to note that such internal disturbances, for instance the pre and post-election violence that has erupted in various contexts in the recent past, result in gross violations of women's human rights and are therefore of particular concern to the Committee.⁵

1.2. Africa Regional Context

6. One of the biggest obstacles to development in Africa is the proliferation and the misuse of small arms, light weapons and ammunitions leading to a proliferation of armed conflicts. In the last five (5) years alone over 18 of Africa's 53 countries have experienced war, armed conflict or widespread political unrest with countries like Somalia, South Sudan, and Democratic Republic of Congo experiencing protracted conflict for a decade or more. During conflict and post conflict situations women and girls face specific and devastating forms of gender-based violence, including rape, sexual mutilation, sexual humiliation, forced prostitution, and forced pregnancy deployed systematically for military or political objectives.
7. The breakdown of law and order and significant weakening of the judiciary mean that women and girls cannot access justice. Widespread displacement and deplorable conditions in camps for displaced persons increase women's vulnerability to sexual violence, HIV infection, and human trafficking. Women's right to health, particularly sexual and reproductive health is severely comprised. Women and men refugees as well as boys and girls often have different needs and priorities. Women are often excluded from formal discussions given their lack of participation and access in pre-conflict decision-making organization and institutions. In post-conflict situations as well women's unequal access to the media will result in their needs and interests being not well represented and discussed. Women also play a very minor role in formal negotiations or policy making. Women also face specific obstacles in voting, in standing for election and in having gender equality issues discussed as election issues.
8. The prioritization of the promotion of peace and security by Africa's continental and sub-regional institutions has led to the development of commendable normative frameworks on the protection of human rights, including the rights of women in conflict and post conflict situations. Particularly notable are the provisions of the Protocol to the African Charter on

⁵ CEDAW Concept Note: General Discussion on the protection of women's human rights in conflict and post-conflict contexts, p.6

Human and Peoples' Rights on the Rights of Women in Africa which establish extensive standards and commitments in this regard. Article 10 for instance obligates state parties to ensure the participation of women in conflict prevention, management and resolution at all levels, and to reduce military expenditure in favour of social development spending particularly for the promotion of women. Article 11 reiterates states parties' obligation to respect international humanitarian law and protect civilians—particularly women—during conflict. Explicit mention is made to States Parties obligation to protect asylum seeking women, refugees, returnees and internally displaced persons against *inter alia* rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity.

9. Another important African instrument for promoting gender equality and empowerment is the Solemn Declaration on Gender Equality in Africa (SDGEA) (2004), in which Africa's heads of States and Government unanimously committed to ensure the full and effective participation and representation of women in peace process including the prevention, resolution, management of conflicts and post-conflict reconstruction in Africa as stipulated in UN Resolution 1325 (2000) and to also appoint women as Special Envoys and Special Representatives of the African Union; and to launch a campaign for systematic prohibition of the recruitment of child soldiers and abuse of girl children as wives and sex slaves in violation of their Rights as enshrined in the African Charter on Rights of the Child.
10. The 2009-2012 Strategic plan of the AUC prioritizes the prevention of conflicts, and promotion of peace and security. Efforts to ensure that African peace agreements are effectively complemented by sustained efforts towards post-conflict reconstruction and peace-building were in fact formalized as early as 2006, with the adoption of the AU Post Conflict Reconstruction and Development (PCRD) Policy. The objective of AU PCRD is to improve timeliness, effectiveness and coordination of activities in post conflict countries and to lay the foundation for social justice and sustainable peace, by operating through the core principles of: African leadership; inclusiveness, equity and non-discrimination with particular focus on marginalized and vulnerable groups, including women and girls; cooperation and coherence; and capacity building for sustainability. The policy is built upon six pillars that are both self-standing and cross-cutting: security; humanitarian assistance; political governance and transition; socio-economic reconstruction and development; human rights, justice and reconciliation; and women and gender.
11. In addition to the continental level commitment, different sub-regional intergovernmental institutions, including the Economic Community for West African States (ECOWAS), the Inter-Governmental Authority on Development (IGAD), and the International Conference on the Great Lakes Region (ICGLR), have similar priorities.

1.3. The Africa Regional Consultation on the proposed General Recommendation

11. The rationale behind the regional consultation process was to gather first-hand information from key stakeholders in the region which will assist the CEDAW Committee in elaborating the content and direction of the proposed general recommendation on the rights of women in conflict and post conflict situations. Consultation with African stakeholders is critical in ensuring that the specificity of the conflict and post-conflict situations faced by African women is adequately reflected in content of the general recommendation. Furthermore, regional consultation provided an opportunity to highlight linkages between regional, national, and international mechanisms.
12. The immediate objectives of the consultations were to:
 - a) Enable representatives of African governments, civil society organizations and the UN System organizations operating in Africa to participate in and contribute to the proposed general recommendation on women in conflict and post conflict situations.
 - b) Provide a forum for stakeholders in the African human rights system to share experiences and lessons learned from the development and implementation of human rights standards relevant to the rights of women in conflict and post conflict situations.
 - c) promote a sense of “ownership” among stakeholders in Africa of the emerging general recommendation on women in conflict and post conflict situations; and
 - d) contribute to the outcome document of the Summit on SGBV.
13. Participating in the regional consultations convened in Addis Ababa, Ethiopia on 12-13 April 2012 were a total of 90 people including Ambassadors and other senior officials from African diplomatic missions accredited to the AU, the African Union Commission, Regional Economic Communities (RECs) and UN agencies operating in Africa. Also participating were women from conflict and post conflict countries who, based on personal experiences, contributed their ideas on what standards are necessary **to protect, respect and fulfill women’s human rights during times of armed conflict and in all peace-building processes**. Discussions will be led by experts from the CEDAW Committee. The list of participants is attached as Annex 1.
14. In organising the Africa regional consultations the CEDAW Committee was supported by the United Nations Entity for Gender Equality and Empowerment of Women (UN Women) in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), UNECA, UNFPA and FAO.

2. Structure of the Report

The report compiles the discussions that took place in plenary as well as working groups over the course of the consultations. It particularly reflects the issues discussed by participants in groups guided by set of questions leading to indepth deliberations on issues of women and girls in conflict and post conflict settings in Africa. In so doing, it exposes a common understanding of the issues, the best practices and the most relevant recommendations in addressing the issues.

In terms of the structure, the report provides for an outline of the substantive provisions of Convention and corresponding elaborations on current issues, best practices, and recommendations. This, it is believed, will enable a presentation that gives a coherent picture of the issues, the rights violated and the appropriate response. In so doing, it delves in to the analysis of the implementation of six substantive rights namely:

- Right to be Protected from all forms of Violence
- Equality in politics and public life
- Equality in Education and Training
- Equality in Employment and Economic Benefits
- Equality in Access to Reproductive Health Rights
- Equality before the law

The report also provides for a separate analysis of the issues of women that are directly or indirectly addressed by the Convention such as women in IDP camps and refugee situations, reintegration mechanisms and their implications on women in order to bring to light the specific challenges and the proposed measures to address the issues. It also emphasizes the needed level of partnerships and identifies the possible stakeholders in the in the promotion and protection of women's rights in conflict and post conflict situations.

Finally, the meeting agreed on the difficulty of finding a cut off point between situations of women in conflict and post conflict settings as one often witnesses the continuation and the acceptance of the violations beyond times of conflicts into post conflict arena. As a result, the discussions and the report do not treat the elaborations of the issues and the recommendations there of separately.

3. Substantive Rights and their application in Africa- Outcomes of the Discussions

3.1. Right to be Protected from all forms of Violence (Articles 2,3, 5 and 6)

3.1.1. Situation Analysis

Under the provisions indicated above, the Convention enjoins States Parties take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. States are also obliged to take measures to uphold women's equality in the political, social, economic, and cultural fields. They are also obliged to take steps to suppress all forms of trafficking in women and exploitation of prostitution of women.

Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.⁶ Women and girls remain the primary victims of human rights violations, including acts of sexual violence perpetrated by the state security forces and their allies (militias and mercenaries), as well as by private actors and in some instances sexual exploitation and abuse involving peacekeepers. The different forms of sexual violence range from and include the abduction of women as sex slaves, sexualized torture and mutilation, mass rape and rape in public or private spaces. In the DRC for example, rape has become a defining feature of the conflict with the reported rape of tens of thousands of women. It was noted during the discussions that victims of human rights violations, including sexual violence, continue to face difficulties in accessing the criminal justice system in conflict/post conflict countries where justice system are often experiencing serious logistical and human resource challenges.

Concern was also expressed about the lack of comprehensive measures to assist victims of sexual violence and in some instances the provision of amnesty for crimes committed during conflicts, including systematic acts of sexual violence. Participants welcomed efforts undertaken in cooperation with the international community to provide a humanitarian and judicial framework for women victims of violence during crisis particularly in the cases of West and Central Africa as well as facilitate women's access to justice.

Challenges faced by countries in conflict situations, in dealing with SGBV include the lack of legislative and institutional mechanisms to address SGBV before the occurrence of conflict and during conflict. Some of the countries do not have measures in place to deal with SGBV even before the occurrence of conflict. It therefore becomes difficult for them to respond to the increased incidences of SGBV that occur during conflict. The second challenge faced in African countries is the failure to domesticate commitments in protecting, preventing and prosecuting cases of SGBV. On the other hand, even if countries domesticate the commitments, national laws do not adequately address issues of SGBV In line with the international and regional commitments.

⁶ General Recommendation No. 19 (11th session, 1992)
<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

Thirdly, many conflict countries do not have the technical knowledge, structures and resources to put in place a witness protection/whistle blowers' programme to address SGBV. Lack of such programmes mean that survivors of SGBV and other forms of VAW/G are often constrained from claiming their rights for fear of reprisals from ex-combatant perpetrators reintegrated in the community on cessation of hostilities. During conflict situations, many governments fail to apply the substantive rights enshrined in the CEDAW convention to address sexual assault which is rampant and used as a weapon of war by the fighting forces. Additionally, existing cultural beliefs perpetuate discrimination and VAW.

3.1.2. Good Practices

Some good practices and emerging promising practices are witnessed in Africa to address SGBV.

Below are examples highlighted during the consultations:

- The presence of gender desks/special prevention units in police stations in various countries e.g. Kenya, Liberia, and Sierra Leone.
- The DRC is in the process of putting in place a whistle blower's protection law, while in Kenya a witness protection programme has been put in place.
- The on-going trial by the ICC for the perpetrators of PEV in Kenya and the verdict by the ICC on Thomas Lubanga for grave human rights violations including rape are sending out a clear message that violators of human rights, especially women shall be held accountable for their actions.
- The implementation of a community policing initiative in conflict hotspots could be helpful in quelling violence before it completely gets out of hand such as in Naivasha, Kenya during the post-election violence
- In Rwanda, a hotline service for survivors of VAW is provided
- In Kenya and Morocco, constitutional reform, has taken into consideration gender equality and rights to be protected from VAW
- Ethiopia and Sierra Leone are making efforts to overcome HTPs such as FGM through the adoption of legislation

3.1.3. Recommendations

The general recommendations thus need to urge states and other stakeholders to:

- a) Ensure that the 5 responses to SGBV are put in place i.e. the medical, physical safety, psycho-social, legal responses as well as the availability of avenues for self-reliance through income generating activities and micro-credit facilities. This in essence means that medical centers need to be staffed with personnel able to deal with SGBV and in the absence of the physical medical structure; mobile clinics need to be instituted. The survivors of SGBV also require their immediate physical safety needs taken care of. This could either be in a formal structure such as a safe house or using local informal physical safety networks such as

refuge at the neighbors or members of women's associations. Psycho-social support through individual guidance and counseling or group counseling/therapy methods should also be in place. The survivors of SGBV should also be assured of a quick and efficient judicial process if they choose legal recourse. If the formal judicial structure is unavailable, mobile courts should also be constituted to deal with the SGBV cases. States should also ensure that female victims of conflict have access to free legal aid and psycho-social counselling. To this end, they should be encouraged to work in cooperation with civil society organisations and other development partners to enhance women's awareness of their rights and the means to enforce them. Self-reliance of the survivors should also be encouraged through the availability of income generating activities with options for micro-credit facilities.

- b) Put in place Whistle-blowers' protection mechanisms for the survivors who denounce the human rights violations. This is to assure them of their safety while at the same time encouraging others to denounce the violations without fear of reprisals. This is crucial in cases where the violators are people in authority or military leadership.
- c) Put in place the use of the Gender Capacity building (Gencap) roster to support the gender analysis of the interventions during conflict as it is imperative to ensure that the different needs of women, men, girls and boys are kept in mind during the design stage of interventions. The roster deployee would also be instrumental in organizing multi-sectoral coordination of interventions in humanitarian settings.
- d) Set up a committee to guide/advice governments on the contents of the convention they have ratified as well as their obligations including during conflict situations. This is due to the fact that during conflict situations, many governments are not sure how to apply the key principles of the convention with regards to women's rights, such as the right of women to sexual and reproductive health.
- e) Ensure that women have access to sexual and reproductive health services even in conflict settings as sexual assault is rampant and used as a weapon of war by the fighting forces repeatedly.
- f) Establish a system that facilitates the payment of reparations to survivors of violence and that aim to address the structural inequalities and gender-based discrimination. This should include confidentiality in particular for women victims of sexual violence. Similarly, reparations should include a range of measures to address the root causes and systematic problems including gender hierarchies, systemic marginalization and structural inequalities. Recognizing that violence against women during and in the aftermath of conflict goes beyond sexual violence, ensures that reparation schemes are robust enough to include different violations suffered by women.
- g) Improve data collection and analysis of incidents of violence and discrimination against women affected by conflict, particularly IDPs, refugees, pregnant mothers, young child

mothers, women living with HIV/AIDS, the elderly, and women who develop disabilities as a result of conflict.

3.2. Equality in politics and public life (Articles 7 & 8)

3.2.1. Situation analysis

Under the above provisions, the Convention obliges State Parties to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the equal right to vote, hold public office, and participate in civil society activities. It also enjoins states to ensure equal rights for women to work at the international level and represent their government without discrimination.

Overall it was agreed that African countries have adopted various laws and policies in the field of gender equality and women's human rights including national gender policies. However, there remain serious barriers in respect to the full enjoyment of rights by women during conflict and in post conflict countries as a result of inter alia, patriarchal cultural norms, dual legal system, persistent lack of political representation and their continued socio-economic dependence on men. Though education is key to the empowerment of women, the low level of education of girls and women on the continent is one of the most serious impediments to their full enjoyment of human rights in post conflict countries.

Regarding international and regional human rights standards, similar to national laws, there is a plethora of standards which provide for women equal participation in economic, political and public life and which also protect, prevent and provide redress for women who experience violence both in conflict and post conflict situations but that the stumbling block to its realization was due to amongst others, the lack of domestication of regional and international standards, lack of properly planned and coherent state programmes to implement policies and lack of adequate budgetary and human resources to ensure effective implementation and monitoring mechanisms of programmes and policies.

In most countries, national laws and administrative practices reflect these patriarchal attitudes and gender stereotypes. In spite of these negative perceptions, it was highlighted that women in Africa often act as peace mediators in all kinds of settings, within the families and societies and have proved instrumental in conflict prevention. Women were in the forefront in the peace processes that eventually resulted in comprehensive peace agreements in Liberia and Sierra Leone. In Sierra Leone, women's roles in peace-making became more noticeable with the formation of women's civil society groups through which they mobilised and galvanised the society (women in particular) to call for peace, democracy and an end to hostilities.

Women's participation in peace-building processes has been recognized as a priority in conflict and post-conflict settings. International political commitments such as U.N. Security Council Resolution 1325 and its follow-up resolutions emphasize the importance of women's full and equal participation in conflict resolution, peace-building and post-conflict reconstruction. CEDAW is also notable in the special importance that it places on women's participation in the public life of their country. In Africa, the underrepresentation of women in peace processes is well known and well reported. We continue to witness only marginal increases in the participation of women at the peace table. Particularly worrisome is the exclusion of rural women in the formulation and implementation of peace agreements. This is often due to cultural stereotypes and incorrect perceptions /mentalities that only men can stop wars, ultimately excluding women from decision-making.

3.2.2. Good practices

Despite the negative outcomes of armed conflict, women have acted as peace mediators in families and societies for generations and have proved instrumental in conflict prevention. Some of the examples include the Karamoja Peace Women Networks around the borders of Kenya and Uganda who served as mediators in which case the state sends women mediators to fighters for negotiation at community levels in relation to pastoralist conflicts. In Uganda, women received recognition from governments as important stakeholders in mediation processes between the government and the Lord's Resistance Army (LRA).

Women in Liberia, Sierra Leone and Sudan also mobilised themselves in influencing peace building processes to in the efforts to resolve armed conflicts including in the rural settings. In addition, women in DRC actively participated in peace dialogues. They went further to use the media to threaten the parties who did not want to sign the peace accord and promised to block the return route if they did not sign. Also worthy of recognition was the representation of the Sudanese women in the talks on the CPA 2005 as well as the efforts of Liberian women in the cessation of hostilities by the armed groups.

3.2.3. Recommendations

The following are some of the recommendations which emerged during the regional consultations with regard to the civil, legal and political rights of women for consideration into the General Recommendation on Women in Conflict and Post Conflict situations.

1. Enforcing principle of non-discrimination –

- a) Governments should implement the principle of equality and non-discrimination on the basis of sex through the adoption of legal and policy frameworks and in ceasefire and peace agreements.
- b) National constitutions and laws should provide for improved social and economic rights for women and where necessary legislate for affirmative action.
- c) Relevant stakeholders including government officials, civil society groups, and UN agencies ought to coordinate their efforts to address all forms of discrimination against women.
- d) States and all relevant bodies should enhance awareness on CEDAW and on women's rights in particular for all legal professionals, including judges, lawyers, prosecutors, law enforcement personnel as well as the public at large and to develop a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate women. Both men and women should be involved in the dissemination and trainings on human and women's rights as the implication of men is crucial in reaching out to other men involved in decision making.

2. Enhancing women's participation in public and political life –

- a) The full involvement of all women in all stages of peace processes and all other decision-making processes.
- b) Strengthening the role of women as agents of peace, in line with relevant United Nations resolutions.
- c) Promoting the formation of rural women's associations or cooperatives which will enable them to access credit for their socio-economic advancement and to keep them relevant in decision making at all levels including rural settings. In so doing, it is also important to ensure the inclusion of the EVI (extremely vulnerable individuals) in the associations e.g. the handicapped, elderly, female-headed households so that they are also implication in decision-making process including peace-building. The enforcement and respect of the socio-economic and cultural rights of the women in peace building, land ownership for self-reliance is important especially for the returnee women.

3. Prevent VAWG, Provide Service to Survivors and Promote justice

4. Policy Measures

- a) Policy measures to ensure that women are presented in Ministerial positions and that they are equally represented in NHRIs.

- b) AU member states should take deliberate measures to implement the AU Gender Policy to effectively monitor and evaluate the performance of polices and other strategies to ensure women are fully represented in post conflict national institutions.
- c) Governments in post conflict countries should undertake measures to ensure equal access to education for women and girls
- d) Governments should adopt a holistic approach in designing DDR Programmes that involve all women including women with disabilities, the elderly in addressing the needs of women.

3.3. Equality in Education and Training (Article 10)

3.3.1. Situation Analysis

Under the Convention, states are obliged to ensure that women have equal rights with men in education, including equal access to schools, vocational training, and scholarship opportunities.

Young girls in emergency and conflict-affected situations have a wide range of educational needs depending on their context. Some may have missed part or all of their education and be seeking to re-enter education either formally or, particularly for older children and youth, through alternatives means. The latter may include basic literacy and numeracy skills and some vocational training to help them obtain employment. There is emerging consensus over the need for early focus on getting schools functioning so that the return of young people to classes can be seen as a 'peace dividend' and shore up support for peace. The nature of post-conflict reconstruction makes inter-sectoral collaboration particularly urgent. Many young girls will have witnessed or experienced horrific events and so require specific skills and knowledge to help them to deal with these experiences.

Education systems need to collaborate with other sectors on HIV/AIDS programmes, health education, safety, and security in schools, landmines awareness, and psychosocial support. A clear example was given of Northern Uganda where the Northern Uganda Peace Recovery and Development Programme (PRDP) has mainly focused in what were called the hardware issues, such as roads, health centres, and schools but forgotten the software, which is the people. There are no programmes for psychosocial support for a traumatized community that has undergone war for over twenty years, just an expected change of status without addressing the trauma. There is also lacking any specific government programmes for the returning young girls and children that were abducted and had to stop their schooling. Before, during and after conflicts, it may not be possible for systematic formal education to take place. In these circumstances alternative approaches to education

delivery often arise to “fill the gap” in education provision caused by damage to the (educational) infrastructure, and security issues.

3.3.2. Good practice

Kenya: Through encouraging the participation of the corporate sector in corporate social responsibility initiatives, such as the Wings To Fly Initiative, Equity Bank of Kenya provided scholarships to needy persons or disadvantaged and vulnerable groups. These included a scholarship to a 28-year-old woman and mother of three children to study through university and 15-year-old child who had escaped forced marriage seven times. During post-conflict setting, the vulnerability of women increase and therefore such initiatives to support the education of women is crucial for their empowerment.

3.3.3. Recommendations

- Education reconstruction must be aligned with social and economic development planning and public sector and labour markets reform.
- Education systems need to collaborate with other sectors to address the socio-economic, cultural and political impacts of conflict.
- Alternative approaches to education delivery need to be devised where security and infrastructural challenges do not allow for establishing formal education.

3.4. Equality in Employment and Economic Benefits (Article 11, 13 and 14)

3.4.1. Situation Analysis

Under the Convention provisions, State Parties are obliged to ensure that women enjoy equal rights in employment, including without discrimination on the basis of marital status or maternity. They are also enjoined to guarantee women’s equal rights to family benefits, financial credit, and participation in recreational activities. In addition, States have the obligation to ensure the right to adequate living conditions, participation in development planning, and access to health care and education for rural women.

Women’s living in societies emerging from conflict should engage as equal partners in activities such as political participation; access to, and management of, land and inherited properties; and protection from violence. In addition to civil and political rights, the fundamental economic, social and cultural rights that are essential for engendering post-conflict reconstruction must be taken into consideration. The meeting called for equal opportunity and access of women to education and training. This is relevant in post-conflict reconstruction processes in which young girls and

women who have been deprived of education require quality education and training. Education and training are further needed for women to access employment, including in societies emerging from conflict where employers, who hire men because of economic pressure, often discriminate against women.

Demographic changes produced by conflicts include increased female-male ratios due to men dying in conflicts; migration; and increased numbers of orphans and elderly survivors. In many cases, unemployed women who become head of families turn to prostitution, which intensifies the threat and spread of HIV/AIDS in post-conflict settings.

Female-headed households, especially in post-conflict environments, are usually among the poorest segments of populations in Africa. Rebuilding infrastructure and providing basic services that take into account gender-sensitive programming are some of the important measures to be taken in these situations. With regard to Demilitarisation, Demobilisation and Reintegration (DDR) programmes, post-conflict reconstruction requires a consideration of the specific needs of women during planning for DDR, and the involvement of women in DDR programmes. To fill the existing gender gap within DDR processes, and to design and deliver programmes that can equitably benefit women and men in the DDR phase of post-conflict peace-building, the Protocol to the Rights of Women in Africa, for example, requires states parties to take all appropriate measures to ensure the participation of women in the promotion and maintenance of peace, including with regard to the planning, formulation and implementation of post-conflict reconstruction and rehabilitation. Northern Uganda's PRDP was cited as an example where women were employed mainly as casual workers in the infrastructure development programmes such as construction of roads. None of the women qualified to win any government tenders since they do not have well established companies which can meet the strenuous bid conditions requiring financial guarantees due to their poverty levels and inexperience in preparations of bid documents.

3.4.2. Good practice

The case of Rwanda was raised as a good practice that saw an increased participation of women in economic empowerment activities. The creation of women income generating associations including in the rural areas enabled women to have enhanced decision making power and control over resources. This in turn has led to the empowerment of women economically.

3.4.3. Recommendations

The general recommendations should promote:

- The grouping of rural women in associations or cooperatives so that they are able to access credit for their advancement socio-economically and to keep them relevant in decision making at all levels including rural settings.
- The inclusion of the EVI (extremely vulnerable individuals) in the groupings/associations of women e.g. the handicapped, elderly, female-headed households so that they are also implication in decision-making process including peace-building.
- The enforcement/respect of the socio-economic and cultural rights of the women e.g. peace, education, land ownership for self-reliance esp. for the returnee women.
- The inclusion of human right courses in the primary school level to start off with knowledge impartation in children and youth through out the country including in rural settings.
- The involvement of men and women in the dissemination and trainings on human and women's rights as the implication of men is crucial in reaching out to other men involved in decision making.

3.5. Equality in Access to Reproductive Health Rights (Article 12)

3.5.1. Situation analysis

Under CEDAW, State Parties are required to take steps to eliminate discrimination from the field of health care, including access to family planning. Where necessary, these services must be free of charge.

In many conflict-affected settings, comprehensive sexual and reproductive health services are not available due to the destruction of health systems and the breakdown of services. In northern Uganda, for example, the long-running civil conflict led to the destruction of much of the health system, forcing agencies such as the Family Planning Association of Uganda to shut down and leave health units in IDP camps to struggle to meet the demand for reproductive health services.⁷ According to data from 2006, for example, only 19 percent of the demand for contraceptives in northern Uganda was met compared to 68 percent in the capital, Kampala, and 37 percent for the entire population.⁸ Unmet need for contraceptives contributes to unplanned pregnancies, a situation that is particularly hazardous for women in conflict and post-conflict settings where the health system is often not equipped to provide essential services such as antenatal care, skilled delivery services, emergency obstetric care, or post-abortion care. Unmet need for contraceptives

⁷ See WOMEN'S COMMISSION FOR REFUGEE WOMEN AND CHILDREN & UNITED NATIONS POPULATION FUND, WE WANT BIRTH CONTROL: REPRODUCTIVE HEALTH FINDINGS IN NORTHERN UGANDA 6 (June 2007), available at http://womensrefugeecommission.org/reports/cat_view/68-reports/74-reproductive-health [hereinafter WE WANT BIRTH CONTROL].

⁸ UGANDA BUREAU OF STATISTICS ET AL., UGANDA DEMOGRAPHIC AND HEALTH SURVEY: 2006, at 104 (Aug. 2007), available at <http://www.measuredhs.com/pubs/pdf/FR194/FR194.pdf>.

has been linked to northern Uganda having the highest rates of unsafe abortion in the country, which in turn heightens women's vulnerability to maternal mortality.⁹

The insecurity of conflict and post-conflict settings can also increase women's vulnerability to contracting HIV or other sexually transmitted infections (STIs). Studies indicate that situations arising from conflict such as forced migration, increased sexual violence or risky sexual activity, commercial sex and the breakdown of health services often heighten the risk of infection.¹⁰ Forced migration arising from conflict often brings together populations with differing prevalence levels, and interactions between these populations can lead to increased rates of infection. Thus, HIV prevention and treatment efforts aimed at refugee or IDP populations may be insufficient in protecting women's reproductive health if they do not also focus on the host communities and other populations with which these women interact.

Aid agencies play an important role in facilitating – or restricting – women's access to sexual and reproductive health services and information in conflict-affected settings. Prior to ICPD in 1994, humanitarian aid programs did not generally recognize reproductive healthcare as a priority. Since then, family planning and safe delivery services have become well-established in stable refugee settings and widely accepted as an important component of humanitarian response to crisis.¹¹ Availability of other services such as emergency contraception, safe abortion and post-abortion care, however, continues to lag behind.¹² Provision of safe abortion services in refugee settings can be complicated by restrictive abortion laws in the host country, but even when services are legal, some aid organizations may decline to provide them".¹³ In certain conflict or post-conflict countries where the state has limited capacity, the decision by one or more donor governments to withhold or dramatically reduce funding for certain legal sexual or reproductive health services render the services unavailable and thus obstruct women from exercising their right to make decisions about their sexual and reproductive health. One aid organization, for example, has refused to provide women with access or referrals for emergency contraception based on conscientious objection.¹⁴

⁹ See WE WANT BIRTH CONTROL, *supra* note 13, at 11-12.

¹⁰ See Therese McGinn et al., *Reproductive health for conflict-affected people: Policies, research and programmes* 8-9 (Humanitarian Practice Network, Network Paper No. 45, 2004), available at <http://www.odihpn.org/report.asp?id=2626>.

¹¹ INTER-AGENCY WORKING GROUP ON REPRODUCTIVE HEALTH IN REFUGEE SITUATIONS, INTER-AGENCY GLOBAL EVALUATION OF REPRODUCTIVE HEALTH SERVICES 2-3 (Nov. 2004), available at http://www.iawg.net/resources/2004_global_eval/ [hereinafter GLOBAL EVALUATION].

¹² Aimee Lehmann, *Safe Abortion: A Right for Refugees?*, 10 REPROD. HEALTH MATTERS 151, 152 (2002).

¹³ CEDAW Committee, *General Recommendation No. 24*, *supra* note 1, para. 14.

¹⁴ The aid organization World Vision US has stated that they oppose any form of emergency contraception and will not refer women to clinics where it is offered. Françoise Girard & Wilhelmina Waldman, *Ensuring the Reproductive Rights of Refugees and Internally Displaced Persons: Legal and Policy Issues*, 26 INT'L FAM. PLAN. PERSP. 167, 171 (Dec. 2000).

The unavailability or outright denial of these reproductive health services violates women’s rights and threatens their health. Indeed, the United Nations Population Fund (UNFPA) has estimated that 25 to 50 percent of maternal deaths in refugee settings are due to complications of unsafe abortion.¹⁵

The promotion of women’s sexual and reproductive rights is an important pre-condition for ensuring women’s equality in areas of economic and social life in post-conflict settings. The U.N. Security Council Resolution 1889 recognizes that reproductive health and rights are key to addressing women’s needs and priorities post-conflict, including the need for better socio-economic conditions.¹⁶ In Africa, women in conflict and post-conflict settings are clearly vulnerable to violations of their sexual and reproductive rights that have long-lasting consequences for their health and their lives. Debilitating injuries such as fistula that are sustained during a delivery without access to quality obstetric services may make it physically and/or socially difficult for women to secure and maintain full-time employment—which would in turn limit their ability to qualify for bank loans, mortgages, and other forms of financial credits—or engage in recreational activities. Additionally, unplanned pregnancies due to lack of access to contraceptives can place an undue physical burden on a woman and make it difficult for her to seek or hold a job. In these contexts, the state’s failure to ensure access to comprehensive reproductive health services in both conflict and post-conflict settings can hamper efforts to promote gender equality and serve as a barrier to ending discrimination against women in areas of economic and social life.

Violations of women’s sexual and reproductive rights can also severely hinder women’s participation in public life. As previously discussed, many conflict-affected women experience traumatic fistula as a result of sexual violence; other women experience obstetric fistula due to lack of appropriate health services during delivery. Many survivors cannot afford the surgery that is required to correct the fistula, and the condition often leads to stigma and social rejection that prevent these women from participating in rebuilding their communities.¹⁷

3.5.2. Good practices

- Saving Women’s Lives—Hope after Rape is a programme in **Uganda** that counsels and assists abused women and children, including refugee children abducted into sex slavery. It among others aims to provide counseling services to survivors of rape.

¹⁵ United Nations Population Fund, *Reproductive Health for Refugees and Displaced Persons in STATE OF THE WORLD’S POPULATION* (1999), available at <http://www.unfpa.org/swp/1999/chapter3f.htm>.

¹⁶ S.C. Res. 1889, Preamble, U.N. Doc. S/RES/1889 (Oct. 5, 2009), para.10.

¹⁷ See Maggie Bangser, *Obstetric fistula and stigma*, 367 LANCET 535-36 (2006).

- Skills development for health professionals: A joint project on the reproductive health needs of women victims of violence in **Rwanda** was initiated by the Ministry of Family, Gender and Social Affairs, WHO and the Ministry of Health
- The Isange one stop centre in **Rwanda** : Set up in July 2009 by UNICEF, UNWOMEN, UNFPA and other partners, the Isange One Stop Centre – which means feel welcome in Kinyarwanda - provides free services for survivors of child domestic abuse and gender-based violence (GBV). The centre operates a free phone hotline for help, protection from further violence, investigation of crimes, medical and psychosocial care and support and collection of forensic evidence.

3.5.3. Recommendations

The CEDAW Committee's general recommendation provides an important opportunity to affirm the right of conflict-affected women to sexual and reproductive health services and information, to explicitly highlight the vulnerabilities and challenges faced by women during conflict and to recognize the range of services that women need and are entitled to under international law. In so doing, the recommendations should:

- a) Recognize access to comprehensive sexual and reproductive health services and information as a fundamental and urgent need for women in conflict and post-conflict settings in order to prevent devastating health consequences and to promote their ability to lead full and healthy lives.
- b) Affirm that comprehensive sexual and reproductive healthcare includes access to family planning services, including emergency contraception; maternal health services including antenatal care, skilled delivery services and emergency obstetric care; safe and legal abortion; post-abortion care; prevention and treatment of HIV and other STIs; and care to treat injuries such as fistula arising from sexual violence, complications of delivery or other reproductive health complications, among others.
- c) Re-affirm that access to sexual and reproductive health information and the means to make autonomous decisions about one's sexual and reproductive life are fundamental rights of all women, including those in conflict and post-conflict settings.
- d) Recognize sexual and reproductive rights as an important pre-condition for women's full participation in the economic and social lives of their communities.
- e) Recognize that the right to health includes a responsibility of international assistance and cooperation in health, including sexual and reproductive health.¹⁸ In so doing, it should

¹⁸ International Covenant on Economic, Social and Cultural Rights, *adopted* Dec. 16, 1966, art. 2, para. 1, G.A. Res. 2200A (XXI), U.N. GAOR, Supp. No. 16, U.N. Doc. A/6316 (1966) (*entered into force* Jan. 3, 1976); Convention on the

consider the important role of donor states and their agencies in promoting and protecting women's sexual and reproductive rights in conflict and post-conflict settings and further elaborate on their obligations in these contexts.

3.6. Equality before the law (Article 2)

3.6.1. Situation analysis

The Convention under the above provision obliges states to take concrete steps, implementing laws, policies and practices to eliminate discrimination against women and embody the principle of equality.

In the wake of conflict, many countries have established transitional mechanisms aimed at securing justice for violations of human rights. Unfortunately, the violations experienced by women during conflict – particularly violations of their sexual and reproductive rights – are often overlooked or marginalized in these transitional justice processes. This marginalization is due at least in part to the fact that women's rights are often excluded from public discourse in conflict and post-conflict countries. It is clear, however, that under international law conflict-affected women are entitled to access justice for violations of their rights. Under CEDAW, states parties are required to ensure appropriate remedies to women who are subjected to discrimination contrary to the Convention and to provide reparations, which may include “monetary compensation, restitution, rehabilitation and reinstatement; measures of satisfaction, such as public apologies, public memorials and guarantees of non-repetition; changes in relevant laws and practices; and bringing to justice the perpetrators of violations of human rights of women.”¹⁹

It is noted that Truth Justice and Reconciliation Commission (TJRC) and other forms of Transition Justice Systems, fail to be inclusive in their composition, especially in involving women in the process. In most cases, women face difficulty speaking out in legal proceedings due to prevailing strict cultural pressure from patriarchal societies. It was stated that women who were sexually abused during the post-election violence in Kenya did not receive any legal remedy. On the positive, the violence against women during the conflict Sierra Leone was well documented and presented to enable the government prioritize the needs of conflict survivors. In this regard, it is asserted that TJRCs can help ensure access to justice by documenting a range of women's experiences during the conflict and recommending measures to redress violations of their human rights. Sierra Leone's Truth and Reconciliation Commission, for example, documented the impact of the country's civil conflict on women's reproductive health, including the prevalence of injuries due to sexual violence, high rates of maternal mortality due to inability to access healthcare services,

Rights of the Child, *adopted* Nov. 20, 1989, art. 24, para. 4, G.A. Res. 44/25, annex, UN GAOR, 44th Sess., Supp. No. 49, U.N. Doc. A/44/49 (1989) (*entered into force* Sept. 2, 1990); Convention on the Rights of Persons with Disabilities,

¹⁹ CEDAW Committee, *General Recommendation No. 28*, *supra* note 2, para. 32.

and unplanned and unwanted pregnancies due to sexual slavery and violence and the lack of available abortion services, among others.²⁰ The extensive documentation of reproductive rights violations established the basis for the Commission to recommend that the Government of Sierra Leone prioritize the provision of psychosocial support and reproductive health services to women affected by the conflict in its final report.²¹

Most of the time, women are not aware of their rights and therefore need access to relevant information about their rights. It was emphasized that women whose rights have been violated during conflict do not always seek remedy since judicial processes do not lead to the imprisonment of the perpetrators. It was also noted that most women did not want perpetrators to go to trial and instead preferred a simple outcome that could benefit their children and society. A case in point was mentioned during the conflict in DRC where raped women from a particular village preferred better roads and telephone lines around the village than the punishment of perpetrators.

Reparation programs are another mechanism for ensuring access to justice for women who suffered violations of their rights during conflict. Such programs often provide monetary compensation and rehabilitation services directly to victims and may also compensate entire communities affected by conflict through social investment programs.²² However, there are instances where reparations may not be commensurate to the damage sustained by the victim of the violation and hence result in failed expectations. Violations of women's rights during conflict often stem at least in part from discriminatory structures and practices that existed prior to the conflict. Thus, as the U.N. Special Rapporteur on violence against women has pointed out, reparations must strive to address the structural discrimination that created the conditions for these violations to happen in the first place.²³ Guarantees of non-repetition, which include law reform to eliminate laws, policies and practices that contributed to gross human rights violations during the conflict, can be powerful tools to address structural discrimination and transform women's positions in society.²⁴ The CEDAW Committee recognizes that women face particular challenges in accessing justice in conflict and post-conflict settings. The Committee also

²⁰ SIERRA LEONE TRUTH & RECONCILIATION COMMISSION, WITNESS TO TRUTH: REPORT OF THE SIERRA LEONE TRUTH & RECONCILIATION COMMISSION, VOL. 3B, paras. 447-474 (2004).

²¹ SIERRA LEONE TRUTH & RECONCILIATION COMMISSION, WITNESS TO TRUTH: REPORT OF THE SIERRA LEONE TRUTH & RECONCILIATION COMMISSION, VOL. 2, para. 368 (2004).

²² See Colleen Duggan et al., *Reparations for Sexual and Reproductive Violence: Prospects for Achieving Gender Justice in Guatemala and Peru*, 2 INT'L J. OF TRANSITIONAL JUST. at 206-07 (2008).

²³ *Report of the Special Rapporteur on violence against women, its causes and consequences*, Hum. Rts. Council, para. 31, U.N. Doc. A/HRC/14/22 (Apr. 23, 2010) [hereinafter *Report of the Special Rapporteur on violence against women*].

²⁴ See G.A. Res. 60/147, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, para. 23, U.N. Doc. A/RES/60/147 (Mar. 21, 2006); see also *Report of the Special Rapporteur on violence against women*, supra note 38, para. 62.

acknowledges that reparations in the post-conflict period should be transformative in addressing gender-specific violations.

In most cases, conflicts leave behind weak judiciary and executive organs. As a result, these institutions will have limited capacity to prevent and respond to violations of women's rights. For instance, in Kenya, during the post-election violence, the Kenyan Parliament's proposal to set up a TJRC was severely weakened and eventually could not be passed by Parliament. In the absence of a local tribunal, the International Criminal Court (ICC) took over and is currently trying four high level suspects. No women and girls that were subjected to SGBV have received justice to date. Thus, the need for strengthening the capacity of these institutions in number and quality of service was stressed.

3.6.2. Recommendations

The general recommendations should:

- a) Urge the need for adopting three key measures in ensuring access to justice namely constitutional reforms; harmonization of customary and formal laws and preventing the impact of the multiplicity of justice delivery structures.
- b) Urge stakeholders in criminalizing HTPs and all forms of violence against women
- c) Urge the need for strengthening law enforcement organs to enable them to prevent and respond to violations of women's rights in conflict and post conflict situations
- d) Stress the critical need to address the impact of legal pluralism in cases where traditional or customary forms of justice concurrently apply with formal justice mechanisms in precluding the possible effect of discriminatory customary laws
- e) Provide for the importance of ensuring that the decisions of transitional justice mechanisms in Africa are complete and fill the normative gaps.
- f) Take into considerations lessons learnt from traditional justice mechanisms
- g) Encourage the establishment of witness protection or other forms of protection for the women and girls and their families
- h) Urge governments, CSOs, UN agencies and all players to follow up and ensure the implementation of the recommendations of the TJRC
- i) Recognise the need for establishing witness protection programs for women and girls and their families in promoting access to justice.
- j) Provide for the importance of extensive sensitization work at grassroots level, with the use of all forms of local media and folklore in specific communities to empower women and enhance the awareness of the public on access to justice

4. Protection of Women in IDPs and Refugee Situations

4.1. Situation analysis

Women and girls have unique needs such as reproductive health related needs than men and boys. People in the IDPs are relatively in a safe zone. Despite this, women and girls are not as protected as it is thought to be. They leave behind everything and yet all the responsibility lies on them. This makes them very desperate and compels them to do things which they normally do not do, such as sex for the exchange of food or protection. In the IDP situations, mandated UN Agencies, bilateral, and CSOs need to undertake a quick gender-based needs assessment to identify critical gaps, for planning, proper, timely and coordinated response in order to avoid women's and girls' from engaging in such situations .

Cross-border movement during conflict leaves both women and men open to violations because of the lack of standardized legal systems across countries in the region such that what is considered a crime in one country is not considered the same in a neighboring country and also due to the lack of adequate sensitization/education of border communities of their rights leading to their marginalization.

In post-conflict situations, institutions and infrastructure for the protection of women's rights including right to land and other property remain barely functional. Hence, protection and enforcement becomes difficult when women return back to their land, house, businesses, or other property in post-conflict. In many cases Land or house belonging to the returnees may be illegally acquired by other people or parties.

4.2. Good Practices

- In **Tanzania** Women formed their own committees in refugee camps or participate in mixed committees in order to facilitate communication and information between camp authorities and grassroots women. In Uganda, women's groups are often skilled in creative ways of communicating their situation to each other and to others: a **Ugandan** displaced-women's group supported by Isis-WICCE devised and performed plays and dances about their life in protected villages.
- In **Burund in a context of a** violent intercommunal conflict led to displacement, women held "cultural days" during which resident and returning women shared food and performed dances for each other, and helped the returnee women resettle by providing land and labour for farming.
- In **North Eastern Kenya**, professional women from the community used their expertise in development and humanitarian work to draw the support of the international community to respond to women's issues in refugee camps including rape outbreak in **Somali** refugee camps to develop strategies such as improving security and protection, dialogue with camp elders and locally appropriate counseling.

4.3. Recommendations

The recommendations should urge :

- a) The harmonisation of legal justice and frameworks to deal with violations on either side of the border including agreements on what could be considered negative cultural practices on either side of the borders.
- b) The sensitization of women, men, girls and boys on either side of the border on their rights in order to hold the duty-bearers in both countries accountable in upholding their human rights.
- c) Governments to protect the property of women refugees and IDPs and provide economic opportunities. They should also enact laws that will protect the right to property and enforce them.
- d) Government to provide appropriate alternative land or housing to returnee women if their property is illegally possessed from at the area where they come from.
- e) Governments and other partners to give special attention to sanitation and water facilities in refugee camps and health centers that accommodate survivors of conflict.
- f) The need for giving special protection to pregnant women and girls, especially those whose pregnancy resulted from rape, or who have acquired HIV AIDS etc. However, this should be done through an elaborate consultative process, including the host communities, so as to ensure that the host communities do not reject the returnees.
- g) The need for providing alternative livelihood opportunities to women who have lost their businesses or means of livelihood. Emphasis should be placed on unique forms of skills training such as in processing skins and hides, including the establishment of vocational training institutes, as opposed to the usual economic opportunities normally provided in agriculture and petty trade. The lack of the provision of alternative livelihood may result in survivors returning to the theatre of conflict.
- h) CSOs to provide awareness raising and sensitization sessions. Heads of clans and families and traditional rulers should be targeted in advocacy sessions that will address customary and cultural beliefs in relation to land rights and property.
- i) The need for providing women with easy and accessible funding to start their projects as an option to projects designed for them.

5. Assessment of Reintegration Mechanisms in Post Conflict Settings

1.1. Situation analysis

If the very designs of the Disarmament, Demobilisation, and Reintegration (DDR) programmes are flawed at inception stage, there will inevitably be difficulty in their management and implementation. To ensure they are not flawed, the DDR programmes need to be holistic and

include all women, women with special needs, young girls, the physically challenged, the ailing, the elderly, the returnees and IDPs, and all partners and stakeholders. DDR programmes need to be designed with the returnees in mind and include them accordingly. A number of the DDR programmes are managed by men and therefore more women need to be incorporated into their design, management and implementation. A critical factor to be considered is the challenge posed by non-state actors who step in to fill the void left by a government that is unable to provide services. Legislative language therefore needs to clarify the role of all non-state actors so as to ensure coordination, collaboration and true partnership. Returnees are sometimes rejected, ostracized and subjected to discrimination by host communities. The host community should therefore also be included in the DDR programmes and further sensitized to ensure they accept the returnees.

1.2. Good practices

South Sudan: The Comprehensive Peace Agreement (CPA) was a set of agreements signed between the Sudan People's Liberation Movement (SPLM) and the Government of Sudan in January 2005. This agreement provided for the formation of three national bodies to lead and coordinate the DDR process in the country: the National DDR Co-ordination Council (NDDRCC), the Southern Sudan DDR Commission (SSDDRC) and the Northern Sudan DDR Commission (NSDDRC). Women have played significant roles in the DDR process throughout the civil war in Sudan. Apart from women combatants, the Sudan People's Liberation Army (SPLA) also depended on other women who performed important nonmilitary roles. They were porters, cooks, field nurses, and in some cases worked as informal intelligence officers. Women were also effective in convincing their husbands, brothers and other men in their families to give up their weapons and start new lives. Women were an integral part of the DDR process and in the right context they could have made the reintegration into society much easier and faster. The SPLA also decided that it will demobilize female combatants recognizing the fact that female combatants have sacrificed their educational, family and career opportunities in precisely the same way as their male colleagues. On the political front, women also participated actively at the peace negotiations that led to the CPA.

Sierra Leone: The Truth Justice and Reconciliation Commission (TJRC) was established following 11 years of civil unrest in Sierra Leone. The work of the TJRC laid the foundation for reconciliation and healing for all of those affected by the civil war. Survivors and perpetrators are beginning to find a common ground on which to stand, live and develop the country together in peace and harmony. With regards to women and children, Section 6(2) of the TJRC Act stipulates that the TJRC should give special attention to the subject of sexual abuse and to the experiences of children in the armed conflict. A Project Coordination Agreement was signed in November 2002 between the TJRC and UN WOMEN to ensure that gender-based violence was properly accounted for during the

TJRC's work. Immediately after the end of the civil strife, the TJRC provided monetary compensation to the survivors and those communities hardest hit, allowing survivors to get necessary health treatment and other forms of assistance, in due course.

Uganda: Uganda's informal DDR process involved amnesty for former combatants, basic counseling, skills training, family tracing and opportunities to reintegrate into the Ugandan military. Following the years of violence in the region, the first phase of the DDR process in Northern Uganda focused on demobilizing and reintegrating child soldiers. It was noted that the government's reconstruction programme focused only on the infrastructure and not the people it was intended for. As a result, certain facilities were not properly utilized by the returnees. However, thorough analysis and advocacy by civil society organisations resulted in a better second phase, which included more emphasis on peer-peer trauma counseling and economic empowerment, such as the provision of community oxen for farming.

Cote D'Ivoire: CSOs in Cote D'Ivoire exchanged experiences with CSOs from Sierra Leone, and this led to the success of the Cote D'Ivoire CSOs in dealing with post-conflict resolution.

1.3. Recommendations

6. Partnerships in the promotion and protection of women's rights in conflict and post conflict situations

Lack of coordination among mandated stakeholders on delivering responses is an issue that requires due attention in responding to issues of women and girls in conflict and post conflict settings. In order to ensure coordinated response, mapping of institutions, their mandates and scope of work including the implementation of regional and international standards around women in conflict situations was stressed. The following sections illustrates some of the key partners, and their possible roles in the promotion and protection of women's rights in conflict and post conflict situations:

a) National Human Rights Institutions

National human rights institutions can play a crucial early warning and mediation role to prevent conflict. During conflicts they can continue to monitor respect for human rights to ensure accountability. They can play a mediation role and monitor respect for peace agreements and promote the adoption of measures for national reconciliation. They can serve a vital role in helping States to identify security measures which both address legitimate security threats and ensure respect for fundamental rights and freedoms. They can review and

analyse proposed legislation. They can engage in dialogue with governments and legislatures to find the best way forward. They can promote respect for human rights in times of crisis through public education campaigns and outreach. Because of their institutional role, they can raise sensitive questions that private citizens, standing alone, might hesitate to express publicly. Nis will discuss their role in preserving peace and the rule of law when emergency situations arise that endanger social stability.

b) Role of CSOs

Lack of proper infrastructure is an issue which puts rural women at a more disadvantageous situation than urban women where there is a relatively better access to humanitarian responses. Most of the time, during conflict period, urban and sub-urban areas do not seem lack the needed attention and as a result may not be fully benefit from protection extended by peace keeping forces. . The breakdown of community norms and protection may lead to a rise in sexual and gender based violence which can have severe consequences on women's health. And yet, service providing personnel such as medical personnel most likely leave those areas. In these situations ,pregnant mothers could not get the necessary and life saving assistance. In such gaps, CSOs have to play a role in bringing women's rights issue to a wider audience at the same time in providing humanitarian support.

c) Role of the Media

The media could play a role in documenting and disseminating news on violations of women's and children's rights to the community as well as to other parts of the world or the country in securing attention and intervention to issues of women. The media is also pivotal in its responsibility in the protection of women's rights by avoiding the use of inflammatory commentaries.

Recommendations:

1. Media should be held accountable through a media watch-dog
2. Institutional capacity building for the media on reporting guidelines in conflict settings should be carried out in a systematic manner through the media unions

d) Role of Political Parties

Political parties are sometimes vehicles used to violate women's rights through their proclamations and manifestos in conflict settings. Often the lack of strong deterrent mechanisms for political party conduct as well as weak institutional capacity building for the media on reporting guidelines in-country lead to inflammatory commentaries by political

parties that fuel conflicts. It is thus imperative to put in place sanctions for political parties involved in encouraging violations including de-registration and persecution of perpetrators.

Good Practice

The creation of a national cohesion and integration commission in Kenya to monitor hate speech and pursue the prosecution of perpetrators of the inflammatory speech or commentaries.

e) Role of external actors

Limited interest, involvement, and commitment of external actors in conflict resolution processes was raised as a challenge. To use international (external actors) to bring pressure to bear on state to adhere to its national legislative and policy frameworks and international instruments can contribute to state accountability for protection of its citizens specifically to give focus on the vulnerable groups.

Women's vulnerability to various forms of violence and abuse within the context of conflict increases during cross border movements. There are times where women fall neither to the country of origin nor the country of destination in terms of protective laws and instruments. It is stressed that destination countries need to be pressured to abide by international instruments and their national laws for the protection of refugees including women and girls.

On the other hand, in addressing the issue of arms trade as a catalyst for the conflicts, emphasis was made on the need for extensive engagement of international community in putting pressure on nations allowing occurrence of the arms trade in ending the consequent impact on women and girls.

f) Role of peace keeping operations

In conflict settings the reality has been that states can become partisan in protecting women's rights and protect only women perceived to be on their political side such as was the case in Cote d'Ivoire. Additionally, foreign troops sent on peacekeeping missions participate in the violation of women's rights as was the case in the DRC. The challenges in conflict settings to provide protection for women and girls often stem from the lack of political will to punish troops guilty of human rights violations during conflict. The inexistence of legal structures for extradition of guilty troops to face charges for violations committed on foreign soil and the absence of stringent measures to punish troops found guilty of committing infractions. This would deter others from engaging in violations as they will be aware of the likely sanctions.

Good practices

- Extensive involvement of state, non-state actors and peacekeeping missions in the implementation of SCR 1325 in DRC.
- Trainings on SEA (Sexual Abuse and Exploitation) to peacekeeping forces in Kenya.
- Specific instructions given by the Ugandan President to his troops before sending them off the missions.
- Institution of open days on the SCR 1325 in 2010-2011.

Recommendations

To this end, the general recommendations should urge states to:

- a) First train their troops adequately in the protection of human rights as well as ensure that a code of conduct document is disseminated to them ensuring that it is well understood and signed.
- b) Black list and prevent troops including the foreign ones found culpable in the violation of rights from being sent to any other missions. This would deter others from taking the same course of action. Any peacekeeper found guilty of violations should face the full force of the law in his/her home country once sent back, either through the judicial process, or through the court martial system and should be discharged from the force dishonorably without the option of enjoying benefits such as pensions. This stern action would deter other would-be violators.
- c) Oblige peacekeepers found guilty of human rights violations to do reparation for the victim /survivor, whether in monetary terms or in-kind to ensure that he is not left off scot-free. The loss of some monetary gains through a compensatory scheme for the victim/survivor will be a disincentive to others who are tempted to commit similar violations.
- d) Include more women in peacekeeping missions to encourage more reporting by the victims/survivors as women in the troops are often considered by the local community as "friendly" and approachable. Women peacekeepers would also be instrumental in capacity building initiatives within the forces themselves on gender and human rights.
- e) Ensure that UN/AU joint initiatives include in their strategy the protection of women within the purview of civilian protection.
- f) Ensure that the interpretation of international instruments for human rights protection in conflict settings need to be done with a gender lens e.g. the UDHR, IHL, refugee conventions.

- g) Ensure the development and dissemination of the gender training manual and code of conduct in peacekeeping operations. Armed groups and peace keepers need to be sensitised on gender and the rights of women. Those involved in peacekeeping operations should have adequate training so as to make them protectors than perpetrators

7. Over all Recommendations

a) Research and documentation of best practices

Lack of documentation of experiences on women in conflict situations was noted to be very limited. In most of the situations, the violation of women's rights is even denied and hidden for the media. As a result there is need to exploration of how and why women rights are violated during armed conflict by all responsible internal and external actors. All human rights violations must be documented, reported and prosecuted.

b) Early warning networks, strategies including women in these networks and looking at issues from women's lenses

Conflict may not always be completely unpredictable. Despite their own causes and contexts, there are signs and symptoms before it becomes a full-fledged conflict. But from those symptoms best case/worst case scenarios can be developed and analyzed and preparation for early response can be made to mitigate the impacts of conflict on women. However, as in the case of Rwanda for example, no one gives due attention and early response. Such early warnings give space for to strengthen its machineries, and time to other national and international actors to respond early in protection of women and girls. As a result, early warning mechanisms should be put in place or those existing need to be strengthened.

Similarly, involving women in networks and putting a strategy in times of peace can play an important role in mitigating the situation before it takes place. Roles of women in pre-conflict/conflict, mediation and peace building should not be undermined. Not only in pre conflict, should women also be involved in mediation and peace building processes. Despite the negative outcomes of armed conflict, women have acted as peace mediators in families and societies for generations and have proved instrumental in conflict prevention. The international community, the states and other actors need to promote the full participation of women in conflict prevention and post-conflict peace-building by provide training and reinforce these skills. These internal and external actors need to act on preparedness and prevention early during times of relative peace and ensure active and adequate participation of women in mediation and peace building. Example of Karamoda Peace Women Networks around the borders of Kenya and Uganda as mediators was

noted during the plenary discussion where the state sends them to fighters for negotiation at community levels. This could also be realized by institutionalizing women peace initiatives outside of conflict phases including non conventional methods.

c) Training is needed on gender for states' institutions and agencies, standby forces, judicial and law enforcement bodies and planners.

Peace keeping missions should be gender sensitive so as to ensure women's and children's rights are protected during conflict situations. They need to be role models in their protection of women and girls during war. The trend for training of peacekeepers and the police should be changed as to include the social dimensions specifically in the protection of women and children. There is need in strengthening the civil-military coordination and expand the mandate of peace keepers to include civilian components and strengthen partnership. Planners from UN/AU/RECs peace keeping missions, CSOs, and the state should always consider humanitarian situations and incorporate gender aspects in their plans.

d) Strengthening the institutional frameworks for protection of women's rights: infrastructure

Limited capacity of the judiciary and the police was raised and discussed. The need for strengthening the state machineries (the police and the judiciary) both in number and quality of service (gender responsiveness) so as to cover rural areas and at the same time enhance their capacity to prosecute cases of violence.

e) Non negotiable inclusion of gender in state reports on various instruments:

Lack of reporting mechanisms and as a result lack of state accountability mechanism was raised as a problem. Suggested was for the states to be urged to incorporate gender aspects of human rights implementation on their reports on human rights instruments. In addition, the following are proposed:

- A criteria needs to be put in place to determine country eligibility before it ratifies the convention.
- More wide spread use of the periodic reports as well as follow-up reports to monitor violations.
- Frequent use of the **inquiry procedure** for the grave violations reported by the CEDAW committee should be encouraged.
- Encourage use of peer mechanisms to check violations across regions e.g. use of the APRM mechanism of NEPAD.

f) Others

The following were recommendations were put forth in protecting women's rights during conflict situations:

- The use of traditional structures including traditional leaders, secret societies, and institutions in protecting women in peace processes.
- Enforcement of international and regional commitments banning conscription of child soldiers
- The adoption of guidelines for a rapid response by the justice sector
- Monitor media reports to ensure balanced presentation of information and refer to the developments in international law on the role of media Press
- Training of journalists on gender and providing information on evolutions in international criminal law with regards to the role of media
- Provision of psycho-social, medical and legal support to women in times of conflict
- Provision of assistance to women human rights defenders