

GLOBAL MONITORING CHECKLIST ON WOMEN, PEACE AND SECURITY

Afghanistan • Democratic Republic of Congo
Nepal • Northern Ireland • Sri Lanka



Gender Action for Peace and Security UK

Gender Action for Peace and Security UK (GAPS) was formally established in May 2006. GAPS is a research and advocacy organisation that works to bridge the gap between the realities of women (activists and non-activists) at the local level in conflict and post-conflict regions and UK decision makers and practitioners working on peace and security. GAPS will highlight both practical examples of women's contributions to peace and reconstruction efforts as well as strategic ways forward for the implementation of UN SCR 1325 and the UK National Action Plan.

GAPS works for the promotion of equality and diversity for the public benefit by: "building on UNSCR 1325; and, through collective action, promoting, facilitating and monitoring the meaningful inclusion of gender perspectives in all aspects of UK policy and practice on peace and security".

This is achieved by the collaborative research and advocacy by working group members around key policy instruments such as UN Security Resolution 1325 on Women, Peace and Security and the UK National Action Plan on women, peace and security.

The strength of GAPS lies in it being an expert group of individuals and organisations working on gender, peace and development issues that is able to act as a resource and provide support to policymakers engaged in promoting peace and security. GAPS' members have extensive contacts in conflict-affected regions and at different national

and international policy levels. The pooled learning and practical experience of the group enables it to act as a valuable resource for the UK government in ensuring implementation of its commitments as well as raising awareness of issues related to women, peace and security. GAPS had input into the UK National Action Plan on women, peace and security.

GAPS working members are: International Alert, IANSA Women's Network; International Rescue Committee; Northern Ireland Women's European Platform; Soroptimist International; UNIFEM UK; United Nations Association UK; Widows for Peace through Democracy; Womankind Worldwide; Women for Women International, UK; UK Women's International League for Peace and Freedom (UK WILPF); plus, three independent consultants.

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Acronyms

ADB	Asian Development Bank	GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation)
AfDB	African Development Bank	HRW	Human Rights Watch
APPG	UK All Party Parliamentary Group	ICC	International Criminal Court
ASEAN	Association of Southeast Asian Nations	ICG	International Crisis Group
AU	African Union	ICRC	International Committee of the Red Cross
CAF	Country Assistance Framework	IDP	Internally displaced persons
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women	IHL	International Humanitarian Law
CIDA	Canadian International Development Agency	ILO	International Labour Organisation
CPP	Conflict-Prevention Pool, UK Foreign and Commonwealth Office	IMF	International Monetary Fund
CSO	Civil society organisation	INGO	International non-governmental organisations
DDR	Disarmament, demobilisation and reintegration	INSTRAW	Institute for Research and Training for the Advancement of Women
DDRRR	Disarmament, demobilisation, reintegration, resettlement and repatriation	IOM	International Organisation for Migration
DfID	UK Department for International Development	IRC	International Rescue Committee
DPKO	UN Department of Peacekeeping Operations	JICA	Japan International Cooperation Agency
EC	European Commission	MDGs	Millennium Development Goals
EUROPOL	European Law Enforcement Organisation	MEP	Member of the European Parliament
FCO	UK Foreign and Commonwealth Office	MoD	UK Ministry of Defence
FPTP	First-past-the-post	MoI	Ministry of Interior
GAPS	Gender Action for Peace and Security UK	NAP	National action plan
GenCap	UN Gender Standby Capacity Project	NGO	Non-governmental organisations
GRB	Gender Responsive Budgeting	OCHA	UN Office for the Coordination of Humanitarian Affairs

OHCHR	Office of the High Commissioner for Human Rights
PR	Proportional representation
PRGSP	Poverty reduction and growth strategy paper
PRSP	Poverty reduction strategy paper
PSWG 1325	UN Peace Support Working Group 1325
SAARC	South Asian Association for Regional Cooperation
SAP	South Asia Partnership
SGBV	Sexual and gender-based violence
SSR	Security sector reform
TRC	Truth and Reconciliation Commission
UNCT	UN Country Team
UNDAF	UN Development Assistance Framework
UNDHR	UN Universal Declaration of Human Rights
UNDP	UN Development Programme
UNFPA	UN Population Fund
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UNIFEM	UN Development Fund for Women
UNMIN	UN Mission in Nepal
UNPFN	UN Peace Fund for Nepal
UNSCR 1325	UN Security Council Resolution 1325 on Women, Peace and Security (2000)
UNSCR 1820	UN Security Council Resolution 1820 on Women, Peace and Security (2008)
USAID	US Agency for International Development
VAW	Violence against women
WB	World Bank
WFP	UN World Food Programme

Glossary

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Adopted in 1979 by the UN General Assembly and consists of a preamble and 30 articles, which define what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. By accepting the Convention, States commit themselves to such national action.¹

Disarmament, demobilisation and reintegration (DDR)

DDR programmes include activities designed to facilitate disbanding combatants and easing their transition back into society. They are often given priority at the cessation of hostilities. Disarmament is the collection of small arms and light and heavy weapons within a conflict zone. Demobilization refers to the process by which parties to a conflict begin to disband their military structures and combatants begin the transformation into civilian life. Reintegration has two phases: initial reinsertion into a combatant's former home or new community and longer term reintegration which is aimed at ensuring permanent disarmament and sustainable peace.²

Gender

Gender means the roles, relationships, experiences and expectations are learned. They can change over time and vary over cultures. These identities are attributed to men, women, girls and boys on the basis of their sex. These different roles and relationships are socially constructed, are influenced by local contexts and other forms of social differentiation, such as age, ethnicity,

class, caste, religion and socio-economic status. They are important for understanding the socio-economic dynamics and impact of conflict.

Gender-based violence (GBV)

GBV refers to violence that is primarily targeted against individuals or groups of individuals on the basis of their gender identity. It includes acts that inflict physical, mental or sexual harm or suffering, threat of such acts, coercion and other deprivations of liberty. GBV can take place in the home, in the community or in public institutions and is exacerbated by conflict and include sexual violence, exploitation, abuse and harassment; interpersonal violence in the home; sex trafficking and forced prostitution; harmful cultural practices such as female genital mutilation; and physical, sexual and psychological violence perpetrated or condoned by the state. Although women and men can be victims of GBV, it particularly affects women due to unequal gender relations. GBV is often used interchangeably with the term violence against women (VAW).

Gender mainstreaming

Gender mainstreaming is "the process of assessing the implications for women and men of any planned action, including legislation, policies and programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality."³

Security Council Resolution 1325 on women, peace and security (UNSCR 1325)⁴

UNSCR 1325 was passed unanimously on 31 October 2000 and is the first resolution passed by the Security Council that specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace. It formally acknowledges women's right to participate in all aspects of conflict prevention and resolution, post-conflict reconstruction and peacebuilding and it recognises their right to protection and called for an end to impunity for conflict-related violence against women.

Security Council Resolution 1820 on women, peace and security (UNSCR 1820)⁵

UNSCR 1820 was adopted on 19 June 2008 and recognizes sexual violence as a security issue that demands a security response. It affirms that sexual violence affects not only the health and safety of women, but the economic and social stability of their nations. The resolution urges concrete measures to protect women from violence perpetrated against them in the context of conflict.

Security Sector Reform (SSR)

SSR refers to "the transformation of the 'security system' - which includes all the actors, their roles, responsibilities and actions – working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework".⁶

Transitional justice

Transitional justice is "a response to systematic or widespread violations of human rights. It seeks recognition for victims and to promote possibilities for peace, reconciliation and democracy. Transitional justice is not a special form of justice but justice adapted to societies transforming themselves after a period of pervasive human rights abuse. In some cases, these transformations happen suddenly; in others, they may take place over many decades."⁷

- 1 For more information, see <http://www.un.org/womenwatch/daw/cedaw/>.
- 2 Anderlini, S. and Conaway C. (2006). 'Disarmament, Demobilisation and Reintegration'. In *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*. International Alert and Women Waging Peace. Available at http://www.international-alert.org/pdfs/TK8_DDR.pdf. Women War Peace website 'Disarmament, Demobilization and Reintegration (DDR)'. Available at <http://www.womenwarpeace.org/node/4>. United Nations DDR Resource Centre website. Available at <http://www.unddr.org/whatisddr.php>
- 3 United Nations (1997). 'Report of the Economic and Social Council for 1997. A/52/3.18'. September 1997. Available at <http://www.un.org/documents/ga/docs/52/plenary/a52-3.htm>.
- 4 UNSCR 1325 is available at <http://www.peacewomen.org/un/sc/res1325.pdf>.
- 5 UNSCR 1820 is available at <http://daccessdds.un.org/doc/UNDOC/GEN/N08/391/44/PDF/N0839144.pdf?OpenElement>.
- 6 OECD (2001). *Helping Prevent Violent Conflict*. The DAC Guidelines. Paris, France. Available at <http://www.oecd.org/dataoecd/15/54/1886146.pdf>. P. 38.
- 7 International Center for Transitional Justice (ICTJ) website. Available at <http://www.ictj.org/en/tj/>

Introduction

Background

Only one in 40 peace agreement signatories over the past 25 years were women.¹ In the Democratic Republic of Congo (DRC), where brutal forms of sexual violence are routinely perpetrated with impunity, it is estimated that several hundred thousand women have been raped since the beginning of the war.² In Sri Lanka, women make up only 5.8 percent of the national parliament.³ In Nepal there are only five female judges across the local and national judiciary.⁴ Over 87 percent of Afghan women experience domestic violence and live in constant insecurity.⁵ It is clear women remain marginalised from peacebuilding and reconstruction processes, and their security needs are still not prioritised by the international community despite numerous commitments to protect, empower and assist women living in conflict-affected contexts around the world.

On 31st October 2000, the UN Security Council unanimously adopted resolution 1325 on Women, Peace and Security (UNSCR 1325): a ground-breaking political achievement for women. UNSCR 1325 represents a turning point in the understanding of how both women and men are critical to peace and security. It formally acknowledges women's right to participate in all aspects of conflict prevention and resolution, post-conflict reconstruction and peacebuilding, and it recognises their right to protection, calling for an end to impunity for conflict-related violence against women. UNSCR 1820, adopted in June 2008, takes further steps in urging concrete measures to protect women from sexual violence in conflict and,

importantly, acknowledges the link between addressing sexual violence and the maintenance of international peace and security.

Despite some progress, eight years after the adoption of UNSCR 1325, governments continue to find it difficult to translate the resolution into concrete policy and strategic actions in conflict-affected regions, where it is most critical that peace and reconstruction efforts take women's needs and capacities into account. Significant challenges remain in raising awareness of this resolution. Understanding of how to implement UNSCR 1325 is limited, which leads to gaps when turning the commitments of the resolution into practice on the ground. Indeed, the breach between policy rhetoric and actual progress for women is vast; and, where there have been positive initiatives, it is difficult to measure how they have improved the reality for women at the local level.

On the other hand, long before the adoption of UNSCR 1325, women were actively engaged in peacebuilding and post-conflict reconstruction processes, particularly at the community level. They continue to do so and their essential contributions as agents for peace must not be overlooked. For example, in Northern Ireland women formed a political party and crossed sectarian lines to deliver key services to communities. In the 1970s and 1980s, Sri Lankan women were at the forefront of forming human rights organisations and advancing dialogue through peace initiatives. Since 2001, the women's movement in Afghanistan has been providing legal advice and support, lobbying for justice reform and building the capacity of women to

engage in politics. Women are increasingly recognised as being central to peace and security, and indeed their roles go beyond that of the victim to include those of violent perpetrators, peacebuilders, mediators, negotiators, political agitators, economic providers and as change agents within their families, communities and countries. However, these diverse activities mostly take place at the community level, and therefore they often go unrecognised and remain underfunded by national governments and the international community. This local capacity must be acknowledged, supported and monitored to enhance global peacebuilding efforts.

The Global Monitoring Checklist on Women, Peace and Security

The Global Monitoring Checklist on Women, Peace and Security is a pilot project that aims to contribute in a small way towards the international understanding on women, peace and security efforts. It does so by highlighting examples of activities to support UNSCR 1325 at the local and national level by women, civil society, national governments and the international community. It is not intended to be a comprehensive survey of all activities relating to women, peace and security; rather, it is a first step in gathering and collating relevant information and linking it directly to UNSCR 1325 implementation.

Since 2005, 14 UN member states have developed National Action Plans (NAPs) to support the implementation of UNSCR 1325, and the UK government (HMG) was the second UN member to launch such a plan in March 2006. According to HMG, the NAP is a 12-point living strategy document that should be regularly evaluated and updated. Indeed, HMG has made public two narrative reports chronicling some of the activities undertaken in relation to the plan. However, one of the shortcomings identified by civil society is the lack of clear lines of responsibility, baseline data, benchmarks, timelines and indicators in the NAP. Indicators are essential for both HMG and civil society to be able to measure implementation of the plan at UK, regional and international levels. Indicators would also help stakeholders to monitor and evaluate the impact of implementation across



conflict-affected countries. Some newer NAPs, such as that of the Austrian government, clearly lay out such timelines and indicators to assist in its evaluation and impact assessment.

Mindful of this, and in support of work already carried out by women's organisations, governments and multilateral agencies, this checklist provides country-specific information that identifies achievements, good practice and obstacles to the implementation of UNSCR 1325. It has been compiled in order to monitor progress in advancing the women, peace and security agenda in five conflict-affected regions, namely Afghanistan, the DRC, Nepal, Northern Ireland and Sri Lanka. The overall aims of the project are to: contribute towards a deeper understanding of the substantive issues covered in the resolution; to provide practical information to assist a variety of stakeholders in their fulfilment of their commitments on UNSCR 1325; and to present this information in a clear, usable format that will be accessible to policymakers, civil society activists and other stakeholders.

Methodology

The research has been carried out by Gender Action for Peace and Security UK (GAPS). GAPS is the expert UK civil society group working to promote, facilitate and monitor the meaningful inclusion of gender perspectives into UK policy and practice on peace and security. Since 2007, GAPS has focused its advocacy and research efforts on conflict countries where the UK government is engaged through domestic policy, direct military action, peacebuilding or humanitarian and development assistance. The Checklist examines five of these conflict contexts: Afghanistan, the DRC, Nepal, Northern Ireland and Sri Lanka. The countries were selected for this research as they encompass a range of contexts, including a conflict situation, negotiation situation and post-conflict/reconstruction situation; and secondly, on the basis that GAPS member organisations were sufficiently active in the region and have partners or programmes at the local level.

As a group, GAPS has extensive contacts in conflict-affected regions and at national and international policy levels, including the UN. GAPS members

are experts in the fields of gender, peacebuilding, humanitarian response, development and human rights issues, and are able to act as a valuable resource, providing support to policymakers and practitioners engaged in promoting peace and security within the UK. Country research was carried out by: members from the region who are engaged in the area of gender and security issues (DRC and Northern Ireland); by an individual who has worked for the UN on gender and security issues in-region (Nepal); and by members who closely engage with and support local partners with active programmes on women, peace and security issues (Afghanistan and Sri Lanka).

Through consultation with GAPS members, indicators were identified and designed using the substantive content of UNSCR 1325 and the UK NAP as a framework. Where possible, the indicators have been specifically linked to UNSCR 1325 articles and action points from within the UK NAP. Eleven indicators were developed and every checklist section covers one indicator with relevant sub-indicators. The collection of quantitative and qualitative data has been linked to these indicators and their sub-indicators. These sections are listed below (with the relevant UNSCR 1325 articles and UK NAP action points listed in parentheses afterwards):

1. Key UNSCR 1325 Actors In-country
2. Key National Policy Frameworks
3. National-level Activities Related to UNSCR 1325
4. National Government Financial Resources (Article 7)
5. Peace Negotiations and Peace Agreements (Article 8/Action Point 8)
6. Governance and Institution Building (Article 13)
7. Security Sector Reform (SSR) and Disarmament, Demobilisation and Reintegration (DDR) (Action Point 11)
8. Transitional Justice and Judicial Reform
9. Sexual and Gender-based Violence (SGBV) Prevention and Response (Articles 10–12/Action Point 9)
10. International Law (Article 9)
11. UN In-country

where the agenda appears not to have moved forward, the Checklist can be used as an advocacy tool to urge national and international actors to tackle such delays. The Checklist is also aimed at civil society organisations working on peace and security in the five countries, as it provides a useful framework for monitoring progress made by their own governments in implementing UNSCR 1325.

Structure of Global Monitoring Checklist

The Checklist has been organised by country case study. Each chapter begins with an accessible table listing three positive and three negative aspects linked specifically to women, peace and security in each country. A brief introduction to the conflict gives an insight into its impact on women's rights, as well as highlighting key issues currently affecting women, such as access to decision-making and justice, and levels of violence against women. In addition, it provides an overview of women's roles during the conflict and peacebuilding processes, highlighting positive activities. Each country chapter is divided into 11 sections: the 11 key UNSCR 1325 indicators. To ensure the information is accessible, the sections are divided into sub-indicators, to which quantitative and qualitative information has been clearly linked. Every chapter concludes with highlights of the case study findings and goes on to list country-specific recommendations for national governments and the international community to consider when carrying out peace and security initiatives in-country.

In conclusion, the Checklist provides a summary of the progress made to date on global implementation of UNSCR 1325. Whilst the Checklist is more focused on country-specific information, attempts have been made to highlight and discuss general trends that are visible across the five case studies. Recommendations for the international community are linked to each of these trends.

Endnotes

- 1 UN Development Fund for Women (UNIFEM) (April 2009). *Women's participation in peace negotiations: Connections between presence and influence* (Ongoing research). New York, US. Available at http://www.realizingrights.org/pdf/UNIFEM_handout_Women_in_peace_processes_Brief_April_20_2009.pdf. p.1.
- 2 C. McGreal. 'Hundreds of thousands of women raped for being on the wrong side', *The Guardian* (UK), 12th November 2007. Available at <http://www.guardian.co.uk/world/2007/nov/12/congo.international>; S. Kirchner. 'DR Congo: Hell on earth - Systematic rape in eastern Congo', *The Journal of Humanitarian Assistance* (JHA), 6th August 2007. Available at <http://www.reliefweb.int/rw/rwb.nsf/db900SID/AMMF-75XDCR?OpenDocument>.
- 3 Inter-Parliamentary Union website, 'Women in National Parliaments'. Available at <http://www.ipu.org/wmn-e/classif.htm>. Accessed April 2009.
- 4 Child Workers in Nepal Concerned Centre (CWIN) website, 'Fact sheet: Women in Nepal'. Available at http://www.cwin.org.np/press_room/fact_sheets/women_in_nepal.htm.
- 5 WOMANKIND Worldwide (2008). *Taking stock update: Afghan women and girls seven years on*. London, UK. Available at <http://www.womankind.org.uk/takingstockdownloads.html>. p.21.

AFGHANISTAN



Afghanistan

Achievements	Challenges
Gender analysis is integrated across national policies such as the Afghan National Development Strategy.	Levels of violence against women remain very high and women are discouraged from engaging in politics and public office due to threats of violence.
Legal provisions in the Afghan criminal law and penal code criminalise violence against women.	Ministry of Women's Affairs is marginalised through limited financial resources and low capacity.
Thirteen newly established Family Response Police Units improve national response to violence against women.	Very few women engaged in peace negotiations: 9 percent of Bonn Agreement signatories were women.

Acronyms

AIHRC	Afghan Independent Human Rights Commission
ANA	Afghan National Army
ANBP	Afghanistan New Beginnings Programme
ANDS	Afghan National Development Strategy
ANP	Afghan National Police
AREU	Afghanistan Research and Evaluation Unit
AWN	Afghan Women's Network
BCPR	Bureau of Crises Prevention and Reorganization
DOWA	District of Women's Affairs
GoA	Government of Afghanistan
i-ANDS	interim Afghan National Development Strategy
IEC	Information, Education and Communication
IPCB	International Police Coordination Body
ISAF	International Security Assistance Force
LOFTA	Law and Order Trust Fund Afghanistan
MOWA	Ministry of Women's Affairs
NAPWA	National Action Plan for the Women of Afghanistan
NCC	NGO Coordination Council
NSP	National Solidarity Programme
OEF	Operation Enduring Freedom
PRT	Provincial Reconstruction Team
UNAMA	UN Assistance Mission in Afghanistan

Afghanistan has a rich and complicated history involving many years of instability and conflict. It is a country of huge cultural diversity, which links it closely to its neighbours: Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan. The ethnic diversity of the population covers such groups as the Aimaq, Hazarah, Pashtun, Tajik, Turkmen and Uzbek. Indeed, loyalties toward tribes are more powerful than those toward the Afghan state. The conflict that currently besets Afghanistan is taking place within the wider context of tribal conflict.¹

Afghanistan has now experienced nearly 30 years of intense conflict and prolonged instability. Both national and international actors have played a part in these power struggles, which have left Afghanistan one of the poorest countries in the world today.² Years of violent conflict have had a significant impact on the country's infrastructure, rule of law, governance, legal systems, human rights and human security. A study in 2004 by the Afghan Independent Human Rights Commission (AIHRC) found that nearly 70 percent of Afghans identified themselves or their immediate families as direct victims of a serious human rights violation during this period.³ Women and girls in particular have been affected by this ongoing conflict and instability, often in horrific ways. Indeed, Afghanistan today is still 'one of the most dangerous places in the world to be a woman'.⁴

Following internal violence, Afghanistan descended into armed conflict in 1979 when Soviet troops entered the country and a brutal war ensued. In 1989 the Soviet Union withdrew troops from the country, which was then left in a state of civil war. In 1993 Mujahideen factions formed a government and Taliban forces increased their control over the country. The Taliban imposed gender apartheid in Afghanistan, banning women from employment in most sectors, limiting access to education and restricting their fundamental freedoms.⁵ The Ministry for the Promotion of Virtue and the Prevention of Vice beat women publicly for 'among other things, wearing socks that are not opaque enough, showing their wrists, hands, or ankles; and not being accompanied by a close relative; but also for educating girls

in home-based schools, working, and begging'.⁶ Women suffered human rights abuses on a huge scale during the civil war, including sexual assault, abduction, forcible marriage, displacement and physical assaults.⁷

Following 9/11, in October 2001 the US and UK launched air strikes against Afghanistan. Part of the justification employed by the British and American governments for invading Afghanistan was the liberation of Afghan women from the subjugation, violence and injustice they experienced under the Taliban. The Taliban regime had fallen by the end of 2001, CEDAW was signed in 2003, followed by the Bonn Peace Agreement and a new constitution in 2004. In 2005 the first parliamentary and provincial elections were held in the country for more than 30 years. Since 2001, NATO has remained active in the country, supporting the International Security Assistance Force (ISAF). In addition, 60 countries have committed to developing and rebuilding in the country through the Afghanistan Compact.⁸ Yet, violence in the country is once again increasing, as attacks by armed opposition groups reach levels not seen since 2001 and civilian deaths mount.⁹

In Afghanistan, women's non-governmental organisations (NGOs), activists, civil servants and MPs have been growing in strength since 2001. They continue to undertake a variety of local and national activities to implement UN Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325) through promoting women's rights, increasing their civil and political participation, and in protecting women and girls both at a grassroots and national level. However, the context remains extremely challenging for women and girls in the country. A report in 2008 from WOMANKIND Worldwide showed that violence against women (VAW) is still pervasive, with over 87 percent of women affected by domestic violence, at least 60 percent of marriages in Afghanistan forced and 57 percent of girls are married before the age of 16.¹⁰ Furthermore, Afghanistan is estimated to have one of the highest numbers of widows in the world, who are acutely marginalised and have little access to support or representation.¹¹ Whilst women in Afghanistan have worked hard to ensure more political and civil



participation, there is still an urgent need to ensure better representation and increased participation of women in decision making and to build a strong civil society. This needs to be considered in the context of the high levels of violence against women, which impacts on their accessing public positions given the threats against their safety. Indeed, on 12th April 2009, Sitara Achakzai, an Afghan woman's human rights defender and Provincial Council member from Kandahar, Afghanistan, was killed outside her home for daring to prove that women can be leaders for peace, change and equality. In addition, Afghanistan still suffers one of the highest maternal mortality rates in the world, a female illiteracy rate of over 87 percent and even today only 5 percent of girls are enrolled in secondary school.¹² It is true that progress has been made for women in Afghanistan, and women are optimistic about their future.¹³ However, nowhere is UNSCR 1325 more relevant than in the context of Afghanistan. More urgently needs to be done to ensure resources and political will are mobilised for its implementation. Afghan women's empowerment is not a short-term project and it will take decades to achieve gender equality. However, the Government of Afghanistan (GoA) and the international community must seize opportunities gained from recent progress to ensure that both women and men are able to build and contribute to a peaceful and secure Afghanistan.

1 Key UNSCR 1325 Actors in Afghanistan

Key national actors

President

Hamid Karzai

Government of Afghanistan

The GoA has committed itself to the empowerment of women and the inclusion of both men and women in peace and the reconstruction of the country. (See Section 3: National-level Activities Related to UNSCR 1325.)

Ministry of Women's Affairs (MOWA)

MOWA coordinates, leads, monitors and controls the activities of governmental organisations and national and international NGOs that work and serve Afghan women and girls. MOWA prepares short- and long-term action plans, strategies and policies to improve the living conditions of women.

Afghan Independent Human Rights Commission (AIHRC)

Set up in 2002, AIHRC has made violence against women a cornerstone of its programming, collecting statistics and raising awareness on the issue for the first time in Afghan history. Chair: Dr Sima Samara.

Anti-Trafficking task force (GoA)*

According to the UN High Commissioner for Refugees (UNHCR), the GoA's national anti-trafficking task force has met, but is not active. However, the GoA has disseminated information about missing children through the media and mosques, and conducted limited police training to raise awareness of trafficking.¹⁴

Family courts

The Supreme Court has established Special Courts within the structure of the Supreme Court to resolve special cases. These courts are named the following: the Specialized Family

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Court; the Primary and Appellate Narcotics Courts; the Primary and Appellate Courts of Crimes against Internal and External Security; the Primary and Final Courts of Property Disputes; and the Specialised Juvenile Court. There is only one Family Court (Kabul).

Afghanistan Commission for Reform of the Justice and the Judiciary

Female journalists

There are numerous female journalists in Afghanistan. However, they face considerable danger whilst carrying out their work and many have been murdered in recent years.¹⁵ Many women reporters report on the situation of violence against women.

NGO Coordination Council (NCC)

The NCC was founded by MOWA and the UN Development Fund for Women (UNIFEM). It promotes commitment to the advancement of women through the programmes of their member NGOs across the country. It is composed of three of the biggest NGO coalitions in the country, including the Afghan Women's Network (AWN).

Key international actors

Canadian International Development Agency (CIDA)

Afghanistan is Canada's largest-ever bilateral aid recipient (CIDA's primary focus is on Kandahar). Canada's engagement in Afghanistan supports the GoA to: 1) maintain a more secure environment and establish law and order by building the capacity of the Afghan National Army (ANA) and Afghan National Police (ANP), and supporting efforts in the areas of justice; 2) provide jobs, education, and essential services; 3) provide humanitarian assistance, including to refugees; and 4) enhance the management and security of the Afghanistan-Pakistan border.¹⁶

EU

Since 2002 the European Commission (EC) has contributed more than €1.4 billion to Afghanistan, which has been used for humanitarian purposes as well as to support priority reconstruction and development efforts included in the National Development Framework, the interim Afghan National Development Strategy (i-ANDS) and, more recently, the Afghan National Development Strategy (ANDS). The EC is committed to the Afghanistan Compact, and Commissioner for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner reiterated the EC's commitment to the Afghanistan Compact at the Paris conference of 12th June 2008.

ISAF

A NATO-led multinational force (including the US, UK, Canada, Germany, and Netherlands) under a UN Chapter VII Mandate.¹⁷ In 2006 the number of international military forces including US-led Operation Enduring Freedom (OEF) as well as ISAF troops increased to at least 49,000.¹⁸ In 2007 there were an estimated 2,000 non-combatant civilian deaths in Afghanistan, with insurgent groups causing just under half of the casualties and international forces causing over a quarter through indiscriminate attacks in aerial bombardments and other operations.¹⁹ Suicide attacks by armed groups killed around 300 civilians. All sides of the conflict must do more to protect civilians.

ISAF has no clear strategy or approach to protecting women and girls,²⁰ despite a core part of its mission being 'to help build a multi-ethnic, gender friendly and stable Afghanistan'.²¹

In Afghanistan, NATO has yet to use UNSCR 1325 as a tool or reference to entrench peace and security for women. Despite

ISAF's mandate mentioning the importance of the promotion and respect for women's human rights, none of the seven Security Council resolutions related to the ISAF mandate make reference to UNSCR 1325 and there is no gender perspective within ISAF's mission.²²

Provincial Reconstruction Teams (PRT)

International PRTs consist of military, political and development components. ISAF PRT Handbook mentions the importance of PRTs "to endeavour to have a gender component" because PRT development activities are to support local priorities within the national development framework, such as ANDS. However, the use of PRTs remains controversial, as the lines between military security work and civilian humanitarian or development activities have been blurred and opportunities to involve women are rarely taken. PRTs are reported to lack gender strategies and women have not been effectively consulted with respect to their work.²³

Ministry of Foreign Affairs and Ministry of Defence, Netherlands

The Netherlands has contributed by deploying military personnel and providing financial assistance for humanitarian programmes and general reconstruction.

UK Department for International Development (DfID)

DfID supports three of the Afghan government's own objectives, as set out in their i-ANDS: 1) building effective state institutions; 2) improving economic management, and the effectiveness of aid to Afghanistan; and 3) improving the livelihoods of rural people.²⁴

Key national and international civil society actors

US Agency for International Development (USAID)

USAID assistance covers three core areas: economic growth, democracy and good governance, and health and education.²⁵

National organisations include:

Acting in Solidarity with Afghan People
 Afghanistan Justice Project
 Afghan Research and Evaluation Unit
 Afghanistan Peace Association
 Afghan Women's Network²⁶
 Afghan Women's Council
 Afghan Women's Mission
 Afghan Women Welfare Department
 Afghan Women's Educational Centre
 Afghan Women's Research Centre
 Afghan Women and Children Development Centre
 Association de Soutien aux Femmes d'Afghanistan
 Revolutionary Association of the Women of Afghanistan
 Support Afghan Women
 Women's Alliance for Peace and Human Rights in Afghanistan
 Women's Commission for Refugee Women and Children
 Women for Afghan Women

Whilst many actors do not refer explicitly to UNSCR 1325 in their work, they play a role in its implementation by:

- Funding/running women's empowerment programmes that increase women's participation in education, civil society, political structures, employment and media;
- Promoting women's human rights through rights-based education, use of information, education and communication (IEC) materials, campaigns, community education schemes, use of women's and youth groups;

- Lobbying for legal reform, e.g. new legislation, implementation of existing legislation, reform of penal conditions, access to legal support;
- Lobbying for transitional justice;
- Collecting data on VAW cases;
- Researching and monitoring women's participation in national political mechanisms and governmental gender mainstreaming; and
- Representing women in government, often in extremely intimidating circumstances.

International organisations include:

Amnesty International
 Global Rights
 Human Rights Watch
 Killid Media Group
 Medica Mondiale
 Save the Children
 War Child
 WOMANKIND Worldwide
 Women for Women International

2 Key National Policy Frameworks

Key national policy frameworks and gender focus within policy

Afghanistan Compact

The Compact is an agreed basis for international work and funding to the GoA.²⁷ The Compact recognises 'in all policies and programmes that men and women have equal rights and responsibilities'.²⁸ In addition, that 'by end-2010: the National Action Plan for Women in Afghanistan will be fully implemented; and, in line with Afghanistan's MDGs (Millennium Development Goals), female participation in all Afghan governance institutions, including elected and appointed bodies and the civil service, will be strengthened'.²⁹

ANDS

This represents the combined efforts of the Afghan people and the Afghan government with the support of the international community to address the major challenges facing the country. It reflects the government's vision, principles and goals for Afghanistan, and builds on its international commitments and the implementation of the Afghanistan Compact benchmarks.³⁰

ANDS has gender equity as a cross-cutting strategy³¹ that provides a roadmap for various sectors of government to bring about changes in women's position in society, increasing access to development and improving their socio-economic conditions. The implementation framework includes:

- Strengthening MOWA;
- Reforming government entities to make gender equity a shared responsibility and monitor their performance;
- Drawing on the expertise of sector professionals, including universities, NGOs and the international community;
- Undertaking an advocacy and public communication strategy to promote women's human rights; and
- Collecting gender disaggregated data and adopting gender-

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sensitive indicators of government performance and updating these statistics annually.

National Action Plan for the Women of Afghanistan (NAPWA)

NAPWA is the main framework for gender mainstreaming in Afghanistan's government institutions. It is a 10 year strategy adopted in 2006 by the GoA to implement its commitments to women constituents and provides a high-level benchmark for achieving women's equal integration into the GoA.³²

This includes a focus on the promotion of women's leadership capacity-building for gender analysis and women in poverty; communication; negotiation and advocacy; gender budgeting; and drafting policy recommendations, planning and monitoring. Under NAPWA the government will also:

- Undertake a national advocacy campaign;
- Improve women's access to health services, in particular to reproductive health services;
- Increase the enrolment and retention rate of girls in primary and secondary schools;
- Promote women's economic empowerment;
- Address vulnerable women;
- Enhance women's rights and political participation;
- Improve women's access to community representation, particularly through the National Solidarity Programme (NSP); and
- Adopt an affirmative action policy within the public administration reform programme.³³

Political will within government bodies to implement gender mainstreaming strategies has to date been limited. Without the

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buy-in of those in leadership positions, the chance of gender being integrated into policy is 'slim'.³⁴ In addition, there is a tendency for cross-cutting issues, such as gender, to be 'sidelined' and excluded from sectoral budgets.³⁵

As with previous national policy frameworks (such as the i-ANDS), such frameworks 'imply a tacit assumption that gender mainstreaming will take place (and take hold) effectively in spite of few resources in a post-conflict, economically unstable, and unconsolidated state'.³⁶ In addition, many of the benchmarks in this document are 'vague, highly ambitious and as such largely unachievable'.³⁷

3

National-level Activities Related to UNSCR 1325

Development of a national action plan for implementation of UNSCR 1325

None.

There is currently no National Action Plan (NAP) for the implementation of UNSCR 1325 in Afghanistan and at the time of writing there was no information indicating a move to develop a plan.

Examples of national government actions taken to promote UNSCR 1325

Policy and Governance

The GoA established a new MOWA as part of the Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions (Bonn Agreement).

Afghanistan established a 25 percent quota system for the Wolesi Jirga (Lower House) and provincial councils, and 50 percent of seats appointed by the president (33 percent of delegates) to the Meshrano Jirga (House of Elders) are reserved for women.³⁸

Awareness Raising

Civic education programmes, including awareness campaigns, voter registration and the engagement of female election staff, were implemented by the GoA and helped facilitate women's participation (40 percent of registered voters) in the 2005 presidential elections.³⁹

The Ministry of Education has put special emphasis on promoting girls' education.⁴⁰

Women's *shuras* (local councils), as part of the NSP, are active throughout Afghanistan and promote women's decision making at the local level. However, women's *shuras* are rarely taken as seriously in their authority or reach as the more established and traditional men's *shuras*.⁴¹

Examples of bilateral actions taken to promote UNSCR 1325

Legal reform

A new marriage contract (nikanamah) was brought in by the GoA in 2007 and contains progressive provisions to protect women's rights in marriage – particularly in tackling early marriage.⁴²

Other

The president's office has publicly condemned VAW and child marriage.⁴³

The GoA provided land to the International Organisation of Migration (IOM) for the construction of a shelter for trafficking victims.⁴⁴

UK

- Supported the integration of gender equality into the ANDS;⁴⁵
- Gave £500,000 to support a five-year women's empowerment programme (2005-10), implemented by the NGO WOMANKIND Worldwide, which promotes women's equal participation in governance; builds awareness of women's rights among civil society and policymakers; and works on providing educational, health, and psycho-social support to women;
- Gave £1.75 million since its establishment in 2002 to support the AIHRC, including £200,000 this year to support its 2009-10 Action Plan. A large part of the Commission's work focuses on women's rights, including documenting and tackling VAW. The AIHRC now has representatives in Helmand province, who support the Women and Children's Justice Group established in Lashkar Gah in August 2008.⁴⁶

Netherlands

- Gave US\$10 million yearly to a special fund for police training, within which Dutch staff and the European Law Enforcement

Examples of national CSO actions taken to promote UNSCR 1325

Organisation (EUROPOL) provided training to the national police on how to deal with victims of VAW and women prisoners.⁴⁷

- Funded €1 million (2008–2010) towards a national programme on women's access to justice, support for women parliamentarians including technical support and political demarches, and financing a midwifery training programme.
- Funds Uruzgan radio station (with Oxfam Novib) which raises awareness on gender-related issues.⁴⁸

Little is known about UNSCR 1325 within Afghan civil society. Yet, women's organisations provide a multitude of services aimed at promoting women and girl's civil and political participation and tackling VAW, which would otherwise be unavailable in many areas. Women's NGOs play a crucial role in both filling service gaps and in building skills, knowledge and confidence amongst Afghan women and girls to enable them to participate in decision making at a household, community and national level.

Services provided include:

legal aid clinics, income-generation, schooling, rights clinics, rights training, promotion of women's human rights, healthcare training, radio stations, as well as the provision of psycho-social and legal support to women suffering from violence, forced marriage and other threats.⁴⁹

International aid to Afghanistan is tied to both the Afghanistan Compact and the recent Paris Declaration, which states that key elements are 'To promote respect for human rights of all Afghans ... [and] support the implementation of the NAP for Women'.⁵⁰

3

Bilateral donors also provide some funding for women's empowerment programmes that increase women's participation in education, civil society, political structures, employment and media. However, women's NGOs still face a significant lack of resources to undertake their programmes and are reliant on international donor organisations. However, as stated by WOMANKIND, 'just at a time when many national donors as well as private funders are beginning to reduce funding to programmes for women or scale back operations in favour of direct bilateral assistance, there are fewer and fewer sources of funds available for women's-rights work specifically. This is untimely'.⁵¹

4

National Government Financial Resources (Art. 7)

Budget allocated to national women's ministry or equivalent

No information is available on the GoA budget for promoting UNSCR 1325.

Ministry of Women's Affairs (MOWA)

Figures released by the GoA for the 2007–2008 financial year (Afghan year 1386) shows a budget of US\$2.74 million allocated to MOWA. Whilst the GoA state that a substantial amount of external support goes directly to MOWA from bilateral and multilateral donors, this figure as it stands corresponds to only 0.1 percent of the national budget. It is significantly less than allocations from the national budget to other ministries, including that allocated to the President's Office – which stood at US\$18 million for the same year.

MOWA's mandate as a policymaking and not an implementing agency means that very little of Afghanistan's core budget is allocated to its expenditure, which raises questions about governmental commitments to gender equality.

For example, in 2006–7 the GoA allocated over US\$137 million of the National Core Budget to the Ministry of Defence, and just US\$3.2 million to MOWA.⁵² (Following the Paris conference in 2008, detailed budgets for the coming years do not yet appear to be in place for all ministries.)

In addition, a significant amount of MOWA's budget appears to relate to capacity-building and costs for international technical assistance instead of direct implementation of support programmes.⁵³

Policy documents such as NAPWA and ANDS prescribe a variety of mechanisms to implement their strategies, including gender

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units, working groups and gender focal points. However, there is little, if any, budget available for funding gender mainstreaming initiatives within government bodies and limited government commitment to see these strategies through.⁵⁴

As outlined in the ANDS,⁵⁵ the total budget for the ANDS (2008–2013) is US\$50.1 billion, from which the largest allocations are given to security (US\$14.1 billion) and infrastructure (US\$17.1 billion). Whilst good governance and rule of law (US\$2.9 billion) and social protection (US\$1.8 billion) are included in the overall financing envelope, it is unclear to what extent this financing is dedicated to promoting and protecting women's human rights or ensuring the participation of women and girls in the country.

In addition, a recent study by Afghanistan Research and Evaluation Unit (AREU) showed that there appeared to be no 'direct bureaucratic procedure... for acquiring funds for the implementation of gender policies' within government ministries.⁵⁶

5 Peace Negotiations and Peace Agreements (Art. 8/AP 8)

Inclusion of CSOs within peace negotiations

By 2001, intensive civil society activity had begun, with Afghan women coming together in their thousands and producing coherent and consolidated policy demands. These were used by international civil society to advocate for Afghan women, e.g. Afghan Women's Summit for Democracy, Brussels, 4-5th December 2001 and 1000 Women conference, Kabul, 7-9th June 2002.⁵⁷

Numbers and percentage of women at national peace negotiations

Bonn Agreement

There were two women out of 25 participants present at the UN talks on Afghanistan that agreed on the provisional arrangements in the country pending the re-establishment of permanent government institutions.⁵⁸ The Bonn Agreement included both national and international commitments to women's participation in key events (such as the Emergency Loya Jirga) and the creation of MOWA.⁵⁹

Emergency Loya Jirga (2002)

12 percent women's representation.⁶⁰

Qala Musa agreement (November 2006)

Women were not included.

A requirement of the Bonn process included the formation of a MOWA to be established as part of the country's Interim Administration executive body.⁶¹

6 Governance and Institution Building (Art. 13)

Number and percentage of women on constitutional drafting committees

Drafting Committee of the Constitutional Commission

Of the committee's nine members, there were two women. This committee prepared a preliminary draft of the constitution, which was then passed to the Constitutional Review Commission – this 35-member commission included seven women.⁶² The Constitutional Commission carried out public consultations throughout Afghanistan in June and July 2003 to measure the issues that people would like to see addressed in the new constitution, including small and large group meetings in all 32 provinces.⁶³

Women's NGOs were also active in promoting public consultation, and met with the Constitution Commission's Secretariat and UN Assistance Mission in Afghanistan (UNAMA) to ensure participation of women. MOWA forwarded ideas that they collected through consultation with women's community groups to the Constitutional Commission. MOWA also held a meeting in Kabul with over 500 women present, and invited Constitutional Commission members for discussion.⁶⁴

Constitutional clauses for protection of women's/girl's rights

Constitution of Afghanistan (2004)

The constitution enshrines the rights of its citizens, including women, in Article 22, Chapter II.2: 'The citizens of Afghanistan – whether man or woman – have equal rights and duties before the law'.

The following Articles aim to protect in law the human rights of Afghan citizens including women:

- Article 6, Chapter I: State duty to create prosperity, social justice, protection of human rights and equality between groups/tribes;
- Article 22, Chapter II: Equal rights and prohibition of discrimination;
- Article 24, Chapter II: Liberty and dignity for all Afghans;
- Article 33, Chapter II: Referring to the right to vote and to be elected;

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Number and percentage of women in decision-making positions

- Article 38, Chapter II: The right to private property; and
- Article 83, Chapter V: Election law, including reference to a minimum of two female delegates per province.⁶⁵

Afghanistan's parliament

Of 249 MPs 68 are women. This exceeds the 25 percent quota in place for women's representation.⁶⁶

While women's presence in parliament is facilitated by the quotas (23 percent for the lower house and 33 percent for the upper house), their presence does not mean that they hold the same degree of power as male MPs.⁶⁷ Threats and intimidation to female MPs continue and at least six women MPs have had their lives threatened in the last two years.⁶⁸ In addition, women in parliament do not form a consistent collective interest group.⁶⁹ The creation of political space for women in parliament has therefore not resulted in their collective gender interests being substantively represented.⁷⁰

Afghan Cabinet

All posts in the current Afghanistan administration are men, with the exception of the MOWA.⁷¹ In its current state, MOWA forms the 'central component of Afghanistan's national machinery for women'.⁷²

There is only a single woman governor (out of 32 governors).⁷³

There are approximately 38,000 women employed in the national government (about 25 percent of civil servants). However, women rarely occupy senior-level positions with actual power to influence and change government policies.⁷⁴

Little has been done to facilitate women's representation in government at the district and municipal level.⁷⁵

Provincial Councils

Women sit alongside men on provincial councils, representing women's interests at the local level. However, it is not known to what extent female representatives hold meaningful power.⁷⁶

Community Forums

Areas which have Community Forums or Village Organisations, a high level of education, and exposure to outsiders, tend to have a higher representation of women. For example, in Mazar there are 14 female and 14 male representatives who each hold regular meetings with their respective constituencies and then meet together to discuss interests, needs and strategies. It needs to be noted, however, that challenges to the female representatives' leadership and coordination with male representatives exist.⁷⁷ In addition, the quality of women's representation and their level of control are often lacking, and initiatives created for them seldom materialise.⁷⁸

Afghan Embassies and Consulates

Out of the 700–1,000 Afghan's working in Afghan embassies, consulates and missions around the world, there are only 40 women members of staff.⁷⁹

There are a number of mechanisms (including gender units, working groups and focal points) that are established in Afghanistan's ministries to implement the NAP and NAPWA. However, there has been little research to date as to exactly how these mechanisms are functioning. In addition, such mechanisms may be hindered by difficulties in obtaining funding for the implementation of gender mainstreaming.⁸⁰

A 2006 survey found that 80 percent of Afghans supported

women in parliament, suggesting significant changes in social attitudes towards women in politics.⁸¹

Women had significant participation (40 percent of registered voters) in the 2005 presidential elections.⁸²

Type of political system

First-past-the-post.⁸³

7 Security Sector Reform and Disarmament, Demobilisation and Reintegration (Action Point 11)

Number and percentage of women and girl combatants during the conflict

Information not known.

Number and percentage of women and girls in the DDR processes

Rank and file soldiers were decommissioned through the UN led Afghanistan New Beginnings Programme (ANBP). As of 2006, more than 14,000 militia members had been demobilised in eight major cities and up to 60,000 members had been demobilised from around the country.⁸⁴ Evidence suggests women combatants, if they fought, were not included in the DDR process.

Number and percentage of women in police and military

Police

Women number only 233 of an estimated 62,000 officers in the Afghan National Police (ANP).⁸⁵ In February 2004, the Ministry of Interior (MoI) established the first Unit for Female Registration Security Police for Kabul.⁸⁶

Violence against policewomen is a serious problem. In September 2008, Lt-Col Malalai Kakar, head of Kandahar's department of crimes against women, was shot dead.

Army

In 2005 there were 147 women serving in the Afghan National Army (ANA).⁸⁷

There is no gender-disaggregated data of troops in Afghanistan.⁸⁸

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Gender training and sensitisation of national actors

Human Rights Training

Police receive human-rights training, but unless specific programmes are supported by donors (e.g. the Dutch; see section 3), police do not generally receive training specifically in gender sensitivity. Thus there is no real knowledge of protections to, and the enforcement of, women's human rights in domestic and international law.

On the whole within police stations, protocols and policies on women's human rights are absent.⁸⁹ However, a tool on Police Reform and Gender has recently been translated into Dari by the UN Development Programme (UNDP) and 4,000 copies have been distributed to the ANP.⁹⁰ This should strengthen the capacity of the police force to understand and address the security needs of men, women, boys and girls from a perspective of gender equality and inclusive security.

In October 2007 Kabul hosted a five-day international conference for Muslim policewomen.⁹¹ Muslim policewomen from around the world were able to exchange ideas and experiences with their Afghan sisters and counterparts, and to enhance their policing knowledge.

Whilst gender units in some Afghan ministries have been established to ensure gender mainstreaming, raise gender awareness and monitor the implementation of gender mainstreaming, these units are 'generally under-resourced and short-staffed' and can result in gender issues being segregated and sidelined. In addition, gender units are currently waiting too long for financing for their work and are over-reliant on gender workshops instead of integrating gender issues into other training courses for ministry staff.⁹²

8 Transitional Justice and Judicial Reform

Number and percentage of women as commissioners in truth and reconciliation or human rights commissions

There has been no Truth and Reconciliation Commission (TRC) in Afghanistan.

The AIHRC was, however, established under article 6 of the Bonn Agreement and was mandated to consider the issue of transitional justice as representatives of civil society, elders and the government repeatedly emphasised the need to develop mechanisms to address Afghanistan's past. Subsequently, AIHRC undertook national consultations and proposed a national strategy for transitional justice and for addressing the abuses of the past.⁹³ Its 2004 report, *A Call for Justice*, formed the outcomes of that consultation.

Number and percentage of women who testified by type of violation

As part of its national consultation, the AIHRC conducted a survey through one-on-one interviews of 4,151 people in 32 of Afghanistan's provinces. Of 1,114 women interviewed, 765 (68.7 percent) testified to being a victim of conflict-related crime.⁹⁴

Number and nature of provisions/recommendations in the TRC final reports on women and women's rights

AIHRC

Although the AIHRC report consulted with women and drew its recommendations from their involvement, there were no specific recommendations made for women or women's rights.

As cited in the Afghanistan Justice Project (2005), 'war crimes have included large-scale massacres, disappearances and summary executions of at least tens of thousands of Afghans, indiscriminate bombing and rocketing that killed hundreds of thousands of civilians, torture, mass rape and other atrocities. In the twenty-seven years since the war began, there has been no serious effort, international or domestic, to account for these crimes'.⁹⁵

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Additionally, a culture of impunity for human rights abuses during the conflicts has continued in Afghanistan, boosted in February 2008 by the introduction of an Amnesty Bill. This bill absolves the GoA of responsibility 'for bringing to justice suspected perpetrators of past human rights violations and crimes under international law, including war crimes and crimes against humanity'.⁹⁶ Those accused of human rights abuses include members of parliament and other members of the administration such as provincial government offices. President Karzai has stated that the current administration does not have the capacity to arrest and prosecute those responsible for continuing and past human rights abuses.⁹⁷ This has significantly weakened the transitional justice process.

There are no women sitting on Afghanistan's Supreme Court.

9 Sexual and Gender-based Violence Prevention and Response (Article 10–12/Action Point 9)

Incidence of VAW

VAW remains pervasive in Afghanistan. As WOMANKIND's 2008 report showed:

- Over 87 percent of women are affected by domestic violence;
- At least 60 percent of marriages in Afghanistan are forced;
- Fifty-seven percent of girls are married before age of 16; and
- There has been a documented rise in honour killings.⁹⁸

AIHRC has made VAW a cornerstone of its programming, collecting statistics and raising awareness on the issue for the first time in Afghan history. MOWA is also taking referrals of VAW and UNIFEM has a newly established database to collect data on VAW.⁹⁹

National government and/or civil society protection measures against SGBV

Criminal Law

Afghanistan's criminal law includes provisions that criminalise VAW and harmful practices. (For example, Criminal Code, Section II, Chapters 5, 12-13; Section III, Chapter 5.)

A law against VAW is currently being drafted by the AIHRC, with UNIFEM and the AWN under the coordination of MOWA.¹⁰⁰

Afghanistan has yet to enact a trafficking law. Instead it continues to rely on kidnapping and other criminal laws to prosecute trafficking offences.¹⁰¹

A new Marriage Contract (*nikanamah*) approved by the GoA in early 2007 includes provisions that girls must be 16 to marry and that marriages must be registered. This is yet to be enforced.¹⁰²

Penal Code

As outlined by Global Rights, there are no specific offences of domestic violence or rape under Afghanistan's Penal Code, but there are some provisions against forced marriage and child marriage, and

strict conditions on polygamy. There is a need to amend Article 53 of the Penal Code to clarify that it is not permissible for men to beat their wives when they have been 'disobedient'.¹⁰³

Shari Law

Sharia law has primacy in Afghanistan's legal system through the first provision of the Penal Code and through constitutional provisions. This is problematic, as there are a variety of interpretations and sources of Sharia, and many judges rule based on their own understanding.¹⁰⁴

Customary Law

In addition, customary law interacts with both Sharia and Afghan legislation. An estimated 80 percent of cases are settled in Afghanistan through traditional customary dispute resolution systems and not via codified law, making it the 'de facto legal system for the most part in Afghanistan'.¹⁰⁵ Customary law mechanisms actually 'often serve to perpetuate violence against women rather than offer a remedy to it. The state has utterly failed to monitor these mechanisms and to hold them accountable to Afghan law'.¹⁰⁶

Response to VAW

There are an increasing number of shelters for women escaping violence – they now number between eight and 10 across the whole country.¹⁰⁷

There are 13 police Family Response Units tasked with responding to cases of VAW.¹⁰⁸

There remains only one family court in Kabul, which is inaccessible to women living elsewhere. No other family courts have been established since the fall of Taliban.¹⁰⁹

	<p>NGOs are conducting a variety of awareness raising campaigns on women's human rights and VAW, including on child and forced marriage, sexual harassment, domestic violence, etc.¹¹⁰</p> <p>Afghan women's organisations are using new strategies, methodologies and ideas from the region (e.g. Iran or Pakistan) and from around the world to advocate for women's human rights within Islamic frameworks, which have improved their capacity to ensure grassroots change.¹¹¹</p>
Number of reports to police of SGBV and other abuses of women's rights	<p>No statistics are available on the number of reports to police.</p> <p>Some progress has been made with anti-trafficking law-enforcement, and in 2006 there were 40–70 reported arrests of child traffickers, resulting in four prosecutions. These resulted in 15 convictions, in which six traffickers were sentenced to jail and seven were sentenced to death. However, no sufficient action has been taken to address corruption amongst police and border guards, and there has only been minimal action taken to prevent trafficking in persons.¹¹²</p>
Number and percentage of crimes against women successfully prosecuted	<p>No statistics are available on the number of successful prosecutions.</p> <p>It is acknowledged that the Afghan state has failed to comply with its obligation to take proactive measures to prevent domestic violence, investigate incidents of abuse, or to prosecute perpetrators of domestic violence. Research suggests that women suffer violence 'in silence'.¹¹³</p> <p>In general, the judicial process in Afghanistan fails to protect women and girls facing violence. Women whose cases are referred to, or who seek justice, face discrimination and harassment.¹¹⁴ The</p>

	<p>UN special rapporteur on VAW noted in 2005 that one of the principal causes of gender-based discrimination and VAW is the lack of enforcement of the rule of law. There remains almost total impunity around forced marriage, honour crimes, sexual abuse and rape. Women who report violence risk being tried under customary law and <i>zina</i> (sex outside marriage).¹¹⁵</p>
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10 International Law (Art. 9)

Status of CEDAW and optional protocol

In 2003, the interim Afghan government ratified CEDAW without reservations. At this time the Afghan government made a commitment to submit national reports at least every four years on measures they have taken to comply with treaty obligations, yet these have not been produced.¹¹⁶

As yet, no report has been submitted.

Women's NGOs are using international frameworks to promote women's human rights in Afghanistan. The government refers to its commitments to CEDAW in the ANDS.¹¹⁷

In 2002 the Afghan government signed the Rome Statute for the International Criminal Court (ICC), which came into force in 2003.

11 UN in Afghanistan

UN agencies present in Nepal

UNAMA

Directed by UN Department of Peacekeeping Operations (DPKO), UNAMA is a political, "integrated" mission, with two key areas of operation: development and humanitarian issues, and political affairs. The mission was established on 28th March 2002 by UNSCR 1401 on the Situation in Afghanistan and has around 1,500 staff (around 80 percent of whom are Afghan nationals). UNAMA has its priorities renewed every March by the Security Council.¹¹⁸

UN Country Team (UNCT)

UNCT is a UN-coordinated group of all the agencies operating in Afghanistan.

UN Population Fund (UNFPA)

UNFPA has provided assistance to Afghanistan since the late 1970s. Since 2003, UNFPA in Afghanistan shifted its approach from "humanitarian assistance" to a developmental approach.

UN Office for the Coordination of Humanitarian Affairs (OCHA)

OCHA was re-established in Afghanistan in January 2009 to coordinate effective and principled humanitarian action and has four core functions: alleviating human suffering; promoting preparedness and prevention efforts to reduce future vulnerability to natural disasters; advocating for the rights of people in need; and facilitating sustainable solutions to address root causes of conflict.¹¹⁹

UNDP

UNDP has been present in Afghanistan for over 50 years, operating from Islamabad during the Taliban regime. The programme supports the GoA to deliver public services 'efficiently, effectively, equitably and accountably, to consolidate a participative

democracy with a responsible civil society and to create an enabling and secure environment for sustainable livelihoods'.¹²⁰

Office of the High Commissioner for Human Rights (OHCHR) OHCHR builds the capacity of local human rights actors (including the AIHRC), and promotes and protects human rights. OHCHR also works with AIHRC and the UNCT. OHCHR notes that it focuses on impunity and transitional justice, and on the protection of civilians, advocating for greater state adherence to international human rights norms and standards.¹²¹

UNIFEM

UNIFEM works in Afghanistan with the government, CSOs and the UN system on *inter alia*: 1) strengthening the capacity and leadership of women's organisations and networks through MOWA; 2) building sustainable knowledge/action networks by supporting the establishment of Afghan women's civil society legal organisations; 3) advocating for gender equality in the rebuilding of the country's governmental institutions through the Justice Working Group; and 4) testing innovative approaches to women's empowerment and gender mainstreaming at the provincial and community level.

Others:

UN Children's Fund (UNICEF)
UN Special Rapporteur on VAW
UN CEDAW Committee
International Labour Organisation (ILO)
United Nations High Commissioner for Refugees (UNHCR)
Office for the Coordination of Humanitarian Affairs (OCHA)

Number and percentage of foreign women on international peace-keeping missions/delegations in the country

In December 2006 the UN Security Council produced a Mission Report on Afghanistan, which highlighted issues regarding the human rights and protection of civilians in armed conflict.

The mission noticed that space which had been opened for human rights and gender equality was becoming closed. It also noted with concern that suggestions had been made that MOWA might be abolished.

The mission urged the government and donors to make the empowerment of women a priority and to actively defend the rights of women as stated in the constitution.¹²²

UNAMA has 16 military observers in Afghanistan and 7 police. 100% of UNAMA mission staff are men.¹²³

Number and percentage of foreign women on international peace-keeping missions/delegations in the country

Examples of UN actions taken to promote UNSCR 1325

Civil society capacity-building/networking

UNIFEM, along with the MOWA, founded the NGO Coordination Council (NCC) to promote commitment to the advancement of women through the programmes of their member NGOs across the country. It is composed of three of the biggest NGO coalitions in the country, including the AWN.

UNIFEM utilises UNSCR 1325 as a framework for all peacebuilding work, promoting women's regional dialogues around an awareness of the resolution.

Gender mainstreaming

Two female officers from the Human Rights Department are assigned to oversee gender mainstreaming issues at the Mol. They received trainings on UNSCR 1325, language skills in English and computer literacy, gender budgeting with assistance of Deutsche Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation, or GTZ), sustainment training by the International Police Coordination Body (IPCB) and report writing by GTZ.¹²⁴

Awareness-raising

Awareness-raising and training material were also developed and published by UNDP's gender mainstreaming team under the Law and Order Trust Fund Afghanistan (LOFTA).¹²⁵

Translation into Dari of a policy brief named *Gender-sensitive police reform in post-conflict societies*. 5,000 copies were distributed with the financial assistance of the Bureau of Crises Prevention and Reorganization (BCPR) of UNDP.¹²⁶

UNSCR 1325 was translated and published for distribution by UNDP.

A document containing gender terminologies based on consultation with ANP personnel was developed and is currently being printed.

Training

UNDP conducted UNSCR 1325 training for 25 people, including deputy ministers, directors of the departments and deputy directors. The session aimed at raising the awareness of the participants about women, war, peace and security using UNSCR

1325. The training was inaugurated by the Minister of Women's Affairs, first deputy of the Mol and the senior deputy country director of UNDP. Representatives of the international security sector actors, Mol and LOTFA staff also attended the session.¹²⁷

Training on UNSCR 1325 was also conducted with partners of the UNIFEM-administered Elimination of Violence against Women Special Fund. UNIFEM has also conducted similar trainings with key women in politics, notably parliamentarians, provincial council members and senators.¹²⁸

Other

UNIFEM works with the Mol, creating a strategy for integrating UNSCR 1325 into their programme. UNIFEM has worked through parliamentarians and CSOs to facilitate the forming of a UNSCR 1325 oversight body to monitor the Mol's progress in this regard. To date, the Mol has agreed to allow this body to monitor their work, and UNIFEM is working with parliamentarians and other women in politics to hold Mol accountable to this promise.¹²⁹

Conclusion

Progress has been made on implementing UNSCR 1325 in Afghanistan since 2001. Women have increased political representation at all levels; there are gender mechanisms in place within the government administration; and a number of key international and national commitments have been made towards gender equality and the promotion of women's human rights within the country. However, women and girls still face significant obstacles in Afghanistan and it is not clear to what extent agreements and mechanisms have translated into real change for women and girls in the country.

Violence against women remains pervasive and little judicial or protection measures are in place to protect women and to enforce their human rights. Steps towards transitional justice have been sidelined by an amnesty agreement and there is little gender perspective in the recommendations from the AIHRC report. Human security remains poor for women and girls as violence in Afghanistan reaches levels not seen since 2001, and civilians are again caught up in the ongoing conflict. Basic services, such as healthcare, education and access to vocational training, are still available to only a few women and girls in the country.

Despite significant international involvement in the country – both militarily and developmentally – women's human rights have not been made a real priority in Afghanistan. The rhetoric of government plans has not produced related budgets, realistic goals and benchmarks, or clear operational plans. Whilst international donors have put some funds toward women's organisations in Afghanistan to enable them to continue their grassroots, advocacy and policy work, an increased emphasis on direct budgetary support to government has left these key initiatives struggling for income. The political will, at both the national and international level, to push through the needed reforms and to back the rhetoric with resources and funding, remains lacking.

Recommendations

1. Increase direct funding to women's organisations to enable them to continue and expand their grassroots support and policy work to promote and protect women's human rights in Afghanistan.
2. Urgently prioritise judicial reform, new laws and the implementation of existing laws to protect women from violence.
3. Expand data collection and monitoring of women's human rights abuses country-wide using local women's NGOs, MOWA and District of Women's Affairs (DOWA) offices, as well as the AIHRC.
4. Organise a public education campaign to promote women's human rights that includes radio, billboards and television advertisements.
5. Bring perpetrators of sexual violence and rape committed during the conflict to justice as part of transitional justice mechanisms.
6. Ensure women are represented at local-level peace agreements.
7. Ensure a sufficient budget, action plan and realistic benchmarks are in place to implement the NAPWA at the national level and increase budget allocation to MOWA to monitor and evaluate its implementation.
8. Offer greater support to women in decision-making positions, e.g. MPs, civil servants, etc.
9. Make the realisation of women's human rights a benchmark of success in the NATO-led mission in Afghanistan, ensure an appropriate budget is allocated within NATO for gender mainstreaming, provide thorough gender training and include benchmarks in the career appraisals of NATO staff.
10. Ensure thorough gender training for NATO staff of the ANP and ANA and sensitise army staff and police to women's human rights and their equality under the Afghan constitution and in international law.

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DEMOCRATIC REPUBLIC OF CONGO



Democratic Republic of Congo

Achievements	Challenges
UNSCR 1325 National Action Plan development is led by the Ministry of Gender, Family and Children and in consultation with women's platforms.	DDR strategy failed to recognise female ex-combatants as a sizeable group and to give guidelines on how to identify and include women and girls.
Strong civil society network lobbies actively for government to implement UNSCR 1325 agenda.	Sexual violence and impunity in eastern Congo is at serious levels, but there is little official data.
A progressive sexual violence law, which includes a broad definition of SGBV, passed in 2006.	Coordination of UNSCR 1325 activities across UN agencies is weak.

Acronyms

CAFCO	Permanent Framework of Dialogue for Congolese Women (Cadre Permanent de Consultation des Femmes Congolaises)
CNDH/RDC	National Commission for Human Rights in the DRC (Commission Nationale des Droits de l'Homme en République Démocratique du Congo)
CNDP	National Congress for the Defence of the People (Congrès National pour la Défense du Peuple)
CNF	National Council of Women (Conseil National de la Femme)
CONADER	National Commission for Demobilisation and Reintegration (Commission Nationale de la Demobilization et Reinsertion)
DRC	Democratic Republic of Congo
EKN	Embassy of the Kingdom of the Netherlands
FARDC	Congolese National Army (Forces Armées de la République Démocratique du Congo)
FAS	Femmes Africa Solidarité
GoDRC	Government of the DRC
MDRP	Multi-Country Demobilisation and Reintegration Programme
MoGFC	Ministry of Gender, Family and Children
MONUC	UN Mission in the DRC
NAWMP	Network of African Women Ministers and Parliamentarians
PNPFC	National Programme for the Promotion of Congolese Women (Programme National pour la Promotion de la Femme Congolaise)
RCD	Congolese Rally for Democracy (Rassemblement Congolais pour la Démocratie)
REJUSCO	Restoration of the Judicial System in Congo
RFDP	Women's Network for the Defence of Rights and Peace (Réseau des Femmes pour la Défense des Droits et la Paix)
PNC	Congolese National Police Force (Police Nationale Congolaise)
ROADS	Regional Outreach Addressing HIV/AIDS through Development Strategies
TfP	Trading for Peace
UEPNDDR	Unite for the Execution of the National DDR Programme
WOPPA-DRC	Women as Partners for Peace in Africa

The Democratic Republic of Congo (DRC), a large central African country with an estimated population of 60 million, is situated in the Great Lakes region to the west of Burundi, Rwanda and Uganda. This region of Africa has been beset by violent conflict for nearly 15 years.

The DRC is a country with vast natural resources, including timber, cobalt, gold, diamonds, heterogenite, copper and coltan. Despite these resources, it ranks the ninth lowest in the world in terms of adjusted real income, life expectancy and educational attainment.¹ Following independence from Belgium in 1960, the DRC was dominated by the 32-year regime of Mobutu Sese Seko and a series of violent conflicts,² the most recent being characterised by internal and external actors fighting over territory, particularly in areas rich in natural resources. Exacerbated by an influx of refugees after the 1994 Rwandan genocide, the conflict since 1996 has generated one of the world's deadliest crises with an estimated 5.4 million deaths as a consequence of violence, displacement, malnutrition and disease.³ Despite the presence of the UN Mission in the DRC (MONUC) since February 2000⁴ and the signing of the first peace agreement in 2002, violence continues in the east, and has particularly impacted on women and girls in the form of systematic sexual and gender-based violence (SGBV).⁵

The shocking levels of SGBV, including rape and deliberate genital mutilation, have been much reported by the media and international community. However, real and effective action to tackle this area of abuse has been weak. Along with other local human rights groups, New York-based Human Rights Watch (HRW) reported sexual violence being used as a weapon of war for intimidation, humiliation, displacement and control in the DRC. Among the perpetrators are rebels, militias, the national army and police, and even UN peacekeepers.⁶

These crimes, although punishable by law, are rarely spoken of and official, comprehensive statistics are still unavailable, making tackling the problem all the more difficult. Several factors reinforce this culture: shame and the

destruction of women's self-esteem condemns many to silence and isolation; women's poverty prohibits their seeking justice; and lack of commitment from the justice sector and security forces to seriously implement the law and imprison perpetrators.⁷ Impunity is a serious problem and one that underlies the perpetuation of SGBV in the DRC.⁸ Despite various peace agreements and the first democratically-elected government since independence in 1960 being elected to office in 2006, sexual violence (principally against women) continues to be reported in the provinces of North Kivu and South Kivu,⁹ and insecurity and SGBV have reached the west of the country.¹⁰

In addition to this, poverty in the DRC is characterised not only by strong geographic and social inequalities, but also by gender inequalities. Studies and recent investigations show that the position of Congolese women in several domains of national life remains low in comparison with men. In 2002 it was estimated that 61.2 percent of women live under the poverty threshold, in contrast to 51.3 percent of men.¹¹ This situation continues to impede women from playing a full role in the processes of peacebuilding, reconstruction and the development of their country.

In spite of such grotesque abuses and gendered poverty, some women have and continue to play a positive role within civil society.¹² Various women's platforms have emerged over the last decade and leaders of these movements work tirelessly to engage in politics and governance and in the negotiation of peace.¹³ Women lobbied national and international authorities to ensure peace dialogues were more inclusive by including non-armed opposition leaders, a wide range of civil society delegates from all 11 provinces, and militia commanders.¹⁴ Women drew on legal frameworks, as well as international commitments and policy guidelines, to mobilise at the local and national level, as well as across borders, helping to galvanise national, regional and international support and advocacy for women's participation in the diplomatic peace processes.¹⁵



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Following support from the international community, including the UN, the African Union (AU) and regional women's coalitions, women were represented at key peace negotiations and had small but effective representation during the transitional period.¹⁶ Although their efforts were not always officially recognised, it is important to underline the fact that Congolese women played a significant role during the political inter-Congolese dialogues regarding the peaceful resolution of the conflicts.

Although the government (GoDRC) established a Ministry for the Advancement of Women in 1980, ratified various regional and international women's rights legal frameworks, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1986,¹⁷ and adopted the Solemn Declaration on Gender Equality in Africa in 2004,¹⁸ women have remained disenfranchised from the political and judicial systems in the DRC. At the national level, the 2006 constitution enshrines equality.¹⁹ However, Congolese legislation remains contradictory and discriminatory towards women on many different levels, including denial of pensions and inheritance rights.²⁰

The 2006 (presidential, parliamentary and provincial) and 2007 (senate) election results demonstrate the under-representation of women within national and provincial institutions. Following the 2006 elections, women made up nine percent of established institutions.²¹ Despite many local, national, regional and international legal frameworks adopted by the DRC since the UN Universal Declaration of Human Rights (UNDHR) in 1960,²² the under-representation of women at all levels of decision-making in the DRC constitutes one of the major setbacks to the socio-economic development of the country.²³

This chapter shows that although bilateral and international actors, particularly MONUC, have made steps towards realising UN Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325) (2000) by working on issues of women's participation and preventing SGBV and tackling impunity, there remain serious gaps in implementation at local and national levels.²⁴

1 Key UNSCR 1325 Actors in the DRC

Key national actors

President

Joseph Kabila

Prime Minister

Adolphe Muzito

DRC government ministries, including

Ministry of Justice

Ministry of Interior (Home Office)

Ministry of Exterior Affairs (Foreign Office)

Ministry of Defence

Ministry of Human Rights

Office of Prosecutor of the Republic (Procureur de la République)

Ministry of Gender, Family and Children (MoGFC)

The MoGFC is responsible for integrating gender into government policies and programmes,²⁵ and is the key actor in ensuring the implementation of UNSCR 1325.²⁶ The members actively lobby and work for the advancement of women, including implementing UNSCR 1325.²⁷

Gender and Parity Committee (DRC National Assembly)

The state must guarantee the application of the principle of parity between women and men in these institutions, by regulating the application of Article 14 of the constitution. (See Section 2: Key National Policy Frameworks.)

National Council of Women

The Conseil National de la Femme (National Council of Women, or CNF) was created as a consultative government body for the social, political and economic empowerment of women. It is under the mandate of the Minister of Gender and works in consultation

with national women's platforms. The members actively lobby various ministries to implement UNSCR 1325. Unfortunately, the CNF does not operate at its full capacity due to a lack of financial resources.

National Commission for Human Rights in the DRC

The role of the Commission Nationale des Droits de l'Homme en République Démocratique du Congo (National Commission for Human Rights in the DRC, or CNDH/RDC) is to monitor and implement the rights of vulnerable groups or persons, notably women, as well as 'to promote, implement and monitor harmonization of the legislation, regulations and national practices of international instruments relating to human rights to which the Republic has signed', such as CDEAW and UNSCR 1325.²⁸ The CNDH/RDC must be a model regarding parity. The CNDH/RDC does not operate at its full capacity due to a lack of financial resources.

Network of African Women Ministers and Parliamentarians (NAWMP)

NAWMP is a network of past and current female ministers and parliamentarians from African sub-Saharan countries.²⁹ The network works towards gender mainstreaming and is chaired by the DRC's Minister of Gender.³⁰

Parity Observatory

The Parity Observatory and its members monitor gender parity at all levels of public institutions and has established an index by collecting information and through data analysis.³¹ It also studies and lobbies for the incorporation of gender budgets and gender mainstreaming in key governmental documents, national policy and public institutions.

Key international actors

UNSCR 1325 Committee

Since November 2008, the MoGFC has coordinated a pilot committee for UNSCR 1325 with one political representative (or “focal point”) in each of the 11 provinces and one delegate from each of the following: Office of the President, National Assembly, Senate, NAWMP, Ministry of Interior, Ministry of Justice, Ministry of Defence, Ministry of Exterior Affairs, Ministry of Health, Ministry of Social Affairs, Cadre Permanent de Consultation des Femmes Congolaises (Permanent Framework of Dialogue for Congolese Women, or CAFCO), Femmes Africa Solidarité (FAS) and the UN Development Programme (UNDP).

Media focusing on UNSCR 1325

Notable examples include: 1) Radio Okapi, a UN (MONUC)/Swiss Fondation Hirondelle-funded national radio station that publicises initiatives undertaken by UN agencies, civil society organisations (CSOs) and the GoDRC in gender mainstreaming;³² 2) a UNDP project on gender, media and elections, which gave voices to women during the 2006 electoral campaigns; and 3) journalists promoting women's participation in matters of security, conflict, peace and development.³³

Major bilateral donors in the DRC include:

Belgium, Canada, China, Denmark, France, Germany, Japan, the Netherlands, Norway, Sweden, Switzerland, the UK and US.

US

The US is the largest bilateral donor to the DRC. Figures show that in financial year 2009 US assistance will be approximately US\$61 million (of which US\$57 million is humanitarian aid).³⁴ US Agency for International Development (USAID) activities cover the areas of peace and security, governance and democracy,

health, education, economic growth and humanitarian assistance. Programmes include: Partnership for development relief; Agricultural research in eastern and central Africa; Helping to mitigate conflict in the Great Lakes; Regional outreach addressing HIV/AIDS through development strategies (ROADS) project; Trading for peace (TfP); Training activities involving prevention and treatment of gender-based violence.³⁵

UK

The UK is the second largest aid donor to the DRC. UK aid can be broadly broken down into: service delivery (20 percent); humanitarian support (50 percent); capacity-building of the parliamentary system (20 percent); and conflict resolution, including SSR, justice, police, etc. (10 percent).³⁶ The UK Department for International Development (DfID) 2008 budget was around £70 million, and there is potential for it to rise to between £120 and £130 million over the next two years. The Kinshasa DfID office employs about 40 people, around 50 percent of whom are Congolese. DfID released a *Democratic Republic of Congo: Country plan*, of which the key objectives are to: build a capable and accountable state; deliver a peace dividend for poor people; and reduce the remaining violent conflict and its impact.³⁷ DfID DRC identified six cross-cutting issues for programme design: gender, conflict, HIV and AIDS, accountability, anti-corruption and the environment. Each issue will have its own strategic set of priorities and will be monitored to measure impact.³⁸

Multilaterals:

World Bank (WB)

EU

UN agencies (see Section 11: UN in the DRC)

African Development Bank (AfDB)

Key national and international civil society actors

There are numerous women's groups, local CSOs and platforms working on issues relating to UNSCR 1325 in the DRC. However, lack of long-term support and financial resources are major challenges for CSOs and to the work that could be achieved by these women in the DRC.³⁹

Key local CSOs:

Association des femmes juristes congolaises (AFEJUCO)
 Actions des Femmes du Bas Fleuves (AFEBAF)
 Caucus des femmes Congolaises
 Centre de Développement pour la femme (CDF)
 Comité national femme et développement (CONAFED)
 Cadre de concertation et d'action pour la défense des droits des femmes (ESSAIM)
 Federation des Femmes des Sciences Congolaises (FESCICO)
 Forum des Mamans de l'Ituri (FOMI)
 Ligue de femmes congolaises pour les élections (LFCE)
 Solidarité des Femmes Activistes pour la Défense des Droits Humains (SOFAD)
 Promotion et appui aux initiatives féminines (PAIF)
 Réseau Action Femmes (RAF)
 Réseau d'Organisations des Droits Humains et d'Education Civique d'Inspiration Chrétienne, section Femme (RODHECIC)
 Solidarité Féminine pour la Paix et le Développement Intégral (SOFEPADI)
 Synergie des Femmes pour les Victimes des Violences Sexuelles (SFVS)
 Union Nationale des femmes congolaises (UNAF)
 Umoja wa Wanawake Wakulima wa Kivu (UWAKI)
 Young Women's Christian Association-DRC (YMCA)

Key regional and international CSOs:

ActionAid
 Akina Mama wa Africa (AMwA)
 Christian Aid
 Common Cause UK
 Forum Inter-régional des femmes Congolaises (FIREFEC Europe)
 International Action Network on Small Arms (IANSA)
 International Alert
 International Rescue Committee (IRC)
 Oxfam
 Save the Children
 Women for Women International
 WILPF DRC

2 Key National Policy Frameworks

Key national policy frameworks and gender focus within policy

National policy on gender equality

In 2003 the UNDP advocated for the political empowerment of women by supporting the preparation and implementation of the five year Programme National pour la Promotion de la Femme Congolaise (National Programme for the Promotion of Congolese Women, or PNPFC).⁴⁰ The PNPFC provided the basic framework for the MoGFC's strategy for gender mainstreaming in national development policies and programmes in 2004.⁴¹

Democratic Republic of Congo: Poverty reduction and growth strategy paper (PRGSP) (2006). This is based on peacebuilding, reunification and the security of the country, as well as the UN Millennium Development Goals (MDGs).⁴² Its key concerns are: 1) taking into account decentralisation; 2) undertaking specific work in provinces; 3) equilibrating the management of the provinces from east to west; 4) focusing on information and education; 5) rehabilitating justice; 6) rehabilitating health services; 7) increasing the economic provision for women; and 8) increasing institutional support for women.⁴³ Information on the budget allocated by the GoDRC for the PRGSPs is not publicly available.

Goma Agreement (2008)

In the six page document, there is one reference to rape and SGBV that reads: '[all parties hereby agree to] the cessation of all acts of violence in all forms towards the civilian population, particularly women and children, the elderly and handicapped'.⁴⁴

Nairobi Peace Agreement (2009)

In reference to power sharing and an amnesty law, there is no mention of the victims of SGBV during the conflict between the GoDRC and the *Congrès National pour la Défense du Peuple* (National Congress for the Defence of the People, or CNDP). There is also no mention of protection or participation of women in peacebuilding and reconstruction.

3 National-level Activities Related to UNSCR 1325

Development of a national action plan for implementation of UNSCR 1325

There is no National Action Plan (NAP) for the DRC.

The development process for the NAP was launched on 19th September 2007.⁴⁵ The MoGFC is a key actor in this process. Yet, there is no information available to the general public about the nature of the consultation. Nor is there any information on the timescale for the development of this plan. Women from various platforms, including the Women's International League for Peace and Freedom (WILPF) DRC, are closely monitoring the situation and campaigning for the implementation of an NAP on UNSCR 1325.⁴⁶

Examples of national government actions taken to promote UNSCR 1325

MoGFC

In March 2008 the MoGFC, supported by the UN Population Fund (UNFPA) and members of the Joint Initiative in the Fight against Sexual Violence, launched a one year information and sensitisation campaign against SGBV. It aimed to make the population aware of the extent and gravity of SGBV.⁴⁷

The MoGFC is also working with the MONUC Gender Office to begin developing an NAP on UNSCR 1325, including the protection of women from SGBV and tackling impunity.⁴⁸ Also in collaboration with MONUC, the MoGFC ran three-day training sessions for the heads of the provincial gender ministries and civil society activists from all 11 provinces on UNSCR 1325 (28th June–1st July 2008).⁴⁹ Seventeen recommendations from the sessions were sent to the government, civil society and UN agencies.⁵⁰

MOG cooperates with CSOs and women's groups working for women's empowerment across 10 thematic networks, which pursue goals contained in the PNPFC. They are: education; the legal status of women; women's leadership; access to economic

resources; women and health; women, culture and the media; women and the environment; women, agriculture and food security; women and peace; and girls and adolescent girls.⁵¹

Ministry of the Interior

Organised trainings (in collaboration with the MONUC) for the national police and army.⁵² The trainings were short and centred around UNSCR 1325.

There is little evidence that other ministries are working on implementing UNSCR 1325. Some Congolese institutions are trying to establish a consensus on how the DRC can implement UNSCR 1325.⁵³

Examples of bilateral actions taken to promote UNSCR 1325

UK

The UK has assisted in promoting a film on SGBV, *The Greatest Silence: Rape in the Congo*, at the Congolese parliament, which was supported by prominent Congolese politicians. The UK Foreign and Commonwealth Office (FCO) funded subtitling the film into local languages.⁵⁴ The UK plan to provide additional support (up to £1.25 million) to facilitate the handling of sexual violence cases and the creation of a special cell as part of the Restoration of the Judicial System in Congo (REJUSCO), a justice rehabilitation project in eastern DRC.⁵⁵

UK All Party Parliamentary Group (APPG) on Great Lakes region of Africa is a UK group of parliamentarians working on conflict issues in the DRC. The group recently published an in-depth report on tackling impunity of SGBV in eastern DRC. The group forms part of the UK-DRC Friendship Group: an association of around 23 Congolese parliamentarians engaging on conflict issues, with particular attention to SGBV prevention.⁵⁶

The Netherlands

The Embassy of the Kingdom of the Netherlands (EKN) works on SGBV activities in the DRC, and allocated € million to the SGBV programme of Heal Africa (a Goma-based CSO). Half of this was designated for justice sector projects (working with the American Bar Association). EKN are finalising indicators to track the impact of their work on SGBV.⁵⁷

Sweden

In April 2009 the Swedish government adopted a new strategy for its development cooperation with the DRC for the period 2009–2012, based on the implementation of UNSCR 1325, increased gender equality and the importance of women's influence in politics, security and development.

There is an informal working group of donors, CSOs, government ministries and UN agencies working in the DRC. Among the 15 themes they cover are SGBV (led by the Dutch), mining and the army. The violence against women (VAW) group meet twice monthly, with up to 30 organisations and institutions represented.⁵⁸

Examples of national CSO actions taken to promote UNSCR 1325

Although women's inclusion in formal peacebuilding, such as peace talks, has always been symbolic rather than consultative,⁵⁹ women continue to play key and positive roles in grassroots reconciliation and peacebuilding for local-level conflicts – particularly in relation to peaceful cohabitation between different ethnic communities in the east.⁶⁰ Women leaders brave arrest and abuse whilst raising awareness around UNSCR 1325, working against sexual violence and for justice reform.

CSO national platform

CAFCO, with support from the MoGFC, created a space called

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SYNERGY 1325, a platform of NGOs working on UNSCR 1325.⁶¹ The platform organises workshops on the resolution and is said to be responsible for pushing forward the UNSCR 1325 agenda in the DRC at the civil society, government, provincial and National Assembly level.

Translation of UNSCR 1325

Women's rights activists have organised modules for trainings on gender, peace and security, and have translated the UNSCR 1325 into four national languages: Lingala, Kikongo, Swahili and Tshiluba.⁶²

Civil society workshops

- Workshops were organised in major administrative cities across all provinces to commemorate the seventh anniversary of UNSCR 1325.⁶³
- In 2002 Women as Partners for Peace in Africa (WOPPA-DRC) and FAS organised a training workshop in Nairobi, Kenya to develop Congolese women's negotiation techniques and build capacity in preparation for the Inter-Congolese Dialogue in Sun City, South Africa. The workshop also enabled coordination of women from all sides and the distribution of UNSCR 1325 in pamphlet form (15-19th February 2002).⁶⁴

Other activities include:

- Circulating a newsletter covering the text of UNSCR 1325 and detailing the work of CSOs on the resolution;
- Awareness-raising on TV; and
- Coordinating a women's national congress to raise awareness about UNSCR 1325 amongst women from the grassroots movements.⁶⁵

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National Government Financial Resources (Article 7)

Budget allocated to national women's ministry or equivalent

DRC annual budget:

- Revenues: US\$850 million
- Expenditures: US\$2 billion (2007 est.)⁶⁶

Various unofficial sources revealed that 0.6 percent of the national budget is allocated to the MoGFC.⁶⁷

There is no information available to the general public about the budget allocated to UNSCR 1325 activities (including internal training, awareness raising, projects or funding of CSOs for UNSCR 1325-related activities) within, *inter alia*, the Ministry of Defence, Ministry of Interior, Ministry of Education, Ministry of Health, Ministry for Refugees/Internally Displaced Persons (IDPs), Ministry for Peace and Reconstruction, and MoGFC.

5 Peace Negotiations and Peace Agreements (Article 8/Action Point 8)

<p>Inclusion of CSOs within peace negotiations</p>	<p>Civil society was included from the beginning of the peace negotiations on the power-sharing agreement, whilst setting up the transitional government and during the Inter-Congolese Dialogue.⁶⁸</p>
<p>Numbers and percentage of women at national peace negotiations</p>	<p>Nairobi Declaration (2001) UNIFEM and FAS provided some of the financial support for travel and accommodation for various women's groups under the umbrella of WOPPA-DRC, and ensured that all parties to the talks were familiar with the requirements of UNSCR 1325.⁶⁹ The Nairobi Declaration and action plan called for an immediate ceasefire, the inclusion of women and their concerns in all aspects of the peace process, the formation of a Congolese Women's Caucus and the adoption of a 30 percent quota for women at all levels of government in any final settlement.</p> <p>Inter-Congolese Dialogue (2002) Only one woman participated in the preparatory meeting of the Inter-Congolese Dialogue in Sun City, South Africa.⁷⁰</p> <p>During the diplomatic negotiations of March/April 2002, 40 of the 340 delegates in Sun City were women. In order to increase the number of women attending the negotiations, UNIFEM and UNDP invited an additional 40 women to participate as experts, selected from among those who had received training in negotiation techniques and leadership skills. This brought the number of female participants up to 80 (23.53 percent). However, only 40 were allowed to participate in the formal negotiations; the number would have been lower if the warring parties had not come under pressure from the international community, particularly UNIFEM and Sir Ketumile Masire, former president of Zambia and facilitator of the Congolese peace process.⁷¹</p>

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	<p>Only 10 women were able to attend the Sun City follow-up meetings in Pretoria, South Africa in November/December 2002;⁷² and, despite their expertise on the issues being discussed, their role was limited to private meetings with delegation heads.⁷³</p> <p>Goma Peace Agreement (2008) The peace agreement was signed in late January 2008 in Goma, eastern DRC, between various armed groups and the GoDRC.⁷⁴ Out of 600 delegates, there were only 33 women in attendance.</p> <p>Nairobi Peace Agreement (2009) This was the latest peace agreement signed between the CNDP rebels, armed groups and the GoDRC in March 2009. Women were not represented at the negotiation table and there was no form of recognition or apologies toward victims of SGBV in the peace agreement.</p> <p>From the outset of the conflict, Congolese women actively sought to participate in the formal peace negotiations. Their efforts to mobilise at the local level and across borders helped to stimulate national and global support for their representation. However, from Sun City to Nairobi and Goma, women mostly attended as observers and rarely as participants.⁷⁵ Women's continued engagement in negotiations dwindled due to lack of funds and long-term support, as well as inexperience in leadership and in advocating for women's agendas in solidarity.</p> <p>Congolese women are still politically under-represented and lack the long-term support from the international community necessary for their engagement.⁷⁶ Women's efforts to participate in the formal peace processes faced various challenges, including: 1) male leaders of the Congolese transitional government, as well as</p>
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of the other warring parties, strongly opposed their inclusion. They claimed women could not participate as they were not fighters and did not enjoy meaningful representation in local or national decision-making bodies before the war;⁷⁷ 2) the threat of violence: in the Kivus, the Réseau des Femmes pour la Défense des Droits et la Paix (Women's Network for the Defence of Rights and Peace, or RFDP) received threats from the rebel Rassemblement Congolais pour la Démocratie (Congolese Rally for Democracy, or RCD) when preparing to send representatives to the Sun City gathering, its offices ransacked several times and peaceful marches were systematically interrupted for "security reasons";⁷⁸ and 3) lack of funding for women to participate in diplomatic negotiations, the majority of which take place in foreign countries, making it costly to travel to and cover familial responsibilities back home.⁷⁹

6

Governance and Institution Building (Article 13)

Number and percentage of women on constitutional drafting committees

The number of Congolese women in the constitutional drafting committees is not known.

There was no quota for women on the drafting committee for the constitution. However, major women's platforms were consulted during the drafting phase and a few of their recommendations were considered.⁸⁰

Constitutional clauses for protection of women's/ girl's rights

The Third Republic's Constitution (February 2006)⁸¹ provides for enumerated women's rights in an effort to combat historical discriminatory policies, laws and cultural attitudes within the following articles:⁸²

Article 13.3: '[E]ach political party's list is established in consideration of the equal representation between women and men, and of the promotion of handicapped persons'.⁸³ However, in article 13.4 it is added that 'the non-realisation of the equality between men and women during the upcoming elections does not make the list inadmissible'.⁸⁴

Article 14: '[T]he state shall have the duty to ensure the elimination of all forms of discrimination with regard to women and to ensure the respect and promotion of their rights'. It must 'take measures to fight against all forms of violence against women in public and private life ...[and assure the] full participation of women in the development of the nation', particularly guaranteeing the 'right to significant representation in national, provincial and local institutions'. The state must guarantee the application of the principle of parity between women and men in these institutions.⁸⁵

Article 15: 'Authorities shall take care in the elimination of any form of sexual violence used as a weapon of destabilisation

or of dislocation of the family. In accordance with treaties and international agreements, any sexual violence made on any person, with the intention to destabilise or dislocate a family and to make disappear a whole people is a crime against humanity punishable by law'.⁸⁶

Article 51 recognises the need for women to play a role in decision-making. Although the provision is vague and does not contain specific language on affirmative action measures, such as quotas, or the relevant language of the UN Beijing Platform for Action, it calls on the government to take all appropriate steps to ensure women's involvement in economic, social and cultural decision-making and their representation in local, provincial and national institutions. Article 51 is viewed positively as a provision that Congolese women can strengthen and build upon in order to achieve gender equality.⁸⁷

Concerning children, article 44.2 of the constitution says that the state must protect children against prostitution, homosexuality, incest, paedophilia, sexual harassment and all other forms of sexual perversion.⁸⁸

Constitutional frameworks and mechanisms for the advancement of women remain extremely weak in the DRC. Equality policies remain on paper; as there are no NAPs to enforce or monitor the adherence to them.⁸⁹ Regardless of their political knowledge or competence, few women are involved in the thematic preparation, coordination, initiation or development of policies or action plans/projects.⁹⁰ In addition, many independent women candidates have few funds to campaign and raise awareness at the community level.⁹¹

Number and percentage of women in decision-making positions

Quotas

Article 14 of the constitution requires equality of gender representation at national, provincial and local levels. The 2006 Electoral Law (Law 06/006) requires candidate lists or coalitions to consider equal representation of women and men. However, no legal measures have been adopted, quotas or otherwise, to realise these requirements.⁹²

Following the 2006 elections, women make up nine percent of established institutions.⁹³

	Total	Men	Women	% Women
President	1	1	0	0
National Assembly	500	451	49	9.8
Senate	108	102	6	5.5
Provincial Assembly	662	621	41	6.2
Governors	11	11	0	0
Vice Gov.	11	11	0	0
Gov/t	60	51	9	15
TOTAL	1,353	1,256	105	9.2

- Presidential elections (2006): four women participated from 33 candidates (12.1 percent). There were no women in the second round.
- Provincial elections: 1,531 women out of 13,474 candidates (11.4 percent). Only 41 out of the 662 provincial representatives were put forward to the ballot.
- Senatorial elections: 104 women from 11,127 candidates (9.2 percent). Only six out of 108 elected senators are women.
- Governors: two women ran for the post of governor and 11 for that of vice governor.⁹⁴

6

Type of political system

Political parties rarely prioritise equality policies and thus fail to ensure women account for 30 percent of candidates on their local or national lists. Many women in the DRC say that most male leaders of political parties will use affirmative action to take on women loyal to the party, rather than those who can advance women's causes/concerns.⁹⁵

It is also clear that continued violence affects women's participation in politics. Women express a fear of entering politics, with a lack of security affecting their mobility and ability to reach women in local communities. Many Congolese women activists face personal risk to create peace dialogue between warring factions or when advocating for an end to sexual violence and human right abuses; many were verbally and physically threatened; many others were beaten, tortured, raped and killed.⁹⁶

A combined system of first-past-the-post (FPTP) and proportional representation (PR).

National Assembly

Five hundred members are elected by direct popular vote from open lists through parallel systems: 440 from 109 multi-member constituencies using the party-list (PR) and 60 from single-member constituencies (FPTP).⁹⁷

Senate

One hundred and eight members are elected by provincial assemblies to serve five-year terms.⁹⁸

7

Security Sector Reform and Disarmament, Demobilisation and Reintegration (Action Point 11)

Number and percentage of women and girl combatants during the conflict

Information not known.

From the little research available, it is estimated that of the women counted during the DDR processes in the east of the DRC, 40 percent were "married" to combatants and 60 percent were taken as sex slaves or cooks. Young girls were also used as sex slaves and informants, as well as to carry arms, munitions and cooking materials. They were also forced to be combatants.⁹⁹

Number and percentage of women and girls in the DDR processes

The GoDRC, through the Commission Nationale de la Demobilization et Reinsertion (National Commission for Demobilisation and Reintegration, or CONADER), coordinated the main disarmament process, with support from MONUC and international donors through the Multi-Country Demobilization and Reintegration Program (MCDRP).¹⁰⁰ Unite for the Execution of the National DDR Programme (UEPNDDR), which replaced CONADER, is currently working towards having gender disaggregated data.¹⁰¹

According to CONADER, 150,000 combatants were listed for the DDR process; only 88,055 were demobilised, of which 3.5 percent were women.¹⁰² By the end of September 2007, 4,684 females (2,610 women and 2,074 girls) were included in the demobilisation process.¹⁰³ (Numbers by faction are unavailable.)

Although the MoGFC was included in the inter-ministerial committee to develop the national DDR programme,¹⁰⁴ female ex-combatants were not considered a sizeable group, and therefore little priority was given to how to identify and include women in the process.¹⁰⁵

In addition, the UEPNDDR emphasises as eligibility criteria of "one combatant one weapon". This automatically limits the participation

of women, who often (as with those considered camp followers and dependents) did not possess a weapon of their own to qualify. These women returned to their communities with little economic capacity and low social status.¹⁰⁶

Other factors also contributed to the under-reporting of the numbers of female combatants, such as the reluctance of women and girls to report themselves as “combatants”, a lack of trained personnel to specifically focus on women and girls, and a lack of incentive for commanders to report women’s presence within their ranks.¹⁰⁷ It is thus important to design and implement complementary support programmes for women.

A further challenge to DDR programmes in the DRC is the ongoing fighting in North and South Kivu provinces.¹⁰⁸

Key gender-related facts regarding the DDR process:

- 2003: UNDP and UNIFEM held a two day meeting on gender mainstreaming of DDR in the DRC.¹⁰⁹
- 2004: A Multi-Country Demobilisation and Reintegration Programme (MDRP) mission recognised that the DRC’s gender strategy required further clarification.
- Late 2004: CONADER personnel were trained in gender issues.
- 2005: CONADER recruited a gender expert for their programme.¹¹⁰

Number and percentage of women in police and military

Police

Some 5,600 women have registered to date to join the 103,800-strong Police Nationale Congolaise (Congolese National Police Force, or PNC). Registration is ongoing.¹¹¹

Army

There are 3,249 women in the Forces Armées de la République Démocratique du Congo (Congolese National Army, or FARDC) from a total of 121,869 personnel.¹¹²

Information on women in other security forces not known.

Gender training and sensitisation of national actors

Training of national police

MONUC succeeded in including a module on gender in the PNC training manual as part of their SSR efforts.¹¹³

Army

Where their contingents are engaged in training the FARDC, MONUC aims to take gender into account at all stages. The Pakistani contingent is in charge of training in Luberizi Training Camp in South Kivu and the Indian contingent is in charge of training in Nyaleke in the Beni axis in North Kivu.¹¹⁴

8 Transitional Justice and Judicial Reform

<p>Number and percentage of women as commissioners in truth and reconciliation or human rights commissions</p>	<p>It has not been possible to establish the number of women, if any, that are involved in these commissions due to the lack of information available to the general public.</p> <p>Truth and Reconciliation Commission (TRC)</p> <p>A TRC was stipulated in clause V of the agreement for the DRC transition reached in Pretoria in December 2002.¹¹⁵ The eight representatives from the political factions began working as an executive in 2003. However, Parliament only approved the Organic Law in July 2004, with civil society members appointed to the TRC in November 2004.¹¹⁶ The MONUC Senior Gender Advisor accompanied the Deputy Special Representative of the Secretary General to the Pretoria Agreement ceremony at the end of July and raised gender issues with senior management and the FARDC.¹¹⁷</p> <p>The TRC was due to complete its work by the end of the transition period, to coincide with the first democratic elections. However, the report was still pending during the July 2006 elections. There have been many critiques regarding the work of the TRC, with organisations calling for a second TRC after the elections in order to look at truth recovery and accountability in greater depth. Discussions are currently underway.¹¹⁸</p>
<p>Number and percentage of women who testified by type of violation</p>	<p>Information not known.</p>

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<p>Number and nature of provisions/ recommendations in the TRC final reports on women and women's rights</p>	<p>Information not known.</p>
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9 Sexual and Gender-based Violence Prevention and Response (Article 10–12/Action Point 9)

Incidence of VAW

It is estimated that several hundred thousand women have been raped since the beginning of the war.¹¹⁹ The increase in the cases of SGBV is proportionally linked to the armed conflicts in the DRC and happened with an immeasurable atrocity.¹²⁰ In the majority of cases, women suffer physical and mental trauma which exceed all understanding.¹²¹ These cruelties have been made increasingly likely due to the proliferation of small arms in the African Great Lakes region. In addition, the UN Human Rights Council's Special Rapporteur on Violence against Women Yakin Erturk noted that sexual violence was perceived as "normal" by local communities.¹²²

In a report published in 2002, HRW noted that sexual violence was used as a weapon of war.¹²³ According to the UN World Food Programme (WFP): 'Rape remains a daily threat for women in eastern DRC: in the fields, on their way back from market or in their own homes'.¹²⁴ All the armed groups have been accused of committing acts of SGBV, with up to 74 percent of rapists being members of the army or militias, and 26 percent being civilians.¹²⁵

There are no systematically collected official statistics on the scale of rape in the DRC. However, information is gathered by CSOs and multilateral agencies. The UN Children's Fund (UNICEF) reports that 18,505 people received treatment for sexual violence in UNICEF medical centres and those of its partners between January and October 2008.¹²⁶ The North Kivu Provincial Commission for the Struggle against Sexual Violence reported 800 new cases in April 2008 alone, 670 of which were in the Rutshuru territory, where there was heavy fighting.¹²⁷ In a study of 10,381 survivors of violence recorded by UN partners in the east of the country up to June 2007, 37 percent were children.¹²⁸

Even still, these statistics undoubtedly under-represent the reality, as they do not include those cases that go unreported.

National government and/ or civil society protection measures against SGBV

State prevention and prosecution of sexual violence

Besides international frameworks, the DRC's domestic framework includes several structures and laws to address sexual violence.¹²⁹ Rape is punishable by a prison sentence of five to 20 years, and indecent assault is punishable by prison terms of between six months and 20 years, depending on the age of the victim and whether violence, a ruse or threat was used.¹³⁰

Constitutional, legal and judicial reform

In February 2006 the new constitution specified the need for the elimination of all forms of discrimination against women.

In June 2006, the National Assembly approved a new sexual violence law, which broadened the definition of rape to include male victims. It also addresses sexual slavery, sexual harassment, forced pregnancy and other sexual crimes not previously covered by law.¹³¹

A significant development has been the use of military tribunals to try cases of SGBV as crimes against humanity in the DRC. For example, in April 2006 a military court in Mbandaka found seven army officers guilty of the mass rape of more than 119 women.¹³² This was the first time rape was tried as a crime against humanity in the DRC, and the first such sentence against FARDC personnel for these crimes.¹³³

Justice for Women is a campaign that aims to put women at the centre of administering justice for crimes committed against women and to lobby for increased female Congolese judicial personnel. Amongst other things, the objective is to tackle impunity of crimes against women, particularly SGBV.¹³⁴

Shelters

There is no official shelter for the protection of women available

in the DRC, either at the national or local level. However, the MoGFC has launched a plan for “Le Palais de la femme” (Women’s House).¹³⁵ Yet, with the lack of MoGFC funding, many Congolese women fear that this plan will not be realised.¹³⁶

Consolidating statistics

MoGFC was involved in a consultative meeting with regional gender ministries within the Great Lakes region. Women’s rights ministers from 11 countries across Africa’s Great Lakes region gathered from 24–25th July 2008 in Kinshasa for a UN-organised conference to take steps to set up a regional research and documentation centre on women’s rights.¹³⁷

Awareness raising

The MoGFC supports gender mainstreaming programmes for women and men in the PNC.¹³⁸ There are various campaigns and awareness raising on women’s human rights by both the MoGFC and Ministry for Human Rights. However, lack of resources make it difficult to reach many parts of the country, particularly remote towns where sexual violence, or any form of VAW, are endemic.¹³⁹

In March 2005 the Ministry for Human Rights ran an awareness raising campaign against impunity for rape. The campaign especially targeted civil and military magistrates.¹⁴⁰

Number of reports to police of SGBV and other abuses of women’s rights

Due to insufficient data and archiving, there is no information available to the general public about the number of reports made to the PNC about SGBV and other abuses of women’s rights.

Many CSOs are gathering data and highlighting these abuses to the media and general public, particularly with regards to sexual abuse of young girls, rape and widow’s rights abuses.

Number and percentage of crimes against women successfully prosecuted

Information not known.

10 International Law (Article 9)

The DRC has ratified CEDAW, which came into force on 16th November 1986.¹⁴¹ However, the DRC has neither signed nor ratified the Optional Protocol to the convention.

Reporting

The DRC submitted its combined fourth and fifth periodic report in 2004, which the Committee on the Elimination of Discrimination against Women considered at its 739th and 740th meetings on 8th August 2006.¹⁴² The committee expressed concern that the report did not fully comply with their guidelines for the preparation of reports, failed to refer to the committee's general recommendations and contained little statistical data disaggregated by sex.¹⁴³ The committee noted their regret that the delegation did not include any men, particularly 'in the light of the persistence of prejudices and of stereotypes with respect to the role of women in society and of the idea of male superiority'.¹⁴⁴

The fourth and fifth reports by the GoDRC covered the 2003 transitional constitution, highlighting the document's positive steps toward establishing basic gender equality principles in accordance with international instruments, such as CEDAW and UNSCR 1325.

During its consideration of the GoDRC's 2004 report, the CEDAW committee recognised that one of the principal obstacles to the full implementation of the convention was the context of war, which has negative repercussions on the population, and more specifically on women and girls, who are often victims of rape and other forms of sexual violence.¹⁴⁵ Key committee themes included: legal reform to tackle discriminatory law; access to justice and impunity; tackling SGBV; lack of concrete data; and lack of political participation of women.

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Alternative NGO report

An alternative report was prepared for the 36th CEDAW session in August 2006 by the African Association for the Defence of Human Rights and the World Organisation against Torture. The report highlights the failure of courts and tribunals in the DRC to uphold international law.¹⁴⁶ It clearly referred to rape of women being used as a weapon of war during the different armed conflicts of the DRC. It also highlighted that MONUC agents were complicit in raping Congolese women, with more than 75 allegations in 2004. The accused were forced to return to their country. However, the GoDRC did not prosecute the perpetrators. Following this, MONUC established a disciplinary and ethical group to prevent exploitation or other bad behaviour by MONUC agents.¹⁴⁷

Other international treaties

The DRC is a signatory to the following treaties that promote the right of women and girls to be protected from violence:

- African Charter on Human and Peoples' Rights (ratified 1987)
- African Platform for Action – Dakar declaration on VAW in Africa (1994)
- Beijing Platform for Action (1995)
- UNSCR 1325 on Women Peace and Security (adopted 31st October 2000)
- Rome Statute of the International Criminal Court (ratified 30th March 2002)
- Declaration of Durban on the affirmation in the question of equality between women and men (2002)
- The Dakar Strategy on the equality between women and men within the AU (2003)
- AU Solemn Declaration on Gender Equality in Africa (2004)
- UNSCR 1820 on Women, Peace and Security (2008)

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As part of the AU, the DRC also signed the Maputo Declaration (2003) on equality between women and men, and that of the rights of women. However, the DRC has not ratified the Protocol on the Rights of Women in Africa – an additional protocol to the 1981 African Charter on Human and Peoples' Rights adopted by the AU July 2003.

11

UN in the DRC

UN agencies present in the DRC

MONUC

UNSCR 1291 (February 2000) authorised a peacekeeping strength of up to 5,537 military personnel, including up to 500 observers, to work in the areas of human rights, humanitarian affairs, public information, child protection, political affairs, and medical and administrative support. The initial military strength and mandate of MONUC has been further altered by three UN resolutions: UNSCR 1565 (2004), 1797 (2008) and 1856 (2008).

MONUC Gender Office

The MONUC Gender Office was established in March 2002 in response to UNSCR 1325, to incorporate a gender perspective when implementing peace agreements and during peacekeeping operations.

Others:

UNDP
UNHCR
UNICEF
UNIFEM

Number and percentage of foreign women on international peacekeeping missions/ delegations in the country

As of April 2009, MONUC is the largest UN peacekeeping mission, with 18,395 military personnel, police and staff. Of those, 332 are women (1.8 percent).¹⁴⁸

Examples of UN actions taken to promote UNSCR 1325

Awareness raising

MONUC Gender Office began working on a framework for the implementation of UNSCR 1325 in collaboration with various UN agencies, as well as with national civil society and the Congolese MoGFC.¹⁴⁹

MONUC, UNIFEM and UNDP undertook awareness-raising activities on the resolution, providing information on it to key leaders of women's networks and key institutions.¹⁵⁰

Elimination of SGBV

MONUC Gender Office gave technical support to a local women's CSO network, Réseau Action Femmes (RAF), in launching a media campaign on SGBV. UNSCR 1325 was disseminated in Kinshasa at a demonstration of women's groups committed to the Pretoria Peace Process. MONUC also initiated action towards launching a series of seminars on CEDAW at academic institutions and universities in Kinshasa.¹⁵¹

MONUC has produced a *Comprehensive strategy on combating sexual violence in the DRC* (March 2009), which aims to create a common framework and platform for action for those involved in combating SGBV in line with successive UN Security Council resolutions, including UNSCR 1325 and 1820. It covers impunity, justice and security reform, prevention and protection.¹⁵²

Various other UN agencies such as UNIFEM and UNDP, as well as other gender advancement structures of the EU and INGOs, have also been key players.¹⁵³ Much of their work has focused on carrying out trainings and raising awareness among women leaders, as well as funding training for these leaders.¹⁵⁴

Policy implementation

MONUC Gender Office is currently working with CAFCO and the MoGFC in the consultation on and development of the DRC NAP on UNSCR 1325.¹⁵⁵

Training

MONUC DDR/SSR Unit, in collaboration with the gender office, conducted training on UNSCR 1325 with the Ministry of Social Welfare. Articles in the resolution relating to DDR/SSR were discussed in the training.¹⁵⁶

Divisions heads of each DRC province were invited to participate in a three day MONUC training workshop on UNSCR 1325 in Kinshasa (June 2008).¹⁵⁷ The training covered issues including the integration of gender perspectives at all levels of decision-making in national, provincial and local planning, particularly with regard to conflict prevention, peacebuilding, security, country governance and management.

Other

MONUC Gender Office has been working towards increasing gender awareness in MONUC and increasing women's participation in the political life and peace and DDRRR processes through gender mainstreaming, training, research and disaggregated data collection. MONUC Gender Office has also been assessing the situation of women in the DRC through networking with various CSOs and public outreach in different provinces of the DRC.¹⁵⁸

In 2004 the UNDP organised a meeting with women CSOs in the DRC to discuss necessary items for special reintegration assistance kits for women.¹⁵⁹ The MDRP produced and provided a list of "special needs" of women and girls in DDR processes.¹⁶⁰

It is important to highlight the competition for financial resources between various UN agencies over the management and implementation of women's projects in the DRC. A clear example is the lack of coordination between UNIFEM and UNDP over money allocated by DfID and other donors, which led to confusion and a lack of adequate support for Congolese women electorates and candidates during the 2006 elections.¹⁶¹

Conclusion

While it is clear that efforts have been made to reconstruct the DRC and its socio-economic fabric, progress in tackling gender inequality and women's human rights abuses has been limited. As this research has shown, there are challenges and key problems with the implementation of UNSCR 1325 in the country. Evidence suggests that this lack of implementation not only stems from an extremely weak justice system, but also from a profound lack of conviction at the highest levels of state that women's rights are fundamental for peace, security and sustainable development in the DRC. Despite progress having been made in terms of policy and legislation, such as Article 15 of the Third Republic's Constitution, the AU Solemn Declaration on Gender Equality in Africa and the PRGSP, awareness raising on the national and international frameworks including CEDAW, UNSCR 1325 and the African Charter on Human and Peoples' Rights, remains a low priority. Yet it is recognised that some of the most serious injustices of inequality and poverty run along gendered lines.

The complexity of the lack of female political participation, gender inequality and SGBV in the DRC, lies in the country's "human rights" mentalities, which are anchored in more than 400 years of oppression through slavery and colonisation, 30 years of dictatorship, and pervasive poverty and conflict. Although constitutional and legal reform are important instruments in countering this trend, the application of such laws is limited; not enough is being done to eliminate abuses such as SGBV. National institutions continue to fail in their duty to bring perpetrators of sexual violence and other human rights violations to justice. This is largely due to a weak judicial system and poor infrastructure, with laws not necessarily implemented at the local level.¹⁶² Victims and experts cited widespread impunity as one of the key reasons for the continuation of sexual violence in the DRC.¹⁶³ Successful prosecution of SGBV crimes requires increased numbers of gender-sensitive female members of the judiciary, free access to courts, psychological and medical assistance for victims, and better witness protection, as victims and witnesses often fear reprisal.¹⁶⁴ Not only



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are police not trained in investigating instances of sexual violence, but many women fear reporting such crimes because they risk being further abused at police stations upon doing so.¹⁶⁵

While the international community, particularly UN agencies, bilaterals and INGOS, have made efforts to tackle impunity by training the judiciary and improving access to justice for women, more aid needs to reach local grassroots CSOs. Furthermore, lack of data and information, and poor coordination of activities means that work is duplicated, without creating the necessary desired impact for women at the local level. Grassroots Congolese women and men must be empowered to work more closely with international actors and the GoDRC through local institutions. In developing multiple and coordinated strategies, the international community and GoDRC will be able to recognise differing interests, lived realities and contradictions among women and men of different class, religious and cultural backgrounds in order to enable the development of more inclusive peacebuilding policies.

Awareness and genuine understanding of UNSCR 1325 remains limited, with many believing responsibility for its implementation lies with the UN and its member states, armed groups, humanitarian agencies and mediators of peace negotiations. Further strategic activities are required in order to implement UNSCR 1325 in the DRC, as the resolution did not receive sufficient attention during the various peace processes, including those in the east of the country. This process requires a better coordinated framework and more in-country gender advisors.

Recent figures released by the IRC estimate that the conflict in the DRC has so far cost 5.4 million lives, largely from preventable disease, infection, starvation and violence.¹⁶⁶ The ongoing war against women and girls, particularly in the east, is destroying communities, families and lives for years to come. There can be no future for the DRC until this war and the pervasive human rights abuses, including SGBV, are halted.

In the words of Kofi Annan:

'Without strong national human rights protection structures in place and an end to the widespread reign of impunity in the Democratic Republic of the Congo, there cannot be any real reconciliation or the building of the foundation of long-term, sustainable peace'.¹⁶⁷

Women's human rights are key to national security and sustainable development in the DRC. UNSCR 1325 is an important tool by which to enable progress in this regard. Raising awareness of UNSCR 1325, strengthening the local and national machinery for the advancement of women, dedicating greater human and financial resources to gender equality, and increasing the representation of women in decision-making, will all impact on women's meaningful participation in public and gender equality. Women's full and equal participation in the DRC's political, economic and social spheres are indispensable objectives for achieving lasting and inclusive peace for all members of Congolese society, meeting the MDGs and ensuring the country's long-term stable development.

Recommendations

1. Enshrine the illegality of discrimination against women in the constitution and other legislations, in line with CEDAW recommendations.
2. Support local and national dialogues on women's rights and gender equality, and provide training for key government actors on national, regional and international human rights instruments that the DRC has ratified, including the 2006 concluding comments of the Committee on the Elimination of Discrimination against Women.
3. Update and implement the PNPFC and adjust it for the post-conflict period to include clear benchmarks for implementation, lines of responsibility and timelines.
4. Increase awareness and understanding of UNSCR 1325, UNSCR 1820 and national law on gender equality through national and local television, radio and press.
5. Place more emphasis on the effective participation of women in political and public life, and support female candidates in national and provincial elections.
6. Put women at the centre of administering justice *for* women by encouraging the recruitment of trained women in the judiciary.
7. Identify all laws and legal provisions that discriminate against women and draft new legislation to replace it in consultation with civil society.
8. Provide gender training for the national police and army, establish family support police units, and encourage the recruitment of female personnel.
9. Reinforce justice systems to ensure improved conviction rates for perpetrators of SGBV and pursue the prosecution of high-ranking military officers and men under their command for rape.
10. Increase financial support to the MoGFC and support the integration of gender throughout national and provincial budgets.
11. Support capacity-building programmes for women and women's organisations, and provide sustainable funding for women's grassroots organisations to undertake data collection on SGBV and other gender-related studies.

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NEPAL



Nepal

Achievements	Challenges
A 33 percent quota was adopted for women in parliament.	Women and their needs marginalised from the Nepal peace negotiations.
Women, peace and security agenda is led by Ministry of Peace and Reconstruction, not sidelined in the Ministry of Women.	Civil society and UNSCR 1325 initiatives concentrated in Kathmandu Valley.
Women, peace and security initiatives are funded by the UK Department for International Development (DfID) and UN. There is a mechanism for coordination in form of UN Peace Support Working Group on UNSCR 1325.	Very few public services exist for survivors of SGBV: majority of services are provided by civil society.

Acronyms

APF	Armed Police Force
CA	Constituent Assembly
CPA	Comprehensive Peace Agreement
CPN-M	Communist Party of Nepal-Maoist
IASC	Inter Agency Standing Committee
ICDC	Interim Constitution Drafting Committee
IHRICON	Institute of Human Rights Commission-Nepal
GON	Government of Nepal
MoPR	Ministry of Peace and Reconstruction
MWCSW	Ministry of Women, Children and Social Welfare
NA	Nepal Army
NHRC	National Human Rights Commission-Nepal
NPC	National Planning Commission
NPTF	Nepal Peace Trust Fund
PLA	People's Liberation Army
SAS	Sacharika Samuha Nepal
UNMIN	UN Mission in Nepal
UNPFN	UN Peace Fund for Nepal
WAPPDCA	Women's Alliance for Peace Power Democracy and the Constituent Assembly
WOREC	Women's Rehabilitation Centre

Nepal is a land-locked Himalayan country of some 30 million people, comprising over 40 different ethnic and social groups, strategically situated between India and China/Tibet. It was formerly the world's only constitutionally-declared Hindu state. Nepal ranks 142 out of 177 on the UN Development Programme's (UNDP) Human Development Index 2007.¹

In 1996 the Communist Party of Nepal-Maoist (CPN-M) began taking armed control of the countryside in the western Terai, in a bid to replace the parliamentary monarchy with a "People's Democratic Republic". The Maoist insurgency triggered 10 years of conflict, in which an estimated 16,000 people were killed and 100,000 to 200,000 displaced.²

In the Maoist units, women and girls had multiple roles as fighters, medics, cooks, porters and communications staff, and as dependents (wives, widows and children).³

In 2007 seven parties, including the CPN-M and the ruling party, agreed on the Eight-Point Agreement, which called for the abolition of the monarchy and the establishment of a federal republic in Nepal.⁴ In the April 2008 elections for the Constituent Assembly (CA), the Maoists won an unexpected one-third of the votes and became the largest party in an interim government. On 28th May 2008 the newly-elected CA declared Nepal a "Federal Democratic Republic", abolishing the 240-year-old monarchy. The elections marked a major step forward in the peace process and the start of the constitution-writing process. Nepali women's CSOs, with support from UN agencies, the UN Mission in Nepal (UNMIN) and other international organisations, had succeeded in getting a quota for women in politics and public life. The CA members include just over 33 percent women. Nepal ranks sixteenth in the world in the percentage of women in legislatures.⁵

Struggling to recover from civil war, Nepal is a food-deficit country. Food insecurity is pervasive, with 41 percent of the population under-nourished according to the UN World Food Programme (WFP).⁶ The rural regions,

which were hardest hit by the conflict, have a poverty incidence almost 20 percent higher than the Kathmandu Valley, where the capital is located.⁷ The 10-year conflict further perpetuated and aggravated pre-existing poverty in the country. Frequent *bandhs* (strikes) continue to impede economic recovery. The majority of internally displaced persons (IDPs), many of whom are women, fled the countryside to towns and the capital during the conflict. This in turn has placed significant strain on basic services, such as water supplies, sanitation and waste management.⁸

Historically Nepal's legal system has been a hybrid of the Muluki Ain, derived from patriarchal Hindu caste law, and English Common Law. Some 54 laws retain over 100 provisions which discriminate against women. The Domestic Violence Bill has not yet been passed by Parliament and domestic violence remains a pervasive, but hidden issue. Women and girls who leave home due to domestic violence, have a heightened risk of being trafficked and forced into prostitution in the main cities of Nepal, or in brothels across the border in India as well as in the Middle East.

The caste system, with its complex intermingling of traditions, festivals, faiths and doctrines, still permeates every stratum of society and results in many forms of institutionalised gender discrimination and cruel rituals. Some communities continue practices such as Deuki, Badi, dowry-related violence, Chaupadi and accusations of witchcraft.⁹ During the conflict, many women were widowed. Widows are subjected to cruel taboos and socially ostracised. When her husband dies, a woman loses all status and is more likely to suffer cruel taboos and be socially-ostracised. If she is from one of the higher castes, she is forbidden to marry again, own property, wear the traditional red she wore as a married woman, or wear jewellery. Her children or in-laws often view her as a financial burden. Many widows are cast out of their homes destitute. During the conflict, many women and girls were subjected by all sides to torture, rape and other forms of sexual violence, and were also deprived of education, health, marriage and reproductive rights.¹⁰ In addition, widowhood is a grave issue in Nepal. Single women,



including widows and divorced women, are in many ways one of the most vulnerable and invisible groups in Nepali society.

Nevertheless, in the conflict women took on leadership roles in households in the absence of men and participated in grassroots peacebuilding, democracy and disarmament movements.¹¹ Such women's groups lobbied for an end to the conflict and for legal reforms (like the Domestic Violence Bill), women's citizenship rights and the strengthening of national women's apparatus, and called for a 33 percent quota for women in the political and public sphere.

Despite all their roles throughout the years of conflict and in the transition period to democracy, women in Nepal were excluded from participating directly in the peace talks. After the signing of the Comprehensive Peace Agreement (CPA), a few women participated in the institutions set up to develop key issues included in the agreement. Two of the 31 members of the National Monitoring Committee were women. The Interim Constitution Drafting Committee (ICDC), initially made up of six men, subsequently expanded after a campaign led by women's organisations to include six women as representatives of the Dalit community.¹²

The Ministry of Peace and Reconstruction (MoPR) has been developing a UNSCR 1325 National Action Plan (NAP) with the support of the UN Population Fund (UNFPA) and UN Development Fund for Women (UNIFEM).¹³

The Maoist-led government has failed to deliver on its promises to protect women. Since the ascendance of the current government, two women's human rights defenders have been murdered; one in January 2009 and one in June 2008. Amnesty International says there have been no attempts to investigate or prosecute anyone for these crimes.¹⁴ This may be symptomatic of the fact that the interim Maoist-led government, in partnership with other political parties, has followed a typical pattern of Nepali politics and appears to have broken down, leaving the country in an uneasy limbo.

1 Key UNSCR 1325 Actors in Nepal

Key national actors

Government of Nepal

President: Mr. Ram Baran Yadav

Prime Minister: Mr. Pushpa Kamal Dahal

Ministry of Law

Ministry of Health and Population

MoPR

MoPR was established in April 2007 to oversee the reconstruction of Nepal's physical infrastructure, relief and rehabilitation of conflict victims, and the Truth and Reconciliation Commission. The MoPR is the lead ministry on UNSCR 1325.

Ministry of Women, Children and Social Welfare

The Ministry of Women and Social Welfare was established in 1995, and in 2000 was renamed the Ministry of Women, Children and Social Welfare (MWCSW). Minister: Ram Charan Choudhari.

National Human Rights Commission-Nepal

The National Human Rights Commission-Nepal (NHRC) is an independent and autonomous constitutional body. It was established in 2000 as a statutory body under the Human Rights Commission Act 1997 (2053 BS).

National media

There are around 4,000 papers, half a dozen television stations and more than 60 FM radio stations inside Nepal itself, plus TV and radio stations from India and China.¹⁵

Others

Nepal Bar Association

Nepal Police

Nepal Red Cross

1 National and international civil society actors

Family Planning Association of Nepal

National Women's Commission

National CSOs include:

Alliance Against Trafficking Women and Children

Collective Campaign for Peace (COCAP)

Dalit Rights Movement

Defend Human Rights Movement

Feminist Dalit Organization (FeDO)

Forum for Women Law and Development (FWLD)

Indigenous/Janajati Rights Movement

Land Rights Movement

Maiti Nepal

National Peace Campaign

Nepal Red Cross

PHEC Nepal

Rights Democracy and Inclusion Fund

SAATHI

Samjauta Nepal

Shanti Malika (Women's Network for Peace)

The Women in Alliance for Peace, Power and Democracy

Violence Against Women Network

WAPPDCA (alliance to promote/ implement 1325)

WomenAct - CEDPA¹⁶ supported coalition "Women Acting for Transformative Change"

Women for Human Rights (WHR)

Women Human Rights Defenders Network

Women's Rights Movement

Women Security Pressure Group,

Women's Alliance for Peace, Power, Democracy and the Constituent Assembly

Women's Campaign for Equitable Partnership and Just Peace

Women's Rehabilitation Centre

There are a number of international civil society actors in Nepal including:

Action Aid

Association of International NGOs (AIN)

ASIA Foundation

CARE Nepal

CEDPA

International Alert

International Federation of the Red Cross and Red Crescent

International Institute for Democracy and Electoral Assistance (IDEA)

International Red Cross

International Rescue Committee

Lutheran World Forum

Mercy Corps

Norwegian Refugee Council

OXFAM

Save the Children

South Asia Gender Alliance

WOMANKIND Worldwide

Key international actors

Canada

Gender and social inclusion are integral to Canadian International Development Agency (CIDA) programming in Nepal, whereby women, the poor and other groups are engaged in and benefit from CIDA initiatives.¹⁷

Germany

Deutsche Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation, or GTZ) lists its priority areas

as integrated into four pillars: 1) broad-based economic growth; 2) human development; 3) social inclusion; and 4) governance.

Japan

Japan International Cooperation Agency (JICA) targets the following priority areas: 1) social fields (including raising the social status of women and socially disadvantaged groups); 2) agricultural development; 3) environmental protection; and 4) post-conflict reconstruction and elimination of the causes of conflict.¹⁸

Norway

The Norwegian Embassy is highly proactive in making sure all projects or programmes they fund include gender perspectives. The embassy has funded and supported a number of initiatives specifically targeted at promoting UNSCR 1325 and is Co-chair with UNFPA of the UN Peace Support Working Group on UNSCR 1325 (PSWG 1325).

UK

The UK is the largest bilateral donor to Nepal, contributing £43 million in 2007/2008. The UK government allocated £7 million to support Nepal's first democratic elections. The money was allocated to: 1) the NPTF; 2) the UN Peace Fund for Nepal (UNPFN) – created in March 2007 to complement the NPTF (for more information, see Section 12: UN in Nepal); and 3) the UN High Commissioner for Refugees (UNHCR).

The UK Foreign and Commonwealth Office (FCO), Ministry of Defence (MoD) and DfID work jointly through the Global Conflict Prevention Pool to support the GoN's implementation of the CPA.

UK FCO defined critical areas for women in the post-election

for the CA period as: 1) meaningful participation by the women elected to the CA; 2) an inclusive CA consultation process; 3) a gender-sensitive constitution; and 4) support the process (i.e. balanced coverage in the media, gender-balanced involvement in SSR-related processes, empowering female members of all political parties, ensuring that commissions (such as the TRC) set up in the post-CA election period include women and address gender issues).¹⁹

US

The US Agency for International Development (USAID) is the fifth largest donor in Nepal and lists its priorities as: 1) improve the role of women; 2) protect natural resources and biodiversity; 3) increase rural incomes and biodiversity; and 4) assist Nepal to attract private sector investment to capitalise on its hydropower potential. USAID/Nepal pioneered a pilot programme of assistance for women's empowerment in Nepal. This programme aimed to strengthen Nepali women's participation in politics, advocacy and economic growth.

Other donors in Nepal

Denmark, Finland, Korea, the Netherlands, Switzerland, and the EU.

The Inter Agency Standing Committee in Nepal

The Inter Agency Standing Committee (ISAC) is a forum for coordination, policy development and decision-making involving key UN and non-UN humanitarian partners. Members of the IASC include selected UN agencies, international non-governmental organisations (INGOs), the International Committee of the Red Cross (ICRC) and World Bank.

Key National Policy Frameworks

Key national policy frameworks

Millennium Development Goals (MDGs)

Nepal is on track to meet MDGs covering: poverty and hunger; gender equality, child mortality and diseases.²⁰ Nepal is off track to meet MDGs on: universal primary education, HIV/AIDS and sanitation. Focused efforts from the GoN and donors have increased the number of girls in primary education, but gender disparity in education remains strong among the Madhesi.

CPA

November 2006's decisive peace agreement with the leaders of seven political parties and the Maoists laid out the path to lasting peace, including an interim constitution, followed by an interim government to replace the existing parliament.

The issue of women's and children's rights was raised as a theme in only one point of the agreement, 7.6. Rights of Women and Child: 'Both sides fully agree to provide special protection to the rights of women and children, to immediately prohibit all types of violence against women and children, including child labour, as well as sexual exploitation and harassment, and not to include or use children who are of eighteen years or below in the armed forces. Children so affected shall, immediately, be rescued and necessary and appropriate assistance shall be provided for their rehabilitation'.²¹ In other cases, their issues were raised partially and only in relation to other themes.

Three Year Interim Plan

The GoN's *Three Year Interim Plan (2007/08–2009/10)*²² includes a gender mainstreaming and inclusion chapter. The UK Department for International Development (DfID) was the lead donor in providing technical assistance to the NPC on this chapter.

Tenth Plan 2002–2007

The *Tenth Plan (Poverty Reduction Strategy Paper) 2002–2007*²³ for the MWCSW covers mainstreaming gender; reducing gender inequality, empowering women and recognising gender inequality as a key indicator for poverty analysis.²⁴

Domestic Violence Bill

The Draft Bill on Controlling Domestic Violence against Women (2003) was passed by Parliament, but did not receive Royal Assent before Parliament dissolved.²⁵

Local Self Governance Act (LSGA) (1999)

The Local Self Governance Act (LSGA) introduces mandatory representation of women in local government.

National Plan of Action against Trafficking in Children and their Commercial Sexual Exploitation (1999)

Human Trafficking (Control) Regulation (2008)

Enacted in order to implement the provisions of the Human Trafficking Control Act of 2007 effectively.

Gender Equality Bill (2006)

The Gender Equality Bill covers: the provision of citizenship rights under mother's name; marital rape included within definition of rape and becomes grounds for divorce for women; provision depriving mothers of guardianship of child after divorce is removed, and mother to have first guardianship of child if child is a minor; increase in imprisonment term for those involved in performing abortion to any woman by force, coercion or undue influence; daughter included within definition of family under the Act Relating to Land.

Eleventh Amendment of Country Code (Muluki Ain) on Women's Rights (2002)

The Eleventh Amendment of Country Code Bill was passed on March 14th 2002 and was intended to empower women by providing the unmarried women equal rights to parental property and the share of the divorced and widowed women in their husbands' property. The Bill also decriminalises abortion and allows women the right to alimony. This bill resulted in widows/single women's rights to property. The government took initiatives to implement or monitor their actual implementation for conflict widows but other widows/marginalised single women were excluded.

3 National-level Activities Related to UNSCR 1325

Development of NAPs for implementation of UNSCR 1325

NAP is being developed.

The secretaries of the Ministry of Home Affairs, MoPR and MWCSW expressed commitment to pursuing the implementation of UNSCR 1325. There have been discussions regarding technical support for a proposed NAP on UNSCR 1325, which would support three strategies: 1) incorporating UNSCR 1325 into the planning guidelines of the NPC; 2) having separate programmes on UNSCR 1325; and 3) reviewing existing programmes from the UNSCR 1325 perspective, including most centrally those of the MoPR. UNIFEM have provided technical assistance. Despite the commitment, however, issues of human resources and capacities are likely to impact the process.²⁶

Examples of national government actions taken to promote UNSCR 1325

Parliamentary quota for women

A declaration passed by the House of Representatives in June 2006 called for 33 percent representation of women in all decision-making bodies. The April 2008 elections for Nepal's CA were thus a leap forward for women in the CA/Legislature from six percent to 33.2 percent. Nepal is ranked sixteenth in the world with regard to the percentage of women in lower or single houses.²⁷

Legal reform

Some of the gender-discriminatory legal system has been reformed. For example, women no longer have to wait for 35 years to inherit property and widows are now still entitled to their deceased husband's property after remarriage.²⁸

Other

Joan B. Kroc Institute for Peace and Justice carried out a number of workshops and meetings in support of the peace process in Nepal and implementation of UNSCR 1325.²⁹

3 Examples of bilateral actions taken to promote UNSCR 1325.

Gender training

The UK Global Conflict Prevention Pool funds human rights training for the NA as well as funding local human rights CSOs (including Advocacy Forum Nepal) and OHCHR. However, they do not focus on gender issues specifically, but look at human rights as a whole.³⁰ Listed below are examples of gender-sensitive trainings and projects funded by the UK (2004–05):³¹

- Training the Nepal police, NGOs and actors involved in child and women exploitation issues;
- Awareness-raising on civic and human rights among youth leaders and the PLA in cantonments;
- Empowering women through private enterprise development;
- Empowering young displaced girls to combat various exploitation;
- Building bridges between women victims and the state, influencing state policy through debate/discussions and workshops;
- Assessing changing roles of Nepali women amidst the conflict;
- Training on gender sensitisation, legal awareness and human rights;
- Influencing policy and combating violence against women and other deprived sections of society.

Technical Assistance

DfID was the lead donor in providing technical assistance to the NPC on the chapter in the *Three Year Interim Plan (2007/08–2009/10)* on gender mainstreaming and inclusion.

Support to the UN

FCO drafted the second UN Security Council resolution on Nepal to renew UNMIN's mandate, which was passed in January 2008.

3

Examples of national CSO actions taken to promote UNSCR 1325

FCO ensured that, as with the first resolution on Nepal, there was reference to the need to 'pay special attention to the needs of women in the peace process along with other marginalised groups'.³²

Women's political participation

FCO funded women's political inclusion and empowerment projects for the following NGOs in 2007/08: SWEET Nepal, Renaissance Society Nepal, Jagaran Nepal, Beyond Beijing Committee, Rural Women Development Centre and Inter-Party Women's Alliance.³³

Other

DfID Nepal is a member of the UNSCR 1325 Task Group and a steering committee member of the Social Inclusion Action Group, which also works to improve donor and government disaggregating by sex, caste and ethnicity in monitoring systems.

US

USAID/Nepal pioneered a programme of assistance for women's empowerment to advance democracy and economic growth. This programme contributed to strengthening Nepali women's participation in politics, advocacy and economic growth. The completion of this programme has provided USAID with a large-scale tested pilot programme on which to model similar activities globally.³⁴

There is an active civil society in Nepal, with many CSOs having distinct activities and priorities, although they sometimes come together in alliances and coalitions to work for a common cause. The majority of women's NGOs depend on foreign funds; many are aligned to a political party; some work across the entire country, although many are based in the Kathmandu Valley; others target their work on behalf of a particular caste (e.g. Dalit, Janajati, etc.) or ethnic groups (e.g. Madhesis, etc.). Civil society activities include: campaigning for peace, rights of widows and single women,

4

National Government Financial Resources (Article 7)

Budget (total and percentage of national budget) allocated to national women's ministry or equivalent

human rights awareness-raising, voter education, legal assistance, income generation, social counselling, health, addressing VAW and trafficking, peace and women's political participation.

Ministry of Finance – Nepal Peace Trust Fund

The Nepal Peace Trust Fund (NPTF) is administered by the GoN (Ministry of Finance). This is said to be the first peace fund in a post-conflict situation that is administered by the recipient country itself. DfID is the lead donor for the NPTF, with Denmark, Finland, Norway and Switzerland also contributing. There is no discernible evidence to date of mechanisms for ensuring gender and women's human rights are mainstreamed into the fund allocations and projects.

Gender-responsive budgeting (GRB)

GoN introduced the concept of gender-responsive budgeting in 2007. Under the GRB government ministries are required to report on the gender responsiveness of their programmes and activities. Programmes are then rated in three categories on gender equality - directly supportive, indirectly supportive or gender neutral.³⁵

2007/8 gender-sensitive budget allocations: directly supportive: 11.3 percent; indirectly supportive: 33.16 percent.³⁶

MWCSW

Budget allocation: 0.3 percent of national budget in 2007.

The following ministries allocated budget to UNSCR 1325 activities (internal training, awareness raising, etc.): Ministries of Defence, Interior, Education, Health, Refugees/IDPs, Women, and Peace and Reconstruction.

4

	There will be some budget allocation in 2008 by the GoN for implementation of UNSCR 1325, as it is mentioned in the <i>Three Year Interim Plan (2007/08–2009/10)</i> .
Ministerial budget allocated to grassroots organisations for UNSCR 1325 activities	Information not known.

5

Peace Negotiations and Peace Agreements (Article 8/Action Point 8)

Inclusion of civil society organisations within peace negotiations	<p>Civil society was not officially involved in the peace process.</p> <p>However, the process was broader than the negotiations that led to the political parties and Maoists signing the CPA. Civil society initiatives were developed alongside the negotiations, which contributed to the peace process.³⁷</p>
Numbers and percentage of women at national peace negotiations	<p>25-Point Code of Conduct on Ceasefire</p> <p>The 25-Point Code of Conduct on Ceasefire³⁸ was agreed after the first round of peace talks in May 2006. Yet, there was no women's participation when the code was jointly issued by the government and Maoists. Neither were there any women signatories or women's participation during the decision-making in June 2006 that led to the seven political parties and Maoists signing the 8-point agreement.³⁹</p> <p>In September 2007 WAPPDCA, a women's NGO alliance that promoted the implementation of UNSCR 1325, released a list of over 3,000 women qualified to take up positions of responsibility related to the peace and electoral process, including as candidates for the CA. There could thus be no excuse among political parties or organisations/movements representing traditionally-marginalised communities that they could not find qualified women for positions. This initiative was supported by the Norwegian Embassy and UNFPA.</p> <p>Despite continual lobbying from women's networks and NGOs, there was also no direct participation of women in the agreement between the seven political parties and the CPN-M in November 2006, which resulted in the signing of the CPA. The issue of women's and children's rights was raised as a theme in only one point of the CPA and in other cases their issues were raised partially and only in relation to other themes.⁴⁰</p>

5

The government's ministerial-level peace negotiation teams that emerged during the transitional phase were comprised entirely of men. The MoPR was led by a man and the majority of those at the decision-making level in the ministry were also men. Nepali women's CSOs channelled their views from outside the processes to leaders on all sides.

UNIFEM held a meeting with women from 57 of the 75 districts to talk about their concerns. They came up with a 10-point declaration to feed into the peace process, and grassroots women and UNIFEM met all the political parties to lobby for the inclusion of women in the peace process.⁴¹

After the signing of the CPA, a few women participated in institutions set up to develop key issues included in the agreement. Two of the 31 members of the National Monitoring Committee were women.

ICDC

Shantimalika, a network of women's NGOs working for peace and women's rights, lobbied and protested for women's participation in the peace process. Shantimalika used UNSCR 1325 as a tool to bring legitimacy to its demands.⁴² The Nepal ICDC, initially comprised of six men, subsequently expanded after a campaign led by women's organisations to include six women as representatives of the Dalit community.⁴³

6

Governance and Institution Building (Article 13)

Number and percentage of women on constitutional drafting committees

Constitutional clauses for protection of women's/ girl's rights

Interim Constitution of Nepal

This sixth constitution was promulgated on 10th December 2006. After demands from women politicians and civil society leaders, one woman from each political party was represented on the ICDC: Sushila Karki, Puspa Bhusal, Chhatra Kumari Gurung and Shanta Rai.⁴⁴

CPA

Clause 3.5: 'To carry out an inclusive, democratic and progressive restructuring of the state by eliminating the current centralized and unitary form of the state in order to address the problems related to women, Dalit, indigenous and ethnic (Janajatis) people, Madhesi, oppressed, neglected and minority communities and backward regions by ending discrimination based on class, caste, language, gender, culture, religion and region'.⁴⁵

Interim Constitution of Nepal

The constitution guarantees equality between all citizens. It showed strong commitment to solving gender discrimination in the following articles: 8. Citizenship; 13. Right to Equality; 18. Employment and Social Security Right; 20. Women's Rights; 21. Right to Social Justice; 29. Right Against Exploitation; 33. State Obligation; 34. Directive Principles of the State; 35. State Policies; 63. Formation of the Constituent Assembly; 131. National Human Right Commission; 138. Progressive Restructuring of the State; and 142. Political Parties' Eligibility of Registration for Election.⁴⁶

However, there are a number of discriminatory provisions in various laws against widows/single women that conflict with rights provided under the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). The strong patriarchal culture and traditional practices are especially discriminatory

towards single women (including divorced women and widows). This remains a major hurdle in the implementation of human rights conventions in Nepal.⁴⁷

The GoN has prioritised rehabilitation, reintegration and inclusive development in the constitution, and has adopted women's empowerment, gender equality and social inclusion as cross-cutting principles.

The Forum for Women, Law and Development, a Nepali CSO, made sure that reproductive rights were recognised as fundamental rights in Nepal's interim constitution. This marks the first time that a government in the region has explicitly recognised women's reproductive rights as human rights in a national constitution.⁴⁸

The Constituent Assembly Member Election Act 2007, the Elections Commission Directives and the 25-Point Code of Conduct on Ceasefire all stated the need for women's participation.

Number and percentage of women in decision-making positions

CA

There is a 33 percent quota for women in Nepali government. Altogether, there are 197 women out of 575 directly elected members of the CA (33.2 percent);⁴⁹ among them are 45 widows and 6 wives of missing husbands. Nine women candidates were elected under the first-past-the-post (FPTP) system, while the other women were elected by proportional representation (PR).⁵⁰

The total number of women seeking direct election to the CA in April 2008 was 367 out of a total of 3,947 candidates.⁵¹

Table: Percentage of women in parliament, ministries and civil service⁵²

	MPs (%)	Ministries (%)	Civil service (%)
2003	-	-	5.1
2005	5.9	7.4	-
2008	32.8	-	-

Gender Focal Points

In each government ministry there is a targeted official (or "focal point") on gender. They are mostly at middle level and have little influence upwards. These focal points have participated in gender training and some also participated in a workshop on SGBV for the first time in early 2008.

Type of political system

Combined system

Nepal's electoral system is a combination of single-member constituencies (FPTP) and PR by closed lists. There are quotas for women and other marginalised groups.

The Interim Constitution requires each party to field 33 percent female candidates. Fifty percent of these candidates had to be on the PR lists; the rest stood for direct elections by FPTP. In addition, 26 seats are appointed by the cabinet after election results are finalised.⁵³

Further analysis and other relevant information

WomenAct Nepal is a coalition of over 36 women's CSOs and CSO networks working to ensure that women's voices are heard, and that women work together and support each other in bringing about change. The coalition is bringing attention to the need for a constitution that prohibits discrimination on the grounds of sex, gender, age and marital status; provides for

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women's participation and gives them a voice in decision-making, gender policies and programmes; prioritises women's dignity and security; and respects their rights to life, health and well being. WomenAct Nepal has drafted a woman's charter and is working for its inclusion in political parties' manifestos and in the new constitution. The Charter for Women's Rights has been distributed to all CA members and is registered with the National Women's Commission.

7

Security Sector Reform and Disarmament, Demobilisation and Reintegration (Action Point 11)

Number and percentage of women and girl combatants during the conflict

People's Liberation Army (PLA)

Around 40 percent (the exact percentages are not known) of the armed wing of the CPN-M were female. Women had multiple roles as fighters, supporters (as medics, porters, communications staff, etc.) and dependents (wives, children, etc.). Many women joined the Maoist cadres as volunteers; others were coerced into joining or abducted.⁵⁴

Number and percentage of women and girls in the DDR process

According to UNMIN, of the 32,250 registered PLA personnel, 19,602 met the previously-agreed criteria for registration. Of these, 3,846 were women and 15,756 men.⁵⁵

The media reported that in addition to the deprivation suffered by their male colleagues, women had reproductive health concerns, infections and lack of basic sanitary supplies, so left the cantonments and therefore missed Phase I of UNMIN registration. This could partly account for the discrepancy in estimated numbers of women participating in forces.⁵⁶

Gender training and sensitisation of national actors

There are currently two armies in Nepal: the NA and PLA. Given the fact that both committed human rights abuses during the armed conflict, the accountability of these institutions under a civilian oversight body is urgent. The Armed Police Force (APF) was set up in early 2001 by the state as a counter-insurgency force and is poorly trained for civilian policing, and its function requires careful review.⁵⁷

Agencies including UNFPA and UNIFEM, as well as donors, have worked together with various ministries to conduct gender training and training on UNSCR 1325.

Number and percentage of women in police and military

Army

There are 1,070 women (1.2 percent) in all ranks of the army. Women comprise 6.44 percent of all officers, including 18.87 percent of junior commissioned officers and 9.62 of non-commissioned officers. The NA aims for women to comprise five percent of the total strength of the army.⁵⁸

Police

Out of 56,000 police officers, 2,000 are women. The district chief of police in Gorkha is the only female chief of police in all of the 75 districts. Women and Children Service Centres have police specially trained to deal with sex trafficking, domestic violence and rape.⁵⁹

Transitional Justice and Judicial Reform

Number and percentage of women as commissioners in truth and reconciliation or human rights commissions

A truth and reconciliation commission (TRC) has not yet been established in Nepal.

As required by the 2006 CPA, the GoN prepared a Truth and Reconciliation Commission Act. The initial draft bill was widely criticised by lawyers, human rights activists and international human rights organisations. They were particularly concerned at a proposed amnesty for the perpetrators of gross human rights violations and violations of International Humanitarian Law (IHL), including extra-judicial execution, torture and disappearances. Provisions to prevent prosecution for these offences are inconsistent with Nepal's obligations to international law. It also raised the debate on "peace versus justice". (Some people believe that peace should take precedence over justice.)

Number and percentage of women who testified by type of violation

Not applicable.

Number and nature of provisions/ recommendations in the final reports on women and women's rights

UNIFEM and OHCHR have consulted women's CSOs and made recommendations on the draft TRC.

Table: Number of women in judiciary and law reform bodies. (Percentage not known).⁶⁰

Women in judiciary	Number
District Courts	2
Appellate Courts	1
Supreme Court	2

The first female judge was accepted into the Supreme Court in 2001.

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Further analysis and other relevant information

One of the contributing factors to women's low status is the discriminatory legal system and poor access to justice. Nepal still has some 118 legal provisions, spread across 54 different laws, including the constitution, that have discriminatory provisions. Adverse effects on women of the discriminatory provisions are manifold: economic dependency, domestic violence, lack of access to resources and exploitation in all its forms.⁶¹

9

Sexual and Gender-based Violence Prevention and Response (Article 10–12/Action Point 9)

Incidence of SGBV/VAW

During the conflict, many women and girls were subjected by all sides to torture, rape and other forms of SGBV. Women and girls who leave home due to domestic violence have a heightened risk of being trafficked and being forced into prostitution in the main cities of Nepal, or in brothels across the border in India as well as in the Middle East.⁶² CSOs working with displaced women warn that the combination of conflict, displacement and prostitution is contributing to the spread of HIV/AIDS in Nepal.⁶³

Women human rights activists have become a target of attack because they dare to challenge Nepal's patriarchal divisions. Many have become social outcasts for raising the issues of domestic and sexual violence, and face intimidation, beatings and even death. Police often refuse to file a complaint or to fully investigate attacks, and offer no protection.⁶⁴

There is anecdotal evidence that road building sub-contractors funded by donors demand sex from women in return for offering them work.

VAW and SGBV are new and highly sensitive topics for the GoN. The *Nepal Human Development Report 2004* raises domestic violence as a serious and ignored problem.⁶⁵ Yet, the Domestic Violence Bill has not yet been passed by Parliament. The caste system and a complex intermingling of traditions, festivals, faiths and doctrines, still permeates every strata of society in the country and results in many forms of institutionalised and cruel rituals.⁶⁶

Most advocacy, research, prevention and protection services for addressing SGBV/VAW are led by women's CSOs and international organisations. However, in recent years CSOs assisting victims of sexual violence have been the target of attack. The

Maoist-led government has failed to deliver on its earlier promises to protect women. Since the government came to power, two women's human rights defenders have been murdered; one in January 2009 and one in June 2008. Amnesty International says there have been no attempts to investigate or prosecute.⁶⁷

Alcoholism is an escalating problem in Nepal, with male alcohol abuse contributing to SGBV in the home.⁶⁸ Analysis from Saathi on VAW showed that 93 percent of women were exposed to mental and emotional torture, 82 percent were beaten, 30 percent were raped and 28 percent were forced into prostitution.⁶⁹ Rights CSOs say a number of crimes like polygamy, marital rape, sexual abuse by relatives, torture and even trafficking, are directly related to domestic violence.

Women and girls remain afraid to report rape and other forms of violence, not only because of hostility and stigma from their community, but also due to state inaction in ensuring the investigation, prosecution and punishment of perpetrators through the justice system.

National government and/ or civil society protection measures against SGBV/VAW

Supreme Court

On 2nd May 2005, a Supreme Court verdict abolished all discrimination against women.

MWCSW

The MWCSW is organising district-level committees.

NP, Women and Children Service Centres

The NP have 24 Women and Children Service Centres at the district level,⁷⁰ which receive women and girls who have suffered from different types of abuse, particularly domestic violence,

and help them file a First Incident Report. The NP is planning on starting 32 more such centres at the district level. These police cells have had trainings, but are reported to still be weak on human rights, especially SGBV issues.

SGBV Network

OHCHR chair the SGBV Network and is in contact with the special rapporteur on violence against women. OHCHR fulfils an early warning function through communications with the government on violations of women's human rights. Some activities include: investigation of human rights violations and breaches of IHL, with a desegregation of data (gender, age, ethnicity, caste) for human victims; investigation of sexual violence committed by parties to the conflict; support of the right to justice for victims of sexual violence; and regular meetings with civil society representatives, including women's groups.⁷¹

Women's CSOs and student groups

With support from the international community, women's CSOs and student groups have run a number of high profile public awareness campaigns about VAW, such as 'Action Against Violence to Women'.

Number of reports to police on SGBV and other abuses of women's rights

Information not known.

Some 40 cases of violence against women were reported to OHCHR. Sixty-three percent of victims were below 18 years old. Access to justice for victims, especially for sexual violence victims, is a problem. For example, police will often refuse to file a First Information Report on cases of SGBV.⁷²

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Number of crimes against women successfully prosecuted

Information not known.

10

International Law (Article 9)

Status of CEDAW and optional protocol

Nepal ratified CEDAW in 1991 with no reservations. On the 27th anniversary of CEDAW in December 2006, the GoN ratified CEDAW's Optional Protocol, also with no reservations.

VAW was addressed in the CSO-led *Nepal CEDAW Shadow Report 2003*. In 2004, after strong recommendations to the Nepal government by the CEDAW committee, some changes were made to the discriminatory laws, mostly through the Eleventh Amendment to the Country Code of Nepal (see Section 2: Key National Policy Frameworks).

11 UN in Nepal

UN agencies present in Nepal

UN agencies, UNMIN and other international organizations, have actively used UNSCR 1325 as a framework tool. At the time of the writing, UNFPA and UNIFEM were the lead UN agencies on implementation of UNSCR 1325.

UN Country Team (UNCT)

UNCT is made up of all UN agencies operating in Nepal and is coordinated by the humanitarian and resident coordinator. An IASC GenCap⁷³ senior gender advisor was appointed on a six-month contract by the UNCT in Nepal (seconded by the Norwegian Refugee Agency). Part of her role was implementation of UNSCR 1325 in-country.

UNMIN

UNMIN is a political mission established by UN Security Council Resolution 1740 to support the peace process in Nepal.⁷⁴ The UNMIN Gender Section has finished its mission to support women's political participation in the elections and promote gender equality. The team comprised of 13 members, had a field presence in all five regions, and looked at the broader context that impacted women's security as well as ways in which UNSCR 1325 could be incorporated into the ongoing peace process.

UNFPA

UNFPA Nepal has made it a priority to emphasise the importance of UNSCR 1325 both at the central and grassroots level. Specific UNFPA initiatives include: developing an information kit for journalists and follow-up training; developing a cartoon booklet, training manual and pocket book guide for semi-literate grassroots audiences; supporting street drama performances on women's participation in the peace process; supporting the WAPDCA list of 3,000 qualified women who could be election candidates;

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assisting the development of a NAP on UNSCR 1325.⁷⁵ UNFPA also co-chairs the PSWG 1325.

PSWG 1325

A UN and donor coordination and cooperation forum established to enhance implementation of 1325 among UN agencies and donors. PSWG 1325 has assisted in the identifying gaps at the policy and/or project levels.⁷⁶ UNFPA provides secretariat services to PSWG 1325.

OHCHR

OHCHR monitors the human rights provisions of the CPA,⁷⁷ and is the lead agency on both the SGBV Network and Peace Support Working Group on Transitional Justice. OHCHR also supports the National Human Rights Commission.⁷⁸ OHCHR's National Office Protection Section has two people working on gender and child protection issues.

WFP

Partnered with UNFPA and OCHA, WFP work on workshops for UNCT agencies and stakeholders on SGBV, gender and implementation of UNSCR 1325. WFP encourages girls to attend school by providing take-home rations, and also provides fortified rations to mothers and children.

UNHCR

UNHCR has done work to prevent and address SGBV in refugee camps in Nepal, and provides legal and livelihood assistance to survivors of SGBV.

UN Gender Network

A forum for UN gender focal points.

Gender information disaggregated data in UN mission report for country

UNPFN

In March 2007, to complement the NPTF, the United Nations Peace Fund for Nepal (UNPFN) was created to mobilize resources to the UN system in Nepal in support of activities of clear, short-term relevance to the peace process. The UNPFN (total US\$9.5 million) is designed to enable rapid delivery of essential peace support activities and was set up in March 2007 for two years. Donors of the UNPFN include DfID (US\$3.5 million); Canada (US\$2.2 million); Norway (US\$2 million); Denmark (US\$1.5 million) and Switzerland (US\$0.19 million).⁷⁹ Since early 2008, project proposals for the UNPFN must meet criteria on gender in line with the IASC gender guidelines and UNSCR 1325.⁸⁰

Others

International Labour Organisation (ILO)

UNICEF

UNIFEM

OCHA

UNDP

Prior to her arrival in Nepal, UNFPA Representative Junko Sazaki was invited in December 2006 to be a member of the UN Technical Assessment Mission. Partly as a result of UNFPA's participation, gender was mainstreamed into the final report of the mission.⁸¹

Number and percentage of foreign women on international peacekeeping missions/delegations in the country

Examples of UN actions taken to promote UNSCR 1325

There are currently 56 UNMIN arms monitors from 19 countries at the seven PLA cantonment sites where weapons are stored as well as at the NA's Chhauni barracks.⁸² The number of female UNMIN arms monitors is uncertain, although sources suggest 13 are women.⁸³

UNFPA supported inter-agency efforts to draw attention to the need for quotas/provisions for women and other socially-excluded groups in the draft elections bill. UNFPA appointed a gender advisor with responsibility to ensure implementation of UNSCR 1325. UNFPA also commissioned an extensive study (*Gender Violence Assessment in Dang and Surkhet*) on the levels and forms of SGBV as they relate to conflict in two districts. The research was conducted by local CSOs, WHR and Saathi. Technical assistance was sought from the IRC. The study was conducted to support evidence-based programming to address SGBV.⁸⁴

UNFPA and UNMIN jointly supported a street drama on VAW and 1325. Conducted in regional centres and approximately 15 districts for media awareness and specifically awareness-raising at the community level in November and December 2007.

PSWG 1325 and UNFPA, in partnership with WAPPDCA, and with support from the Norwegian Embassy, produced a database and book of potential female political candidates from across the political spectrum: *Who's who: Women in Nepal*.

IASC appointed a senior gender advisor on a six-month contract to the UNCT in Nepal (seconded by the Norwegian Refugee

Agency). Part of the role of the advisor was the implementation of UNSCR 1325.

UNFPA provided, on request, trainings on women and social inclusion, and sexual exploitation and abuse, to the arms monitors arriving in Nepal as part of the UNMIN staff.⁸⁵

All OHCHR training of CSOs and the Nepali police includes one session on women's human rights, specifically focussing on UNSCR 1325 among the police.⁸⁶

Conclusion

The conflict in Nepal threw the erstwhile social, political and economic structures into disarray, creating opportunities for positive changes for women in Nepal. Women's active participation in Maoist structures promoted the institutional presence of rural and Dalit women in Nepal, and helped put this issue on the country's political agenda. During the years of conflict, many women were widowed. Widows, divorced and single women across Nepal organised themselves into an effective but under-resourced movement. UNSCR 1325 was used by Nepali women's CSOs and networks to demand a greater presence of women in the peace process and political sphere, and to establish wide-ranging gender agendas. International donors, UN agencies, UNMIN and other international organisations have actively used UNSCR 1325 as a framework tool.

The April 2008 election represented a milestone, creating the CA as an entity to write a new constitution and establish the first post-monarchy government. More than a third of those elected to the CA were women from across castes and ethnic backgrounds. These 197 women provide the country with a particular opportunity to develop a constitution that meets equal opportunities and human rights of women, and to get amendments to the many laws and provisions that discriminate against women.

However, despite the number of women sitting in the CA, there is still some question about the extent to which their voices are heard and their ability to influence the process. This is particularly true for those who have limited education and literacy skills, who may struggle with the official proceedings. These women should not be seen as a statistic; rather, they must step forward to make a real difference on the issue of women and gender equality.⁸⁷ Newly-elected men and women will need capacity-building in their role as accountable, democratic parliamentary representatives of the citizens of Nepal.

"Gender and social inclusion" is the declared goal amongst the GoN, political parties, CSOs and international community. Combating historic

discrimination and exclusion based on caste, ethnicity, gender and other identities remains a serious challenge for Nepal. If left unchecked, such discrimination will have a significant negative impact on peacebuilding processes.⁸⁸ Political parties and the GoN, urged on by civil society and with support from international organisations, have begun to take tentative steps to tackle long-standing and widespread gender inequality in the country. The MoPR, with technical assistance from UNIFEM and UNFPA, has begun work on a NAP to implement UNSCR 1325. This framework must be well championed, allocated sufficient budgets and include clear evaluation mechanisms if there is to be any genuine impact.

In the past five years, Nepal has received US\$785 million in aid infrastructure development support, with transport, communications and energy receiving the largest share of these resources.⁸⁹ Trends in donor assistance are towards agriculture, health, social services, natural resources, decentralisation and good governance. The challenge to the GoN, donors, FCO and MoD is how to ensure that gender and women's human rights are mainstreamed throughout all sectors, including DDR of former combatants, and not confined solely to a few small (but useful) "women-focused projects".

Some donors, such as Canada and Norway, have been proactive in making sure projects or programmes they fund include gender perspectives. Others have supported specific projects targeted at women, but have then overlooked gender as a cross-cutting issue when it comes to their larger funded projects and programmes in other sectors. They forget to include Nepali women as equal partners in the planning, decision-making and implementation, and have sometimes been blind to the differing impacts their programmes and projects may have on women and girls from men and boys as beneficiaries.

DfID is the largest bilateral donor to Nepal. Although DfID supports women-specific projects and programmes on maternal health and girls' access to education, it has been difficult to gauge how much and how effectively

gender and women's human rights are mainstreamed into the totality of DfID interventions and how they ensure UNSCR 1325 interventions are designed and monitored.

The security needs of women in post-conflict Nepal need to be addressed immediately at all levels and as a matter of particular urgency. Many human rights and women's rights CSOs, in collaboration with international aid agencies, have joined forces to lobby for stronger measures to prevent and address VAW. In spite of the election promises made by the new government to protect women, women human rights activists are at high risk of attack, with impunity for the perpetrators. Women human rights defenders have become social outcasts for raising the issues of domestic and sexual violence, and are targets of intimidation, beatings and even murder. The Nepali police and doctors often refuse to file a complaint or to fully investigate attacks.

In the face of extreme discrimination, large numbers of women in Nepal have demonstrated their desire for change, and for women to play an active role in the peace and reconstruction process. Gender needs to be mainstreamed into all sectors⁹⁰ and proactive and coherent measures are required from the GoN, civil society, and international donors and partners to support gender equality and the protection of women's human rights.

Recommendations

1. As the lead donor on the UNPFN, DfID should ensure a senior gender advisor is included on any assessment of proposals to the fund.
2. Substantially increase direct funding to women's rights issues organisations and make direct funding more accessible, including core and guaranteed 5-10 year funding.
3. Introduce a contract-compliance clause on gender and sexual harassment, which DfID/FCO/MoD-funded contractors and sub-contractors must sign and implement.
4. Train DfID, FCO and MoD staff deployed to Nepal, including arms monitors and advisors, on implementation of CEDAW, UNSCR 1325 and UNSCR 1820. This should include how to mainstream gender across all their work, including DDR processes.
5. Provide newly-elected CA women and men with the skills necessary to negotiate and lobby to get legislation passed and implemented for the 118 provisions across 54 laws that discriminate against women (including the Domestic Violence Bill). This training should include the implementation of CEDAW, UNSCR 1325 and UNSCR 1820.
6. Teach Nepali editors and journalists of the importance of gender in the media, modelled on successful workshops run in Albania, Kosovo and Senegal.
7. Train government officials, the judiciary, police, military and (I)NGOs on security, human and property rights of women, including of female IDPs, widows, and single and divorced women.
8. Urge and support the Nepali government to develop the capacity of doctors, police, health workers, hospitals and lawyers/judiciary to provide support to women survivors of SGBV.
9. Assist the Nepali government to immediately protect the safety of women human rights activists, particularly in the rural areas.
10. Help the Nepali government to take all possible measures to ensure justice, truth and reparations for crimes of violence against women committed during and after the conflict – with no impunity. The commanding officers and political overseers of armed forces must be held legally accountable for the conduct of their troops. Ensure all commissions (e.g. TRC) include at least 30 percent women and that they properly address gender issues.
11. Encourage the Nepali government to provide financial support to witnesses – including funding witness protection programmes – and survivors of VAW, and ensure law enforcement personnel and other government agents are made fully aware that rape of women in their custody constitutes an act of torture.
12. Support the Nepali government in its development of a national plan of action for women survivors of violence, including the establishment of safe shelters/homes and other facilities.
13. Urge and support the Nepali government to implement UNSCR 1325 and UNSCR 1820.
14. Help the Nepali government to take concrete steps to include diverse women in all discussions on peace processes, ensuring gender balance quotas of at least 33 percent women and at least 33 percent men.

Endnotes

- 1 UN Development Programme (UNDP) website, '2007/2008 Human Development Report: Nepal HDI Rank – 142'. Available at http://hdrstats.undp.org/countries/data_sheets/cty_ds_NPL.html.
- 2 The absence of any comprehensive registration of internally displaced persons (IDPs) and any systematic monitoring of population movements by national authorities, or by international organisations, means there are no accurate estimates of the total number of people displaced by the conflict. International agencies have settled for a range of between 100,000 and 200,000 displaced people. See: Internal Displacement Monitoring Centre (IDMC) (2008). *Overview: Sustainability of IDP returns undermined by lack of assistance*. Geneva, Switzerland. Available at <http://www.internal-displacement.org/countries/nepal>.
- 3 UN Mission in Nepal (UNMIN) website, 'Online press kit'. Available at <http://www.unmin.org.np/?d=media&p=onlinekit&mode=nepal>.
- 4 Nepal Election Portal website, 'Nepal's political development: Chronology of important events'. Available at <http://www.nepalelectionportal.org/EN/political-development/chronology-events.php>.
- 5 Women in National Parliaments website, 'World classification'. Available at <http://www.ipu.org/wmn-e/classif.htm>.
- 6 UN World Food Programme (WFP) website, 'Countries: Nepal'. Available at <http://www.wfp.org/countries/nepal>.
- 7 UK Department for International Development (DfID) website, 'Nepal: Key facts'. Available at <http://www.dfid.gov.uk/Where-we-work/Asia-South/Nepal/Key-facts/>.
- 8 Rapid urbanisation and population growth, combined with the conflict-IDP influx, led the population of the Kathmandu Valley to more than double between 1995 and 2004.
- 9 Chaupadi rituals are followed among some Hindu communities. The practice means menstruating women and postnatal mothers and children are deemed untouchable for 10 days and are banished to the cattle shed. As a result, many new mothers have bled to death. Deuki is the practice of placing young girls in temples and offering them to the gods; when the girls grow up, they are forced to become prostitutes. Allegations of being a witch have led women to suffer humiliation, violence and even death.
- 10 'Nepal: Gov't, media ignoring plight of displaced women', *IRIN*, 2nd May 2007. Available at <http://www.irinnews.org/Report.aspx?ReportId=71904>; 'Nepal: Escaping rural violence and hardship – the reality of displacement', *IRIN*, 17th February 2006. Available at <http://www.irinnews.org/Report.aspx?ReportId=33603>.
- 11 A.R. Deuba (2005). *A national study on changing roles of Nepali women due to ongoing conflict and its impact*. Kathmandu, Nepal: SAMANTA Institute for Social and Gender Issues.
- 12 M.V. Ariño (2008). *Nepal: A gender view of the armed conflict and the peace process*. Quaderns de Construcció de Pau (Peacebuilding papers). Bellaterra, Spain: Escola de Cultura de Pau (School for a Culture of Peace, or ECP). Available at <http://www.peacewomen.org/resources/Nepal/nepalconflictpeace.pdf>. p.10.
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NORTHERN IRELAND



Northern Ireland

Achievements	Challenges
Women's political party (Northern Ireland Women's Coalition) advanced women's needs during peace talks.	UK national plan on UNSCR 1325 excludes Northern Ireland: no comprehensive women, peace and security policy exists for Northern Ireland.
Authorities launched strategy against violence against women (2005) and police monitor incidents of domestic violence.	Gender issues and women's rights are in danger of being lost in diversity issues of Section 75 of Northern Ireland Act.
Strong civil society women's network raises awareness on UNSCR 1325 issues and lobbies for its implementation.	Number of women in decision making positions in post-conflict Northern Ireland has not increased significantly.

Acronyms

IICD	Independent International Commission on Decommissioning
IRA	Irish Republican Army
MLA	Member of the Legislative Assembly
NIWC	Northern Ireland Women's Coalition Party
NIWEP	Northern Ireland Women's European Platform
NSPCC	National Society for the Prevention of Cruelty to Children
OFMDFM	Office of the First and Deputy First Minister
PUP	Progressive Unionist Party
UDP	Ulster Democratic Party
UUP	Ulster Unionist Party

Two general points about the historical origins of the conflict are worth making. Firstly, the proximity of Britain and Ireland has guaranteed a long history of interaction and linkage from political and military to people, cultures, language, goods and technologies. Not all of which have been equal. And secondly, the pattern of the settlement of the northern areas of Ireland by English and Scottish settlers from the 16th century onwards meant that Protestant settlers lived in close proximity to the Catholic Irish who were cleared to the geographical margin. The territory contained two groups who differed in political allegiance, religious practice and cultural values. One group believed that their land had been stolen, while the other was in a constant state of apprehension. At the time of partition from the Republic of Ireland in 1921, Northern Ireland had an in-built Protestant majority population, comprising of roughly 65 percent Protestant and 35 percent Catholic. Northern Ireland still suffers from the problems of rival ethnic groups living in suspicion of one another.¹

From the inception of the Northern Ireland Stormont administration until the return of Direct Rule in 1972, political tension of varying intensity was a constant in Northern Ireland. Sectarian strains were never far from the surface. A chronically insecure Protestant majority, an alienated Catholic minority, electoral malpractice, ethnic bias in the distribution of housing and welfare services, and a declining economy meant that the state could never command full political legitimacy. Nevertheless, few observers could see the real possibility of violent conflict around the corner.²

Between 1974 and 1998, in what became known as “The Troubles”, it is estimated that casualties from the violence range between 3,160 and 3,506³ out of a population of 1.5 million. The conflict impacted differently on distinct socio-economic classes, with the middle classes in reality little affected, whilst working classes were struggling with social and economic hardship. Some women were involved as combatants, prisoners and victims.

During the conflict women were actively involved in peacebuilding and

determining their future, either by engaging directly at a local level, or by extending this involvement through national, European and international routes. Women saw and used opportunities in a number of ways. Because the government struggled to deliver key services to communities, it was willing to provide the resources to the voluntary and community sector to meet some of these needs. The community and voluntary sector had an influence on the delivery of the structural funds, specially creating the term “community infrastructure” to make sure they were spent on people aside from roads and bridges, and to have an impact on negotiations to secure peace. The early 1980s saw the diverse and strong women’s sector we have today spring from the women’s movement. Women crossed the political and sectarian divide and organised in order to lobby, campaign and focus on fundamental issues of common concern, such as poverty, childcare, education and housing, often in the face of paramilitary opposition in local areas.

The origins of what became known as “The Northern Ireland Peace Process” can be dated to the signing of the 1985 Anglo-Irish Agreement between the British and Irish governments, which recognised that Northern Ireland’s constitutional status within the UK could not change without the consent of the majority of its citizens. However, women were not able to access these processes. Bronagh Hinds and Jacqueline Nolan Haley write: “Exclusion from political and other decision-making forums served to increase women’s efforts in Northern Ireland to develop their own structures, processes and power base. Women’s active and leading involvement in community and volunteer activities stood in stark contrast to their invisibility in the political arena”.⁴ As women were relegated to activism within the non-governmental sector, they began to meet and discuss ways in which they could become involved in formal party politics.

Northern Irish women were pioneers in gender equality in the peace process and formed the Northern Ireland Women’s Coalition Party (NIWC) in April 1996 to stand in elections to the Northern Ireland Forum – an elected body of delegates to the peace talks. They were interested in creating a



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negotiation process that was inclusive of those not formally elected to the negotiations, developing a complex agenda for discussion at negotiations and building relationships among people – especially cross-party work. The newly-formed NIWC won two seats at the table. Both Bronagh Hinds and Jane Wilde assumed the lead of the party's negotiating team.

However, as one representative from the Ulster Unionist Party (UUP) says: 'the moral weight of these women, many [of them] mothers of the victims of the conflict, at key moments brought a badly needed dose of reality and got us moving again'.⁵ In this sense, women were not seen as equal members of the peace brokering team – they were playing gendered roles as mothers to assist the men in the real business of politics. Other leaders called them "feckless women" with "limited intellect" who had little to offer Northern Ireland.⁶

Formal talks between eight Northern Irish political parties and the British and Irish governments ended in a comprehensive agreement on 10th April 1998. Its contents were put to the people of Northern Ireland in a referendum on 22nd May 1998. The agreement recognises the 'opportunity for a new beginning' and the need for 'reconciliation, tolerance and mutual trust'.⁷

Despite the official signing of a peace agreement, the Northern Ireland Women's European Platform (NIWEP) notes that women in Northern Ireland continue to face major inequalities, such as not having full implementation of reproductive rights afforded to the rest of the UK, as well as having very little access to formal politics, with women under-represented in the judiciary and public office.⁸ Extremely significantly, despite being in a post-conflict and reconstruction phase, Northern Ireland is not covered in the UK National Action Plan (NAP) (2006) on women, peace and security, in which the UK government committed to promoting gender perspectives and supporting women in post-conflict situations. In concordance with the recent Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) committee conclusions (July 2008), it is fundamental that the gender concerns of post-conflict Northern Ireland are taken seriously and that UN Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325) (2000) is fully implemented in the region.⁹

Key national actors

Northern Ireland Government

First Minister

Peter David Robinson

Of the 10 (executive) ministers, four are women.

- Health
- Education
- Environment
- Social Development
- Regional Development
- Trade and Industry
- Rural Development
- Finance and Personnel
- Culture, Arts and Leisure
- Employment and Learning

Office of the First and Deputy First Minister (OFMDFM)

Work on all equality issues, European and international affairs.

Deputy First Minister

James Martin Pacelli McGuinness

The Northern Ireland Assembly

The independent province of Northern Ireland that remained part of the UK acquired its own parliament and considerable autonomy within the UK. Besides defence, foreign policy and other UK-wide concerns, London left most Northern Ireland matters in the hands of the new Stormont administration.

- 108 elected Members of the Legislative Assembly (MLA); of these, 18 elected representatives are women.
- Devolved legislature – The Northern Ireland Assembly.

EU

Three Members of the European Parliament (MEPs) two male and one female (as of 2004 elections).

Northern Ireland Judiciary

Court and district judges, magistrates, lay magistrates,¹⁰ High Court and Appeal Court judges. (For the number of women in the judiciary, see Section 9: Sexual and Gender-based Violence (SGBV) Prevention and Response.)

Northern Ireland Equality Commission

Established under the Northern Ireland Act of 1998, to:

- Work towards the elimination of discrimination;
- Promote equality of opportunity and encourage good practice;
- Promote affirmative/positive action;
- Promote good practice between people of different racial groups;
- Oversee the implementation and effectiveness of the statutory duty on public authorities; and
- Keep the relevant legislation under review.¹¹

Northern Ireland Human Rights Commission

Established in 1999 under the Northern Ireland Act of 1998, its role is to promote awareness of the importance of human rights in Northern Ireland.¹² Following the peace process, a number of new structures were put in place:

- Independent Monitoring Commission (2004)
- Police Ombudsman (1999)
- Policing Board for Northern Ireland (2001)
- Policing Service of Northern Ireland (2001)
- Parades Commission (1998)

Key international actors

UK Secretary of State for Northern Ireland

Shaun Woodward, Labour MP

EU

The EU recognised the need for peacebuilding in Northern Ireland and has provided the funds to maintain many women's groups, including NIWEP, which did not receive government funding.

However, there has been no explicit attempt to address the gender deficit in the peacebuilding process or to implement any commitment to gender equality in peacebuilding in Northern Ireland by the EU.

Key national and international civil society actors

The women's sector in Northern Ireland has over 300 organisations and groups engaged in women's empowerment activities, through providing education, addressing health issues, training and shaping/developing peacebuilding, etc. To sum up the diversity of the women's civil society sector, it involved:

- Grassroots organisations
- Providing services
- Organisations training women in politics and lobbying
- Umbrella organisations such as the NIWEP who uniquely focused outside of Northern Ireland, during a time when Northern Ireland was focused inward. NIWEP is the main civil society actor on UNSCR 1325 in Northern Ireland.

Overall, the voluntary and community sector in Northern Ireland comprises a diverse assortment of organisations including national charities – household names such as Oxfam, the National Society for the Prevention of Cruelty to Children (NSPCC) and Barnardo's – and small groups which have come together because of a common cause, or to form a support group.

- 4,500 – Voluntary and community groups in Northern Ireland
- £614 million – Total income for 2003–04
- 29,000 – The number of paid employees in the sector
- 4.4 percent – The proportion of Northern Ireland's workforce employed in the sector
- 75,000 – Volunteers engaged in formal volunteering.¹³

2 Key National Policy Frameworks

Key national policy frameworks and gender focus within policy

The Belfast Agreement¹⁴

Rights, safeguards and equality of opportunity (Human rights):
The Agreement gives women the right to full and equal political participation'.¹⁵

Our children and young people – Our pledge: A ten year strategy for children and young people in Northern Ireland 2006–2016 (2006).¹⁶

This strategy refers to children and young people as such, with no recognition given to girls and boys' different needs.

Lifetime opportunities: Government's anti-poverty and social inclusion strategy for Northern Ireland (2005).¹⁷

This refers to women and poverty, but does not focus on the main gender issues.

A shared future – First triennial action plan 2006–2009: Policy and strategic framework for good Relations in Northern Ireland (2006).¹⁸

This document does not mention gender.

Gender equality strategy: A baseline picture (2008).¹⁹

This is the only strategy with a specific focus on gender.

*"Hidden crimes, secret pain": A consultation paper on a proposed regional strategy for addressing sexual violence in Northern Ireland (2007)*²⁰

*Tackling violence at home – A strategy for addressing domestic violence and abuse in Northern Ireland (2005)*²¹

Both documents focus on women and men.

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Section 75 of the Northern Ireland Act ("The Act") (1998)

The Act promotes equality of opportunity between women and men. It is monitored and implemented by the Equality Commission for Northern Ireland and requires that all statutory organisations carrying out its functions, powers and duties have due regard to the need to promote equality of opportunity:

- "Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- Between men and women generally;
- Between persons with a disability and persons without; and
- Between persons with dependants and persons without".²²

UK NAP

The UK developed a low intensity 12-point action plan, in consultation with civil society, for the implementation of UNSCR 1325. Northern Ireland is neither covered by this plan nor is it mentioned. The lead departments on the plan are the Foreign and Commonwealth Office (FCO), the Ministry of Defence (MoD) and the Department for International Development (DfID). However, all UK government departments are equal stakeholders in the plan.

As part of the UK, Northern Ireland is included in the UK's acceptance of international conventions and treaties, including:

- CEDAW
- UNSCR 1325 and other resolutions.

3 National-level Activities Related to UNSCR 1325

Development of a national action plan for implementation of UNSCR 1325

UK NAP was launched in 2006, but the Assembly and relevant government departments (the Northern Ireland Office) were not consulted. The NAP was centralised at Westminster and does not cover Northern Ireland in its remit.

Examples of national government actions taken to promote UNSCR 1325

In Northern Ireland there has been no attempt to specifically promote UNSCR 1325, either during peace-process negotiations (2007) or during the post-conflict phase. However, efforts have been made to tackle sexual and gender-based violence (SGBV) (see Section 9: Sexual and Gender-based Violence (SGBV) Prevention and Response).

Examples of bilateral and multilateral actions taken to promote UNSCR 1325

Ireland

The Conflict Resolution Unit within the Irish Department of Foreign Affairs has adopted the full implementation of UNSCR 1325 as one of its six key objectives and is leading the development process of Ireland's National Action Plan (NAP) on UNSCR 1325. In preliminary discussions, Ireland has drawn on the experience of the Northern Ireland conflict.

EU

The EU recognised the need for peacebuilding in Northern Ireland and has provided the funds through peacebuilding funds to maintain many women's groups, including NIWEP, which did not receive government funding.

There has been no attempt to address the gender deficit in the peacebuilding process nor to implement any commitment to gender equality in peacebuilding in Northern Ireland by the EU.

3 Examples of national CSO actions taken to promote UNSCR 1325

Over 300 women's groups worked (together) across the different communities during the conflict and post-conflict phase to identify and address common issues of concern, such as poverty, employment, childcare, etc.

NIWEP

- Raising awareness through dissemination of information about UNSCR 1325 to women and men in Northern Ireland.²³
- Monitoring of UNSCR 1325: The implementation of UNSCR 1325 was examined at the Stormont Assembly. Three witnesses gave evidence on policing and the machinery in place, women in public bodies and on peacebuilding and politics.²⁴
- NIWEP provided alternative reports to CEDAW, including reporting on the implementation of UNSCR 1325.

Women's Support Network

Link local women centres from the different communities in Belfast, working together to share and shape local policy, develop training programmes and provide a service to the local community.

Women into Politics

Working with local women across different communities to understand political manifestos and empowerment on voting on common issues.

The arrival of European funding, with its emphasis on local capacity-building, created an opportunity for women to develop community-based programmes – not just to provide essential services, but to develop and empower women.

This EU fund is now being reduced, which will have a major impact on the community sector (one of the biggest employers in Northern Ireland), and in particular the women's sector.

4 National Government Financial Resources (Article 7)

Budget allocated to national women's ministry or equivalent

The Northern Ireland government body with responsibility for promoting gender issues has a budget of around £25,000 to fund projects or programmes. This additional money is not only for the women's sector but also includes sexual orientation groups.²⁵

Yet, as noted in the *Draft programme for government, draft budget and the draft investment strategy*, there is no specific budget for gender.²⁶ There are no departments which practice gender budgeting.

5 Peace Negotiations and Peace Agreements (Article 8/Action Point 8)

Inclusion of CSOs within peace negotiations

Northern Ireland has quite a large civil society involved in peacebuilding and peace negotiations at local-community level, known as interface areas. However, they are not involved directly when it comes to negotiations at a national or international.

Numbers and percentage of women at national peace negotiations

Overview of the peace process

The origins of what became known as the "Northern Ireland peace process" can be dated to the signing of the 1985 Anglo-Irish Agreement between the UK and Irish governments. It recognised that Northern Ireland's constitutional status within the UK could not change without the consent of the majority of its citizens.

Preliminary talks ("talks about talks") began in the early 1990s. Although they failed to reach agreement, these talks had a lasting impact, in that the broad parameters of any future Northern Ireland agreement became apparent in this phase. There was a recognition that any agreement would have to be comprehensive and address what became known as "the totality of relationships": strand one referring to relationships within Northern Ireland, strand two referring to relationships between Northern Ireland and the Republic of Ireland, and strand three referring to relationships between the UK and the Republic of Ireland.

The Northern Ireland Forum was formed by a new electoral approach designed, primarily, to allow smaller sectarian parties to be members. Interestingly, and unintentionally, the newly formed NIWC won two seats at the table. Both Bronagh Hinds and Jane Wilde assumed the lead of the NIWC's negotiating team.

Through the growth of local organisations such as rural women's networks and women's centres, which provided much needed

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childcare provision, transportation, education and learning programmes, women became “political” with a small “p”. Despite this, many women became astute negotiators and lobbyists.

Belfast Agreement (or Good Friday Agreement) (1998)
Of the 110 elected members of the Northern Ireland Forum, 14 were women (7.85 percent).²⁷ The Northern Ireland Forum, or formally the Northern Ireland Forum for Political Dialogue, was a body set up in 1996 to conduct the negotiations that eventually led to the Belfast Agreement in 1998. Although there were women in the political parties initially, there was a danger that no women would be represented at the Forum. This gave rise to the formation of the NIWC, which became the only way women were able to get to the negotiation table.

St. Andrew’s Agreement (2007)
Not known. It is difficult to gauge specifically the percentage of women at negotiations, because the St. Andrew’s Agreement discussions were carried out behind closed doors. Following the loss of the two seats by the NIWC at the November 2003 elections, it is impossible to know how many women, if any, were present throughout the peace negotiations.

In Northern Ireland many women work to negotiate peace, but mostly at the local community-level and usually without any high profile, due to the nature of the work.

6

Governance and Institution Building (Article 13)

Number and percentage of women on constitutional drafting committees

Of the 110 elected members of the Northern Ireland Forum, 14 were women (7.85 percent).²⁸

Constitutional clauses for protection of women’s/girl’s rights

The Belfast Agreement²⁹

Rights, safeguards and equality of opportunity: Human rights
“The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular the right:

- Of free political thought;
- To freedom and expression of religion;
- To pursue democratically national and political aspirations;
- To seek constitutional change by peaceful and legitimate means;
- To freely choose one’s place of residence;
- To equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity;
- To freedom from sectarian harassment; and
- Of women to full and equal political participation”.³⁰

Economic, social and cultural issues

“Pending the devolution of powers to a new Northern Ireland Assembly,³¹ the British government will pursue broad policies for sustained economic growth and stability in Northern Ireland and for promoting social inclusion, including in particular community development and the advancement of women in public life”.³²

Number and percentage of women in decision-making positions

St. Andrew's Agreement

There is no reference to women or gender in the St. Andrews Agreement (2006/7).³³

National Assembly

Eighteen percent (47 women out of 257 members).³⁴

Table 1: Northern Ireland Assembly candidates by gender, 2003 and 2007³⁵

Party	Election	Women	Men	Women %	% change on 2003
APNI	2007 2003	7 8	11 13	39 38	+1
DUP	2007 2003	6 4	40 36	13 10	+3
SDLP	2007 2003	14 6	21 30	40 17	+23
SF	2007 2003	9 12	28 26	24 32	-8
UUP	2007 2003	1 4	37 39	3 9	-6
Other	2007 2003	10 15	73 64	12 19	-7
Total	2007 2003	47 49	210 207	18 19	-1

Northern Ireland Assembly

- Of the 11 committees, only three have female chairpersons.
- Sixteen women were elected in the 1998 election to the Northern Ireland Assembly, including two from the newly formed NIWC.

- In the 1997 elections, 18 women were elected. Although this seems like an increase, both women from the Women's Coalition lost their seats.
- One political party with 17 seats has no women elected to the Assembly.

Northern Ireland government ministers

Thirty-six percent (four women out of 11 ministers).

Junior ministers

Zero percent (zero women out of two posts).

Members of UK Parliament

Sixteen percent (three women out of 18).³⁶

European Parliament (MEPs)

Thirty-three percent (one woman out of three).

There are no quota systems in Northern Ireland's government

Public administration bodies

Thirty-two percent of civil servants are women.³⁷

Policing Board for Northern Ireland

Twenty-one percent (four women out of 19).³⁸

Policing Board Women's Reference Committee

The Committee consists of nine women.³⁹

Independent Monitoring Commission

Four men are currently appointed.⁴⁰

6

Type of political system

Policing Service of Northern Ireland

Twenty-two percent are female – up from 13 percent. . A target of 30 percent women has been set for 2010.⁴¹

Parades Commission

Seventy-one percent (five women out of seven).⁴²

Former Police Ombudsman: Dame Nuala O'Loan

Nuala O'Loan was Police Ombudsman for Northern Ireland and was responsible for the investigation of all complaints against the police. Her term finished on November 2007.

Northern Ireland has elected representatives both to Westminster in London and to the Northern Ireland Assembly in Belfast:

- Westminster: first-past-the-post (FPTP)
- Northern Ireland Assembly: proportional representation (PR)

7

Security Sector Reform and Disarmament, Demobilisation and Reintegration (Action Point 11)

Number and percentage of women and girl combatants during the conflict

Official figures record 2,368 women imprisoned between 1969 and 2007, 128 of whom had paramilitary affiliations, 20 percent of these were affiliated to Loyalist organisations.⁴³

Table 2. Women charged with paramilitary involvement

Organisation	Number	Percentage
Continuity Army Council	4	3.13
Irish National Liberation Army	4	3.13
Provisional IRA	88	68.75
Real IRA	6	4.68
Loyalist Volunteer Force	1	0.78
Red Hand Commandos	1	0.78
Ulster Defence Association	6	4.69
Ulster Freedom Fighters	7	5.47
Ulster Volunteer Force	11	8.59

Women as combatants

The women in Northern Ireland reflect an enormous diversity of experiences, skills and backgrounds. The diversity can be summed up in two descriptions:

- Cathy Harkin, a Women's Aid worker in Derry called Northern Ireland during the 40 years of violence an "armed patriarchy"⁴⁴.
- On the other hand, evidence about the actual recruitment, organisation and operation of the paramilitary groups shows that women have been involved in a number of ways, particularly on the Republican side. Much of their activity has been at a support level, providing safe houses, passing messages, etc. But they have also transported guns and bombs and have taken part in major operations.⁴⁵

Number and percentage of women and girls in the DDR processes

While the number of women involved in conflict-related activities is small in the context of Northern Ireland, there is increasing acknowledgement that women experience conflict differently from men and that they should be treated differently from men in the transition from conflict.⁴⁶

There was no official DDR process in Northern Ireland.

Decommissioning of arms

Number of women in the decommissioning process: information not known.

According to the Northern Ireland Office, the IICD is making an inventory of the decommissioned arms and will present it to the two governments when the task is complete. The IICD continues to work towards the decommissioning.⁴⁷

Following the Irish Republican Army (IRA) ceasefire on 31st August 1994, and that of Loyalist paramilitary organisations on 13th October 1994, the issue of decommissioning paramilitary weapons gained prominence.

In September 1997 the Independent International Commission on Decommissioning (IICD) was established by treaty between the UK and Irish governments to oversee the decommissioning of paramilitary weapons. The 1998 Belfast Agreement committed all participants to the total disarmament of all paramilitary organisations.⁴⁸

Number and percentage of women in police and military

Twenty-two percent of the Police Service of Northern Ireland (established post-conflict in 2001) are women, with a commitment to increase this to 30 percent by 2010.⁴⁹

Gender training and sensitisation of national actors

Police training exists on violence against women (VAW).⁵⁰

8 Transitional Justice and Judicial Reform

Number and percentage of women as commissioners in truth and reconciliation or human rights commissions	<p>Northern Ireland has not decided if it will consider a truth and reconciliation commission. There is a committee set up to look at this issue, which is being driven by two men. The Victim Commission has recently been appointed and is made up of two men and two women.</p> <p>A paper went out for consultation in developing a Victims Strategy and closed on 31st October 2008.</p>
Number and percentage of women who testified by type of violation	Not applicable.
Further analysis and other relevant information	<p>Judiciary</p> <p>The Northern Ireland judiciary reported, as of January 2007:</p> <ul style="list-style-type: none"> • Four female county court judges • Two female district judges • Four female resident magistrates • One hundred and fifty women lay magistrates out of 276 in 2006 • Overall 47 percent of the judiciary are female • Four Appeal Court judges, none are female • Twelve High Court judges, none are female.

9 Sexual and Gender-based Violence Prevention and Response (Article 10–12/Action Point 9)

Incidence of VAW	<p>SGBV, particularly VAW, is a serious problem in Northern Ireland. On average the police respond to a call on domestic violence every 23 minutes (around 23,000 incidents in 2008).⁵¹</p> <p>A survey covering 12 forms of domestic violence in three categories: abuse, threat and force, was carried out in 2005 by the Northern Ireland Office. This survey found that 16 percent of women in Northern Ireland have experienced domestic violence (compared to 10 percent of men).⁵²</p> <p>Women living in Belfast are more vulnerable still, with 21 percent having experienced violence.⁵³</p> <p>Religion has no bearing on the likelihood of experiencing SGBV, with Catholic and Protestants equally vulnerable.⁵⁴</p>
National government and/or civil society protection measures against SGBV	<p>As part of compliance with the Human Rights Act (1998), the Northern Ireland Policing Board commissioned an enquiry in 2008 into their effectiveness in tackling domestic violence, which was carried out by the Human Rights and Professional Standards Committee.</p> <p>Despite the launch in 2005 of their strategy, <i>Tackling violence at home – A strategy for addressing domestic violence and abuse in Northern Ireland</i>,⁵⁵ and the Northern Ireland Office monitoring such violence, the survey notes that 42 percent of all respondents thought that the government, police and judiciary were not taking enough measures to protect individuals from domestic violence.⁵⁶</p> <p>Women's Aid Federation Northern Ireland provides a wide range of services for women and children affected by domestic violence, such as shelter, outreach and legal advice.</p>

Number of reports to police on SGBV and other abuses of women's rights

The Regional Domestic Violence Forum is involved in implementing the government policy 'Tackling Domestic Violence'.

The Northern Ireland Police Service keeps statistics on domestic violence incidents attended.⁵⁷

Table 3. Domestic violence incidents

	1998	1999	2000	Apr 01 – Mar 02	Apr 02 – Mar 03
Domestic incidents attended by police	14,429	15,304	14,520	14,788	15,512
Physical violence involved	6,385	7,411	7,335	7,749	7,961
Female victims (%)	89	88	88	88	85
Murders	10	7	3	7	7 (18 attempted murders)
Rapes	21	20	13	15	12
GBH	60	86	63	64	77
Breach of orders	603	723	580	1,141	1,192
Criminal damage	884	916	1,024	979	1065
Other (i.e. breach of the peace, etc.)	767	768	754	889	639
Harassment	147	427	421	444	449
Common assault	3,223	3,784	3,488	3,645	3,593

Status of CEDAW and optional protocol

The UK signed up to CEDAW in 1981 and ratified it with some reservation in 1986. It has not yet signed the Optional Protocol.

The UK reported on 10th July 2008 with the deputy Junior Minister from the OFMDFM along with civil servants.

Alternative reports have been provided by the NIWEP, Northern Ireland Council for Ethnic Minorities, Committee for the Administration of Justice, Equality Commission for Northern Ireland, Northern Ireland Human Rights Commission and Women's National Commission.⁵⁸

CEDAW's concluding observations from the UK's report in July 2008 made particular reference to Northern Ireland in the following:

"284. The Committee is concerned at the low representation of women in the judiciary in Northern Ireland. In view of its particular relevance to Northern Ireland, the Committee notes with regret the lack of information provided on the implementation of Security Council resolution 1325 (2000) (emphasis added) on women, peace and security. It also notes the underrepresentation of women in public office, standing at 16.7 percent in the Assembly, and in key institutions established directly as a result of the peace process".⁵⁹

Conclusion

The NIWEP and the National Women's Council of Ireland made a joint submission to the Forum for Peace and Reconciliation in Dublin in January 1995 sponsored by the Irish government stating that "any new political future had to be built on comprehensive equality among all people, including equality between men and women"⁶⁰ Indeed, Northern Ireland and the Republic of Ireland took steps to ensure women's voices were at the table.

UNSCR 1325 has never been formally implemented in Northern Ireland. Indeed, until NIWEP profiled it, few politicians or policymakers had any knowledge of the resolution. This is an issue on which NIWEP continues to lobby. UNSCR 1325 is seen by those who are aware of its existence as an important mechanism in achieving equal participation of women in decision-making, public life and in tackling SGBV. Until such treaties and conventions are implemented fully, there is little hope that the Millennium Development Goals (MDGs) will be achieved.

Despite the pioneering and promising creation of the NIWC, the number of women in public life is extremely limited and there still exists outstanding inequalities between men and women in Northern Ireland. For example, there has never been a female high court judge, one of the main political parties with over 18 seats at the Northern Ireland Assembly does not have a single elected woman, only 18 percent of Northern Ireland Assembly Members are women, and women do not have the full reproductive rights afforded to the rest of the UK. It is a great disappointment not to see those empowered women who struggled for peace in Northern Ireland, working towards stabilising peace, and contributing to new policies and legislation by using the skills they have developed over the last 40 years. Northern Ireland could have been a model for gender equality, and given the UK the opportunity to lead by example in Europe and the rest of the world.

Conversely, the UK and other European countries continue to engage in other parts of the world working for gender equality in peacebuilding and



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reconstruction. This is of course very positive, and such activities and policies are essential for effecting changes that will benefit women and societies as a whole. Unfortunately, these positive actions have not been extended to women in Northern Ireland. The UK NAP does not cover Northern Ireland in its remit, and no efforts have been made by the UK to push for gender-sensitive peacebuilding and reconstruction in Northern Ireland.

The Northern Ireland government, which once embraced the services provided by the diversity of the sector, is now beginning to question that same diversity. In addition, the European funds are now shrinking and the impact on local-level peacebuilding, particularly women's organisations and inter-community women's centres, is beginning to show.

As stated by the former UN Secretary-General Kofi Annan in 2006: "It is [...] right and indeed necessary that women should be engaged in [...] decision-making processes in all areas, with equal strength and in equal numbers".⁶¹ Women must be included in decision-making at peace negotiations, but equally important is their involvement in the years following throughout the reconstruction period to ensure inclusivity and gender-sensitive policies.

Recommendations

The following recommendations are based on the recent UK reporting to the UN CEDAW Committee in July 2008.⁶²

1. Take measures to ensure benchmarks and timetables for increasing the representation of women in political and public life at all levels in all areas.
2. Introduce temporary special measures, such as quotas, to strengthen efforts to promote women to positions of leadership.
3. Increase the availability of training and capacity-building programmes for women wishing to enter, or already in, public office, and to enhance government awareness-raising campaigns on the importance of women's participation in political and public life.
4. Ensure the full implementation of UNSCR 1325 in Northern Ireland, through its inclusion in the UK NAP by expanding the Cross-Whitehall Group on Women, Peace and Security to include the Northern Ireland Office as one of the lead departments for its implementation.
5. Enable civil society organisations (CSOs) to effectively contribute to the implementation of UNSCR 1325-related activities, as well as the continued implementation of CEDAW, through the provision of increased and sustained funding to CSOs and other civil society groups involved in the area of women's rights and gender and peacebuilding.
6. Make sure the interpretation and application of the Gender Equality Duty does not negatively impact on the provision of "women-only" services, or restrict the activities of women's organisations.
7. Ensure the full implementation of legislation on VAW, as well as the prosecution and conviction of perpetrators, and give priority attention to the adoption of comprehensive national strategic measures, inclusive of legal, educational, financial and social components, to address VAW.
8. Expand training activities and programmes for parliamentarians, the judiciary and public officials (including law enforcement personnel and health-service providers) on UNSCR 1325, with particular focus on their sensitisation to all forms of VAW.
9. Increase public awareness-raising campaigns on SGBV, particularly violence against women and girls; and, to establish additional counselling and other support services for victims of violence, including shelters.

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SRI LANKA



Sri Lanka

Achievements	Challenges
Public access to ministerial budget information, including that of Ministry of Women, is good.	Women's engagement in peace negotiations negligible: only one woman participated.
Sub-committee on Gender was established to feed into peace process: despite its limited influence it was pioneering.	Human rights record is extremely poor in Sri Lanka and Human Rights Commission collapsed.
Civil society women's sector is well established and produces quality research.	Women participation in politics, particularly Parliament, is very poor: no parliamentary quota for women exists.

Acronyms

ACHR	Asian Centre for Human Rights
APRC	All Parties Representatives Committee
AWAW	Association of War Affected Women
CFA	Ceasefire Agreement
CPA	Centre for Policy Alternatives
EPDP	Eelam People's Democratic Party
GOI	Government of India
GoSL	Government of Sri Lanka
IIGEP	International Independent Group of Eminent Persons
JHU	National Heritage Party (Jathika Hela Urumaya Party)
JVP	People's Liberation Front (Janath_Vimukthi Peramuna)
LKR	Sri Lankan rupees
LTTE	Liberation Tigers of Tamil Eelam
MCDWE	Ministry of Child Development and Women's Empowerment
MDL	Mothers and Daughters of Lanka
NDS	New Development Strategy
NPC	National Peace Council
NUA	National Unity Alliance
PWF	Progressive Women's Front
SCOPP	Sri Lankan Secretariat for Coordinating the Peace Process
SGI	Sub-committee on Gender Issues
SLFP	Sri Lanka Freedom Party
SLMM	Sri Lanka Monitoring Mission
TMVP	Tamil People's Liberation Tigers (Tamil Makkal Viduthalai Pulikal)
WAC	Women's Action Committee
WDF	Women's Development Foundation
WMC	Women and Media Collective

Before going to print, on May 19th 2009, the President Rajapaksa of Sri Lanka declared military victory over the Liberation Tigers of Tamil Eelam (LTTE). Minor additions have been made to the Sri Lankan chapter; however, substantial changes have not been made. The women, peace and security information contained in the following pages remains highly relevant to future peacebuilding and reconstruction efforts carried out by both national and international actors.

Sri Lanka endured a civil war for 25 years between the government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE), a militant Tamil nationalist organisation headed by its founder, Velupillai Prabhakaran. (On May 18th 2009, Velupillai Prabhakaran was reported as dead by the Sri Lankan Government.) The LTTE waged a campaign against the GoSL to create a separate, socialist Tamil State in the north and east of the island.¹ Over the years, more than 70,000 people have lost their lives and nearly one million have been displaced.² Tensions between successive Sinhala-dominated governments and representatives of the Tamils led to the discussion of various solutions for power sharing and control over resources, none of which have so far led to a resolution.³ Throughout the conflict and long before the adoption of UN Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325), women have actively campaigned for peace, increased engagement in governance and improved access to justice in Sri Lanka. The earliest case of women's activism for a political solution to the conflict was when women protested against the 1979 Prevention of Terrorism Act.

Fighting between the Tamil minority and the GoSL intensified in the 1990s, with a ceasefire agreement brokered by the Norwegians in 2002. However, six rounds of peace talks collapsed without any substantial results in April 2003, and since then there has been a slow deterioration into violence with the government formally abrogating from ceasefire in January 2008. President Rajapaksa chose to depend on strongly Sinhala nationalist parties for his government's survival. The military solution taken by his Sri Lanka Freedom Party (SLFP) government was supported by the *Janath Vimukthi Peramuna* (People's Liberation Front, or

JVP) and the newer *Jathika Hela Urumaya Party* (National Heritage Party, or JHU), who both oppose intervention of foreign powers and any talk of a federal system to appease Tamil demands for autonomy.⁴

The resumption of war between the GoSL and LTTE was accompanied by widespread human rights abuses by both sides.⁵ Several waves of people left the northern and eastern parts of the island where the majority of Tamils have historically lived. For most women living in the conflict affected areas, violence and brutality was and continues to be part of everyday life, with women being killed, injured, trafficked and physically and sexually assaulted. There are reports, although not all agree, that the Sri Lanka military improved their reputation with regards to the treatment of women. However, in a highly militarised society women still live under tremendous risk.⁶ It is estimated that 70 percent of migrants from Sri Lanka are female.⁷

Sri Lanka is recognised for having large numbers of women combatants, with many young women and girls enlisting (or being forcibly recruited) into the LTTE. It is estimated that up to 43 percent of the LTTE are female and 21,500 of the 51,000 child soldiers were reported to have been girls. During the conflict, gender roles of women are documented to have transformed: often marginalised and commonly perceived as victims, conflict-affected Tamil, Muslims and Sinhala women were forced to overcome traditional barriers to ensure the survival of their families and communities. They assumed *de facto* and *de jure* responsibility for the emotional and economic survival of their families; dealt with multiple displacements; and engaged with political and military institutions on behalf of those detained, tortured, "disappeared" or executed.

According to the UN Development Programme (UNDP) gender-related development index, Sri Lanka scores high. Indeed, women have reached parity in educational attainment and a high literacy rate (over 95 percent) complements a relatively well-developed state education and healthcare system. On the other hand, labour force participation rates for women are half those of men and political participation of women remains low,

with just 5.7 percent in parliament and two percent in local assemblies.⁸ Nevertheless, Sri Lankan civil society is highly active. Women have long been involved in campaigning for an end to violence and leading movements demanding the protection of human rights, negotiating mutual co-existence with hostile neighbours and for space in local and national politics. Women reiterated that the burden of peacemaking must be shared by all those affected by the conflict, including minority communities. They also called for the inclusion of women's and gender concerns in the formal peace process that was unfolding, and petitions to the GoSL and LTTE were followed by memorandums and representations.⁹

Many women took the lead in forming human rights organisations in the 1970s and 1980s, evolving into some of the strongest human rights defenders in the country and reaching across conflict divides to advance dialogue through specific peace initiatives.¹⁰ They emphasised that new agreements should be committed to democracy and pluralism, should be respectful of women's rights and all minority groups, and should enshrine the principles of equality. By the 1990s women's rights work was linked to discussion of a political solution to the ethnic conflict from constitutional reform to political decision-making and citizenship, with particular reference to gender concerns. Building on past experiences, the women's movement used a number of strategies to influence the peace process.¹¹ Regrettably, despite this repository of women's experience, only one woman was included by the LTTE at senior negotiating levels during the peace talks.

This continual marginalisation of gender concerns from the talks led women to carry out a fact-finding mission in the conflict-affected districts, bringing activists from the international peace movement to join local women. The consequent report, which was used to lobby the international donor community for inclusion of women in the peace process¹² helped spur the formation of the now defunct Sub-committee on Gender Issues (SGI), which provided a unique window of opportunity to describe the complex and serious gender issues exacerbated by the conflict and what should be

done to address them. Unfortunately, the SGI was under-resourced and marginalised from the other three sub-committees that fed into the talks.

Following the 2004 Indian Ocean tsunami in which over 30,000 people died (the majority of whom were women),¹³ a small but significant space was created for women. In May and June 2005 in Sri Lanka's capital, Colombo, hundreds of women gathered to discuss their concerns and articulate their role in the tsunami recovery and rebuilding phase. Their most critical point was that women should have more opportunities to interact with local and national authorities, and to participate in decision-making in the reconstruction process. Their recommendations were brought to the highest policy levels at a donor development forum, when it was highlighted that women's perspectives were being marginalised in its planning process.¹⁴ Space had opened up: Sri Lankan women engaged in negotiations with government and non-governmental organisation (NGO) officials, participated in decision-making and were supported by women's groups to take on decision-making positions in camp and village committees.¹⁵

The last three decades have seen marked steps forward in raising the profile of gender issues relating to the conflict, public life and human rights by a strong women's movement. Despite the historically modest impact of civil society on the peace process, some analysts highlight the ongoing role of the women's movement during the 1980s and 1990s as one of the more significant examples.¹⁶ However, despite the amount of work carried out at a local level, real progress in pushing forward the broad UNSCR 1325 agenda has been poor. Norway's recently published National Action Plan (NAP) on UNSCR 1325 states that: 'In cases where Norway is involved as a facilitator in negotiations, or is directly involved in peace processes, efforts will be made to increase the proportion of women in negotiating delegations and other activities in connection with such negotiation'.¹⁷ Yet as peace facilitators, Norway failed to further this agenda. In early 2009, Norway withdrew from the negotiations. It is possible the resultant international vacuum may be filled by an increase in Japan's involvement in the peace process.¹⁸

1 Key UNSCR 1325 Actors in Sri Lanka

Key national actors

In the Sri Lanka context, the actors listed below are in positions where they are able to promote UNSCR 1325, though not all are as yet engaged in its implementation.

All GoSL ministries have a gender focal point.

President Rajapaksa (SLFP)

For the presidential election in 2005, Mahinda Rajapaksa issued a "vision for the future" entitled *Victory for Sri Lanka*.¹⁹

Prime Minister Wickremesinghe

Minister of Disaster Management and Human Rights

Hon. Mahinda Samarasinghe.

Minister of Samurdhi and Poverty Alleviation

Hon. Mrs Pavithra Devi Wanniarachchi.

Minister of Housing and Construction (Minister of Common Amenities)

Hon. Mrs Ferial Ashraff is minister of Housing and Common Amenities and has been a co-Leader of the National Unity Alliance (NUA) since 2001. She is an outspoken critic against violence against women (VAW) and is the first Muslim female cabinet minister.

Minister of Child Development and Women's Empowerment

Hon. Mrs Sumedha G. Jayasena.

Ministry of Human Rights

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Ministry of Defence

Secretary of Defence, Mr Gotabaya Rajapakse, brother of President Rajapakse.

Army Lieutenant General Sarath Fonseka was appointed Commander of the Army effective from 6th December 2005.

Sri Lankan Peace Secretariat (SCOPP)

Prof. Rajiva Wijesinha is Secretary-General of SCOPP and Secretary to the Ministry of Disaster Management and Human Rights.

Human Rights Commission

Members are appointed directly by the president, but it has been downgraded to "observer" status due to its failure to investigate or report human rights abuses.²⁰ International Crisis Group (ICG) made a damning comment on the attitude of the GoSL.²¹

Tamil National Alliance

Twenty-two parliament members who are the voice of the Tamil-speaking people of the north.

Muslim Congress

The Muslim Congress called for the inclusion of Muslims and their concerns at the negotiation table and had a bilateral agreement with the LTTE.

Tamil Makkal Viduthalai Pulikal (Tamil Peoples Liberation Tigers, or TMVP)

Led by Pillayan (currently the Chief Minister of Eastern province).

Key international actors

Vinayagamoorthy Muralitheran (a.k.a. Colonel Karuna)

Formerly LTTE and then TMVP, Muralitheran gave up arms and is currently Minister of National Integration.²²

China, Iran and Pakistan

Provide military and economic assistance and are closely associated with the defence of national sovereignty and strenuous objection to the role of internationals – bi- or multilaterals – in the affairs of sovereign states.²³

India

India is of great regional importance. The Government of India's (GoI) posits that there is no military solution to the Sri Lanka conflict, only a negotiated, political settlement based on devolution of power within a united country. Sri Lanka is India's largest trade partner in the South Asian Association for Regional Cooperation (SAARC) region and India is Sri Lanka's largest trade partner worldwide, accounting for 16.8 percent of turnover. One-sixth of GoI development credit is made available to Sri Lanka.²⁴

Japan

Japan is by far the largest investor and bilateral aid donor in the Association of Southeast Asian Nations (ASEAN) region²⁵ and is the largest single donor to Sri Lanka. Until the breakdown of the 2002 Ceasefire Agreement (CFA) in early January 2008 and the resumption of military action by the GoSL, Japan was reluctant to tie aid to political conditions. After the CFA ended, Japan began to publicly address its concerns about human rights abuses and any new aid is under review.²⁶

Norway

Norway was the official peace mediator between the GoSL and

LTTE from 2001 to 2007, until the CFA was formally abrogated in 2008. Norway's facilitation combined shuttle diplomacy with multi-faceted reconciliation endeavours.²⁷ The increasing disagreements, mistrust and military antagonism made Norwegian confidence-building efforts increasingly hard.²⁸

South Asia Partnership Canada (SAP)

Canada serves as a coalition of Canadian organisations that, together with South Asian partners, works for sustainable human development in the region.²⁹

UN, including the UN Children's Fund (UNICEF), UN High Commissioner for Human Rights (UNHCR) and UNIFEM

UNICEF has a gender focal point and its main responsibility is to ensure that all activities have a gender perspective.³⁰ UNIFEM is non-resident and has offices in New Delhi at the UN South Asia Regional Office.³¹ OHCHR's previous commissioner, Louise Arbour, reported on extra judicial killings, lack of protection of human rights defenders, internally displaced persons (IDPs) and torture.³²

UK

- Foreign and Commonwealth Office (FCO). No apparent UNSCR 1325-related funding in Sri Lanka. The FCO works jointly with the MoD and DfID on peacebuilding and conflict-prevention work through the FCO Conflict-Prevention Pool (CPP) Steering Team.³³
- The UK FCO has no specific project supporting conflict prevention. However, the FCO funds a project focussing on promoting coexistence between communities in conflict areas, which includes work with women's groups to the value of £200,000.³⁴
- Autumn 2008 saw the UK commit £2.5 million in humanitarian

aid for Sri Lankan IDPs. In January 2009 the UK set aside an additional £2.5 million to help underwrite the efforts of key humanitarian agencies, including UN agencies and the International Committee of the Red Cross (ICRC).

- All-Party Parliamentary Group (APPG) Sri Lanka: Chair, Andrew Love MP, visited Sri Lanka (30th March–5th April 2008) as part of a delegation to meet the GoSL, opposition and civil society leaders.³⁵

US

USAID has had a presence for over 50 years in Sri Lanka. It currently has programmes in 17 provinces covering seven key areas: economic and social transformation; humanitarian assistance; transition initiatives; economic growth, democracy and governance; tsunami reconstruction and emergency response. Information about any UNSCR 1325 related work is unknown.³⁶

Sri Lanka Monitoring Mission (SLMM)

Now terminated, the SLMM was an independent civilian mission jointly financed and staffed by the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden). It was established by the two parties to the Sri Lanka CFA in order to monitor the agreement. About 350 monitors worked in Sri Lanka, with the first arriving in March 2002 and the last leaving in February 2008, following the termination of the operation in January 2008.³⁷ It is unknown how many of these monitors were women.

Others

World Bank (WB)
Asian Development Bank (ADB)
International Monetary Fund (IMF)
World Bank (WB)
International Organisation for Migration (IOM)

International donor pressure to address development issues and implement large-scale post-conflict reconstruction in 2002/3 could not make up for the lack of political progress in dealing with the central issue of the conflict. Aid became a distraction from the peace process, and then a point of division. Donor aid conditionality failed as a mechanism of encouraging conflict resolution, in part because of donor misconceptions around the importance of different types of incentives to the different players. In particular, donors had inflated ideas about the importance of economic incentives, whereas for the LTTE the political factors were far more important.³⁸

Key national and international civil society actors

Sri Lankan civil society has been active since the struggle for independence and, in the 1970s civil society organisations (CSOs) began working against state aggression. Women in Sri Lanka were actively campaigning for peace long before the adoption of UNSCR 1325 in 2000.³⁹

Association of War Affected Women (AWAW)

AWAW works on UNSCR 1325-related activities and comprises of over two thousand women from across Sri Lanka who have been directly affected by war.

Centre for Policy Alternatives (CPA)

CPA and the Forum of Federations focus on power sharing to facilitate a permanent settlement to the conflict.

Mothers and Daughters of Lanka (MDL)

MDL lobby for a negotiated settlement to the war.⁴⁰

National Peace Council (NPC)

NPC is a independent, non-partisan organisation working towards a negotiated political solution to the conflict.

Progressive Women's Front (PWF)

PWF organise women into Women Farmers' Societies and work towards Sinhala-Tamil ethnic reconciliation.

TEAM 1325

Women leaders from all districts and ethnic/religious backgrounds who raise awareness on UNSCR 1325.⁴¹

Uva Wellassa Women Farmers' Organisation (Buttala)

Forges links with Tamil plantation workers and Tamil women of the north and east and other provinces.⁴²

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Also forges links with Tamil plantation workers and Tamil women of the north and east, as well as southern women from other provinces. They seek to work across ethnic divides and nationalist ideologies. They were thus sometimes accused of being anti-national.

Voice of Women

A feminist group that monitors and reports rape and other forms of abuse.⁴³

Women and Media Collective (WMC)

WMC advocates for balanced representation of women in decision-making and non-discriminatory laws and policies.

Women's Action Committee (WAC)

WAC advocates for women's rights, human rights protection and a negotiated settlement to the ethnic conflict.⁴⁴

Women's Development Foundation (WDF)

Formed in 1991 to set up widows' societies.⁴⁵

There are numerous challenges facing the women's peace movement, including: practical issues of working in conflict areas, such as mobility and resources; intimidation and threats of violence and lack of funding.⁴⁶

2 Key National Policy Frameworks

Key national policy frameworks and gender focus within policy

Ten-Year Horizon Development Framework 2006–2016

*Mahinda Chintana: Vision for a new Sri Lanka. A Ten Year Horizon Development Framework 2006–2016 Discussion Paper.*⁴⁷ This is a short discussion paper by the Ministry of Finance and Planning on microfinance and its role in poverty reduction in Sri Lanka.

New Development Strategy (NDS)

The NDS is a framework for economic growth and poverty reduction developed by the GoSL.⁴⁸ A major focus of the NDS is the grassroots, or “micro”, level. Under the New Micro-level Framework, Divisional Secretaries will liaise with local representatives to identify local priorities and location-specific poverty-reduction strategies. The NDS also calls for the re-categorisation of the poor, so as to ensure these strategies are more needs based. Women and children are separately identified under six micro categories, with women disaggregated into three categories: female-headed households, the elderly and the disabled. A development plan for each District Secretaries’ Division will then be prepared with a poverty-reduction plan.⁴⁹

Poverty Reduction Strategy Paper (PRSP)

Articulated in 2003, the PRSP focuses on restoring peace and economic growth.⁵⁰ The main pillars of the strategy are strengthening the economy; reducing poverty caused by the conflict; creating opportunities for the poor to participate in economic growth; empowering the poor and strengthening governance; and implementing an effective monitoring and evaluation system.⁵¹ Chapter 7 of the PRSP, ‘Pro Poor Governance and Empowerment’, looks at the areas in which to combat gender discrimination. The strategy notes that the GoSL is committed to gender mainstreaming throughout its poverty-reduction activities and to combating VAW. It notes that this will require trained staff to carry out.

2

UN Development Assistance Framework (UNDAF)

The UNDAF (2008–2012) provides the framework for in-country UN agencies to support Sri Lanka’s long-term development. Intensive consultations were held between the GoSL and UN, with civil society and the donor community closely involved, to develop UNDAF. Endorsed by the GoSL, its focus areas are reducing poverty; promoting governance; helping to consolidate peace; and ensuring gender equality and equity.⁵² The UNDAF includes women’s active participation in and contribution to peacebuilding at national, regional and community levels in line with UNSCR 1325.

NAP for women

Remains in draft form. The contents of the plan include women; poverty and the economy; women’s education and training; women, armed conflict and peacebuilding; women in power and decision-making; institutional mechanisms for the advancement of women; women and health, media, environment and law; and legal policy reforms.⁵³

3 National-level Activities Related to UNSCR 1325

Development of a national action plan for implementation of UNSCR 1325

There is no separate NAP for the implementation of UNSCR 1325.

According to Sri Lankan civil society, UNSCR 1325 concerns are now being incorporated into the 'Women and Conflict' section in the GoSL five-year NAP for women.⁵⁴

Until summer 2008, there was disagreement between some CSOs and the GoSL on whether or not there should be a separate NAP centred on UNSCR 1325. Some activists wanted to see UNSCR 1325 incorporated into the broader NAP on women to avoid a UNSCR 1325 NAP being under-resourced and marginalised.⁵⁵

Examples of national government actions taken to promote UNSCR 1325

UNSCR 1325 concerns are now being incorporated into the 'Women and Conflict' section in the GoSL five-year NAP for women.

SGI

Set up in 2003, the SGI comprised of 10 members: five women appointed by the GoSL and five women appointed by the LTTE. The SGI was the first formal attempt to include gender in the peace process in Sri Lanka. It was broadly focused on sustaining the peace process; resettlement; personal security and safety; infrastructure and services; livelihood and employment; political representation and decision-making; and reconciliation.

Yet there was no clear link between the SGI and the other sub-committees involved in the peace process, such as those dealing with the immediate humanitarian and relief needs (SIHRN). Furthermore, the committee had no mechanism to access independent funding and was thus left in a state of limbo, marginalised from the decision-making process. The SGI also had problems in terms of composition, with only LTTE and GoSL women represented on it,

3

which stalemated the committee.⁵⁶ The SGI was unable to officially meet, as they did not have time to agree their terms of reference before the peace talks were postponed and the LTTE pulled out of all sub-committees, including the SGI.⁵⁷ Consequently, there was no opportunity for the SGI to negotiate its continuity, independent of the stops and starts to the peace process.⁵⁸

While this mechanism is possibly the first of its kind established within a formal peace process at a pre-substantive stage of negotiations, the SGI warrants a fair degree of criticism.⁵⁹ Although it was affiliated to the formal peace process as an advisory body, there was no clear direction of how this affiliation could be operationalised. Any mechanism dealing with gender concerns must be linked to all other mechanisms dealing with political, economic, social and cultural issues in the course of the peace process. The inter-dependency of such concerns has to be recognised and a holistic approach to dealing with the range of securities in all these spheres must be developed.⁶⁰

Examples of bilateral actions taken to promote UNSCR 1325

Norway

Norway funds women's initiatives aimed at implementing UNSCR 1325. It helped establish the SGI, which was an important first step in the process of including gender issues in the formal negotiation process. When the LTTE withdrew from the formal peace process in mid-2003, all the joint sub-committees were effectively made redundant. Although many attempts were made by women's groups, bilaterals and others to keep the SGI going, the LTTE was reluctant to resume partial engagement.

Norway also supports a centre for traumatised women and projects that support women affected by sexual and gender-based violence (SGBV).⁶¹

Examples of national CSO actions taken to promote UNSCR 1325

Translation of UNSCR 1325

The Social Scientists' Association translated UNSCR 1325 into Sinhala and Tamil as part of one of the Shakti Gender Equity Project Sub-Projects.⁶²

Raising awareness on UNSCR 1325

Women's rights organisation Samasevaya broadcast a radio programme to educate the public and held a workshop on UNSCR 1325 for women leaders on the seventh anniversary of the resolution in 2007.⁶³

The International Centre for Ethnic Studies (ICES) produced a film entitled *Raise as fire: Women in the Sri Lankan conflict* (2003). It looks at UNSCR 1325 and raises awareness about women's participation in the peace process. The ICES collaborated with women's organisations in eastern Sri Lanka, documented the conflict's impact on women and discussed sections of UNSCR 1325. The target audience of the film included government negotiators involved in the peace process.⁶⁴

Training

Known as 'Taking 1325 to the village', in 2003 AWAW held workshops in Sri Lanka's 25 districts for urban and rural-level women leaders on the content of UNSCR 1325. AWAW also held 18 workshops for politicians on 1325 and is currently training 25 women leaders to train other women to run for political office. AWAW also work with women politicians on peacebuilding and power sharing, and are engaged in a research project on grassroots women in peacebuilding.⁶⁵

Research

International Alert funded the Sri Lanka-based Women and Media

Collective⁶⁶ in 2008 to strategically map women's peace work in Sri Lanka.⁶⁷

UNSCR 1325 Activities lead by Diaspora Community

AWAW and Gender Action for Peace and Security (GAPS)⁶⁸ spoke at a two-day conference on UNSCR 1325 in May 2008. The Tamil Information Centre and Tamil Women's Development and Action Forum, two diaspora CSOs based in the UK, organised the conference for the Tamil diaspora to raise awareness about UNSCR 1325 and looked into the possibility of the diaspora contributing to peacebuilding.

Although there are clear examples of civil society activity on UNSCR 1325, women's contributions to peace in Sri Lanka tend to be regarded as unofficial. CSOs are hampered by a lack of resources, coordination, and threats and fear of harassment (including sexual violence, detention, torture and disappearances),⁶⁹ all of which inhibits women's CSOs from effective networking both within the country and internationally. A further impediment is the long, drawn-out nature of peace processes, which requires those engaged in them to travel across the country and overseas. These factors can present obstacles to women who face social and cultural barriers to their engagement.

4 National Government Financial Resources (Article 7)

Budget allocated to national women's ministry or equivalent

In 2004 the National Budget Statement required that all ministries allocate 10 percent of their expenditures for activities that improve the status of women. No specific budget allocation to UNSCR 1325 in any ministry has been identified since the ceasefire ended.⁷⁰

In 2004 government accounts, the Ministry of Women's Affairs spent approximately 26.8 million Sri Lankan rupees (LKR), which equated to 0.009 percent of government expenditure.⁷¹ The 2006 budget allocated LKR 364 million for the welfare of women and children. In 2007 a little over LKR 1 billion was set aside for women and children's social welfare.⁷²

5 Peace Negotiations and Peace Agreements (Article 8/Action Point 8)

Inclusion of CSOs within peace negotiations

There have been no peace negotiations since the collapse of the CFA in 2006.

There was no official civil society participation in any of the peace negotiations, except at the donor conference in Japan. Civil society was very active in engaging in Track II-level dialogue processes that fed into the official process. Civil society also engaged in the Sri Lanka One-Text Initiative, a systematic process supporting the national peace and negotiations processes.⁷³

Numbers and percentage of women at national peace negotiations

During Norway's time as mediator of the peace process, only one woman was present at the negotiations, Mrs Adele Balasingham. She was a development expert and wife of fellow negotiator Mr Anton Balasingham. Both represented the LTTE at the table.⁷⁴

6 Governance and Institution Building (Article 13)

Number and percentage of women on constitutional drafting committees

All Party Representatives Committee (APRC)

In July 2006 the GoSL appointed an APRC with a mandate to find a political solution to the ethnic conflict, by engaging various political parties and proposing constitutional reforms.⁷⁵ At least two women participated in the APRC discussions: Ferial Ashraff (MP, National Unity Alliance) and Maheswari Velayuthan (nominee, Eelam People's Democratic Party, or EPDP).

An Experts Committee comprising of 17 multi-ethnic experts was also formed to provide advice and submit recommendations to the APRC regarding power sharing and constitutional reform. Three experts were women

Constitutional clauses for protection of women's/girl's rights

The constitution guarantees equal rights to women and men.⁷⁶ For example:

- Article 10: Freedom from torture or cruel, inhuman or degrading treatment:
 1. A person shall not be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 12: Right to equality:
 1. All persons are equal before the law and are entitled to the equal protection of the law.
 4. Anything in this Article shall not prevent special measures being taken by law, subordinate legislation or executive action where necessary for the sole purpose of the protection or advancement of disadvantaged or underprivileged individuals or groups including those that are disadvantaged or underprivileged because of ethnicity, gender, sex, age or mental or physical disability.⁷⁷

6

Number and percentage of women in decision-making positions

Women in parliament

Sri Lanka ranks 120 across 187 countries with regards to the number of women in its parliament.⁷⁸

National parliament

Thirteen women (5.8 percent) out of a total of 225 seats.⁷⁹ There are only three women cabinet ministers out of fifty two.⁸⁰

Provincial councils

As of May 2008, two women (1.75 percent) out of a total of 114 seats.⁸¹

	Total Elected	Women	Percent
Eastern	37	0	0.0
North Central	33	1	3.0
Sabaragamuwa	44	1	2.3

Local government bodies

As of 2007, 74 women (1.9 percent) held seats out of a total of 3,952.⁸²

	Total ⁸³	Women	Percent
Municipal Councils	330	10	3.0
Urban Councils	379	13	3.4
Pradeshiya Sabhas	3,243	51	1.6

Public service

The number of women in the public (civil) service is 548,100.⁸⁴

Women in national-level and local-level politics:

Sri Lanka ranks a lowly 120 in terms of representation of women in parliament across 187 countries. At the 2004 election, women

won only 5.8 percent of the seats.⁸⁵ One major obstacle to equal political representation of women in political institutions in Sri Lanka is the lack of commitment by political parties to give nominations to women candidates, plus the lack of internal party democracy and the present political culture perpetuated by parties.⁸⁶ Every effort needs to be made to reduce financial, cultural and social barriers to women's entry into elective politics in Sri Lanka.

In 1997 the GoSL proposed a constitutional reform that contained a 25 percent quota for women at the local government level. However, little progress has been made and the provision was not included in the August 2000 constitutional reform. Political quotas were again discussed in 2003 in the government paper, *Regaining Sri Lanka: Vision and Strategy for Accelerated Development*, in which a quota was proposed for 50 percent of all political seats to be allocated to women. In 2005 President Rajapaksa stated in *Victory for Sri Lanka: Presidential election 2005 – Mahinda Chintana (Mahinda Vision). Towards a new Sri Lanka*: "I will arrange to increase the number of nominations of women to a minimum of 25 percent of the total number of candidates in respect of Provisional Councils and Local Government Authorities".⁸⁷

Twenty-five percent is the most common number proposed, but this was recently dropped because Muslim and Tamil groups noted that they wouldn't be able to find enough women representatives. Women's groups demand a 33 percent quota for women in the nomination lists.⁸⁸ Each political party has a women's political wing that is meant to focus on the recruitment of women to the party and on women's issues and concerns, but not necessarily on getting women into governance. The strength of these wings differs from party to party.⁸⁹

Type of political system

Proportional representation

The Electoral Reforms Commission is looking at a mixture of a first past the post and proportional representation system for local government elections in 2010.

7 Security Sector Reform and Disarmament, Demobilisation and Reintegration (Action Point 11)

Number and percentage of women and girl combatants during the conflict	Exact figures for the percentage of women in the LTTE are not known. Estimates vary from one-third to 43 percent. ⁹⁰
Number and percentage of women and girls in the DDR processes	<p>No formal DDR process has taken place in Sri Lanka.</p> <p>Due to the ongoing military combat, DDR programmes have not been implemented. IOM did some work on reintegration of former combatants. AWAW made sure that female home guards were included in this reintegration programme.</p> <p>In other DDR programmes, even if attention has been paid to the needs of girl combatants, the needs and protection of women over 18 has been overlooked and ignored. Post-war reconstruction preparations should provide former female combatants with education, training and employment opportunities, in order to facilitate their return to civilian life. Equally, the communities these women return to require sensitisation to their situation, in order for these former combatants to be properly rehabilitated.</p>
Number and percentage of women in police and military	<p>Information not known.</p> <p>The Sri Lanka Air Force Women's Wing was formed in 1983, enlisting female officers and airwomen aged 18–22. No married female is eligible to be enlisted as a Lady Officer or Airwoman.⁹¹</p> <p>The Sri Lanka Army Women's Corps was formed in 1980 as an unarmed, non-combatant support unit.⁹²</p>

Gender training and sensitisation of national actors	Information not known.
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8 Transitional Justice and Judicial Reform

<p>Number and percentage of women as commissioners in truth and reconciliation or human rights commissions</p>	<p>Truth and reconciliation commissions</p> <p>None.</p> <p>Human rights commissions⁹³</p> <p>Yes. (See section 1.) Number of women commissioners not known.</p> <p>Judiciary</p> <p>Of the 10 judges on the Supreme Court, Justice Shirani A. Bandaranayake is the only woman. Previously Justice Shirani Tilakawardene was the first woman to be enrolled as a state counsel in 1978, the first female judge of the High Court in April 1988 and the first woman justice of the Court of Appeal in July 1998.⁹⁴ There are an increasing number of women in the lower judiciary, but exact figures are not known.</p>
<p>Number and percentage of women who testified by type of violation</p>	<p>Information on the number of complaints made by women to the HRC is not known.</p>

9 Sexual and Gender-based Violence Prevention and Response (Article 10–12/Action Point 9)

<p>Incidence of VAW</p>	<p>VAW, including killing, rape, domestic violence, sexual harassment, forced prostitution and trafficking, has always been widespread in Sri Lanka, but it has been very difficult to positively identify owing to the lack of systematic reporting. According to a 2006 survey by the Ministry of Child Development and Women's Empowerment (MCDWE), 60 percent of women were victimised by domestic violence.⁹⁵</p> <p>The Asian Centre for Human Rights' (ACHR) Human Rights Index 2008 ranked Sri Lanka as the worst human rights violator in the whole of South Asia. With regard to VAW, it was ranked as number three. The number of women suicide bombers from the LTTE made ethnic Tamil women targets of security searches and arbitrary detention, during which they were often abused and raped by Sri Lankan security forces.⁹⁶</p> <p>As in other contexts, incidents of sexual harassment have been poorly recorded, as women usually face social stigma or are intimidated into not reporting abuse. The country's human rights problems are perpetuated and worsened by serious levels of impunity and lack of data.⁹⁷</p>
<p>National government and/or civil society protection measures against SGBV</p>	<p>Legislation</p> <ul style="list-style-type: none"> • Prevention of Domestic Violence Act (No. 34 of 2005).⁹⁸ • Act No. 22 Amending the Penal Code (1995 and 1998) to increase the penalties for rape. <p>Monitoring SGBV</p> <p>There have been initiatives (supported by UNHCR) to form a women's committee to monitor acts of SGBV in Puttalam, as well as to take action to ensure the safety of survivors.</p>

Training

The Department of the Attorney-General has held a series of workshops and seminars on the rights of victims of crime, including a workshop with UNHCR for state prosecutors, "Victims rights vs. Rights of the accused in an adversarial system". Almost 100 state counsel and prosecuting attorneys attended the training.⁹⁹

Awareness raising/campaigns

The Gender Based Violence (GBV) Forum

Established in August 2005, the forum raises awareness, facilitates greater coordination and understanding, shares information and resources, and strengthens multi-sectoral responses to SGBV. Membership covers local CSOs, international NGOs, UN agencies, donors and representation from the National Committee on Women and the MCDWE. Key members of the forum are the UN Population Programme (UNFPA), CARE International, Women in Need (Sri Lanka), UNICEF, UNHCR and Oxfam.

Swedish South Asian Studies Network (SASNET)

In February 2009, SASNET organised a workshop in Colombo, "Women and migration in South Asia – Health and social consequences". The workshop covered issues such as trafficking of women or children for sexual or other exploitation and SGBV.¹⁰⁰

Others

- The GBV Forum launched a 16-day public advocacy and media campaign in November 2008 in which men spoke out against VAW.
- Oxfam sponsored a District Campaign to End All Violence against Women was launched in Trincomalee. (2004)

Family courts

Family courts have been operating in Sri Lanka for the past decade.

Number of reports to police of SGBV and other abuses of women's rights

The Sri Lanka Police recorded 722 cases of rape/incest within the first six months of 2008; 1,397 such cases were recorded in 2007.¹⁰¹

In addition to these figures, Buddhika Balachandra, head of the Sri Lanka Police Bureau for the Prevention of Abuse of Children and Women, noted that police stations nation-wide record between 8,000 and 10,000 VAW cases more broadly per month, but noted the figure was likely to be much higher.¹⁰²

Sri Lanka Police run 36 Children and Women Bureau Desks across the country.¹⁰³

There is a special unit at the MCDWE for legal aid and where women can also make complaints.

Number and percentage of crimes against women successfully prosecuted

Exact data on successful prosecution is unknown.

Official figures from the Sri Lanka Police note that, of the 1,397 cases of rape/incest recorded in 2007, 1,356 (97 percent) of the crimes remained pending at year-end. Comparatively, of reported theft cases, only 55 percent were pending at year-end.

On her visit in October 2007, the then UN High Commissioner for Human Rights, Louise Arbour stated that "people from across a broad political spectrum and from various communities have expressed to me a lack of confidence and trust in the ability of existing relevant Sri Lankan institutions to adequately safeguard against the most serious human rights abuses". She went on to observe that despite having ratified most international human rights treaties, "in the context of the armed conflict and of the emergency measures taken against terrorism, the weakness

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of the rule of law and prevalence of impunity [in Sri Lanka] is alarming".¹⁰⁴

The International Independent Group of Eminent Persons (IIGEP) was a foreign panel invited by Sri Lanka to observe investigations into human rights abuses. The panel left the country in March 2008. It included experts and professionals from Australia, Canada, France, India, Japan, the Netherlands, UK and US, as well as from the EU and the OHCHR. Before leaving the country, IIGEP said the Sri Lankan authorities were not meeting even the basic minimum standards in probing serious abuses.¹⁰⁵

The ACHR Human Rights Index 2008 ranked Sri Lanka as the worst human rights violator in the whole of South Asia. Sri Lanka's human rights indicators must be considered within a context of very high levels of impunity.¹⁰⁶

10

International Law (Article 9)

Status of CEDAW and optional protocol

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) was ratified in 2002, but the GoSL has yet to introduce laws to incorporate its provisions into national legislation.

The GoSL has not signed the Optional Protocol.

Last reported in 2002 at the 26th session in the combined third and fourth periodic report.¹⁰⁷

Inclusion and focus on women and conflict issues in CEDAW

The Committee's Agreed Conclusions recognised the GoSL's mechanisms in place to assist the prevention of abuse and harassment of those affected by armed conflict, particularly women and children. However, the Committee noted its concern about:

"the continued situation of armed conflict in the north and east of Sri Lanka; the increase of internally displaced persons, the majority of whom are women and children; and the high and severe incidences of rape and other forms of violence targeted against Tamil women by the police and security forces in the conflict areas."¹⁰⁸

The Conclusions urged the GoSL to:

"allocate more resources to meet the needs of internally displaced women and children; to ensure full and equal participation of women in the process of conflict resolution and peace-building; [and, to] strictly monitor the behaviour of the police and the security forces, to ensure that all perpetrators are brought to justice and to take all necessary measures to prevent acts of violence against all women."¹⁰⁹

11 UN in Sri Lanka

UN agencies present in Sri Lanka

UN Development Programme (UNDP)

UNDP in Sri Lanka has supported gender equality in the new *UNDP Country Programme Sri Lanka (2008-2012)*.¹¹⁰ It does so by addressing it through their poverty alleviation programmes and their good governance programmes.¹¹¹

UNHCR

UNHCR had seven field offices in Sri Lanka (as of 2007), including in Colombo, with a total of 124 staff and an annual budget of just over US\$20 million.¹¹² UNHCR leads inter-agency coordination in the areas of protection, emergency shelter and non-food items, and camp management. They work with many government ministries and have established implementing partnerships with 21 national and international agencies.

UNIFEM does not have field presence in Sri Lanka. It operates from the South Asia Regional Office in New Delhi, India.

Others:

Food and Agriculture Organisation (FAO)
 International Labour Organisation (ILO)
 Joint UN Programme on HIV/AIDS (UNAIDS)
 UNICEF
 World Food Programme (WFP)
 World Health Organisation (WHO)

Conclusion

Previous peace negotiations were not inclusive and were almost the exclusive reserve of men with only one woman present. Civil society was not officially permitted to participate, except at the donor conference in Japan, despite CSOs being very active in Track II-level dialogue processes. Including women and civil society in peace processes has the potential to change the focus of peace negotiations from issues of territory and national security to those of social justice and human security.¹¹³ New voices and new solutions are urgently needed in Sri Lanka.

The spring 2009 military defeat of the LTTE raises numerous questions about the political future of Sri Lanka and, if the LTTE is overcome decisively, whether this will usher in a new era of post-conflict dialogue and peacebuilding. What will happen to displaced people and those who have experienced serious human rights abuses as a consequence of the conflict? The task of rebuilding Sri Lanka politically, economically and socially will be huge and the answer to these questions, and others, will depend on how effectively injustices are dealt with, how successfully impunity is dealt with, how quickly Sri Lanka returns to the rule of law and how inclusive and gender-sensitive these processes are. Unfortunately, so far in Sri Lanka even partial implementation of UNSCR 1325 remains an unrealised goal.

A central question for the GoSL and international community, including the UK government, is exactly how they will support inclusive peacebuilding and reconstruction for both women and men. The long, drawn-out peace processes have been a failure and they have almost completely excluded international women and, worse still, Sri Lankan women, despite the plethora of active, skilful indigenous women's advocacy groups from all sides of the religious and ethnic divides. There are opportunities for women to make significant steps forward in the public arena, such as in the political sphere and peace process, when the fighting stops and when peacebuilding and reconstruction begins.

Women's CSOs in Sri Lanka have been at the forefront in working across the divides to represent and secure justice for the thousands of women and girls and their families who have suffered economic hardship, displacement, detention, torture, sexual violence, rape, poverty and loss of hope throughout the conflict, which continues even as this narrative is being written. Their efforts have not yielded results for a number of reasons. Firstly, despite women having reached the highest offices in the land (prime minister and president), patriarchal norms pervade all aspects of society and women's lives. Comparatively, women's status remains lower than that of men, particularly within Tamil and Muslim communities, but also among rural Sinhalese (Buddhist and Christian) communities. Areas of peacemaking and peacebuilding are seen as public matters, from which women should be excluded. Even the international community has accommodated women as peripheral actors.

The Sri Lanka experience shows that, to ensure women's and gender perspectives are included during peace talks, new innovative mechanisms must be developed. In Sri Lanka the SGI was a step forward. However, it was seriously under-resourced and marginalised from the other three sub-committees (on immediate humanitarian and rehabilitation needs in the north and east; de-escalation and normalisation; and political matters). One solution could be to demand that at all levels of peace negotiations and mediation there should be at least 40 percent women representing diverse geographic and ethnic groups. This would ensure a variety of voices are heard. Alongside this, support (particularly financial assistance) must be provided to indigenous women's peacebuilding groups, and over a sustained period of at least three years. Such active steps could make an immense contribution to the successful outcome of peacebuilding and reconstruction efforts in the future.

Although at this stage Sri Lanka is unlikely to develop a separate NAP on UNSCR 1325, the approach has been to incorporate UNSCR 1325 concerns into the *Women and Conflict* section in the GoSL five-year NAP



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for women.³⁰ This is a positive step and one that some Sri Lanka civil society activists supported. However, the real impact of gender analysis being mainstreamed through security sector and legal reform and governance reform, remains unknown and will be extremely difficult to measure. Donors must support local and national CSOs to monitor the implementation of this plan and support the evaluation of its impact on the ground. Such impact should be measured in terms of access to justice for women and reduction of impunity for SGBV, increased political participation of ethnically and socially diverse women in national and local governance, as well as in the judiciary.

In Sri Lanka, as in other recent conflicts, it is civilians, especially women and children, who are impacted the most. Without including and addressing the needs of both Sri Lankan women and men in political dialogue, sustainable peace will remain elusive. The understanding that Sri Lankan women are victims rather than an immense resource must be overcome. Sri Lanka must be supported in its implementation of UNSCR 1325 through its national policy framework, as well as through clearly budgeted donor programmes aimed at diverse reconstruction activities.

What can not be over estimated, especially with regards to the advancement of women's human rights, is the immense acceleration in the level of aid to Sri Lanka provided by China, now over one billion US dollars a year. Sri Lanka's foreign secretary, Palitha Kohona, noted that Sri Lanka's "traditional donors", namely Canada, the US and EU, had 'receded into a very distant corner', to be replaced by countries in the east. He gave three reasons for this change: the new donors are neighbours; they are rich; and they conduct themselves differently. Kohona, put it plainly when he said "Asians don't go around teaching each other how to behave. There are ways we deal with each other — perhaps a quiet chat, but not wagging the finger".¹¹⁵ This shift is likely to impact on the women's human rights agenda; however, to what extent will remain to be seen.

Recommendations

1. Ensure at least 33 percent female participation on all committees and commissions at all levels of peacebuilding and reconstruction processes. This should include women from civil society, as specified in UNSCR 1325.

2. Support Sri Lankan women's peace initiatives financially and, support an island-wide consultative process to include gender-specific concerns on governance, security, legal reform, education, women's human rights, justice and health, etc. and feed their recommendations directly into reconstruction processes.

3. Create a financially sustainable mechanism, such as the SGI, that maintains some independence from the official process and negotiating parties, and ensures gender issues are incorporated into reconstruction processes. It must be able to freely consult with similar mechanisms in other countries.

4. In line with UNSCR 1820 on Women, Peace and Security, end impunity, exclude crimes of violence and abuse against women from amnesty provisions, prosecute perpetrators on all sides for crimes against humanity and hold commanding officers or politicians legally accountable for the conduct of troops/militias

5. Pay attention to the differing needs of female and male ex-combatants and of their dependents in the planning of disarmament, demobilisation, repatriation, resettlement and reintegration (DDRRR) and post-conflict reconstruction programmes.

6. Provide funding and technical assistance for training of police, the military, the judiciary, prison staff, government ministers and government senior officials on women's human rights, and prevention and response to SGBV; and provide international funding, legal advice and technical expertise to protect witnesses participating in trials for crimes of rape and sexual abuse.

7. Ensure, with the help of the international community, that female IDPs have property rights, protection and rights to their own documentation. Female IDPs should be administered by female officials, so as to avoid them being induced to provide sexual services in return for protection, property rights, safe shelter or documentation.

8. As a temporary special measure, include a 33 percent quota for women in the electoral reform bill, starting with the local government level elections in 2010 and then the other two levels of government at the next elections.

9. Train at least 50 women from each electoral division in order that they can run for political office and ensure the financial and logistical support of their female candidates' campaigns.

Endnotes

- 1 Ethnic tensions between the minority Tamils and majority Sinhalese erupted into civil war in 1983. The Tamils were the minority group favoured by the British colonists. When the British left, laws were passed to redress the balance by favouring the Sinhalese. The effect was to make Tamils feel sidelined, and support for secession grew. The conflict also has a religious dimension. Most Sinhalese are Buddhist, while Tamils are mostly Muslim or Hindu. See: WomenInPolitics.org website, Sri Lanka country profile. Available at <http://www.onlinewomeninpolitics.org/lk/lkmain.htm>.
- 2 "Steep rise' in Sri Lanka deaths" *BBC News* 10th May 2009, accessed May 2009 Available at http://news.bbc.co.uk/1/hi/world/south_asia/8042341.stm
- 3 S. Abeysekera (1999). 'Women and peace in Sri Lanka: Some observations', *Women in Action*, Vol. 3: Women, peace and justice. Available at http://www.isiswomen.org/index.php?option=com_content&task=view&id=594&Itemid=200.
- 4 International Crisis Group (2008) *Sri Lanka Returns to War: Limiting the Damage*. Brussels, Belgium. Available at http://www.newssafety.org/index.php?view=article&catid=130%3Asri-lanka-security&id=7448%3Aicg-report-sri-lanka-return-to-war-limiting-the-damage&option=com_content&Itemid=100466
- 5 The LTTE has continued its deliberately provocative attacks on the military and Sinhalese civilians, as well as its violent repression of Tamil dissenters and forced recruitment of both adults and children. Meanwhile, the Sri Lankan government has used extra-judicial killings and enforced disappearances as part of a brutal counter-insurgency campaign. Civilians are repeatedly caught up in the fighting. Since early 2006 more than 1,500 civilians have been killed and more than 250,000 displaced. There have been hundreds of extra-judicial killings and more than 1,000 people are still unaccounted for; presumed to be the victims of enforced disappearances. Hundreds have been detained under newly strengthened emergency regulations that give the government broad powers of arrest and detention without charge. The security forces have also expelled hundreds of Tamils from Colombo. Forces commanded by ex-LTTE commander Karuna, leader of the Tamil *Makkal Viduthalai Pulikal* (Tamil Peoples Liberation Tigers, or TMVP), now aligned with the government, engage in child recruitment, extortion, abductions for ransom and political assassinations. See: International Crisis Group (ICG) (2007). *Sri Lanka's human rights crisis*. Asia Report No. 135. Brussels, Belgium. Available at <http://www.crisisgroup.org/home/index.cfm?id=4896>.
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- 10 Ambassador S. Hunt (2008). *Statement by Ambassador Swanee Hunt, Chair, Initiative for Inclusive Security US House Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights, and Oversight May 15, 2008*. Available at <http://foreignaffairs.house.gov/110/hun051508.htm>.
- 11 N. de Mel (2005). Op. cit.
- 12 K. Samuel (2007). 'Women's agency in peace making within the context of democracy and citizenship – The case of Sri Lanka', World Social Forum 2007, DAWN panel discussion on 'Citizenship: Democracy, Retribution and Rights', Nairobi, Kenya. Available at <http://www.dawnnet.org/publications/present/KumiWSFpresentation.doc>.
- 13 According to the January 2005 data of the District Secretariat of Batticaloa, the disaggregated statistics of the dead in the tsunami indicate that 60 percent of the victims were women. However, the survey conducted by Suriya Women's Development Centre found that 80 percent of the dead in the sample were women and girls. See: S. Emmanuel (undated). 'Sri Lankan women's small but significant gains in the post tsunami reconstruction process', Asia Pacific Forum on Women, Law and Development website. Available at http://www.apwld.org/tsunami_reconstruction.htm.
- 14 For example, a number of women lost rights to properties where they had previously lived. A rapid assessment made by women's groups after the tsunami showed that 60 percent of land in Batticaloa was owned by women. This is due to the customary laws practiced in the Eastern province where land ownership passes from mother to daughter. However, the state policy on land allocation only recognises the male head of household as the legitimate owner of land.
- 15 Ibid.
- 16 J. Goodhand and B. Klem with D. Fonseka, S.I. Keethaponcalan and S. Sardesai (2005). *Aid, conflict and peacebuilding in Sri Lanka: 2000–2005*. Sri Lanka Strategic Conflict Assessment 2005, Vol. 1. Available at http://www.asiafoundation.org/publications/pdf/208_p85.
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- 18 In May 2009 the International Crisis Group called on Japan's Prime Minister as follows: 'We believe that Japan, a powerful player on the humanitarian stage and the largest international donor to Sri Lanka, has an important role to play in saving countless civilian lives, as well as to implement aid policies that ensure sustainable peace, human rights and development in Sri Lanka.'
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- 20 The High Commissioner for Human Rights at the time, Louise Arbour, praised the country's Human Rights Commission (HRC) for the "important role" it has played in the past. However, she noted that in Sri Lanka, a country that has ratified most international human rights treaties, "the context of the armed conflict and of the emergency measures taken against terrorism, the weakness of the rule of law and prevalence of impunity is alarming". See: L. Arbour: 'Press statement by High Commissioner for Human Rights on conclusion of her visit to Sri Lanka', UNHCR website, 13th October 2007. Available at <http://www.unhcr.ch/hurricane/hurricane.nsf/0/2C07EE5600DE5B19C12573750034C474?opendocument>.
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- 22 The TMVP engaged in child recruitment, extortion, abductions and political assassinations. See: Ibid.
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- 29 For more information, see: <http://www.sapcanada.org/index.html>.
- 30 Swiss Campaign to Ban Landmines (2008). *Gender and landmines: From concept to practice*. Geneva, Switzerland. Available at http://www.peacewomen.org/resources/Landmines/Landmines_Swiss08.pdf.
- 31 For more information, see: <http://www.unifem.org/in/>.
- 32 'UN, Sri Lanka should cooperate on human rights, High Commissioner says', UN News Centre website, 15th October 2007. Available at <http://www.un.org/apps/news/story.asp?NewsID=24279>.
- 33 Personal communication with Chris Halliday, 1325 Focal Point, Peacekeeping Team, FCO, summer 2008.
- 34 Johann Rebert, Head of Programmes, Political and Development Section, British High Commission, Sri Lanka, 8th May 2009.
- 35 For more information, see: http://www.theyworkforyou.com/mp/andrew_love/edmonton.
- 36 USAID website, 'Sri Lanka: Overview'. Available at <http://srilanka.usaid.gov/index.php>.
- 37 For more information, see: <http://www.slmn.info/>.
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- 39 For other CSOs working on UNSCR 1325-related issues in Sri Lanka, see: <http://www.peacewomen.org/contacts/asia>.
- 40 The Mothers' Front has been, arguably, the most visible and potent women's protest movement in the history of post-colonial Sri Lanka. It brought together women from different regions in the south of the country that united across caste and class barriers. Several women from urban-based NGOs gave the movement support and leadership, but some women argued against the use of motherhood being used as a coalescing factor during the conflict.
- 41 For more information, see: <http://www.team1325sl.org/>.
- 42 Uva Wellassa Women Farmers' Organisation shows that there were women's organisations that existed before the "reign of terror" that were able to cross over from strategic and practical women's issues to human rights and back.
- 43 For more information, contact: voicewom@sltnet.lk.
- 44 K. Samuel (1998), cited in N. de Mel (2005). Op. cit.
- 45 N. de Mel (2005). Op. cit.
- 46 S. Emmanuel (2008). *Strategic mapping of women's peace activism in Sri Lanka* (draft). p. 27. Colombo, Sri Lanka: Women and Media Collective. Available at http://www.womenandmedia.net/PEACE_STATEMENTS/draft_Report_on_UNI325_consultation_2008.pdf.

- 47 Sri Lankan Department of National Planning and the Ministry of Finance and Planning (2005). *Mahinda Chintana: Vision for a new Sri Lanka. A Ten Year Horizon Development Framework 2006–2016 Discussion Paper*. Available at <http://www.microfinance.lk/pdf/1227000458.pdf>.
- 48 Sri Lankan Department of National Planning and the Ministry of Finance and Planning (2005). *Sri Lanka New Development Strategy*. Colombo, Sri Lanka. Available at <http://www.recoverlanka.net/data/SLDF05/SLNDS.pdf>.
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- 50 Government of Sri Lanka (GoSL) (2002). *Regaining Sri Lanka: Vision and Strategy for Accelerated Development*. Colombo, Sri Lanka. Available at http://planipolis.iiep.unesco.org/format_liste1_en.php.
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- 54 Visaka Dharamadhasa, Chairperson, Association of War Affected Women (AWAW); South Asian Association for Regional Cooperation (SAARC) Social Charter (2008). *Sri Lanka Action Plan 2008–2015*. Colombo, Sri Lanka: National Coordination Committee, Prime Minister's Office. Available at http://www.slmfa.gov.lk/saarc/images/stories/saarc/Sri_Lanka_Action_Plan.pdf. p.58.
- 55 Personal communication with Chulani Kodikara, Colombo University, April 2009.
- 56 Peace in Sri Lanka website, Sub-committees: Sub-committee on gender issues'. Available at <http://www.peaceinsrilanka.org/insidepages/SubCommittees/SubComonGender.asp>.
- 57 K. Samuel (2007). Op. cit.
- 58 Ibid.
- 59 All the following aspects of the SGI must be interrogated critically: the manner in which it was set up; its composition; its links to the formal peace process; its autonomy (or the limits thereof); its links with gender concerns on the ground; its links to the broader women's movement; its accessibility; its communication strategies; and the perception of its role by the peace constituency, policymakers, implementers and media.
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- 65 Personal communication with Visaka Dharamadhasa, AWAW, Summer 2008.
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GLOBAL FINDINGS AND RECOMMENDATIONS



Global Findings and Recommendations

This comprehensive survey of UNSCR 1325 related activities carried out by women, civil society, national governments and international actors has allowed the identification of achievements, good practice and challenges facing the women, peace and security agenda in Afghanistan, the DRC, Nepal, Northern Ireland and Sri Lanka. On the basis of our research, it is possible to identify seven key findings and recommendations for national and international policy makers and practitioners.

Although slower than required, peace and security sectors have started to assume the culture of gender analysis and to acknowledge the significance of women's human rights to their area of work. The five country case studies in this resource have highlighted some valuable initiatives in the area of women, peace and security, including the development of international and national policies that integrate women, peace and security issues, action plans, gender training, awareness raising, enhancement of national gender machinery, gender focal points and support for civil society groups working on the issue. At the same time, limitations and obstacles to the effective implementation of UNSCR 1325 have also been highlighted, with the aim of drawing attention to the ongoing challenges that must be met if real change is to be brought about for the millions of women and girls living in conflict-affected regions around the world.

Progress has been made at the international policy level following the unanimous adoption of UNSCR 1325 in 2000. The resolution paved the way for the adoption of UNSCR 1820 in 2008, which explicitly highlights sexual violence as a peace and

security issue that impacts on conflict prevention, resolution and reconstruction. In addition, the UN, in particular the UNDP, UNIFEM and MONUC, has been an active agent in advancing UNSCR 1325 implementation. At the national level, it is encouraging that 14 UN member states have developed policy frameworks for implementation of UNSCR 1325: three of these are in conflict-affected countries (Côte d'Ivoire, Liberia and Uganda). However, it is clear that the majority of UNSCR 1325-related activities are being carried out by civil society, often with very little resources and, in some cases, in the face of evident dangers and threats to security.

The evidence presented in this resource demonstrates that progress is slow, *ad hoc* and uncoordinated, and the record of the international community in adequately addressing women, peace and security issues remains poor. What remains of serious concern is the limited understanding of the issues within UNSCR 1325; how the resolution can be meaningfully implemented on the ground in countries affected by conflict; and how its impact can be measured to ensure tangible improvements for peacebuilding efforts, and for women's security and empowerment. There is still a lack of political will and leadership around the issue, and a lack of adequate and sustainable funding for its implementation. Coordinated action will be required at all levels to bring about a sustainable transformation towards a more inclusive peace that benefits both men and women, and makes the vision contained in the paragraphs of UNSCR 1325 a reality.

This research from across five diverse conflict affected regions has revealed the following cross-cutting trends.

1

FINDING 1: National governments lack broad and deep understanding of substantive issues covered by UNSCR 1325, such as women and SSR, women and governance, women and legal reform, and women and peace negotiations.

RECOMMENDATION 1: The number of gender advisors within national-level administrative systems should be increased to provide more and better gender and conflict analysis trainings to a wide range of national government stakeholders, including parliamentarians, ministers, civil servants and ambassadors.

UNSCR 1325 encompasses a diverse range of complex issues, such as judicial and legal reform, SSR, peace negotiations, peacekeeping, political participation, and protection from and response to sexual violence. National governments appear to lack a substantive understanding of the resolution; what it covers; how gender and security issues are critical to conflict prevention and resolution and post-conflict reconstruction; and who should be responsible for the implementation of the resolution. More often than not, UNSCR 1325 is referred to only fleetingly in national policy and policymakers have relied on the resolution itself rather than translating its content into strategic action plans. Clearly, UNSCR 1325 has proved difficult to translate into comprehensive and substantive frameworks that national governments and multilaterals can implement effectively.¹ This has led to patchy and incoherent operationalisation at the local and national levels in all five countries. In addition, as noted in Chapter 1 on Afghanistan, there has been a tendency to refer to gender as a cross-cutting issue, which is then easily sidelined from key peace and security initiatives and excluded from sectoral budgets.²

In order to generate a more comprehensive understanding of the issues, more gender advisors experienced in a variety of sectors need to be employed before and during programme and strategy development in the areas of SSR, DDR, poverty reduction, etc. Gender trainings, with a clear focus on the substantive issues covered by UNSCR 1325, must be delivered across sectors, including defence, law reform, development and international peacekeeping. By failing to incorporate a gender-sensitive approach in peacebuilding and reconstruction processes, things like women's security and justice needs will remain sidelined,

as demonstrated by the high levels of sexual violence and impunity in both Afghanistan and the DRC. This failure prevents transformation towards a more inclusive and sustainable peace.

2

FINDING 2: The impact of UNSCR 1325 implementation is difficult to establish given the lack of mechanisms to measure, monitor and evaluate progress on women peace and security.

RECOMMENDATION 2: Ensure that clear gender-sensitive benchmarks, indicators and lines of responsibility are integrated into all policies and action plans on peace and security, development, gender equality, women's human rights and UNSCR 1325.

Gender equality, peace, security and development policies often lack the mechanisms needed to quantify and evaluate actual progress made on women, peace and security, and gender equality. National policy frameworks, such as Afghanistan's i-ANDS, simply assume that gender mainstreaming will occur. Likewise, the UK's women, peace and security policy, UK NAP on UNSCR 1325, was developed without indicators or benchmarks. There are no clear methods by which civil society and the UK government can hold itself accountable to its commitments, and measure its success and impact in conflict areas, such as Afghanistan, the DRC and Nepal.

This is partly due to a lack of understanding of the broad range of issues covered in UNSCR 1325, and not knowing how it can be linked throughout conflict and development policy; but also, due to a shortage of real political commitment to the issue of gender equality. It has been clear from all the case studies that, to varying degrees, governments and donors have committed themselves rhetorically to improving gender equality and protecting women's rights, but it is extremely difficult to quantify and monitor this commitment without indicators, benchmarks and timelines.

This Checklist provides examples of indicators for UNSCR 1325. Other actors, including UNIFEM, the Austrian government and Dutch Working Group 1325,³ have also done work around developing indicators. The Austrian NAP on UNSCR 1325 (2007)⁴ incorporates clear lines of responsibility, baseline status, indicators and timelines to assist in its evaluation and impact assessment. Plans like these could be used as a guide for other national governments when developing

relevant documents. More specifically, the Dutch have drafted specific indicators to measure their programme to combat SGBV in the DRC.⁵ Peace and security programmes such as DDR must have specific and measurable gender indicators incorporated throughout to ensure women are included appropriately in processes of reintegration and in the management of demobilisation camps. Such mechanisms must be rolled out in a structured way by all donors and national governments.

3

FINDING 3: There is an absence of political leadership at all levels in advancing the women, peace and security agenda. At the national level, this results in responsibility for UNSCR 1325 being marginalised to under-funded gender ministries, rather than being led by ministries working on peace and security issues.

RECOMMENDATION 3: Develop clear lines of responsibility at high political levels for the implementation of UNSCR 1325 and appoint an ambassador for women and gender equality.

The absence of committed and senior political leadership at the national level in the area of women, peace and security has meant that the agenda is mostly being pushed by the UN and from the bottom up in all of the five case studies. Civil society is forced to fill the gap left by the state not fulfilling their commitments, and undertake a huge range of local and national activities, such as promoting women's rights, increasing their civil and political participation, and protecting women and girls both at a grassroots and national level. It is particularly evident that women's organisations, which tend to lack political clout and financial resources and, in many cases, are working in the context of extreme insecurity, are the main national actors pushing for UNSCR 1325 to be mainstreamed into government policy and programming.

Besides fleeting policy commitment to gender mainstreaming, there is a lack of national-level political prioritisation of women, peace and security. Furthermore, where UNSCR 1325 initiatives have been rolled out by national governments, they are being seen as technical solutions rather than political ones. The political marginalisation of UNSCR 1325 has meant that the less powerful and under-resourced gender ministries, such as those in Afghanistan and the DRC, have been tasked with UNSCR 1325 response. National governments should mandate more powerful and better-resourced ministries with the UNSCR 1325 agenda in order to assist in its political prioritisation.

In addition, national governments should ensure that ambassadors, senior diplomats, ministers and heads of departments are required to advance the women, peace and security agenda, and should ensure that it is not left to gender focal points and gender ministries. The government of Norway demonstrated its political commitment to

gender equality as a pillar within its development and foreign policies by creating the position of the Norwegian Ambassador for Women's Rights and Gender Equality, Guro Katharina Helwig Vikør. The position is within the Ministry of Foreign Affairs and is supported with sufficient human resources.⁶

4

FINDING 4: Dedicated budget allocations for UNSCR 1325 across national government departments are limited and funding for CSOs working on gender, peace and security and women's issues is inadequate.

RECOMMENDATION 4: Governments and donors should: 1) tie adequate financial resources to the implementation of UNSCR 1325 and to gender mainstreaming in broader peacebuilding and development strategies; and 2) ensure special funds are available in each region for CSOs working on gender, peace and security-related work.

1) The UK NAP has no budget allocated for its implementation. All activities in support of the implementation of UNSCR 1325 and the UK NAP are achieved

through existing resources and staff time.⁷ The Northern Ireland Office has no specific budget allocations to support implementation of UNSCR 1325. In Afghanistan, the DRC and Sri Lanka, it has been impossible to ascertain the amount of budget, if any, set aside for UNSCR 1325 implementation and monitoring. This can be partly attributed to lack of political will and poor comprehension of the issue, but also to competing agendas on peace and security. However, without sustainable funding, it is clear that progress on advancing UNSCR 1325 will be slow.

2) Support from bilateral and other international donors can help to build the capacity of civil society to manage conflict without using violence and contribute to post-conflict reconstruction. One example of such support is UK DfID's financing of UNIFEM's programme on women's empowerment in Afghanistan. However, following moves towards Direct Budget Support, the majority of aid is being channeled through national governments. In Afghanistan, the UK provides 80 percent of its current assistance (an estimated £107 million in 2007–8) directly to the government, with only 20 percent of assistance going to the provincial level and through CSOs.⁸ Research shows that this 'new aid environment [following the Paris Declaration on Aid Effectiveness (2005)] is reducing the ability of women's rights CSOs to access funding'.⁹ Most worryingly, a minimal amount of the UK's funding to Afghanistan reaches the grassroots women's movement in Afghanistan, which is

suffering from a serious lack of financial resources. This appears to be the case in the DRC, Nepal, Northern Ireland and Sri Lanka.

Women's organisations are key to inclusive peacebuilding; promoting of good governance; social, political and economic reconstruction; holding the government to account; providing essential health and education services; and pushing for needed legal reform. It is vital that smaller and less powerful and visible civil society groups have access to international funding, either through national government mechanisms or via international organisations. Bilateral donors should ensure that a certain amount of funding to national governments is made conditional on achieving gender equality and implementation of UNSCR 1325, as well as supporting the creation of an enabling environment of security and rule of law to allow civil society, particularly local CSOs, to work in a safe environment.

5

FINDING 5: There is very little reliable and accessible official data on women's human rights, especially on the prevalence of SGBV and the number of widows.

RECOMMENDATION 5: Governments and donors should financially support the consolidation of data on women and girls in conflict and post-conflict societies, and include this data in their public reporting on UNSCR 1325.

The preceding chapters revealed that there is some data available on issues relating to UNSCR 1325, such as statistics on women in political positions and in the judiciary. However, much of this information is collected by women's organisations themselves; this is particularly true in the DRC and Sri Lanka. Unfortunately, most of this data remains incoherent, *ad hoc* and, at times, difficult to access. The majority is collected by women's groups who have little access to funding, which affects their capacity to continue monitoring the situation.

National governments and the international community should support the collection of data on prevalence of SGBV, numbers of widows, and the number of women in DDR processes and in decision-making positions across parliament, the judiciary and security sector. Disaggregated data is also needed on prosecution of crimes, in order to establish if women are able to access the justice system.

UNSCR 1325 highlights that 'there [is a] need to consolidate data on the impact of armed conflict on women and girls'. Without the consolidation of baseline data on the issues listed above, it is extremely difficult to develop effective UNSCR 1325 interventions and impossible to measure the progress made for conflict affected women and girls.

6

FINDING 6: Women remain unable to meaningfully participate at all levels of public and political life. In particular, they continue to be excluded from high-level political discussions, such as peace negotiations.

RECOMMENDATION 6: As a temporary special measure, ensure quotas of at least 33 percent women in negotiation teams, constitutional drafting committees and national and provincial parliaments; and secondly, provide financial support and training to female candidates in national and provincial elections, as well as training to women across national government administration.

All five case studies demonstrate that very limited progress has been made in the area of women's political participation. In Northern Ireland, the NIWC was established to allow women to stand as delegates in the elected body to the peace talks. This was a pioneering move and two women won seats at the peace table. However, women's representation at peace talks has generally been poor and there are few women signatories to peace agreements: only two percent of signatories to the Northern Ireland Belfast Agreement, nine percent to the Afghanistan Bonn Agreement and five percent at the Sun City negotiations were women; Nepal's CPA was only signed by men.¹⁰ Efforts to tackle women's exclusion from these processes have had limited impact.

Likewise, women are under-represented in political institutions: only 18 percent of the Northern Ireland National Assembly are women; in the DRC women make up only 9.2 percent of elected institutions; and in Sri Lanka only 5.8 percent of the national parliament are women. To facilitate women's political participation at all levels, quotas should be used as a special measure. This has been done in Afghanistan and Nepal, whereby quotas have been set at 25 and 33 percent respectively. However, although this is a useful first step, women's presence in government institutions does not necessarily mean they hold the same amount of power as their male colleagues. Violent threats made against female members of parliament in Afghanistan clearly demonstrates this inequality. Supported by the international community, national governments should also provide training for both women and men parliamentarians and civil servants on national gender equality

laws, UNSCR 1325, UNSCR 1820 and international human rights frameworks, such as CEDAW. It is also important that sufficient resources are provided to women candidates to conduct electoral campaigns, as well as to CSOs that develop the capacity of women politicians.

7

FINDING 7: Levels of SGBV and impunity remain extremely high and there is a lack of coherent, well funded national strategies to tackle these problems.

RECOMMENDATION 7: National governments, with the support of international donors, should ensure: 1) the full implementation of VAW legislation, as well as prosecution and conviction of perpetrators; and 2) provide more and better training to government officials, the judiciary and police on the security and human rights of women, and on how to provide support to women survivors of SGBV.

The protection of women's human security is critical to the achievement of inclusive peace. However, the chapter on Afghanistan reveals that VAW is pervasive, with over 87 percent of women affected by domestic violence. Likewise, women's human security is poor in Northern Ireland, where police receive a call on domestic violence on average every 23 minutes. The horrendous level of sexual violence in the DRC is well covered in the international media. Nevertheless, exact figures are lacking and levels of impunity for such crimes are high: only an estimated two percent of cases of sexual violence in South Kivu province, in the DRC reach the justice system, with many settled outside of the judicial system in "amicable settlements".¹¹ This culture of impunity is intimately linked to the prevalence of SGBV and the insecurity of women.

Without the ability to uphold the rule of law and hold perpetrators to account, little will be achieved in reducing SGBV. To support the rule of law, national governments must increase their national budgets for justice. With the support of the international community, they should systematically promote specialised training and awareness-raising initiatives among the judiciary and police on SGBV, women's human rights and UNSCR 1820. National authorities must be trained on how to provide support to survivors of sexual violence in order to encourage more cases to be reported and prosecuted. Our research confirms that such programmes have not been coherently rolled out by national authorities. Indeed the research from Nepal revealed that most activities on SGBV are carried out by women's organisations. Gaps in government strategy in tackling such violence must be addressed and adequately financed.

Endnotes

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Appendix A

Resolution 1325: Adopted by the Security Council at its 4213th meeting, on 31 October 2000

The Security Council,

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President and recalling also the statement of its President, to the press on the occasion of the United Nations Day for Women's Rights and International Peace of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full

participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. **Urges** Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;
2. **Encourages** the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. **Urges** the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. **Further** urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. **Expresses** its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. **Requests** the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment and

further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;

7. **Urges** Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;
8. **Calls** on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;
9. **Calls** upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council - 5 - Press Release SC/6942 4213th Meeting (PM) 31 October 2000 on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;
10. **Calls** on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

11. **Emphasizes** the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;
12. **Calls** upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;
13. **Encourages** all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;
14. **Reaffirms** its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;
15. **Expresses** its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;
16. **Invites** the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;
17. **Requests** the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;
18. **Decides** to remain actively seized of the matter."

Resolution 1820 (2008): Adopted by the Security Council at its 5916th meeting, on 19 June 2008

The Security Council,

Reaffirming its commitment to the continuing and full implementation of resolution 1325 (2000), 1612 (2005) and 1674 (2006) and recalling the statements of its president of 31 October 2001 (Security Council/PRST/2001/31), 31 October 2002 (Security Council/PRST/2002/32), 28 October 2004 (Security Council/PRST/2004/40), 27 October 2005 (Security Council/PRST/2005/52), 8 November 2006 (Security Council/PRST/2006/42), 7 March 2007 (Security Council/PRST/2007/5), and 24 October 2007 (Security Council/PRST/2007/40);

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming also the resolve expressed in the 2005 World Summit Outcome Document to eliminate all forms of violence against women and girls, including by ending impunity and by ensuring the protection of civilians, in particular women and girls, during and after armed conflicts, in accordance with the obligations States have undertaken under international humanitarian law and international human rights law;

Recalling the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century"

(A/S-23/10/Rev.1), in particular those concerning sexual violence and women in situations of armed conflict;

Reaffirming also the obligations of States Parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol thereto, the Convention on the Rights of the Child and the Optional Protocols thereto, and *urging* states that have not yet done so to consider ratifying or acceding to them,

Noting that civilians account for the vast majority of those adversely affected by armed conflict; that women and girls are particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group; and that sexual violence perpetrated in this manner may in some instances persist after the cessation of hostilities;

Recalling its condemnation in the strongest terms of all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children;

Reiterating deep concern that, despite its repeated condemnation of violence against women and children in situations of armed conflict, including sexual violence in situations of armed conflict, and despite its calls addressed to all parties to armed conflict for the cessation of such acts with immediate effect, such acts continue to

occur, and in some situations have become systematic and widespread, reaching appalling levels of brutality,

Recalling the inclusion of a range of sexual violence offences in the Rome Statute of the International Criminal Court and the statutes of the ad hoc international criminal tribunals,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peacebuilding, and *stressing* the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Deeply concerned also about the persistent obstacles and challenges to women's participation and full involvement in the prevention and resolution of conflicts as a result of violence, intimidation and discrimination, which erode women's capacity and legitimacy to participate in post-conflict public life, and acknowledging the negative impact this has on durable peace, security and reconciliation, including post-conflict peacebuilding,

Recognizing that States bear primary responsibility to respect and ensure the human rights of their citizens, as well as all individuals within their territory as provided for by relevant international law,

Reaffirming that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians,

Welcoming the ongoing coordination of efforts within the United Nations system, marked by the inter-agency initiative "United Nations Action against Sexual Violence in Conflict," to create awareness about sexual violence in armed conflicts and post-conflict situations and, ultimately, to put an end to it,

1. **Stresses** that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security, *affirms* in this regard that effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security, and *expresses its readiness*, when considering situations on the agenda of the Council, to, where necessary, adopt appropriate steps to address widespread or systematic sexual violence;
2. **Demands** the immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians with immediate effect;
3. **Demands** that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence, which could include, inter alia, enforcing appropriate military disciplinary measures and upholding the principle of command responsibility, training troops on the categorical prohibition of all forms of sexual violence against civilians, debunking myths that fuel sexual violence, vetting armed and security forces to take into account past actions of rape and other forms of sexual violence, and evacuation of women and children under imminent threat of sexual violence to safety; and *requests* the Secretary-General, where appropriate, to encourage dialogue to address this issue in the context of broader discussions of conflict resolution between appropriate UN officials and the parties to the conflict, taking into account, inter alia, the views expressed by women of affected local communities;
4. **Notes** that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide, *stresses the need for* the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes, and *calls upon* Member States to comply with their obligations for prosecuting persons responsible for such acts, to ensure that all victims of sexual violence, particularly women and girls,

have equal protection under the law and equal access to justice, and *stresses* the importance of ending impunity for such acts as part of a comprehensive approach to seeking sustainable peace, justice, truth, and national reconciliation;

5. **Affirms its intention**, when establishing and renewing state-specific sanctions regimes, to take into consideration the appropriateness of targeted and graduated measures against parties to situations of armed conflict who commit rape and other forms of sexual violence against women and girls in situations of armed conflict;
6. **Requests** the Secretary-General, in consultation with the Security Council, the Special Committee on Peacekeeping Operations and its Working Group and relevant States, as appropriate, to develop and implement appropriate training programs for all peacekeeping and humanitarian personnel deployed by the United Nations in the context of missions as mandated by the Council to help them better prevent, recognize and respond to sexual violence and other forms of violence against civilians;
7. **Requests** the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in United Nations peacekeeping operations; and *urges* troop and police contributing countries to take appropriate preventative action, including pre-deployment and in-theatre awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;
8. **Encourages** troop and police contributing countries, in consultation with the Secretary-General, to consider steps they could take to heighten awareness and the responsiveness of their personnel participating in United Nations peacekeeping operations to protect civilians, including women and children, and prevent sexual violence against women and girls in conflict and post-conflict situations, including wherever possible the deployment of a higher percentage of women peacekeepers or police;
9. **Requests** the Secretary-General to develop effective guidelines and strategies to enhance the ability of relevant United Nations peacekeeping operations, consistent with their mandates, to protect civilians, including women and girls, from all forms of sexual violence and to systematically include in his written reports to the Council on conflict situations his observations concerning the protection of women and girls and recommendations in this regard;
10. **Requests** the Secretary-General and relevant United Nations agencies, inter alia, through consultation with women and women-led organizations as appropriate, to develop effective mechanisms for providing protection from violence, including in particular sexual violence, to women and girls in and around United Nations managed refugee and internally displaced persons camps, as well as in all disarmament, demobilization, and reintegration processes, and in justice and security sector reform efforts assisted by the United Nations;
11. **Stresses** the important role the Peacebuilding Commission can play by including in its advice and recommendations for post-conflict peacebuilding strategies, where appropriate, ways to address sexual violence committed during and in the aftermath of armed conflict, and in ensuring consultation and effective representation of women's civil society in its country-specific configurations, as part of its wider approach to gender issues;
12. **Urges** the Secretary-General and his Special Envoys to invite women to participate in discussions pertinent to the prevention and resolution of conflict, the maintenance of peace and security, and post-conflict peacebuilding, and encourages all parties to such talks to facilitate the equal and full participation of women at decision-making levels;
13. **Urges** all parties concerned, including Member States, United Nations entities and financial institutions, to support the development and strengthening of the capacities of national institutions, in particular of judicial and health systems, and of local civil society networks in order to provide sustainable assistance to victims of sexual violence in armed conflict and post-conflict situations;

14. **Urges** appropriate regional and sub-regional bodies in particular to consider developing and implementing policies, activities, and advocacy for the benefit of women and girls affected by sexual violence in armed conflict;
15. **Also requests** the Secretary-General to submit a report to the Council by 30 June 2009 on the implementation of this resolution in the context of situations which are on the agenda of the Council, utilizing information from available United Nations sources, including country teams, peacekeeping operations, and other United Nations personnel, which would include, inter alia, information on situations of armed conflict in which sexual violence has been widely or systematically employed against civilians; analysis of the prevalence and trends of sexual violence in situations of armed conflict; proposals for strategies to minimize the susceptibility of women and girls to such violence; benchmarks for measuring progress in preventing and addressing sexual violence; appropriate input from United Nations implementing partners in the field; information on his plans for facilitating the collection of timely, objective, accurate, and reliable information on the use of sexual violence in situations of armed conflict, including through improved coordination of United Nations activities on the ground and at Headquarters; and information on actions taken by parties to armed conflict to implement their responsibilities as described in this resolution, in particular by immediately and completely ceasing all acts of sexual violence and in taking appropriate measures to protect women and girls from all forms of sexual violence;
16. **Decides** to remain actively seized of the matter.”

