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REPORT

**Report submitted by Femmes Africa Solidarite
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I. Introduction

This report, submitted to the African Union (AU) Peace and Security Council (PSC) on the status of Women and Children in Armed Conflict, is intended to contribute to the AU efforts in addressing the issues of the vulnerable groups as well as mainstreaming gender in the areas of conflict prevention, peace-making, peace support operations and intervention, peace-building and post-conflict reconstruction as related to women and children in armed conflicts.

This contribution by Femmes Africa Solidarite (FAS) supports the Civil Society Organizations' involvement through the AU PSC Livingston Formula. FAS reiterates thanks to the African Union and its Member States, the UN agencies and the international community for their support to its activities.

At the 14th AU Summit held from 31st January to 2nd February 2010, the Assembly of the African Union endorsed the principles and objectives of the Year of Peace and Security, as proposed by the Chairperson of the Commission, including a special focus on the theme "Women, Youth and Peace". Emphasizing the fact that women and young people are prominent among the victims of armed conflict, this Year of Peace and Security in Africa would bring into sharp focus the wider human security dimensions in the architecture of peace and security. Indeed, conflicts in Africa cannot be dissociated from the challenges of reducing poverty and promoting health, development and education, especially in post-conflict situations.

The thematic objective set by the Panel of the Wise for 2010 falls directly into the sphere of work and commitment of FAS, who operates to support women and children in armed conflict. This report, submitted by FAS, is based on experiences in the field in the Great Lakes Region, the Mano River and the Horn of Africa. It will contribute to the debate, as well as to the recommendations, to be taken into consideration by the PSC, in order to insure that the issue of Women and Children in Armed Conflicts in Africa get greater attention.

II. Background

In the new African Union, Gender has become a priority at all levels. The AU transformation efforts in establishing an operational structure for the effective implementation and inclusion of women in the decisions making processes and activities is to be commended. The AU committed itself to promoting gender parity, equality and enhancing women's participation by the adoption of the number of Guiding Principles in the AU such as the Solemn Declaration

on Gender Equality (SDGEA), the African Charter on Human and People's Rights on the Rights of Women in Africa, the Post Conflict Reconstruction and Development Framework, the AU Gender Policy that was adopted in 2010, the establishment of the Women's Fund, and finally the African Charter on the Rights and Welfare of the Child.

The Peace and Security Council (PSC) was born out of the AU efforts in establishing an operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peace-making, peace support operations and intervention, as well as peace-building and post-conflict reconstruction as indicated in the AU Consecutive Act¹.

In order to support the initiatives of the Peace and Security Council and those of the Chairperson of the Commission, particularly in the area of conflict prevention, a Panel of the Wise was established. The Panel of the Wise is composed of five highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development on the continent. It is important to acknowledge that within the composition of the panel, the parity principle and the African society is reflected, as furthermore also ensured in other bodies of the AU. The role and contribution of Civil Society and women's groups have been recognized through the reports of the African Union.

With this situation in mind, the thematic reflection on "Women and Children in Armed Conflicts," is an opportunity to look for ways of enhancing Africa's capacity to deal with these challenges. It will enhance Member States commitment to contribute to alleviating the plight of women and children in armed conflicts and to actively contribute to the attainment of the goals of the "2010: Year of Peace and Security in Africa"².

Femmes Africa Solidarité, who contributed to the adoption and implementation of the SDGEA and the Maputo Protocol, welcomes the opportunity provided by the Panel of the Wise to present this report to the Peace and Security Council of the AU. The Livingston Formula will place a landmark for women and children in the dialogue with Civil Society Women's Organizations and other vulnerable groups.

III. Women and Children in Armed Conflicts

➤ Overview

During armed conflict women and children suffer from discrimination and violence, which has serious physical, psychological as well as social implications. Women have become the worst victims of war and the biggest stakeholders of peace. According to the Independent Experts' Assessment of Elizabeth Rehn and Ellen Johnson Sirleaf on the Impact of Armed Conflict³ on women and women's role in peacebuilding, estimated one hundred million people died in war over the last century.

In addition, the Experts Assessment stresses the fact that while more men are killed in war, women often experience violence and they are particularly at risk of sexual violence. This

¹ Article 5(2) of the Constitutive Act of the African Union

² Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace, launched by the African Heads of State on 31 August 2009

³ Rehn, and Johnson Sirleaf, E. (2002) "Introduction" in Women, War and Peace: the Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's role in Peacebuilding, UNIFEM, pp.1

includes not only rape by other also forced prostitution, sexual slavery, forced impregnation, forced maternity, forced termination of pregnancy, forced fertilization, indecent assault and trafficking.

The International Committee of the Red Cross⁴ highlights the problem of evaluating accurately the number of victims of sexual violence (female or male, adult or child) as not all victims survive, and the majority of victims will never report the violation against them. This is generally because they are afraid of the consequence that will incur if they speak out and are identified including fear of stigmatization, ostracism or retaliation by their family or community.

In 1995, at the request of the UN Secretary General, Garca Machel produced a ground-breaking report on the impact of armed conflict on children⁵. In her report, she highlighted the dramatic impact of armed conflict on children. The report noted that children were being increasingly targeted and no longer mere accidental casualties. This report called for the support of the governments, international organizations and every element of civil society to take action to protect children in armed conflict and guarantee their childhood rights in peace.

In Africa contemporary conflicts have caused economic upheaval. The exploitation of natural resources has created 'economies of war' where armed groups and other power brokers thrive on the instability of conflict in order to gain control of valuable resources and land. The deepening violence women experience during war, the long-term effects of conflict and militarization create a culture of violence that renders women especially vulnerable after war. Government agencies, including the security forces and judicial systems are weakened and there is serious social fragmentation among the population. Until the state's security and legal infrastructure are rebuilt, women's security is threatened inside and outside of the home, thus, women are subject to the rule of aggression rather than the rule of law.

Despite the aforementioned, women are not merely victims in war; they are also actors and combatants. The dilemma of describing the atrocities experienced by women in war is to be addressed in its specific scope in a way that will not ascribe to women the characteristics of passivity and helplessness. In times of war, with the absence of the men, women are actively participating in armed conflict. Their roles in armed conflict cover a broad spectrum of activities ranging from politicians, leaders of civil society organizations, militants of war and peace, members of the formal or informal armed forces. The women also become active members of the labor force and the heads of the households.

Conflict can change traditional gender roles; women may acquire more mobility, resources, and opportunities for leadership. But the additional responsibility comes without any diminution in the demands of their traditional roles. Thus, the momentary space in which women take on non-traditional roles and typically assume much greater responsibilities within the household and public arenas does not necessarily advance gender equality.

In various statements, FAS has drawn the attention of the international community to the fact that women bodies are used as battle grounds, as weapons of war and as political oppression tools and therefore urges that measures needs to be taken against these actions.⁶

⁴ Report of the International Committee of the Red Cross on Sexual Violence

⁵ Graca Marshal report on Children in armed conflicts

⁶ Area Formula statement to the UN Security Council, Mary Robinson and Bineta Ndeye Diop

➤ **Participation of Women in Peace Processes**

Despite the active role women play during armed conflict, they are often marginalized and not included at the peace negotiation tables. Most of the parties at the tables are men, who are most of the time also those who hold the guns. Women are merely represented, even though it has been recognized that women have an agenda that can contribute to bring peace in the country. The tentative attempts of a country such as the DRC, show women united to form a caucus in Sun City to influence the inter-Congolese dialogue.⁷ This effort has contributed to the conclusion of the negotiation and the signing of the peace accord. This clearly demonstrates that for peace to be sustainable women must be involved in all processes.

In Burundi Peace Talks, women arrived only at the third round in the Peace Process & Negotiations in 1998⁸. Their contribution was then taken into account in the Arusha Agreement offering guidelines for peace building and the reconstruction and democratization of the country, taking into consideration more than the power sharing agenda often brought as only issue on the negotiation table by men.

In 2003, The Mano River Women's Peace Network (MARWOPNET) Liberia during the Akosombo Talk, the leader of the delegation, Ms Theresa Leigh-Sherman, signed the peace accord as a witness⁹. This subsequently brought the transitional government and transitional peace accord into fruition. After the Akosombo Talks of June 2003, Liberian women formed part of the National Transitional Government of Liberia as per the provisions of the Comprehensive Peace Accord (CPA). Together with MARWOPNET, an election observation mission was organized for the national elections in Liberia in October 2005, which saw the appointment of Liberia's and Africa's first female Head of State with the election of Mrs. Ellen Johnson Sirleaf as President.

Since 2008, FAS has been working with the Sudanese women to participate in the peace process in Darfur. FAS facilitated the training of the Sudanese Women Forum on Darfur (SWOFOD) with the main aim of engendering the peace process and negotiations. To this end, FAS conducted a consultative process in Darfur and organized two Forums in Addis Ababa in January 2008 and 2009. This process assisted women from different political, geographical, and religious backgrounds from Sudan to develop a Peace Agenda and Action Plan for their input and contribution. The key outcomes from these meetings were two women declarations on Darfur (Addis 1 and Addis 2). SWOFOD lobbied and advocated for the implementation of their recommendations at the highest level with the African Union, Addis Ababa, the Human Rights Council (HRC) in Geneva and the Commission on the Status of Women (CSW) in New York.

Key strategies must be implemented in order to ensure that women are represented and their security agenda is mainstreamed in the peace process.

➤ **Justice for Women and Children**

The harm, silence and shame women experience in war is pervasive; their redress, almost non-existent. The situation of women in armed conflict has been systematically neglected.

⁷ FAS facilitation of the DRC peace negotiation in Sun City

⁸ FAS workshop in Burundi to facilitate the signing of the Arusha Peace Accord

⁹ FAS facilitation of the peace accord in Liberia at the Akosombo Talk

Due to their limited access to resources, political rights, authority or control over their environment and needs, the opportunity for redress, reparation and justice remain slim or more often than not, inexistent.

The majority of victims will never report the violation against them. This is generally because they are afraid of the consequence that will incur if they speak out and are identified including fear of ostracism or retaliation by their family or community. FAS recognized this issue in different countries, see as well during the last mission conducted in Guinea. The field findings revealed great fear in testifying of being identified due to the social stigmatization linked to rape, as well as the fact that the perpetrators are being granted impunity.

Furthermore, at the appeal of the Guinea women, FAS conducted a Solidarity Mission from March 15-21, 2010 to show support the victims of the event of September 28th, 2009. With supports from UNOWA, UNIFEM, Urgent Action Funds and AWDF, this Solidarity Mission consisted of representatives of Women Civil Society Organizations, Femmes Africa Solidarité (FAS), the Pan African Women Organization (PAWO), the Network of Women, Peace and Security of ECOWAS, the West African Network for Peace Building (WANEP), the Women's Peace Activism in West Africa (WIPNET), and a member of parliament.¹⁰

The Guinea Solidarity Mission focused on women's participation in the peace building process, the protection they should benefit from under such circumstances, prevention of such acts, and the promotion of women through respect for their rights and principles contained in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the relevant United Nations Security Council Resolutions (1325,1820, 1888 and 1889), the provisions of the Protocol on the African Union Women's Rights, the Solemn Declaration of Heads of States and Governments on Gender Parity, as well as the issue of prosecution of perpetrators of violence in a court of justice so that impunity does not continue.

Often in armed conflict and its aftermath, the division of functions is blurred with the military taking on roles traditionally performed by the police such as domestic maintenance of public order and criminal prosecution. This distortion of mandates confuses the population and can spread fear and distrust with regards to the military and the police especially among women. The military is not entirely fulfilling its role, but rather acting like militias to create a culture of fear among citizens.

The Mission found that victims of crimes of sexual violence have great needs for medical, legal, social and psychological support¹¹. Failure to meet these needs will hinder any efforts to bring the perpetrators of the crimes to justice. Women need to be part of the solution, if prosecutions of human rights violations are to be successfully followed-up. However, in order to do so, social and institutional reforms need to be implemented in order to tackle issues such as fear of reprisal, witness protection, collection of evidence and legal and judicial framework for securing fair prosecution and resulting reparation for the victims and their families.

Key actions must be made in order to demonstrate that impunity will not be tolerated regardless of who the perpetrators are, be it formal or informal military or government officials or sadly in some cases international peacekeepers.

¹⁰ Guinea Solidarity Mission Report conducted by FAS from March 15-21, 2010

¹¹ Guinea Solidarity Mission Report conducted by FAS from March 15-21, 2010

➤ **Truth and Reconciliation**

The perpetrators of gender based violence should be brought to justice in order to prevent recurrence of conflicts. At the community level Sierra Leone and Rwanda were able to use reconciliation methods to reach justice.

In Rwanda, women headed the traditional conflict resolution method “Gacaca”. This played a major role in Rwanda’s turn to restorative justice and peace. FAS’ partner women organization in Rwanda, PROFEMMES Twese Hawe participated actively in the Truth and Reconciliation to reach community level. In Sierra Leone, the compensation for victims was critical in the success of the country’s Truth and Reconciliation Commission. When witnesses were asked at hearing what they would like the Commission to include in its recommendations, they invariably responded: “free education for our children, access to medical care, adequate housing¹²”.

➤ **Gender Dimension in Security**

African security institutions and structures are still male oriented, driven and dominated. This is due to the following reasons: 1) African societies are highly patriarchal in nature and in most communities, security structures and operations are still largely seen as a male preserve. 2) Insecurity is not yet largely recognized as a core aspect of the vulnerability of the poor -- and with the feminization of poverty and conflict in Africa, the vulnerabilities of women and girls are further exacerbated. 3) African communities are yet to recognize the added-value of women within the security sector and as such do not prioritize their concerns when engaged in processes such as SSR. 4) There is little or no communication and synergy between women in the security sector, which is needed to act in a cohesive manner to ensure women's inclusion, equal status and participation and gender mainstreaming in the new/emerging security structures.¹³

The Disarmament, Demobilization, Reinsertion and Reintegration process should take into consideration and should have programmes that focus on the female ex-combatant and child soldiers. African states are not just receiving but also sending troupes in peacekeeping operations, with the entry into force of the AU Peace and Security Council protocol and the adoption of "The Solemn Declaration on a Common African Defense and Security Policy"¹⁴ and the African stand by force. FAS Pan African Centre for Development and Peace and other institutions, like the Kofi Annan Centre and WIPSEN, conduct trainings for the military personnel on gender issues and the Disarmament, Demobilization, Reinsertion and Reintegration process.

As the key finding the integration of gender must be strengthened in all the security sector reform processes, enhance the capacities of female security sector personnel to effectively engage the system, address gender based violence within the security sector, demystify prevalent perception of the security as a male preserve and facilitate the creation of an efficient, accountable and participatory security sector that is responsive to the needs of women, and children in armed conflict.

¹² African Studies Volume 8, Issue I Fall 2004 Truth, Justice and Reconciliation in Africa : Issues and Cases

¹³ WIPSEN, Gender and Security Sector Reform

¹⁴ Center for Democracy and Endowment: Security Sector Governance in Africa: a hand book

➤ **Women and Children in the Democratization Process**

In a post-conflict context, states often experience of transition in which existing institutional, economic, judicial and political entities are challenged. During this period, it is crucial that to target reforms at all those levels which will encompass a gender-sensitive approach within the conception and vision of the various institutions.

Such reforms will permit gender issues such as women's participation and representation in political, economic and legal institutions to be put on the agenda. In the DRC, women were able to introduce parity in the Constitutional reform, setting the foundation for women's participation and representation in all aspects of national issues. However the Constitutional changes failed to translate into visible practical changes. It is therefore important to analyze good practice examples (Rwanda), where women represent more than 50% in the parliament.¹⁵ This will help to develop a set of pre-requisites to guarantee the success of such reforms.

The many challenges ahead need to be addressed; the AU needs a long-term approach to tackle the plight of women and children in armed conflicts.

➤ **Women and Youth in Reconstruction**

Transitional justice also highlights issues of rehabilitation and reconstruction. Often, the trauma suffered by women who have experienced brutal human rights violation frequently in the form of sexual violence is further aggravated by their situation as refugees or displaced persons who have lost their home, their access to basic needs and in many cases their family. This demands the need of a holistic approach to reconstruction, which incorporates all the facets of the trauma in order to better prepare for the future with dignity and hope.

In the case of Rwanda, rehabilitation and reconstruction does not only address the physical infrastructure. Various programs have been put in place to respond to the basic needs of women and children.¹⁶

IV. Recommendations

As the year of peace in Africa, the AU has opportunities for positive changes to be made by implementing the 5 pillars (UN Security Council Resolution 1325, 1820), that would restore the dignity of women and children in armed conflicts, promotion of their rights, enhance their full and meaningful participation in decision making even at the highest level, ensure their protection under the law, prevent crimes and violation against them and persecute perpetrators of atrocities.

In the furtherance of these, Femmes Africa Solidarité and members of its networks make the following key recommendations as part of the initiative of the Panel of the Wise to the Member States of the African Union:

¹⁵ FAS mapping in Rwanda

¹⁶ FAS assessment during NAP (National Action Plans) on 1325

1. Develop National Action Plan for the implementation of the UN Security Council Resolutions pertaining to the participation and protection of women and young girls in armed conflict as well as the prevention of gendered-based human rights violations as upheld by UNSCR 1325, 1820, 1888 and 1889;¹⁷
2. Implement AU instruments pertaining to the participation of women as well as the protection and promotion of women and children's rights and prevention of gendered-based human rights violations;
3. Create Gender Unit in Mediation Teams in order to guarantee the participation of women in mediation but also to provide women with a role as mediators themselves;
4. Nominate women head of mediation and special envoys for peacebuilding missions;
5. Undertake capacity building measures to strengthen the law enforcement agencies so that they can take the lead in a gendered approach in democratization to set the foundations for good governance;
6. Develop peace-keeping operations which adopt a gender-sensitive approach in how the peacekeepers are trained but also through the inclusion of female peacekeepers as well as introducing a code of conduct in an attempt to protect civilians present in areas of peacekeeping operations;
7. Engage in policy dialogues in order to carry out meaningful reforms in the Justice and Security Sectors, where necessary, to promote and protect women and children, and provide access to justice;
8. Emphasize on comprehensive sensitization campaigns and civil education efforts focused on improving the participation of women and children in leadership, political activities and decision making at all levels;
9. Encourage parties at the negotiation table and other actors to include women and youth in their delegation and integrate the gender perspective in post-conflict processes including peace negotiations, conflict resolution and peace-building initiatives;
10. To build the capacity of women and youth groups to build local ownership of programmes targeting the five pillars (participation, promotion, protection, prevention, and prosecution) in order to secure the sustainability and widespread implementation of the programmes at the local, national and continental level; and
11. Setting up post-conflict assistance units to provide psychological, medical, legal, and financial support to women and children in armed conflicts in order to develop thorough and concrete post-conflict rehabilitation and reconstruction programmes.

¹⁷ Burundi, Rwanda, DRC, Sierra Leone, Liberia