

SIHA Network

Strategic Initiative for Women in the Horn of Africa



**Violence against Women and Girls in Conflict and
Post-Conflict Situations**

CONSULTATION REPORT

June 2005

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This consultation, supported
by the **Ford Foundation**
was
undertaken as a
component of SIHA's

VAW Campaign
2004 - 2008



STOP Violence against Women and Girls in the Horn of Africa. It affects **YOU!**

Violence Against Women in conflict and post conflict situations is becoming a chronic symptom around the Horn of Africa. VAW is being committed and practiced systemically, yet very poor accountability measures have actually taken in response.

Women groups operating in the HOA were challenged by the environment of armed conflict, widely implicating their situation, hindering their peace and security, and limiting opportunities of development. VAW in conflict is a additional burden, adding to the numerous existing socio- cultural and economic challenges that women and girls across the Horn are facing.

SIHA's member organizations are a network of Civil Society groups working in the Horn of Africa, and armed conflict largely shapes the environment in which both SIHA and its members operate. We need to identify and map our position; to start researching and looking for measures and mechanisms to protect and support women in conflict and post conflict situations.

This Consultation aimed at bringing together women from the Horn of Africa, particularly Somalia, Somaliland, Darfur and South Sudan. In addition, civil society groups from Kenya and South Africa were also invited to discuss and learn from each others experiences, and to collectively move a step forward and establish links for solidarity and advocacy.

This report reflects the discussions and the cases presented throughout the three days of meeting and the recommendations discussed. The output of this consultation is extremely helpful for SIHA, giving us vital information during the drafting of our three-year strategy for the region.

I would like to thank all individuals, who represented international and regional organizations and civil society groups, who were engaged in this consultation.

My especial thanks go to The FORD foundation for their support to SIHA and their belief in what we are doing. I would also like to especially thank Cleo Fychan who performed the compiling and reviewing of the consultation documents which I hope you will find useful in your work area.

Hala Alkarib
Regional Coordinator
SIHA network



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Acknowledgements



SIHA would like to thank the following for attending and contributing to the consultation and this report:-

Hala Elkarib	Hala Al ahmadi	Atsede Zerfu
Omayma Sayed Ahmed	Elizabeth Solomon	Safia Abubakr
Sara Shakak	Atuki Turner	Maureen Sande
Indai Sajore	Bashair Ahmed	Simon P. Wainaina
Joanna Oyediran	Asmahan Abdel Salam	Mahdere Paulos
Jebiwot Sumbeiywo	Aini Gaal	Mary Cirillo Bang
Manal Abdel Halim	Fatouma Osman Omer	Layla Ali Elhaj
Ghada Omer	Khadija Dijama	Brigitte Kosgey
Karak Mayik	Belainesh Seyoum	Faiza Jama Mohamed
Samia Osman	Yetnayet Andarge	
Fatima Osman	Mahdere Palous	
Samia Ahmed	Sado Hussien Hashi	
Asefaw Asmelash Ghebreior	Janet Kemisa	
Hawa Mohamed	Laila Ali Alhaj	
Hoddan A. Ahmed	Durria Mansour	
Liz Makimaro	Anisia Karlo Achieng	



Acronyms and Abbreviations



AMIS	African Union Mission in Sudan
AU	African Union
CPA	Comprehensive Peace Agreement
DRC	Democratic Republic of Congo
GBV	Gender Based Violence
GoS	Government of Sudan
GOSS	Government of South Sudan
GNU	Government of National Unity
ICC	International Criminal Court
IDP	Internally Displaced People
HOA	Horn of Africa
HTP	Harmful Traditional Practices
JEM	Justice and Equality Movement
NGO	Non Governmental Organisation
SLA	Sudan Liberation Army
SLM	Sudan Liberation Movement
TRC	Truth and Reconciliation Commission
VAW	Violence against Women



Preface



The reasons for organising this consultation

The idea for a consultation on VAW in conflict and post-conflict situations emerged from the numerous incidents of VAW reported in Darfur, a region rife with civil conflicts. The latest in a chain of civil unrest sweeping through the HOA, Darfur characterises how VAW, as a product of conflict, is becoming an increasing burden for women on a day to day basis.

The goal of the consultation was to come up with a strategy on how to address VAW in conflict and post-conflict periods across the HOA. SIHA organised the consultation with the view of creating strong, solid recommendations for addressing VAW in conflict and post-conflict periods, to be adopted by SIHA and its member organisations in structuring and implementing the SIHA VAW campaign (2004 – 2008).

VAW during conflict

Africa bears the heaviest brunt of VAW due to the large number of conflicts within the continent. Women are raped during military operations and raids conducted by government soldiers, armed factions and criminal groups. The situations in Darfur and the Congo remain the biggest horrors seen on the continent, with Darfur being described by the UN as 'the world's greatest humanitarian crisis'.

The continual acceptance of VAW extends beyond the conflict period to be embedded in the post-conflict arena. This has been observed throughout the HOA in areas such as Somalia and South Sudan. This results in VAW becoming more accepted and justified in subsequent post-conflict periods than it was in previous times of peace. In communities where women and girls are subjected to traumatic experiences, the trauma is often transferred to children; thus a cycle of violence is perpetuated in the HOA's societies. This poses a threat to the future security of communities within these societies.



A displaced Darfuri woman from Zalingi living in an IDP settlement on the outskirts of Khartoum.

Recommendations for Darfur

- The GoS must cease to support the Janjawid and all the fighting militias must commit to the process of disarming and demobilisation
- The international community should observe and support the disarmament process
- Crimes of violence against women and girls must be observed by all parties as crimes against humanity, and measures of accountability and prevention are to be part of any reconciliation and/or ceasefire and peace agreements between parties.
- A special committee should be formed on the ground, comprised of civil society, local community and international and regional observers, to observe and specifically monitor the measurements taken by the GoS to end and respond to violence against women and girls
- The GoS and all other armed political groups in Darfur must issue instructions to their troops that no forms of violence will be tolerated and those perpetrating will be brought to justice
- The UN and the AU must continuously compel the GoS to protect Human Rights and cooperate closely with the international community to end genocide in Darfur
- The international community must be obligated to contribute adequate funding and resources in support of the AU Ceasefire Observer Mission, the UN mission and the long-term needs of those communities affected
- Clear and specific guidelines must be developed for writing reports, specifically with regard to recording crimes against women and girls committed by different groups, and defining who are considered to be state actors
- Compensation issues need to be addressed regarding women and girls who were raped, and widowers created by war, especially in relation to women's access to land and property
- Involve youth, men and community in addressing VAW
- The psychological wellbeing of affected women and communities must be recognised by all actors, and support given. The GoS in particular should be directly responsible and accountable for creating a safe environment for the affected populations of Darfur
- All international and local civil society and aid agencies and groups must recognise, and be sensitive in their work strategies, to the trauma resulting from VAW
- Advocacy for ratification of the CEDAW, the Convention against Torture and All Forms of Inhuman or Degrading Treatment or Punishment, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- Further research to understand how the conflict in Darfur affects women and girls, including research on the phenomenon of GBV;
- Research on best practices and successful strategies to prevent and respond to GBV in Darfur, including strategies developed by communities;
- Advocacy for continued engagement by international and regional human rights mechanisms at the international and regional level, including submission of complaints on GBV to the African Commission on Human and Peoples' Rights and information to the Special Rapporteur on the Rights of Women in Africa;
- Advocacy for gender mainstreaming into planning, programmes, monitoring and evaluation of AMIS and increased engagement by the AU and AMIS in addressing GBV;
- Advocacy to ensure that the Prosecutor of the International Criminal Court prioritises examination of the phenomenon of GBV in Darfur;
- Assistance by NGOs and activists, focusing on women's human rights, to the ICC by providing detailed and reliable information of cases and patterns of GBV and supporting and advising victims or witnesses;
- Advocacy to ensure increased and effective representation of women in key political processes related to the conflict in Darfur;
- Dissemination by NGOs and activists, focusing on women's human rights, of information regarding international and regional humanitarian standards related to VAW and international humanitarian law, in particular advocacy directed towards the parties to the conflict; and
- Dissemination by NGOs and activists focusing on women's human rights of information actions taken by international and regional human rights and political mechanisms to address GBV in Darfur.



The Horn of Africa



An Overview

The Horn of Africa, situated in the eastern peninsula of the African continent, is comprised of Sudan, Somalia, Somaliland, Eritrea, Ethiopia and Djibouti. Being mainly an arid region, the HOA is continually subject to cyclical droughts, and sometimes floods. Suffering a chain of natural catastrophes, the population of the HOA has some of the world's highest levels of malnutrition creating large-scale humanitarian crises. Natural resources are also in danger from over-grazing and the region is currently considered by UNESCO as a Biodiversity Hotspot.

The region's economy is dependent on a few key exports; mainly cotton, coffee, bananas and livestock. Agriculture is important, creating a situation in which a proportionate amount of economic success is reliant on the weather. Oil revenues are also a key factor.

The six countries referred to as the HOA share many cultural similarities. Cultural practices and tribal borders cut across official country borders, creating unsettled state structures. Manifested in the form of patriarchal society; male dominance is prevalent throughout the HOA, creating a situation in which VAW is sanctioned.

Over the past thirty years, the HOA has suffered numerous long-term civil conflicts that have affected the social, political and economic environment of the region. The entire region is currently undergoing deep, extensive transformations with various areas becoming vulnerable, and consequently unable to protect civilians.



A Dinka woman from South Sudan; she has been repeatedly displaced and terrorised and now lives in Bilal IDP camp, South Darfur.

The current situation of VAW in the Horn of Africa

Worldwide today, VAW is not only seen as a violation of Human Rights, but is increasingly being recognised as a health risk with long-term ramifications on the well-being of communities. Yet, governments across the world, and specifically in the HOA, have done far too little to combat the entrenched chronic abuses of women. Rape, used as a weapon of war, is too often under-reported or unreported. Victims suffer in silence whilst perpetrators continue to violate women's rights with impunity.

VAW is extensively rooted in the HOA. This violence is perpetrated in various forms, hindering the development of women, and thus the development of societies. Over the past decades, women in the HOA have suffered, and continue to suffer, systematic violence used in conflict and post-conflict situations. However, this issue is continually overlooked by authoritative and political bodies, generally known to be active perpetrators of these offences during times of conflict.

Women are the primary targets of violence, being easily accessible during attacks due to their responsibility for children and other dependants. After being attacked, women are then victimised by husbands and communities; those who have suffered rape being rejected by their families. This destroys the very fabric of society, destructing the stability upon which these women depend. In addition to systematic violence executed during situations of conflict, VAW takes many other forms; including harmful traditional practices, the bride price, widow inheritance and ritual sexual cleansing. Under the guise of culture, numerous aspects of traditional practices in the HOA place women at risk.

The link between HIV and violence is rarely spoken about in the HOA. However, this link is strong and prevalent. Women, though they are denied the rights to their own bodies, are blamed for bringing AIDS into families. Being perceived as vehicles of child-bearing, women are at high risk of contracting HIV/AIDS. Poverty also forces many women into prostitution. As well as putting them in grave danger from AIDS, these women are also violently and physically abused by the men who pay for their services.

When men return from war, many carrying HIV/AIDS, the disease is spread to the community. Men who have contracted AIDS rape young virgins, believing this to be a cure for the disease. When women are known to have AIDS, they are ostracised by their communities and families, and in some cases thrown from their homes. Men do not suffer this victimisation.

VAW in the HOA is often under-reported. UNICEF report on the situation of children, but do not incorporate women into these reports. Their reports also focus on education rather than VAW. Reports are being made on rape in Darfur, but forced marriages are not addressed or discussed and there is no information about children born from rape. Domestic violence is also neglected and not considered a priority. In Somalia, verbal reports are made, but few are actually written down.





The South Africa Experience

By Kokie Edward



The intersection of HIV/AIDS and VAW

Domestic violence, marital rape, abuse of girls, and violations of property and inheritance rights are all prevalent in today's society. Harmful Traditional Practices such as the Bride Price, widow inheritance, and ritual sexual cleansing are an additional cause of the subversion of women in society. Most of these abuses are perpetrated by families and tolerated by governments. They are among the most pervasive and dangerous abuses suffered by women and girls. In the context of HIV/AIDS, they are lethal.

Human Rights Watch interviewed hundreds of women and girls living with HIV/AIDS around the world. Their stories include harrowing accounts of rape during armed conflict, domestic abuse, and trafficking. Human Rights Watch's asserts that there is a link between HIV/AIDS and VAW, and this is an issue to which the HOA as well as South Africa can relate.

VAW is an important, yet widely overlooked, link in the transmission of HIV/AIDS. The prevalence of VAW in the cultures of those infected by HIV/AIDS, coupled with the silence and stigma attached to both VAW and HIV/AIDS, has a detrimental impact on the structure and sustainability of the very societies that support HTP.

Domestic Violence and HIV/AIDS

The link between Domestic violence and HIV/AIDS is rarely spoken about, even though millions of women are placed at risk by this phenomenon. Most women suffer abuse either from a former or present intimate partner. This can be physical abuse, sexual abuse, or emotional and psychological abuse, such as coercion stemming from the threat of violence.

Domestic violence by its very definition implies the violation of trust; an element that many others take for granted as the basis of their intimate relationships. Women caught in violent domestic situations are often forced to have sex against their will, and inhibited from seeking protection from HIV/AIDS and other sexually transmitted diseases. Many are also prohibited from receiving the basic information that would allow them access to such protection.

In many cultures and circumstances, sexual compliance is not negotiable and a request for the use of condoms for protection allows the partner to accuse the woman of infidelity. Even in situations where a husband travels the trucking routes to earn a living, regularly engaging in sexual activities, the shadow of doubt is cast upon the woman.

Within many cultures, women are also vulnerable to rape from other family members, such as brothers-in-law, and uncles who may be infected. In cases such as these, the silence of partners and abusers regarding their extra-marital activities coupled with the silence of women surrounding their violation, maintain the cycles through which both violence and HIV/AIDS escalates.

Should HIV/AIDS show up in a family, the woman is blamed for introducing the disease and spreading it amongst family members. The blame is rarely, if ever, placed on male members, who, by and large, are the culprits of infidelity. Under these circumstances, the woman is ostracised, sometimes cast out of the family, physically abused and even killed for bringing the disease into the family. Women are often trapped in violent domestic situations by their inability to function on their own in a society not designed to support powerful women.

Geeta Rao Gupta, President of the International Centre for Research on Women has summed up this problem by stating that "Gender-related discrimination and a denial of women's economic, social and cultural rights contribute to women's vulnerability to HIV infections. Women are denied their right to free and accurate information about their bodies, and this greatly contributes to their inability to protect themselves from infection."

Rape and HIV/AIDS

Women and girls are at continual risk of rape, which occurs in conflict situations, private homes, on dates, within marriages, in prisons and in public spaces. This makes women highly vulnerable to HIV infection. Rape is an act of intimidation, of domination, and an act of violence, rage and fear. The survivors of such a horrific violation suffer numerous after-effects such as trauma.

In many cultures women subjected to rape are often considered the guilty party, through the belief that they are always the cause of the attack. In the period after a rape incident, women are further abused and traumatised by the system, by their partners who find them no longer pure enough, or perhaps by the police to whom they go for help. To add insult and pain to already dire circumstances, the added possibility of pregnancy and sexually transmitted diseases are a cause for concern.

There is hope for rape survivors in some countries, where communities and societies have the wherewithal, infrastructure and political will to make antiretroviral treatment available; which if started within 72 hours and continued for 28 days, can prevent infection. However, many women do not know that such Post Exposure Prophylaxis exist, thus penalising the poor and under informed women by leaving them with no redress.

A new horror has been added to the spectre of rape; the rape of young or even baby girls caused by a myth that sex with a virgin can cleanse, rid or protect the perpetrator from HIV/AIDS. Such rapes have killed, maimed and completely traumatised children, sometimes the victims of people who should protect them, such as fathers or uncles.

Sexual Slavery and HIV/AIDS

Prostitutes are in constant danger of HIV infection, and once infected become a source of transmission. Violence haunts the districts of crowded cities and the streets where sex work is carried out. Prostitutes are subject to violence from their clients, from their pimps and from their madams as well. Far too few prostitutes are given the protection from violence needed to negotiate for condom use with their clients. Many women in the sex-trade have come into this work without choice, lacking rights, protection or information. Many find themselves in situations where they have been falsely promised jobs and training by those who buy and sell women and girls. Poverty sometimes forces families to sell their expendable daughters to be trafficked into sexual servitude, where they are taught nothing about HIV, hygiene or health and are treated strictly as commodities; unprotected from the brutality they suffer at the hands of their customers, pimps and brothel owners. This form of Violence against Women is another crucial piece in the transmission cycle of HIV/AIDS, where violence is used as a further tool of domination.

Cultures of Violence and HIV/AIDS

Though women are making huge strides all over the world, there is a global culture of Violence Against Women/Girls, where women are perceived as vehicles of childbearing, items of property, sex objects, and spoils of war. In the developed world such violence is ostensibly illegal, but does, in fact, occur. Wherever poverty exists, rape is a norm; however, rich or poor, the spectre of violence may be present. Fear and brutality send girls and young women fleeing home to live on the streets where dangers they are unprepared for navigate and lurk, replacing the violence at home with street violence, drugs and HIV/AIDS.

The more closely we examine the intersection of HIV/AIDS and VAW, the clearer it becomes that other social phenomena such as poverty, hunger, economic and class discrimination, and disenfranchisement are instruments that add to and precipitate their violation and infection of women in a particular and profound manner and are in themselves forms of violence.

Perhaps the first issue to look at is poverty, which places women in dangerous situations and allows violence to continue, carried out by other members of society.



The Somalia Experience

Presentation by Faiza Jama Mohamed



In 1960 British Somaliland and Italian Somaliland gained independence and formed a joint union called the United Republic of Somalia. However this union was not to last. The northern Somalis felt marginalised and oppressed, a situation exacerbated by the fact that the Union's capital was in Mogadishu in the South. In 1969 Muhammed Siad Barre and his socialist/Marxist regime gained power through staging a coup. He began to elect people from his own clan to the exclusion of those from other clans. In 1977, Siad Barre launched an offensive in Ogaden. Being unsuccessful, Somalia spiralled into economic decline. By the early 80s people began to oppose Siad Barre's regime. A guerilla group called the Somali National Movement was formed and in 1998 they launched an offensive in Hargeisa and Burco in northern Somalia. Siad Barre's forces retaliated killing thousands and forcing thousands more to flee across the border. However in 1991 Siad Barre was himself forced to flee and this move offered the opportunity for the north-west to break away from the rest of Somalia and declare itself independent as the 'Republic of Somaliland'.

Somaliland has now been separate from the rest of Somalia for 15 years but, whilst it has its own government, army, national flag and anthem, it has still not been given international recognition as an independent state. The international community are unwilling to give it this status as they do not wish to endorse the fragmentation of the Horn of Africa.

For the rest of Somalia Siad Barre's departure resulted in the United Somali Congress (USC) gaining control of Mogadishu. A full-blown civil war then developed in the capital when the USC fragmented into rival, clan-based factions. Fighting between warlords for control of Mogadishu still continues which means that there has been no effective central government since 1991. However a Transitional National Government (TNG) was formed which was replaced by a Transitional Federal Government (TFG) in January 2005.

Throughout the civil unrest, women have played an active role at grassroots level, but have been absent from the decision making process. The FCO commented that **'Women generally have difficulty making their voices heard in the political arena but are currently playing a very active role in civil society organisations, which are flourishing in the absence of government.'**



The Somaliland Experience

Presentation by Asmahan Abdul Salaam



Since the 1980s, different factions have been fighting for power in Somalia. Somaliland was formed in 1991, but Somalia remained stateless and in a state of permanent conflict and turmoil. In a stateless land, women are marginalised and denied access to decision making.

During conflict and post conflict periods in Somaliland, Somali women were engaged at every step in the enhancement of peace building. During times of conflict, Somali women worked as agents of peace through putting pressure on community elders to push for peaceful resolutions, writing letters to local civil conflict actors and demanding peace and security for themselves and their children. Some women invented alternative processes to call for peace and reconciliation through songs and poems.

The experiences of Somali women reflect the manifestation of religious fundamentalism levelled at women in times of conflict. When peacekeepers are deployed, women are watched, oppressed and perceived as being the weakest link. The history of young Somali women being stoned to death by fundamental Islamist militias on accusations of having relationships with peace keepers is still spoken about amongst the Somali Women Movement. The image of a teenage girl who was beaten to death for accepting a bar of chocolate from a peace keeper is another incident that will always be remembered by women's rights activists in Somalia and around the region.

Women are perceived as material property, causing the anger and violence executed by civil conflict actors to be directed towards oppressing women with the aim of achieving a sense of victory. For the majority of the time, Somali women were left alone to tackle the day to day lives of their families. Moreover, they had to put up with the implications of the conflicts.

In both Somaliland and Somalia, women have been highly active in organising Civil Society groups to combat GBV, and advocate for peace and gender equality. A number of SIHA's members from Somaliland and Somalia are extremely dedicated and professional groups who work tirelessly to achieve their aims and goals. Nagaad in Somaliland, and Cogwo and Kalsan in Somalia are examples of how women in the HOA are at the forefront of the fight for gender equality, peace and development.



The Sudan



Background to the Sudan:

Sudan is the largest country in Africa, and thus the most culturally and ethnically diverse. The ongoing instability in different regions of the country reflects the poor governing system and the constant failure of Sudan's subsequent governments to understand and manage the country's diversity.

In 2003, Darfur became a challenging crisis for the Government of Sudan; a situation which was inherited by the Government of National Unity. The large-scale destruction, resulting in the displacement of almost two million of the region's population to date, is caused by insecurity resulting from civil war between fragmented rebel troops and the Janjaweed militia supported by the NCP, representing the GNU. The situation in Darfur is the most recent in a chain of unrest within the country.

Eastern Sudan poses another potential conflict that could complicate the situation for the new Government of National Unity. The Eastern Front was operating in alliance with the SPLM during the last years of conflict, yet like Darfur, they were neglected by the CPA. In addition, the poverty and isolation of the population of Eastern Sudan has created a situation conducive to civil conflict against the Central Government.

The geopolitical status of the country creates an added sensitivity regarding the country's situation. Sudan is located in the middle of more than three sub regions; the East and Horn of Africa Region; The West and Central Africa; and the North Africa and Middle Eastern region. This increases the country's exposure to border conflicts. In addition, the majority of the sub-regional population is made up of nomadic pastoralist tribes who move across borders; a situation that breeds issues of conflict over resources, which in turn forms one of the major characteristics of the country's challenges.

The Comprehensive Peace Agreement (CPA) represents a major political development in the recent history of the Sudan. The agreement stipulates the decentralisation of Sudan's national government and the "devolution of significant powers to states, campaigns in all languages to popularize peace, guarantees of human rights "right to life, liberty and security of person; the abolition of slavery; the abolition of torture; a fair trial; freedom of thought, conscience, religion and expression; freedom of assembly; the right to vote; equality before the law; freedom from discrimination; and women are to be treated equally to men." In addition, regarding wealth sharing, consideration was placed on the need for allocating significant reconstruction resources to all states of Sudan, and particularly the war-affected areas; namely Eastern Sudan, the Nuba Mountains and South Blue Nile.



Displaced women from the Nuba Mountains celebrate the signing of the CPA in Wad El Bashir, Northern Omdurman.

Despite the great potential of the CPA, the agreement contains several inadequacies. The CPA was introduced to resolve the long-standing North-South conflicts, but ignored the fact that Sudan's people are not only divided in terms of north and south; rather the country is split into numerous populations who all consider themselves as being marginalised and ignored by the central government. The nature of the conflict prior to the CPA was considerably more inclusive, with groups from different areas being mobilized to partake in the struggle. The Nuba Mountains, South Blue Nile and Eastern Sudan all resisted the government, yet the CPA failed to reflect and acknowledge these dynamics within Sudan's context as a whole.

During the war in South Sudan, many fled northward to reside in the capital of Khartoum, where their presence was neither welcomed by the government nor the people. As their numbers grew and their presence was considered a threat, IDPs were forced to leave the city and settle on the outskirts of Khartoum. These settlements were then razed to the ground in late 2004, adding a final blow to these marginalised people before the signing of the CPA. IDPs in Khartoum suffer marginalisation and constantly feel intimidated by their employees, often being beaten and dismissed without pay. Women, in order to survive, brew and sell alcohol. Inebriated, their husbands are often violent, and when they are caught by the authorities, the women are beaten and their equipment confiscated. When they are released from jail, these women are required to buy back their utensils, creating a circle of continual harassment.

Sexual slavery is also a problem seen in areas of conflict, such as South Sudan and Darfur, and human trafficking is a crime perpetrated by a number of factions, including state and non-state actors. Pastoralists, who have been victimised and impoverished, are generally unfairly targeted as perpetrators. Having received arms, they fail to consider themselves party to the laws of the government. As a result, they use their weapons for protection and to commit crimes, especially against women.

During the lengthy civil conflicts in South Sudan, VAW was widely practiced. Since the conflict was resolved with the signing of the CPA, both parties to the GNU have ignored, and continue to ignore, the growing culture of VAW in post-conflict South Sudan.

WOMEN'S INCLUSION IN DECISION-MAKING PROCESSES IN POST-CONFLICT SOUTHERN SUDAN

By Suzanne Jambo

Overview of the Sudanese Conflict and its impact

Sudan has undergone an identity crisis since 1800, and its independence in 1956 marked the history of national liberation struggle by the people of Southern Sudan from the elite minority in Northern Sudan. This conflict has presently extended to other marginalised areas such as Eastern Sudan and Darfur. The civil war in Sudan can be seen in the north-south war, inter-village and intra-tribal conflicts. This has resulted in disruption of social order, economic activities and deterioration of local institutions. Basic social services and infrastructure including health care, education, markets and roads have been destroyed, and the judicial system has been severely damaged. A serious impact of the prolonged war in the South is the extended culture of war and violence. How to transform this culture into a peaceful society will be a major challenge. In light of this, it is paramount to ensure that other emerging conflicts are resolved quickly. The IGAD-led peace process and a comprehensive peace agreement should help as a model to resolve other conflicts in Sudan. However, it is absolutely crucial to ensure inclusivity this time round.

The CPA, signed on 9th January 2005, brought great hopes for the people of Sudan, attempting to resolve the conflict through the 6 Protocols signed over a period of the past 3 years. These include protocols on power sharing, wealth sharing and security arrangements among others. The CPA further included mechanisms to safeguard these Protocols, for instance the provision of a human rights commission, land commission and a national petroleum commission. The CPA has further provided for the resolution of the Southern Sudanese conflict through the creation of a semi-autonomous state in the South over an interim period of 6 years; upon the expiry date, Southerners will be able to exercise the right to self-determination through a referendum whereby they will either opt for unity or independence. Abeyi area is another region that will also exercise a similar right meanwhile the other two conflicting regions of Nuba Mountains and South Blue Nile will respectively have local administrations. However, these two regions will not exercise the right to self-determination. Yet, to date, there have been no provisions to safeguard the peace accord in the case of infringement. Secondly, the presidency has been accorded a large amount of power but without checks and balances. These two concerns are vital to the implementation of the CPA.

In 1972 the Addis Ababa peace agreement was signed to resolve the South conflict. However, the former Sudanese President, Numeiri, abrogated the Agreement in 1983 throwing the South back into civil war. Historically, Southerners are very weary of Northern governments, and without the necessary mechanisms to ensure maximum compliance with CPA there remain grave concerns, especially amongst women. Since this is not the first time that Sudan has faced a transition from war to peace, it is absolutely crucial to put in place mechanisms to ensure the smooth implementation of the peace accord at national, regional and international level.

The transition from a prolonged conflict to peace and democracy will bring challenges and opportunities for all Sudanese people including women, CSOs and respective governments as all assume an active role in building a peaceful Sudan based on equality and justice regardless of race, ethnicity, religion or gender. It is the aspiration of many Sudanese people that all Sudanese citizens, particularly the marginalized people including South Sudanese, Nuba Mountains, South Blue Nile, Abeyei and Darfur among others will get a chance to exercise basic rights and freedoms and that the war will come to an end.

However, it is crucial to register women's disappointment regarding their exclusion from the peace processes. UN Security Council Resolution 1325 has obliged Member states to ensure the inclusion of women in peace negotiations, yet this has not been the case. The negotiating parties have made little effort to include women in the peace processes. Neither have the mediators nor the International Partners Forum (IPF) included a fair representation of women. This has also extended to the humanitarian levels, with no little training or dissemination surrounding R1325. In addition, there have been limited efforts by Sudanese women's organisations to disseminate R1325 due to limited capacity both in terms of human and material resources.

The CPA lacks provisions for accountability to war crimes, especially VAW committed against civilians and opponents over the many years of the two Sudanese conflicts. Furthermore, the CPA has not endorsed The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This remains a serious shortfall for the women of the Sudan. These shortfalls are a testament to the lack of female inclusion in the peace talks, even though Women and children, especially girls, have been direct victims of the Sudanese armed conflicts. As such, we demand drastic changes through the complete adoption of Resolution 1325 and CEDAW.

Women should be included in Sudan's peace negotiations for the following reasons:-

- At least 55% of the Sudanese population is women
- Women have been at the forefront of grassroots peace dialogues such as bringing different ethnic groups together
- Illiteracy rates are as high as 90% in marginalised Sudan, the majority of which are women
- 80% of food growers and farmers are women
- Significantly, women head households, especially in war-torn areas. In the absence of basic social needs, women and girls are often preoccupied with survival.
- At least 80% of IDPs (Darfur and Khartoum camps) and returnees (border towns between Northern and Southern Sudan) are women and children and lack adequate economic and health services for women.
- Among the Sudanese Diaspora and exiles population, women continue to significantly head households and continue juggling between supporting their immediate and extended families (back home).



Combating illiteracy: Sudanese women attending evening classes. Poor literacy levels amongst women affects their ability to engage in decision making processes.

Women's Exclusion from the Sudanese Peace Processes

Peace talks on the Sudanese conflict began in the early 1990s, which previously culminated in the development of the Declaration of Principles (DoP) resulting in the Machakos Protocol signed in 2002 and consequently leading to the 6 Protocols of the CPA. It is an acknowledged fact that women's inclusion in the Sudanese peace talks has never been a priority to the negotiating parties (GoS and the SPLM), neither at the mediation level (IGAD countries: Governments of Kenya, Uganda, Ethiopia, Eritrea and Djibouti) nor at the International Partners' Forum, including the USA, British, Italian, Norwegian and other international governments. This is the case as well with the UN bodies present in the Sudan, including the UNDP, UNICEF, WFP and other international humanitarian agencies.

To discuss the absence of women in constitution making and policy-making processes it is paramount to look into the root cause of their marginalisation. Negative traditional practices and religious misinterpretation have time and again made women subordinate to men. In the past, women were left out both in constitution making and in the implementation process which resulted in laws that are not sensitive to the needs of women, and which are oppressive towards them. This is primarily because the ruling classes and groups articulating laws and defining development are men. The advancement of women requires changes in existing laws and formulation of new laws.

To understand the current legal system in most African countries one has to appreciate the historical imposition of the British colonial legal system, which destroyed some organic legal institutions while preserving others. As a result, two different broad systems of law co-exist; Western-type law and customary law. The co-existence of two different value systems and ideological grids presents a range of unique problems to the resolution of the "Woman Question". It has been said that "Depending on the mood, whim or politics of the situation, African culture may be invoked to oppress women or modern society cited in efforts to eliminate the very cultural practices which safeguard the rights of women".

Personal laws provide exclusions that ensure discrimination of women and their relegation to positions of second-hand citizenship. This discrimination is based on customary and personal law which leads to violations. Numerous examples of discrimination exist, such as women being unable to give citizenry to their husbands and property ownership. According to Statutory law, women can acquire, own and dispose of property, yet under customary law, women do not own land.

It is important to carry out research and consensus building on these negative customs so that we are able to gradually eliminate them. In addition, as activists, we should realize that there is a gap between women and policy makers, particularly women leaders and politicians. Furthermore, we need to build a stronger coalition with women from grassroots. There is a great need to network and build national, regional and international coalitions/partnerships creating stronger solidarity amongst women. More importantly, women's rights activists need to be extremely vigilant to various developments in order to ensure women's concerns are always fulfilled. Strategic coalition building and networking remain a major challenge and important tool towards the emancipation of women.



Being denied viable means of earning a living, many marginalised displaced women sell tea to make ends meet.

Women and civil society were excluded from the Sudanese peace processes due to the following factors:

- UN Security Resolution 1325 continues to be ignored by all decision-making levels
- Women have not been given room within the Sudanese peace processes
- Women do not participate in any decision-making processes
- A difficult environment for NGOs, CBOs and women's groups due to the prevalence of restrictive laws/regulations to register and operate

In addition to the factors stated above, CSOs, women's organisations and other stakeholders need to analyse all challenges and opportunities that may arise in the pre-interim and interim period at local, national, and international levels. One particular challenge is in the form of Art. 1.6, stating that human rights and fundamental freedoms shall be enshrined incorporating different international conventions and treaties. However, it fails to include CEDAW. Furthermore, it fails to stipulate any provision to address past and present human rights violations. Certain individuals have committed gross human rights violations including Genocide and systematic rape, with the Nuba Mountains in the 1990s and currently Darfur experiencing scorched earth policies. For one to forgive and forget, the offending party must acknowledge wrongdoing. Thus, the Human Rights Commission should have a very strong mandate to investigate human rights violations not only during the interim period but for past violations. A Truth and Reconciliation Commission is needed to bring justice to the aggrieved and to avert any further gross systematic violations. Women and civil society must form a formidable force in the Human Rights Commission and any other processes such as a TRC or a tribunal. However, no mechanisms exist for the inclusion of women and civil society in these crucial processes, and it is vital to have the political will to include women. It is of paramount importance that the rights of women and CSOs are constitutionally protected. They should be adequately represented in the National Constitutional Review Commission to ensure that people's aspirations are embodied in the proposed Interim Legal and Constitutional Framework according to the peace agreement.

The inclusion of women in peace processes and decision-making levels will help in consolidating the peace and its sustainability. Women must be seen at different levels of governance, from the GNU, the GOSS, and state governments in Abeyi, Nuba Mountains and Southern Blue Nile. Moreover, the on-going peace processes may yield other forms of governance for Dar Fur and Eastern Sudan and once again women and civil society role is vital here. The respective Sudanese governments in consultations with women and civil society organizations should prepare strategic plans for programmes to meet the challenges of the post war period. This consultative planning process can only happen if women and civil society are included right from the onset.

Post-conflict Challenges

The prospects and challenges of the CPA have raised both hopes and worries among the Sudanese population, especially in South Sudan. With the coming of the interim period; the SPLM/A forming a partnership with the NCP, and the emerging Government of Southern Sudan (GOSS), it is crucial that peace is sustained within the Sudan. This time complications appear, in relation to the economic dimension in the war, oil, and the presence of many Southern armed groups (militias). In addition, the war has taken a long time to resolve, creating a culture of violence and hopelessness among many Sudanese, particularly Southerners. In addition, there is a great need to establish regional and international mechanisms to safeguard the smooth implementation of the peace accord. It is imperative to ensure the delivery of a real and comprehensive peace for the development and prosperity of the Sudanese population. However, this cannot happen unless inclusion of women and civil society takes place.



Women from Sudan's turbulent East; to achieve peace and development, their inclusion in decision-making is vital.



The Darfur Experience

Case Study presented by Samia Osman



Background

Spread over 250,000 sq km with a population of 6 million, Darfur forms the far western part of Sudan. It is estimated that 2 million people are displaced, concentrated in camps throughout Darfur and a further 200,000 refugees have fled across the border into Chad. Thousands have died from violence and conflict-related diseases, and the current situation has been described by the UN as 'the worst humanitarian situation in the world today'.

Darfur is the most underdeveloped region in Sudan. Its harsh and degraded environment is prone to cyclical droughts, resulting in repetitive famines. These factors have fuelled the historical tribal conflicts over meagre natural resources, particularly between Arab nomads, pastoralists and sedentary farmers.

Farming and pastoralism are the traditional economic sectors of the region and the main farming groups include the Fur, Zaghawa, Massaleit and Berti tribes. Historically, tribal disputes over access to resources, notably grazing lands and water points, were resolved through local tribal administration. It was understood that pastoralists were allowed to move their animals into cultivated areas after farmers had completed their harvests. However, during the last three decades, in a rush to modernise Sudan, tribal systems were dismantled and not replaced. Throughout the 1980s, prolonged drought reduced pasture and water resources, intensifying the pastoralists' struggle for survival. A government policy issued in the late 1980s allowed nomadic tribes to move onto land indiscriminately and weapons were provided to enable these groups to protect themselves. These weapons were used to force indigenous farmers from their lands. Darfur has since seen many armed attacks on indigenous farmers.

The current conflict began in March 2003 when the SLM/A (formerly the Darfur Liberation Front) attacked government troops. They were shortly joined by the JEM, another rebel group. The government responded to the SLA attacks with a two-pronged approach, one approach being the aerial bombardment of villages suspected of harbouring, or sympathising with rebels. These attacks were followed by guerrilla warfare undertaken by the janjaweed, a group armed by the GoS, as reported by IDPs. A scorched earth policy followed, during which men were killed, women raped, villages burnt, and water sources contaminated, ensuring that the area is no longer inhabitable.

Testimonies of Women from Darfur:

The horror stories that come out of Darfur are examples of GBV perpetuated in an environment of impunity. Kuttum (a town in Darfur) was first invaded by rebels on the 1st of August 2003. The rebels started shooting at the military camp headquarters and later the same day, 3 airplanes randomly bombed the town. This was followed by a severe attack by the janjaweed on the 5th of August 2003. It was a harrowing experience in which men were killed, houses damaged or lost, property looted and girls raped. Over 75% of the inhabitants fled their homes in fear of their lives. Some women have given accounts of their experiences.

Aziza, a single woman and teacher stated that on Wednesday the 6th of August 2003, armed Arab tribes entered her house where they found her father, 2 brothers and three of her uncles. The armed men accused them of being rebels and immediately shot three of them dead. Hearing the gunshots, Aziza entered and pleaded for the lives of the other three, but they continued to shoot the remaining three men. As a result of this trauma, Aziza has ceased to speak and can only communicate through writing.

Bantoul, a mother of three, reported that on the 5th of August at 7 pm, three armed Arabs climbed over the wall to her house and threatened her, asking for money and valuables. When Bantoul refused, they whipped her and shot her 70 year old uncle. Her husband entered the house and without a word, the armed men shot him dead.

Maddina, a 65 year old widow, reported that on the morning of the 1st of August, rebels entered Kuttum but they didn't harm the people. On the 5th, a group of armed Arabs arrived and killed numerous people. Hanna, the daughter of a neighbour was raped by the janjaweed and three armed men entered her house in search of gold and money. Maddina fled her home after the attack and now lives on the outskirts of Khartoum.

Due to lack of security, the people of Kuttum, particularly the women, were unable to leave their houses after sunset. Most of the area's inhabitants were farmers and were unable to harvest their crops as they were driven away from their fields. Many women were subjected to sexual harassment and continue to live in fear of rape, abuse, kidnapping, and being locked in an army camp. In addition, a more serious trend is emerging as soldiers try to forcibly marry girls through threatening their families.

Women in Darfur bear the main burden of agricultural work as well as their domestic responsibilities. As crops are ruined, their only alternative is to collect and sell firewood. To fetch the wood, these women travel up to 15 km from their camps through unprotected and insecure lands where many instances of rape occur. GBV has been used by all sides as a weapon of war in Darfur making a severe impact on the population. Unfortunately, the perpetrators of crimes like these are often the key players in the political arena, creating a sense of impunity.

Hawa's Testimony

Hawa Mohamed Abdurasool was born and raised in Keila, near Jebel Marra in South Darfur. Although she belongs to the Fur tribe, Hawa is a mix; her father is Fur, her mother from an Arab tribe, and her husband is Zaghawa. When she married her husband, Hawa moved from Keila to Al Malam. Hawa considers the conflict in Keila to be greater than in any other place in Darfur. When the Arab militia came, many fled in fear of their lives. Some, who were unlucky, along with those who stayed behind, were killed. The militia then looted everything they could find, including gold, sheep, and even clothes.

After the militia took control of Keila, 25 people attempted to escape in the middle of the night, with the idea of reaching a town called Kokoda. Suspecting that people might try to run away, the Arab militia hid in the trees. As they passed by the road, the militia jumped on them and killed them. When the displaced people started to arrive in Al Malam, Hawa welcomed them into her home. At first, she was not given any help to support the displaced, but after a while some NGOs arrived in the area to supply them with basic necessities.

Whilst living in Al Malam, Hawa was an activist at the local level, being part of the women's union. She was also engaged in local community politics. Hawa considers the Fur to be educated people. They farm their land, cultivating many different types of vegetables. The biggest loss, in Hawa's eyes, is the number of educated people killed by the Arab militia. Through losing the educated people, the community loses its confidence and support structure. Before Hawa left Al Malam, a pattern of rape had emerged in the area. Many young girls were raped with a number of them becoming pregnant.

Hawa's brother works in the Gulf, and sent some money to buy a house in Nyala, giving the family some form of security. Yet, for Hawa, the biggest challenge is the change from being a settled woman in her own house, to losing everything she owned; from the house to her, land and family. Even though she is living in Nyala, Hawa remains affected by the conflict. She has lost her relatives and her support network. Her only hope is that young Darfurian people will continue to be educated and replace the people who have died in the conflict.



Displaced women sheltering in a camp in Darfur. Many women can relate to Hawa's story, having suffered similar losses during the conflict in Darfur.



Regional and International Mechanisms around Violence Against Women by Joanna Oyediran



The International System

The 1990s saw increased awareness of the issue and attempts to develop interpretations of international human rights standards and mechanisms at the international level to address gender-based violence, and seven international documents now exist to provide comprehensive protection to women against GBV and discrimination.

Humanitarian law was primarily developed for application to international armed conflicts. The standards that have been developed for application in internal armed conflict are much weaker. This is particularly unfortunate, given that most conflicts that take place occur within states rather than between states. Within international law, GBV is prohibited in internal armed conflict. However, the standards related to internal armed conflicts and contained in the Four Geneva Conventions of 1949 for the protection of war victims and its additional Protocol II of 1977 contain minimal references to VAW, even though it has been endemic in many civil wars.

Common Article 3, binding all states, declares that persons taking no active hostilities must in all circumstances be treated humanely, without any adverse distinction based on sex or other criteria. Violence to life and person and outrages on personal dignity are explicitly prohibited. Article 4(1) of the Second Optional Protocol states that all persons who do not take part or who have ceased to take part in hostilities are entitled to respect for their person and honour. They must in all circumstances be treated humanely without any adverse distinction. Article 4(2) prohibits violence to the life, health and physical or mental well-being of persons. Rape and enforced prostitution are specified as prohibited acts.

One problem of previously developed international humanitarian standards is the tendency to regard VAW as a failure of “protection” or a problem of “honour” rather than as a violation of women’s rights to physical integrity and security of person. The former Special Rapporteur on Violence against Women is highly critical of this approach: “By using the honour paradigm, linked as it is to concepts of chastity, purity and virginity, stereotypical concepts of femininity have been formally enshrined in humanitarian law. Thus criminal sexual assault ... is linked to the morality of the victim.”

According to the basic principle of international human rights and humanitarian law, states are under an obligation to provide reparation for serious violations of their standards. Reparation may consist of restitution, compensation, rehabilitation, and/or satisfaction and guarantees of non-repetition. Women and children constitute the majority of civilians adversely affected by war, yet women are excluded from processes of conflict prevention and resolution. Furthermore, women are not only victims in armed conflict, they are also dynamic actors, with some serving as combatants; others as peacemakers. In 2000 the UN Security Council adopted UN Resolution 1325 on Women, War and Peace, urging 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. It also takes into consideration the needs of women and girls during repatriation and resettlement and post-conflict reconstruction, demands 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; and measures that ensure the respect for human rights of women and girls.

The first Special Rapporteur on VAW's annual thematic reports have developed gender-sensitive interpretations of international human rights and humanitarian law on major aspects of VAW. The Special Rapporteur receives information on VAW, its causes and consequences from Governments, UN bodies and organisations and responds effectively to such information, transmitting urgent appeals to States regarding cases of alleged GBV. These cases may relate to allegations regarding individuals or a general situation of VAW. The aim of this is to ensure the prevention, investigation, and punishment of acts of VAW, and compensation for victims of such violations. There is also another body, CEDAW, a committee of independent experts responsible for monitoring the implementation of the UN treaty. It reviews the regular reports of states parties, receives information on the human rights situation from NGOs and UN agencies. In light of all information available, the committee examines the state report and discusses it with government representatives. The committee publishes its concerns and recommendations, which are public.

In 1992, CEDAW adopted General Recommendation 19 on VAW. The recommendation affirms that gender-based violence is a form of discrimination. It also rejects the traditionally-held assumption that the state cannot be responsible for acts of violence that take place in the private sphere. The state is responsible for violence against women committed by non-state actors, if it has failed to exercise “due diligence” in preventing, investigating or punishing acts of violence. The Declaration on Violence against Women is the first international human rights instrument to define comprehensively what is meant by “violence against women”. It states that it is any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. General Recommendation 19, CEDAW specifically requested states’ parties to provide information on all forms of GBV, with any available data on the incidence of each form of violence. It also requests information on the legal, preventive and protective measures that have been taken to overcome VAW. Since 2000 women from states which are parties to the Optional Protocol to the Convention can also submit complaints directly to CEDAW. CEDAW can also conduct inquiries into grave or systematic violations of the Convention in states that have ratified the Protocol.

The need to address GBV in war only began to gain wide attention in the early 1990s in the context of the wars in Yugoslavia and the genocide in Rwanda. Women’s rights organizations were extremely active in drawing attention to the use of rape as a weapon of war in these conflicts. The UN Security Council established the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda to bring to justice those who had carried out crimes against humanity and war crimes during these conflicts. These two courts have played a significant role in developing jurisprudence that confirms that acts of GBV constitute war crimes and crimes against humanity, including genocide. In response to this need, an international tribunal (the ICC) was developed to try perpetrators of war crimes in circumstances where governments failed to do so.

The Women’s Caucus for Gender Justice was involved in drafting the Rome Statute, and succeeded to gain some recognition for issues of VAW. The Rome Statute is the first treaty to codify the crimes of forced pregnancy and sexual slavery. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence constitute war crimes in both international and non-international armed conflicts. The ICC statutes also state that these violations of international law constitute crimes against humanity when committed as part of a widespread or systematic attack against a civilian population. Outrages upon personal dignity, in particular humiliating and degrading treatment, are amongst the other acts which are defined by the statute as being war crimes in both internal and international armed conflict. Furthermore, the definition of rape used by the ICC is progressive, and centres on the concept of an “invasion” of the body committed by force, threat of force or coercion, or “by taking advantage of a coercive environment”.

It remains to be seen whether the ICC will become a truly gender-sensitive institution and actually try crimes involving violations of women’s human rights, including violence against women. Yet it is to be hoped that the engendered policies reflected in the ICC statute will serve as a progressive model in addressing GBV. Ultimately, the ICC will prosecute a very small number of international crimes. The main solution to address VAW lies with national jurisdictions and requires root and branch reform.

Africa and the AU

Women’s human rights have a higher profile in the newly constituted African Union (AU) than in the former Organization of African Unity; promoting gender equality, as well as respect for democracy, the rule of law, and human rights. Since its establishment, the African Union has continued to move forward in promoting gender equality in Africa. At the AU Assembly in July 2004, heads of state adopted a Solemn Declaration on Gender Equality in Africa, securing the full and effective representation of women in peace processes and post-conflict reconstruction in Africa, in accordance with UN Resolution 1325. The AU Assembly also pledged that the AU would launch a campaign against the systematic protection of recruitment of child soldiers and abuse of girl children as wives and sex slaves, in addition to a sustained public campaign against GBV and the problem of trafficking of women and girls.

One of the AU’s main achievements on promoting women’s human rights has been the adoption of the Protocol to the African Charter on the Rights of Women in Africa in July 2003 at its second summit. Like its international counterparts, the African Charter on Human and Peoples’ Rights failed to provide adequate protection for women’s human rights. The recently adopted Protocol is an integral part of the charter and fills these gaps, grounding international standards on women’s human rights in an African context. The Protocol sets out women’s political, civil, economic, social and cultural rights and discusses specific steps that states should take to achieve this. The Protocol places poverty and violence as the two main threats to women’s enjoyment of their human rights and contains a broad definition of VAW.

Article 11 is devoted to situations of armed conflict and reaffirms that states should protect civilians, including women, as required by international humanitarian law, irrespective of the population to which the civilians belong. States are also required to ensure that no child, especially girls under the ages of 18, directly participates in hostilities or is recruited as a soldier.

Article 4 guarantees women's right to life, integrity and security. It also sets out a detailed agenda for action to address VAW, ensuring that states' parties enact and enforce laws to prohibit all forms of VAW including unwanted or forced sex whether the violence takes place in private or public; adopt legislative, administrative, social and economic measures to ensure the prevention, punishment and eradication of all forms of VAW; punish the perpetrators of VAW and implement programmes for the rehabilitation of women victims; establish mechanisms for effective information, rehabilitation and reparation for victims of VAW; and provide adequate resources for the implementation and monitoring of actions aimed at preventing VAW.

The Protocol recognizes the vulnerability of displaced women. Article 4 requires states parties to ensure that there is no discrimination against women in refugee status determination procedures. It also emphasises that women refugees should be accorded the full protection and benefits guaranteed under international refugee law. Article 11 also requires governments to protect female asylum-seekers, refugees, returnees and IDPs, against all forms of violence, rape and sexual exploitation; such atrocities being considered as war crimes, genocide and/or crimes against humanity.

The African Commission on Human and Peoples' Rights has created the post of Special Rapporteur on the Rights of Women in Africa, with the mission of carrying out studies on women's rights in Africa; drawing up guidelines for periodic reports of States' Parties on the situation of women's rights in Africa to enhance the monitoring of the implementation of the African Charter by the African Commission; assisting African governments in the preparation and implementation of policies for the promotion and protection of human rights and sensitising them on women's rights; working towards the ratification by all Member States of the Protocol to the African Charter on the Rights of Women in Africa; and reporting to the African Commission and making recommendations geared towards improving the situation of women in Africa.

The first thematic report on VAW in Africa produced by the Special Rapporteur is expected to become public shortly. It reportedly focuses on domestic and community violence, and violence committed by states and non-state actors in armed conflict. The report will be based on case studies from six African countries: Cote d'Ivoire, Democratic Republic of Congo, Guinea, Rwanda, Sierra Leone, and South Africa. The Special Rapporteur is expected to continue to produce thematic reports on a biannual basis. It is hoped that the publication of her reports will raise awareness of violence against African women on the continent and reflect best practices developed in different African countries to prevent, investigate and prosecute GBV.

The Intergovernmental Authority on Development (IGAD) has established a women's desk within its secretariat. The mandate of the desk is to spearhead the mainstreaming of gender and human rights in the organisation's programmes and activities. VAW is identified as a problem that must be tackled in the context of programmes for disaster preparedness, internally displaced, refugees and food security. In recent years IGAD has sponsored peace talks to resolve conflicts in Somalia and Sudan. It is a key institution for women in the HOA to secure implementation of UN Resolution 1325 and increase the representation of women in the peace negotiations that it sponsors, integrating a gender perspective into peace agreements.

The response of key international and regional mechanisms to GBV in Darfur

The Special Rapporteur recently acknowledged that, in light of the last decade's developments, very little had changed in the lives of most women. Looking forward, she observed: "If the first decade emphasized standard-setting and awareness-raising, the second decade must focus on effective implementation and the development of innovative strategies to ensure that the prohibition against violence is a tangible reality for the world's women."

The issue of GBV in Darfur echoes this observation. The entire world is aware that women have been systematically targeted, and in particular sexually exploited, in Darfur, but what has been done to prevent and stop such violence and to make the perpetrators accountable for their actions? This question should be asked of all the actors in Darfur – the GoS, the insurgents, the UN, the AU, INGOs, and local NGOs.

Many of the special mechanisms created by the UN Commission on Human Rights, as well as the Office of the High Commissioner for Human Rights, have been extremely active in responding to the human rights crisis in Darfur. They have issued strong condemnations of the gross violations of human rights and humanitarian law taking and have made recommendations to the GoS and the international community, and a significant number of UN human rights experts have visited Darfur to examine the situation on the ground.

While the independent experts appointed by the Commission on Human Rights have responded vigorously to the crisis in Darfur, the response of the Commission on Human Rights has been far more problematic. This results from the politicisation caused by the governmental make-up of the Commission. The Human Rights Commission has been criticised by NGOs, the UN Secretary General and the UN High Commissioner for Human Rights for failing to expose governments which perpetrate violations of human rights. In 2004, the Commission on Human Rights adopted a very weak resolution on the situation in Sudan and failed to renew the mandate of the Special Rapporteur on Sudan. Later in the year, Sudan was even re-elected as a member of the Commission on Human Rights. The Commission was able to adopt a stronger resolution on Sudan by consensus at this year's session and to recreate the post of special rapporteur. The resolution explicitly condemns VAW and calls upon all parties to the conflict in Darfur to protect women and girls from sexual and other violence.

The attention from OHCHR and independent experts of the UN human rights mechanisms has been positive in placing Darfur on the international agenda. However, the failure of the Commission on Human Rights at its 2004 session to adopt a strong resolution on Sudan and its decision to abolish the position of the Special Rapporteur reminds us of how governments continue to prioritise political interests over their responsibility to protect people from violations of human rights.

The African Commission on Human and Peoples' Rights has also been engaged in addressing the Darfur crisis, adopting two resolutions on the situation. In July 2004, the African Commission sent a high-level fact-finding mission to Darfur, and a week later the Chairperson of the African Commission wrote to the President of Sudan, requesting urgent provisional measures to remedy the situation. One of the main areas of the Chairperson's concern related to GBV. Despite this high level of engagement, two sessions have passed since the African Commission adopted the fact-finding mission's report. The Commission has still not made the document public on the grounds that the Sudanese government has not submitted a response. The African Commission is in effect allowing the Sudanese government to censor publication of the report.

The human rights mechanisms of the UN and the AU have responded relatively vigorously to the situation in Darfur. However the GoS, its militias, and other parties to the conflict have ignored their recommendations. As the situation in Darfur represents a threat to international and regional security, the onus lies with political organs of the UN and the AU to intervene, yet the GoS has a strong hand in these political organs and has been able to avoid the imposition of tough measures. The international community has been divided as to how to respond to the crisis in Darfur, only taking strong action against the Sudanese government in March 2005 when the situation was referred to the Prosecutor of the International Criminal Court for investigation. It also decided to extend an arms embargo to the GoS and imposed target sanctions on individuals who had threatened the stability of Darfur or had committed violations of international human rights and humanitarian law.

The AU has played a leading role in addressing the conflict in Darfur by deploying AMIS and supporting efforts to find a durable political settlement to the conflict. AMIS has three main functions: to monitor and observe compliance with the Humanitarian Ceasefire Agreement and all such agreements in the future; to assist in the process of confidence building between the parties; and to contribute to a secure environment for the delivery of humanitarian relief and, beyond that, the return of IDPs and refugees to their homes. AMIS has an extremely weak and ambiguous protection mandate, which is focused on monitoring and verification rather than direct protection responsibilities. According to the Peace and Security Council Resolution of October 2004, AMIS is authorised: "to contribute to a secure environment for the delivery of humanitarian relief and, beyond that, the return of IDPs and refugees to their homes in order to assist increasing the level of compliance of all Parties with the Humanitarian Ceasefire Agreement and to contribute to the improvement of the security situation throughout Darfur." The proactive steps which AMIS can take are limited to protecting "civilians whom it encounters under immediate threat and in the immediate vicinity, within capabilities" and providing "visible military presence by patrolling and by the establishment of temporary outposts in order to deter uncontrolled armed groups from committing hostile acts against the population". If these activities were implemented in areas of insecurity across Darfur, they would improve the protection of civilians, including women. However, AMIS has not been able to implement even this limited mandate.

AMIS, like the UN peacekeeping operations, contains a very small number of women, and AU reports to the AU Peace and Security Council do not provide data disaggregated by sex. AMIS reports barely contain reference to GBV, even though this phenomenon has been a major aspect of the conflict. Further there is normally no disaggregation by sex of persons reported killed or injured. Given that all the ceasefire monitors and the observers are men and that representatives from all sides must be present when investigating alleged violations, it is unsurprising that these reports contain very limited information on GBV. Yet, despite all the difficulties faced by AMIS, there have been positive developments in AMIS' work to address gender-based violence. On the ground, AMIS has started to patrol in certain areas in North and West Darfur in order to protect women IDPs from attack when they leave camps to gather firewood and wild foods. Reports indicate that this has been a highly successful initiative.

AMIS could be developed to include a strong protection mandate with an explicit authorisation to take action on GBV; sufficient resources to implement its mandate; political will on the part of the AU and African governments to take action under its mandate to address GBV; gender mainstreaming in planning, implementation, monitoring and evaluation, accompanied by gender awareness training of staff, in particular training on strategies to prevent, investigate and report on GBV; introduction of systems for prevention of and monitoring of gender-based violence committed by AMIS staff; inclusion of staff in AMIS with specialised knowledge of gender issues; deployment of women in all components of AMIS operations; and regular consultation by AMIS with women leaders in Darfur communities.

Women have been absent from the AU-sponsored negotiations in Abuja. According to various sources, the SLM has not included any women in its delegations to the Abuja negotiations and the Justice and Equality Movement is reported to have only one woman in its delegation. The GoS included two women in its delegation team to one round of the talks in 2004, but they were later removed.

Women have participated in the meetings organized under the auspices of Libya bringing together Darfuri tribal leaders, intellectuals and politicians to discuss solutions to the crisis. Following the second meeting in January 2005, a group of Darfuri women issued their own statement, addressed to the parties to the conflict, the AU and the UN. Amongst their demands was participation of Darfuri women in the AU-sponsored negotiations and inclusion of female soldiers in AMIS. Women from Darfur continue to be actively engaged in seeking representation of women in the negotiation teams on the basis of UN Resolution 1325. There is political space for advocacy on this issue, as well as the necessary work of ensuring that women delegates are adequately trained and informed to play an active, rather than symbolic, role in negotiations.



What is being done?



Progress can be made through looking at what has been done, and what is currently being done, to combat VAW in the HOA and Africa as a whole. Through drawing on different experiences from different countries, valuable lessons can be learnt. In times of civil war, women are not passive. In Somalia, and all over the HOA, women are working as agents of peace, expressing their concerns through their own NGOs, and through composing songs and poetry for peace.

In Nairobi, a police station has been established to cater exclusively for women who have been violated. This results from the realisation that women are unable to confidentially discuss their ordeals, coupled with a general disinterestedness of police in handling these cases. The Nairobi Women's Hospital was also established with a mandate to respond to women in trauma after violence, catering for their long-term psychological needs.

Structures are in place for civilians and soldiers with clear tools for monitoring their code of conduct. There are penalties issued for crimes such as violence against women, and efforts have been made in countries such as Kenya to find soldiers who impregnate women, forcing them to support their children. The Geneva Conventions specifically refer to VAW as a violation of women's honour, and the ICC has been developed to incorporate and address rape and other violations. In addition, the new AU gives more attention to gender equality. To accommodate the GoS's request for peace troops, the UN released a document identifying the society's role as watchdog for the protection of women and children. As the UN has restricted access to local people, civil society can be employed to monitor the areas where peace keepers have not infiltrated society.

Many missions working in Darfur have prepared reports, creating an agenda for Darfur and making recommendations. However, the GoS and the AU have failed to make these reports publicly available. Organisations like Amnesty have documented VAW, as well as campaigning and working on the ground. As they have worked in Rwanda, lessons can be learnt from past experiences. Sudan can also draw on the experiences of the DRC regarding large scale rape.

Due to the numerous reports of VAW in Darfur, the government were pressed to form a national investigation committee. Committees and enquiries have been formed by the government, including the Stop Rape committee which was propagated by the Ministry of Justice. However, women without proof are victimised, therefore many are unwilling to come forward and talk about the crimes committed against them.

The international enquiry into Darfur claims that the judicial system is not compatible with the region. However, the enquiry has confused rape with consensual sex stating that sexual activity is acceptable in Darfur as adultery is allowed. However, legal knowledge and advocacy is being disseminated throughout Darfur. The enquiry is also holding the government accountable for ending the culture of VAW and is inviting women from places like Rwanda to relate their own traumatic experiences.

AMIS, with backing from the International Community, has a mandate to assist in confidence building and to ensure that IDPs are secure in their homes through verifying activities, establishing contact with community leaders and observing and reporting on local police activity. If AMIS has the capacity to implement this, it will be a very positive step as the AU and the International Community both want AMIS to succeed, giving their support to the venture.



Recommendations



General observations and recommendations

The UN resolution 1325 states that women and children are most adversely affected in times of conflict. It emphasises the responsibility of states to end all impunity and prosecute those responsible for genocide and all violence directed against women and children. States and Civil Society must begin to look at the long term cost of aftercare in war zones. The long-term physical and psychological needs of women and children subjected to violence must be considered.

The peace process must be executed on more than one level. People need to work at grassroots level, but also be aware that due to the vastness and diversity of Sudan, change will only be achieved one step at a time. Most of the work that needs to be done is vigorous campaign. Organisations need to work towards empowering and educating women. Adult education needs to be supported, and women should be aware of their rights. Education on VAW should also be incorporated into the national curriculum, ensuring that young girls and boys are well informed. Customary law does not support rape, neither does tradition.

With regard to rape and sexual abuse, a secure and honest environment needs to be fostered so that women feel able to discuss their experiences. It is also important to recognise that not only the victim suffers as a result of rape; her family and community also suffer. Long-term strategies, in addition to counselling, need to be formed to deal with consequences such as the children born from rape cases.

Historically, men resist change. This can be seen in the fall of communism and apartheid, where men were reluctant to change their ways. Women work hard at grassroots level, but unfortunately they are not involved at summit level. Women need to have a part in the decision making process as this affects their lives. In addition, there are no women in the army or in the monitories. A mechanism needs to be developed whereby women can take part in these sectors.

A strong protection mandate and sufficient resources will help missions combat GBV. Personnel need to be trained on how to investigate and report GBV and it is important that these reports adequately reflect the suffering of women. NGOs also need to disseminate information and support people with regards to the ICC. In the former Yugoslavia and Rwanda, women themselves campaigned to put VAW on the agenda.

Most of the HOA and East African countries have failed to domesticate regional and international mechanisms and establish local supportive bodies in relation to violence against women and girls. Civil Society and human rights organisations need to place more pressures upon governments around the region, forcing them to seriously consider developing local mechanisms to end VAW. Regional organisations such as the AU and IGAD have to include VAW in their priority agenda of the region.

Legal reform must be taken as an issue of advocacy. A judicial system needs to be developed to accommodate cases regarding armed groups in power that perpetrate crimes, especially against women. The rehabilitation of former combatants who are now a part of the government must be given serious consideration and clear guidelines on how to address this issue must be devised. In Rwanda, for example, The People's Court is handling these cases. Sudan can learn from this and campaign for a similar court to deal with forgotten crimes against women. However, governments shouldn't be alienated and high expectations shouldn't be placed on the ICC. Local justice mechanisms need to be considered and revised to create a process of accountability, with the aim of eradicating impunity. To achieve this end, regional and national policies need to be created for accountability on a national level. Women should also receive legal protection as well as legal aid and communities need to be notified of their rights.

Countries hosting peacekeepers must learn from Somalia's experiences and consider ways to avoid confrontation and sexual abuse. Communities need to be informed that the peace troops are there for their protection and not to harm them. Despite setting up a roving court to find men soldiers who have impregnated women, the main issue is prevention. Women and troops must be aware of local laws, as the presence of peacekeepers has an impact on women. Media and governments can help in controlling and stopping hatred, but change must start at grassroots level. Peacekeepers need thorough training, and education needs to be disseminated on gender issues amongst communities, their leaders and the militia. The police also need to be trained on gender sensitivity.

In South Sudan, and the HOA in general, awareness of HIV/AIDS is non-existent. Preventatives, such as condoms, are condemned by elders. Innovative means of education about HIV/AIDS must be addressed and invented. Awareness needs to be raised on this subject and victims need to be given treatment and support rather than being victimised and locked away.

Returnees must be monitored, IDPs have the right to return to their homelands, but there is no infrastructure to support their journey. There is little or no preparation for returning amongst the community, affecting both the host communities and the returnees. The issues of returnees need to be prioritised. SIHA and CSOs can monitor what is happening.



An elderly woman living in Rumbek, South Sudan. Communities receiving returnees must be given adequate preparation and support.

Recommendations for the deployment of Peace Keepers

- Sufficient and thorough orientation of the role of peace keepers must be carried out by the UN, other regional and international actors, and the local communities; particularly in relation to the position of women and girls
- Standards and measures are to be set and publicised amongst peace keepers, the local community, and conflict actors
- The case and experiences of Somali women due to the presence of peace keepers must be documented and discussed

The African Union and IGAD should develop a set of standards with the aim of protecting women from their own communities during the intervention of peace keepers

Local Civil Society and Human Rights groups are to be widely engaged with UN and international peacekeeping missions as monitors of human/women rights violations and to contribute to community orientations regarding mission objectives and mandates.

Recommendations made in light of the South Sudan experience

- Negotiations to be continued regarding Darfur and Eastern Sudan
- To fully adopt and implement UN Security Council Resolution 1325 and to ratify CEDAW to allow for women's/CSOs participation in other on-going Sudanese Peace negotiations
- To create mechanisms of follow-up, monitoring and evaluation of R1325 through women's and civil society inclusion in peace negotiations
- In accordance with the UN R1325, the inclusion of women in the design and security measures adopted in IDPs camps
- The AU and international peace keeping forces to be gender-sensitive and to ensure protection of women and reporting on VAW
- To allocate a target of 50%, and at least 30%, for women and civil society inclusion in the National Constitutional Review Commission and subsequent commissions e.g. the Land, Petroleum and Human Rights commissions among others
- To allocate a target of 50%, and at least 30%, in all governing bodies e.g. the Executive, the Legislature and the Judiciary
- To adopt a gender budgeting based on gender analysis for adequate budget allocation so as to enable women and girls to fully participate in and gain from post-conflict recovery programmes and budgeting
- To immediately create mechanisms to ensure the implementation of the CPA and to remain vigilant against any further bloodshed
- UN Security Council to support the full adoption and implementation of Resolution 1325 by all parties and UN agencies
- UN Security Council to pass a resolution on selected embargos e.g. armed embargo and freezing of assets of individuals within the GoS
- UN to provide training to all parties concerned including GoS, SPLM, NDA, SLM, UN field offices, women, NGOs and CSOs on R1325
- Inclusion of women and CSOs in the JAM process structures
- In accordance with R1325, the inclusion of women in the design and security measures adopted in IDPs camps
- To provide assistance for training and capacity building/enhancement of Sudanese NGOs including women's organizations and CSOs to disseminate R1325 among the wider population
- To assist Sudanese NGOs including women's organizations and CSOs in capacity enhancement and organisational development to become fully involved in post-conflict recovery programmes including sustainable peace and development
- To fund Sudanese NGOs, especially women's organisations including logistical support to reach rural areas.

- To support and fund Sudanese civil society including women's networking initiatives/conferences on dialogues and democratisation of the Sudan among other issues.
- The creation of a strategic regional network on women's legal rights, formed from national networks, to act as an umbrella lobby group and strategic focal point to influence and pressurise bodies such as the AU, ADF (African Development Forum), the East African Community, and the proposed Pan African Parliament

RESEARCH: There is a need to carry out research into contradictions that exist between customary and statutory laws, and between religious laws, and the constitution

LEGAL LITERACY AND INTERPRETATION: Women's rights activists, human rights organisations among others need to acquire skills including basic and legal literacy and capacity to influence laws in order to create social justice

CIVIC EDUCATION: There is need for a greater national civic education action plan on social justice and women's rights in particular

POLITICAL COMMITMENT: There is a need to increase national political commitment to women's concerns. Coalition building with women leaders, policy-makers and politicians is important regardless of political differences

LAW REVIEW COMMISSION(S): Women's rights activists and groups need to work together strategically to mobilise women so that women's concerns are included in this process. It is important that the composition of such commission(s) are inclusive of women and gender-sensitive commissioners

INDEPENDENT GENDER COMMISSION: Comprised mainly of civil society organisations to ensure that laws are formulated with women's consultations and consensus.

INDEPENDENT GENDER-SENSITIVE HUMAN RIGHTS COMMISSION: There is a need for such a body to act as a watch dog on all human rights issues in general and women's rights in particular, human rights violations, as well, to ensure nationalisation/domestication of international human rights conventions.

NETWORKING: Women's organisations and activists need to network together in order to consolidate their efforts and to learn from one another.

MEDIA: Identification and alliance building with media groups and journalists that are gender-sensitive. The creation of own media that can work full-time for women's rights issues. In particular, national radios and local dailies can help a great deal in reaching messages to the masses

Recommendations for sustained post-conflict and recovery plans

- The two emerging governments of the Sudan must fully adopt UN Security Resolution 1325 for the inclusion of women in the peace agreement implementation process and decision-making processes
- Further negotiations should be started to resolve the conflicts in Darfur and Eastern Sudan, with representation of civil society and women
- Ensuring the inclusion of all political and armed groups in subsequent dialogues: this is particularly crucial for peace sustainability
- There is a need to develop subsequent North-North and South-South Dialogue
- The inclusion of other Northern political parties in the GNU, e.g. the NDA, Darfur and Eastern Sudan
- To create an administration that will ensure a smooth transition from military to civil administration (judiciary, law enforcement agencies including women's participation and gender-sensitivity training)
- IDPs, returnees and exiles: A well-planned governmental and inter-agency preparation programme to be worked out to receive mass returnees, including local-based emergency preparedness and conflict transformation programmes to prevent conflicts that may arise. Inclusion and consultation with CSOs, women and local community groups is very important
- Confidence building and trust between South and South, and North and South Sudan governments/people through a series of dialogues at different levels. Women, civil society and the media should be facilitated and supported to actively engage in this process.
- Empowerment of the population of the Peace Accord (Civic education): With almost 90% illiterate population, lack of infrastructure such as media/communications, roads etc. in most of rural Sudan, creative ways to reach the population will be needed so as to ensure their political empowerment of the peace accord. Women and civil society should be empowered to play a crucial role here
- Women and CSOs to be supported to form shadow commissions of all national commissions stipulated in the Power Sharing protocol to ensure checks and balances and guaranteed freedom to act on infringements of the Peace Accord
- Inter-ethnic fighting, intra-tribal conflicts and conflicts as a result of use of natural resources and recurrent cattle rustling: governments to work closely with CSOs/women to come up with a comprehensive reconciliation programme while ensuring the participation of all different ethnic groups in this endeavor.



Consultation Photo Gallery



Olive Gardens, Nairobi; June 2005



Enjoying a break

At work during the ... day of the consultation



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