

Women, peace and security: implementing the Maputo Protocol in Africa

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Women's rights are fundamental to human security and sustainable peace. The African Union's Protocol to the African Charter on Human and Peoples' Rights on the rights of Women in Africa (Maputo Protocol) guarantees the rights and equality of women on the continent and complements the global women, peace and security agenda. But case studies of Malawi, South Sudan, Somalia and Mozambique reveal that the implementation of the Maputo Protocol is slow and patchy. The African Union needs to find innovative ways of working with national governments, civil society and grassroots organisations to realise the full potential of this crucial instrument.

Africa has been a violent continent for well over a century. Colonialism, liberation movements, independence struggles, intra- and inter-state conflict, armed violence between state and nonstate armed actors, ethnic conflict, political violence, religious tension and violent extremism have been experienced at different times and to different degrees across the continent. These cycles of violence and conflict, combined with entrenched social systems of patriarchy, have impacted most significantly upon women.

Women's rights are fundamental to human security and sustainable peace. Gendered power differentials mean that women and girls experience human insecurity differently to men: their subordinate societal status renders them 'less able to articulate and act upon their security needs', which exacerbates their insecurity. The 1994 UNDP Human Development Report outlined two crucial determinants of sustainable peace: that 'the world can never be at peace unless people have

security in their daily lives' and 'In no society are women secure or treated equally to men. Personal insecurity shadows them from cradle to grave.'

It is now indisputable that women's rights are human rights; as such, gender equality is one of the foundations on which human security can be achieved in the daily lives of women and men.

However, women's rights in Africa – from the family unit through to national political enfranchisement – have historically been at best ignored and at worst actively denied or violated.

The political economy of violence begins in the home, and women who do not have rights in the home cannot conceive of claiming those rights at the community, country or global level. Women continue to experience sexual and gender-based violence (SGBV) and rights violations along a continuum that incorporates conflict, transition, post-conflict development and stability. It is important to stress that the absence of armed conflict in parts of Africa does not mean the presence of peace, especially for women.

Violence against women

SGBV remains rife across Africa. Despite endemic under-reporting of SGBV crimes, health- and victim-based community and national surveys conducted in many countries have recorded high lifetime prevalence rates across all forms of violence against women, which are consistent across peace, security and political contexts. In Africa, 45,6% of women have experienced some form of physical or sexual violence, compared to the 35% globally.

Women are still the main targets of violence and discrimination in countries that are embroiled in on-going violent conflict. Systematic rape is used as a weapon of war by some armed groups, women can be forced into prostitution or trafficked, the risk of domestic violence is heightened, and women can be sexually attacked or exploited by a range of actors, including non-state combatants, state security forces, peacekeepers and even humanitarian workers. In addition, large numbers of women and children refugees and IDPs in transit and in refugee camps face specific threats and are extremely vulnerable to SGBV. Violence against women is not limited to conflict areas, however; SGBV in countries at peace is still widespread.

SGBV remains largely invisible and its victims silent, due both to a wide socio-cultural acceptance of this form of violence as well as the stigma attached to the victims of gender-based violence.

Because many forms of SGBV are often accepted or condoned, women find it very difficult to report such violence. If they do, they run the risk of being turned away because the violence is perceived to be a private matter to be dealt with by traditional authorities at the community level, or within the family.

Furthermore, the formal criminal justice systems of many African countries are undercapacitated and under-resourced to deal with the special needs of women, especially those who have been exposed to SGBV. There is generally poor operational capacity for gender desks within police forces; medical facilities also often lack skilled staff,

and there are gaps in the availability of proper equipment. Psychosocial support and counselling is only available if human and monetary resources allow, which is seldom.

All of this means that SGBV is difficult to quantify, and there is no reliable way to measure the extent of the problem or the progress made in responding to it.

Administrative data on SGBV is not collected systematically or regularly by government institutions; statistical and research surveys that track rates of SGBV are usually confined to specific geographical areas or target only a portion of the population.

Thus, the already-high available numbers represent only a fraction of the true extent of the problem.

The impact of political quotas on realising women's rights

Setting quotas for women's representation in politics is an important step to 'give women a small window on which they can build from and imprint their competence as decision makers'. In addition quotas help to 'address gender imbalances, achieve social justice, and equality'. Representing a critical first step in allowing women access to a platform that they had often historically been marginalised from or outright denied, quotas have resulted in a steady increase in women's political representation in Africa over the last two decades. The

Beijing Platform for Action sets the bar at 30%, which provides the critical mass necessary to allow women 'to influence the political culture, endorse gender-sensitive policies and uphold women's rights'. Significantly, under Joyce Banda women in Malawi were appointed for the first time to the Supreme Court bench, as chair of the Malawi Electoral Commission and inspector of general police. These gains, however, have been undermined since Banda was voted out of office; the number of women in Parliament declined from 22% to 16,7%, and the number of women ministers declined from 28,1% in to 15%.

Yet the inclusion of women in politics through a quota system does not guarantee de facto gender equality in policymaking. Quotas do not always deliver the expected outcomes, as '[A]dding women to unaltered social and political structures is likely to lead to frustration as [they] continue to suffer discrimination and exclusion in spite of their representation in decision-making.'¹⁴³ Institutionalised patriarchy and maledominated structures expect compliance from women elected or appointed to positions of power; the 2013 SADC Gender Monitor observes that there is 'an alarming trend of feminization of deputy positions, which, while possibly giving women experience and signalling correct male/female proportions, provides limited power and control for women in these decision-making positions'.

Quotas cannot necessarily change entrenched patriarchal and discriminatory attitudes and do not guarantee a substantive shift away from gender inequality. They must be complemented by qualitative strategies of change; equality in politics is 'dependent upon other institutional innovations' besides quotas, Nakaya argues. She includes these innovations: equal provision of adequate authority, resources, gender awareness and expertise of representatives, their outreach to and communication with wider constituencies and the efficacy and integrity of the legislature.

Gender equality and human security are inextricably linked. The development of the field of human security has shifted the traditional concept of security from inter-state conflict and national security to one based on the security of the individual.

As such, it recognises that meeting basic human rights is fundamental to sustainable stability and peace in the world. Women's rights are now recognised as an integral element of universal human

rights, and 'reflect the fact that men and women have very different experiences – and the fact that women and girls often face gender-based discrimination that puts them at increased risk of poverty, violence, ill health and a poor education'.

A gender-blind or even gender-neutral approach to human security misses important threats to individual, community and national security, and efforts to improve human security should take into account the different ways in which men and women experience conflict, post-conflict and peace. The Maputo Protocol is a key continental instrument that recognises the links between gender equality, women's empowerment and the achievement of sustainable peace in Africa. Its full and effective implementation is key. However, despite the fact that many African states have ratified the protocol, implementation has been severely restricted – if it has happened at all – by a lack of political will, an immense gap between high-level policy and awareness on the ground, where it matters most, and challenges in changing prevailing behaviours and attitudes that embrace patriarchy. It is imperative that the AU finds new and innovative ways of working with national governments, civil society and grassroots organisations to realise the full potential of this crucial instrument.

*Extracted from the paper 'Women, peace and security: implementing the Maputo Protocol in Africa' for the Institute for Security Studies authored by Romi Sigsworth and Liezelle Kumalo. Kumalo has a master's degree in international relations from the University of Witwatersrand. Sigsworth has a master's degree in women's studies from Oxford University.