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# WOMEN'S WORLD



Isis-Women's International Cross-Cultural Exchange  
(Re)creating Peace Internationally

# 15

**Years of UNSCR 1325:**

Looking Back to Look Forward

**Peace And Security For Women**

In Myanmar, Democratic Republic of Congo, Nepal, Uganda and South Sudan



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# Table of Contents

Acronyms	5
Introduction	6
MYANMAR: Tackling Impunity for Rape and Women’s Entitlement to Bodily Integrity	8
DEMOCRATIC REPUBLIC OF CONGO: Women on the Cusp of Peace and Endemic Sexual Violence	14
NEPAL: At the Crossroads of Peace and Post-Conflict Reconstruction for Women	22
SOUTH SUDAN: Grappling with Women’s Peace and Security amid Fragility	28
UGANDA: Building a Firm Ground for Respect of Women’s Human Rights	36
References	42

## Acronyms

AU	African Union
AVIFEM	National Agency for the fight against Violence against Women
BPEA	Beijing Platform for Action
CAR	Central African Republic
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPA	Comprehensive Peace Agreement
CSOs	Civil Society Organizations
DDR	Disarmament Demobilisation and Reintegration
DRC	Democratic Republic of Congo
ERP	Economic Recovery Programme
FONAFEM	Promotion of Women and Child Protection
GoSS	Government of South Sudan
HIV	Human Immune Virus
ICD	Inter-Congolese dialogue
ICGLR	International Conference of the Great Lakes Region
IGAD	Inter Governmental Agency for Development
IDPs	Internally Displaced Persons
Isis-WICCE	Isis Women's International Cross Cultural Exchange
KIO	Kachin Independence Organization
KNU	Karen National Union
KWAT	Kachin Women's Association of Thailand
LRA	Lords Resistance Army
M23	Movement of 23rd March
MDGs	Millennium Development Goals
MLC	Mouvement por la Liberation du Congo
MONUSCO	UN peacekeeping mission in the Congo
MSF	Medicins Sans Frontiers
NAP	National Action Plan
NLD	National League for Democracy
NRM	National Resistance Movement
NSPAW	National Strategic Plan for the Advancement of Women
NURP	The Northern Uganda Reconstruction Programme
NUSAF	Northern Uganda Social Action Fund
PEP	Post-exposure Prophylaxis
PRDP	Peace, Recovery and Development Plan
PSC	Peace, Security and Cooperation
RCD	Rassemblement Congolais pour la Democratie
SAF	Sudanese Armed Forces
SGBV	Sexual and Gender Based Violence
SNLVBG	National Strategy to Fight Sexual and Gender Based Violence
SPLM	Sudan People's Liberation Movement
SPLM/A	Sudan People's Liberation Movement/Army
SSAPR	Security Sector Accountability and Police Reform
SSHRC	South Sudan Human Rights Commission
UN	United Nations
UNMISS	United Nations Mission in South Sudan
UNSCR	United Nations Security Council Resolution
UNSG	United Nations Secretary General
VDC	Village Development Committee
WHRDs	Women's Human Rights Defenders

## UN Security Council Resolution

# 1325



### Introduction

**I**n October of 2000 when the lobbying of numerous women's organisations around the world resulted in the unanimous adoption of UN Security Council Resolution 1325, a major victory and turning point was registered for women and girls. With Namibia's Minister of Women Affairs at the helm of the Security Council, women's rights were brought to the forefront of discourse and decision-making on peace and security and the journey to ensure a different world for women and girls in conflict and post-conflict settings began.

Thanks to this resolution, it was formally acknowledged and declared that a gender perspective was imperative, that the disproportionate and distinct impact of conflict on women and girls must be addressed, along with their protection needs and their meaningful participation in peace and security processes. This development followed other resolutions on issues of protection in armed conflict such as UNSCR 1265 and 1296 but also sparked increased interest and engagement on issues of women, peace and security.

As a result, UNSCR 1325 paved the way for further discourse and resolutions such as UNSCR 1820, 1888, 1889, 1960, 2106 and 2122 all of which represented and reaffirmed the global commitment to issues of women, peace and security with a particular emphasis on the protection of women and girls specifically from sexual violence. This same expression of commitment was translated at national levels with over forty countries developing national action plans as well as various policy frameworks and programmes to translate this conveyed dedication into customised action on behalf of women and girls. After a decade and a half of this action, women in conflict-affected countries are examining their realities and assessing how the promises of the landmark UNSCR 1325 have impacted their situation as women in conflict and post-conflict settings.

As the UN Security Council Resolution 1325 marks fifteen years in 2015, the UN also reaches its target date for the Millennium Development Goals (MDGs), which have served as the blueprint for global development over the years. Accordingly, a post-2015 development agenda is being developed and another opportunity now exists for the same global commitment represented in UNSCR 1325 to be affirmed and reinforced. As such, the expectation is for a global framework that addresses some of the gaps and obstacles of the implementation of UNSCR 1325 in addition to strengthening and building on progress made towards gender equality in peace, security and development.

**“After a decade and a half of this action, women in conflict-affected countries are examining their realities and assessing how the promises of the landmark UNSCR 1325 have impacted their situation as women in conflict and post-conflict settings.”**

Over the past 15 years, it has become apparent at national, regional and global levels, that gender matters in ensuring peace and that the issues of gender equality as well as women, peace and security are of great impact to sustainable development. Armed conflict and violence have been acknowledged as some of the most significant barriers to development with the UN recognising

that conflict and post-conflict countries have higher poverty rates and are the most impaired in achieving the MDGs by 2015. This same violence and conflict has also hindered development progress for women and girls in conflict and post-conflict countries along with the achievement of specific MDGs. Even when the Millennium Declaration rightly emphasized the critical role of peace, security, and disarmament as fundamental for human well being and eradication of poverty in all its form (UN, 2000).

In this same vein, it has been widely recognised that the patriarchal gender dynamics behind gender inequality also fuel and perpetuate the conflict and violence, which obstructs development. As such, the value of effectively implementing UNSCR 1325 cannot be overstated as it commits to respond to conflict and violence through a four-pronged approach, which also contributes to the global development agenda.

UNSCR 1325 is underpinned by four pillars; whose successful implementation and effect on the situation of women in conflict and post-conflict setting is being assessed in this issue of Women's World Magazine. These include prevention, which focuses on

**“This issue (also Monde Des Femmes No 27/2013) therefore points out the achievements of the past 15 years, the gaps in implementation as well as the implications for future action at national level and in the global context as the post-2015 development framework is being determined.”**

the reduction of conflict and all forms of violence against women; participation, which ensures that women and their interests are included in decision-making processes related to peace and security; protection which focuses on women's safety, mental and physical health as well as economic security and finally, relief and recovery which is focused on women's specific needs in conflict and post-conflict situations.

This watershed resolution and its effective implementation represent a great hope for substantive change in the realities of women in conflict and post-conflict settings. As such Isis-WICCE, its partners and its Exchange Programme Institute alumna conducted studies to assess the implementation of UNSCR 1325 in five countries with the view of informing and influencing future action as well as global development priorities. As the world marks 15 years of this landmark resolution, this issue of Women's World Magazine No. 48/2013 tracks the journey of actualising UNSCR 1325 using the case studies of Myanmar, Democratic Republic of Congo, South Sudan, Nepal and Uganda.

This issue (also Monde Des Femmes No 27/2013) therefore points out the achievements of the past 15 years, the gaps in implementation as well as the implications for future action at national level and in the global context as the post-2015 development framework is being determined. The case studies acknowledge the progress made since 2000 in establishing various legal and policy frameworks to promote 1325 along with local mechanisms to prevent and punish cases of sexual and gender based violence. The achievements of governments and women's organisations are also spelt out in relation to the promotion of women's meaningful participation in peace building and post-conflict reconstruction.

On the other hand, it also highlights the continued prevalence of sexual and gender based violence in conflict and post-conflict situations, the lack of access to justice for women existing alongside impunity for sexual crimes particularly when perpetrators are security officers, soldiers or powerful political party members. Across the board, it communicates women's reports of poor health service provision, unaddressed mental and sexual health needs as well as post-conflict recovery interventions that marginalise their concerns. Ultimately, while in some cases countries do not have National Action Plans for 1325 implementation in place, the studies highlight gaps such as a lack of political will for effective implementation, insufficient or no resource allocation, poor coordination mechanisms and a lack of accountability mechanisms to ensure or enforce effective implementation.

Women's World magazine has over the years served as an important channel for women to disseminate critical information on their continuous engagement with national and international policies on women, peace and security. It is also an avenue for sparking conversation and debate on the issues affecting women in relation to peace and security. It is hoped that this issue will inform action by governments on UNSCR 1325 in addition to informing discussions as 15 years are marked and the post-2015 agenda is mapped out.

**We wish you reflective reading.**

# Mya

## Tackling Impunity for Rape and Women's Entitlement to Bodily Integrity

### Background

**M**yanmar is a textbook case of a conflict-affected country for which the effective implementation of UNSCR 1325 is imperative and from which important lessons can be gleaned to ensure crucial change in the proceeding years concerning 1325 implementation and the post-2015 development agenda.

As the UN Security Council discussed the landmark resolution 1325, Myanmar's Permanent Representative to the UN added a voice of assent as he stated that gender equality played an essential role in advancing development, peace and security. The relationship between the promotion of gender equality and peace, security as well as development is easily identifiable in Myanmar. Myanmar is considered one of the least developed countries in Asia with high levels of poverty and inequity and it has not registered notable progress in achieving the MDGs. Its national human development conditions have remained low despite significant improvements, due to substantial sub-national and gender inequalities.

Kyaw Tint Se in his address also expressed the government's commitment to protect women and girls from human rights abuses and its desire to harness the influence of the country's traditions and values to prohibit exploitation of women. He acknowledged the valuable role of Myanmar women in fighting the pervasive violence against women during the five decades of armed insurgency during which the women and girls of Myanmar suffered disproportionately. Myanmar thereafter recommended that the implementation of 1325 be fortified by building gender capacity within the UN System.

However despite this acknowledgment of the need for effective implementation of 1325, over a decade later Myanmar has yet to put in place a national action plan to practically apply its commitments to gender equality, peace, security and national

# mmar

development. As such, by prioritising issues of women, peace and security, the post-2015 development agenda would respond to structural obstacles such as the lack of a national framework for 1325 implementation and also contribute to addressing the gaps in implementation of the pillars of prevention, protection and participation.

## 5 **Decades of Conflict and Armed Insurgency**

**M**yanmar has a long history of armed conflicts dating from the country's independence in 1962 when the central government rejected a federal government structure. Repeated insurgencies and ethnic rebellions resulted in the army taking over power. The military regime maintained a high climate of oppression and persecution of ethnic minorities including use of brutal force to quell numerous demonstrations and uprisings. In 1988 Aung San Suu Kyi, a pro-democracy leader from the major opposition party National League for Democracy (NLD) led mass protests which resulted in the general elections of 1990. Suu Kyi and NLD won and secured 80% of the parliamentary seats but the victory was short-lived with the army rejecting the results and holding Suu Kyi under house arrest until 2011.

In 2011 following elections, a nominally civilian government was put in place, led by President Thein Sein who was formerly the Prime Minister of the junta. In post-election Myanmar, the 2008 Constitution put in place by the junta allotted a quarter of parliamentary seats and three key cabinet positions to the military. However despite this shaky start, the process towards peace took form as democratic reforms began.

Considerable gains have since been registered, however in Kachin and Northern Shan State citizens have experienced an increase in conflict and human rights abuses. Fighting and military strikes continue between the Burmese military and the Kachin Independence Army (the military army of the Kachin Independence Organization). It has also been reported that 13 of the 18 groups, which agreed to a ceasefire, including the Karen National Union (KNU) and the New Mon State Party, continue to

“Myanmar’s long running civil war has exploded with renewed military attacks on ethnic armies and civilians. The military is flourishing under its new protected status, reinforced by Constitutional guarantees on their past and future crimes. Evidence of the military’s use of chemical weapons against the Shan and Kachin armies is mounting. The military’s purchase of weapons and nuclear technology from North Korea continues unabated.”<sup>1</sup>

As a result, there have been increased human rights violations and high levels of gender-based violence, which has led to the displacement of over 94,000 civilians from their respective homes<sup>2</sup>. Sustainable peace is a distant goal due to ethnic tension, factionalism, the existence of militias and continuous human rights violations. Gender based violence, extra judicial killings, torture, disappearances, forced labour and discriminatory practices against women continue to be reported. To this day, Burmese State forces are still engaged in systematic rape of women<sup>3</sup> and there are extreme cases of sexual and gender based violence where rape is still being used to intimidate ethnic women and disconnect them from their communities and families.

Various reports reveal that Burmese military continue to rape women and girls in Shan, Kachin, Chin, Karen, Mon, Karenni and Arakan states with impunity. This has been described as part of the “regime’s strategy to punish the armed resistance groups” as the government denies the occurrence of sexual violence committed by soldiers. The situation of women in post-election Myanmar is even more precarious and the need for effectual implementation of UNSCR 1325 is even stronger.

## Actualising UNSCR 1325 in Post-Junta Myanmar

**R**egardless of the absence of a National Action Plan (NAP) to specify national priorities and guide the coordination of UNSCR 1325 implementation, the government of Myanmar has taken significant steps towards addressing the goals of 1325. In 2013, Myanmar put in place the first National Strategic Plan for the Advancement of Women (NSPAW) in alignment with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Declaration and Platform for Action.

This plan seeks to promote gender equality and improve the situation of women and girls under six priority areas including violence against women, decision making, human rights and health with clearly outlined institutional



1 Putting Democracy Out of Reach: How Myanmar’s New Government Violates the Law of Nations and Threatens Global Peace and Security, Global Justice Center, 2012.

2 Data from the IDP and Refugees Relief Committee of the KIO Government as of 9 September 2012.

3 <http://www.stopraperinconflict.org/Myanmar>

mechanisms. Under each of these areas, government and civil society are tasked with developing plans of action to achieve concrete results for women and girls. While this is not the ideal case for ensuring that specific priority actions are set along with indicators and an accountability mechanism to ensure progress, this provides a policy basis to call for the implementation of 1325 and the drafting of a more specific NAP.

Prior to the 2013 National Strategic Plan for the Advancement of Women (NSPAW), Myanmar did not have policy frameworks promoting gender equality and continues to lack laws that protect women and promote their rights in accordance with CEDAW. The 2008 Constitution, through its article 445 that exempts members of the government from trial for acts conducted as they execute their duties, has provided a legal justification for impunity among the military and officials who continue to rape women and girls with no consequences. The Constitution is also gender blind and does not address gender-based discrimination or promote gender equality<sup>4</sup>. As such, while the NSPAW is commendable, there is a significant need for a national policy such as a 1325 NAP to ensure women's protection, response to their specific needs and their meaningful participation in peace and security, otherwise limited progress can be expected in the implementation of 1325 in Myanmar.

## PILLAR

# 1

### Prevention

**W**omen's organisations and networks in Myanmar continue to document cases of rape and other forms of sexual and gender-based violence in attempts to expose the crimes committed against women and girls and call for actions to prevent as well as stop this sexual violence in conflict and post-conflict. Women's groups such as Karen Women for Peace, Shan Women's Action Network, Karen Women's Organization, Kachin Women's Action Network and the Women's League of Myanmar are also engaged in addressing issues of structural violence such as the changing of oppressive norms, advocating for political change, advancing peace, promoting trust and

reconciliation. These efforts have included advocacy and lobbying against the amnesty the Constitution gives the military from criminal prosecution and civil liability for all crimes including war crimes and crimes against humanity.

These efforts to end the "license to rape"<sup>5</sup> are a bid to tackle impunity for crimes of sexual violence against women. However despite women's efforts, the strength of the government's commitment to UNSCR 1325 and to reducing all forms of violence against women in Myanmar, particularly sexual and gender-based violence, remains to be seen. As such, fifteen years later, women in Myanmar are not substantially closer to sustainable peace and security and the value of a global development agenda that challenges national governments to prioritise and track progress in the elimination of violence against women for the achievement of sustainable peace and development is apparent.

### Participation

**O**ver the 15 years, women's representation and meaningful participation in decision-making as well as peace and security processes in Myanmar has remained insignificant. For instance, during the 2008 Constitution-drafting process, less than 1% of women were represented and their influence was not noted. This same spirit carried during the peace processes that followed such as the 2011 peace talks when President Thein Sein issued an official request for talks and two peace delegations were established to start negotiations. However, not even one woman was involved in the delegations, which consisted of 12 men, and by extension women's needs were not considered<sup>6</sup>.

## PILLAR

# 2

4 Where are the women? Negotiations for Peace in Myanmar; the Swedish Myanmar Committee, 2013.

5 License to rape: The Burmese military regime's use of sexual violence in the ongoing war in Shan State - The Shan Human Rights Foundation (SHRF) & the Shan Women's Action Network (SWAN), 2002.

6 Report on the third regular session of first Amyotha Hluttaw in The New Light of Myanmar, 16 February 2012.

This was repeated during the establishment of the Union Peace Making Central Committee in 2012, which was tasked with ending the armed conflict between the state army and the ethnic armed groups. Despite women's visible role in peace building and their right to participate in the peace process, they were excluded as the Union Peace Making Central Committee consisted of 11 members and not a single woman. The Union Peace Making Working Committee formed thereafter also consisted of 52 members and only two female parliamentarians<sup>7</sup>.

By the end of 2012, the Burmese cabinet was predominately male, with 37 out of 38 ministers being male and mostly former generals. In its Article 352 the Constitution states, "nothing...shall prevent the appointment of men to the positions that are suitable for men only." In line with this, the military and other key branches of the government largely exclude women as evidenced by the shortage of women in positions of power. The same Constitution stresses that the President must be well acquainted with military affairs, a clause that ensures that women, who are excluded from the military, are also automatically disqualified from the highest office of decision-making. The 2008 Constitution that was seen as a step forward for democracy also ensured that the exclusion of women was institutionalised and efforts to address this form of structural violence are obscure.

Despite these gaps and obstacles in the implementation of 1325 in Myanmar, Myanmar women have played an active role in ensuring that progress is registered. The women's movement continues to advocate for a 30 % quota for women in parliament as well as the drafting of a shadow Constitution that preserves and promotes women's rights. Regardless of exclusion from formal peace processes, women have continued to engage in political dialogue with Myanmar leaders to ensure participation in peace and security processes. Since 2012, for example, the Karen Women's Association's Central Committee members have strongly pushed the issue of women's involvement and participation. This initiative of women's participation in peace dialogues has been adopted and both parties have accepted that future meetings must involve women<sup>8</sup>.

The Kachin Women's Association of Thailand (KWAT) have also continued to participate in informal peace processes in Kachin State as well as within the displaced Kachin communities living in Thailand and China with the aim of responding to women's specific needs. The organization has continued to demand for the protection and safety of women and girls. It has documented the human rights violations in Kachin State and Northern Shan State in order to amplify grassroots women's voices and prompt action.

In spite of the lobbying, advocacy and direct interventions on behalf of women, the participation and issues of women remain excluded in formal peace processes and resulting agreements. The agreements are gender blind, make no explicit reference to women, gender issues or the inclusion of women in government or decision-making positions.

<sup>7</sup> Source: Ja Nan Lahtaw & Nang Raw, Myanmar's current peace processes: a new role for women? December 2012

<sup>8</sup> <http://karennews.org/2013/05/karen-womens-voices-vital-in-peace-talks.html/>



# PILLAR 3

## Protection

**A**s a result of the absence of mechanisms to ensure women's safety, little progress has been realised in the protection of women and girls in Myanmar. Cases of unchecked and unpunished sexual violence against women and girls are rife. Paradoxically, government development projects have provided an environment of vulnerability for women and girls to sexual violence as their security is not assured and often those charged with providing security are the perpetrators of violence. One case is of a pipeline project where increased sexual harassment and intimidation of women was reported to the perpetrators from the Myanmar army as well as the Chinese construction workers deployed in the area<sup>9</sup>. This failure to effectively ensure the security of women and girls has resulted in their unrestrained sale as brides in Thailand, China, Malaysia, Bangladesh and South Korea, which further expose them to sexual and gender-based violence.

In addition the rights of women are further undermined, as there is no justice for sexual crimes committed against them. The case of Sumlut Roi Ja demonstrates how difficult it is for women to access justice for sexual offences in Myanmar. She was abducted and gang-raped by Burmese soldiers in Kachin State in 2011. Although her husband submitted a formal complaint to the Supreme Court, the case was dismissed for lack of evidence and he was not permitted to speak at the trial<sup>10</sup>.

The government ignores thousands of cases such as this and the perpetrators of these crimes against women go off scot-free. Sexual violence continues to increase along with reports of the Burmese Army committing these brutal crimes against ethnic Burmese women as acknowledged by the Secretary-General's report to the United Nations on Myanmar's violation of UNSCR 1820<sup>11</sup>.

## Conclusion

In the absence of a national action plan to guide implementation of 1325 in Myanmar, no specific priorities have been set to ensure its goals are pursued, no financial resources have been allotted to it and no formal accountability mechanism exists to ensure that the government of Myanmar is on track in preventing sexual violence, responding to women's specific conflict and post-conflict needs or promoting their rights and participation in decision-making related to peace and security.

As such, women's organisations have cited a lack of political will on the part of government and continue to lobby for the development of a National Action Plan for coordinated and measurable implementation of 1325. It is hoped that this would be a first step in addressing structural inequalities that perpetuate conflict, impunity for sexual crimes against women, access to justice as well as women's participation in peace processes and the resolution of ethnic conflict.

The post 2015 agenda therefore stands to make a significant contribution to the development of Myanmar by ensuring that under Goal 4 women's mental, sexual and reproductive health needs are addressed, that Goal 10 centres women's meaningful participation and Goals 11 as well as 12 prioritise resource allocation for women's specific post-conflict needs.

9 "Pipeline Nightmare". Shwe Gas fuels civil war and human rights abuses in Ta'ang communities in northern Myanmar. Ta'ang Students and Youth Organization – TSYO, November 2012.

10 <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-052-2012>

11 Report of the Secretary-General Pursuant to Security Council Resolution 1820 (2008), U.N.Doc. S/2009/362, Aug. 20, 2009.

# Congolese

## DEMOCRATIC REPUBLIC OF

### Women on the Cusp of Peace and Endemic Sexual Violence

#### Background

**T**he situation of women and girls in conflict-affected Democratic Republic of Congo (DRC) is widely recognised as characterised by high levels of vulnerability, making them susceptible to all forms of sexual and gender-based violence. The eastern part of the country, dubbed ‘the rape capital of the world’ and ‘the most dangerous place on earth to be a woman’ by UN Special Representative Margot Wallstrom, has been the site for large scale, systematic rape of tens of thousands of women and girls.

This same country has also been the stage for complex intractable conflict tracing back to its independence in 1960. Consequently, DRC has embarked on several peace processes over the years with the goal of resolving armed conflicts and securing stability. Nevertheless, the current situation remains highly unstable, particularly in the Eastern Provinces of Orientale, North and South Kivu marked by recurring cycles of conflict and persistent violence by armed groups.

In the past 12 years of conflict, over 6 million lives have been lost, over 1.2 million have been displaced and it is

reported that an estimated 400,000 women are raped each year. As such the DRC is by all means a country with a significant need to effectively implement a UN Security Council Resolution that addresses the specific impact of violence against women during conflict, reduces conflict and emphasizes women’s roles and meaningful participation in conflict prevention and peace processes.

The government of DRC has over the years expressed its commitment to effectively implement UNSCR 1325 and transform the situation of women in DRC particularly in relation to prevention and protection from the pervasive sexual violence. In 2010, a National Action Plan for the implementation of UNSCR 1325 was put in place with a focus on women’s participation in peace and security; gender responsiveness in peace and security processes; promotion and protection of women’s rights and the fight against gender based violence as well as HIV/AIDS; promotion of transitional justice and security sector reform. While the NAP has facilitated several achievements as a blueprint for transformation in relation to women, peace and security, several gaps remain in the implementation of 1325 in DRC.

# go

## A Legacy of Intricate Protracted Conflicts

**A** majority of the conflicts in DRC have been fueled by a desire to gain control over the country's vast resources. With two-thirds of the world's remaining rain forests and immense mineral wealth, DRC is the most resource rich country in the world. Ironically, DRC is also one of the poorest and most unstable countries in the world. The country's complex conflicts stem from various factors, including the legacies of both colonial and autocratic rule as well as wars in neighbouring Rwanda, Burundi and Uganda. By 2000, up to nine states were militarily involved in the DRC conflict.

Shortly following DRC's independence in 1960, members of the Congolese military greatly influenced by the former colonizers assassinated the country's first elected Prime Minister Patrice Lumumba. Mobutu Sese Seko thereafter seized power and led one of the worst dictatorial regimes on the continent. For decades, he used the country's resources for his own personal gain until he was ousted in 1996, leaving the majority of the Congolese population languishing in poverty.

The current armed conflict also has its origins in the 1994 Rwanda genocide and the overthrow of Mobutu by Laurent Desire Kabila. After the genocide, the Interahamwe soldiers and perpetrators of the genocide found refuge in Eastern DRC following which Rwanda sent troops to pursue them. When in 1998 President Kabila ordered all foreign troops out of DRC, the Rwandan backed Rassemblement Congolais pour la Democratie (RCD) attacked the government troops with the intention of ousting him. Military troops from Angola, Zimbabwe and Namibia thereafter intervened on behalf of the DRC government.

In February 1999, the Ugandan-backed Mouvement pour la Liberation du Congo (MLC) joined the fight and assumed control over northern DRC. By the summer of 1999, the country was effectively divided into three sections with 28 rebel groups in existence, each representing different political, economic and nationalist interests. The armed conflict reached a stalemate during this year following which a formal peace process was initiated.

# Peace Processes without Peace

**I**n July 1999, representatives from the government, RCD and MLC met in Lusaka, Zambia, to negotiate a ceasefire agreement and in August 1999 signed the Lusaka Accord, which established the political imperative to hold the Inter-Congolese dialogue (ICD). The accord stipulated that the ICD should include representatives of DRC's government, the armed opposition, the political opposition and civil society. Violence however continued and the designated time frames to implement the Lusaka Agreement and conclude the ICD were continuously missed.

In January 2001, Laurent Kabila who was accused of stalling the proceedings was assassinated and his 28 years old son, Joseph Kabila, was named the new head of state. The negotiations for the ICD commenced in Addis Ababa, Ethiopia, in October 2001 and were concluded in Sun City, South Africa, in February 2002. This resulted in a peace agreement that called for the immediate withdrawal of all foreign troops, the establishment of a transitional government and the holding of national elections.

In April 2, 2003, the delegates to the ICD including members of the civil society approved the Final Act, formally endorsing all previously signed agreements. Joseph Kabila would head a two-year transitional government with four vice-Presidents representing all the warring factions. However while this brought relative stability, foreign troops delayed their withdrawal from the east where they are accused of plundering DRC's natural resources and perpetuating various forms of violence. Following pressure from the international community and the UN peacekeeping mission in the Congo (MONUC), most of the foreign troops withdrew by 2006 and the first democratic election in over 40 years was held. Joseph Kabila was elected as President of the DRC.

In 2012, the formation of a new rebel group (Movement of 23rd March (M23)) worsened the armed conflict and instability. The M23 sought to push for

**Over 1.2 million have been displaced and it is reported that an estimated**

**400,000 women are raped each year.**



compliance with the agreement signed between the government and CNDP on March 23, 2009 in Goma. This however led to the displacement of more than 200,000 people. In 2013, however, the UN secured a regional agreement to end the M23 rebellion in eastern areas of DRC and the group's alleged founder Bosco Ntaganda surrendered to the International Criminal Court to face war crimes.

On February 24th 2013 the African Union (AU) alongside the leaders of the countries in the Great Lakes Region signed a Peace, Security and Cooperation (PSC) Framework for the DRC and the region. The Framework identified the key action points for the government of DRC, the region and the international community, as well as an oversight mechanism to address the root causes of the conflict and bring about peace in the country and the region.

A month later, on March 28th 2013, the United Nations Security Council adopted Resolution 2098 (2013) that re-enforced the AU PSC Framework and called for a newly designated Special Envoy for the Great Lakes Region. The Resolution also called for the extension of the mandate of the United Nations Mission to the Congo for another year including an 'Intervention Brigade' to neutralise armed groups.

## Actualising UNSCR 1325 in Conflict-ridden DRC

“... a significant portion of funding for 1325 implementation comes from donor institutions and bilateral inputs as well as civil society organizations working directly on the ground in the area of peace and security as opposed to the DRC government.”

With a conflict history of this nature, the National Action Plan on UNSCR 1325 presented a remarkable opportunity to refocus national initiatives on conflict prevention as well as streamline national actions and the focus on protection and women's participation in peace processes. However, despite the crafting and existence of this valuable plan, financing for implementation has still not been secured. The plan has therefore not yet been included in the budget or resource allocation priorities of the Ministry of Gender, Family and Children, which is charged with its implementation.

This gap in the allotment of funds for implementing 1325 is a major pitfall in the case of DRC. For instance, in 2011 government priorities focused on improving the country's infrastructure and on organizing the legislative and presidential elections. Following the resumption of conflict in the East in 2012, all financial support was thereafter focused on militarization and national security programs. As a result, a significant portion of funding for 1325 implementation comes from donor institutions and bilateral inputs as well as civil society organizations working directly on the ground in the area of peace and security as opposed to the DRC government.

Implementation of UNSCR 1325 and actualization of the NAP remains at the periphery of government resource allocation, programming and priorities. This raises concerns over the government's degree of commitment to implementing 1325 and transforming the situation of women affected by the conflict. It also poses questions concerning the scope of implementation and the potential for the resolution to bring about long-term structural changes.

Regardless of this state of affairs, several beneficial steps have been taken to entrench the principles of 1325 in the DRC. The government has reinforced its commitment by putting in place various laws and policy frameworks that support the pillars of 1325. Firstly, the 2006 Constitution in Article 14 highlights the need to eliminate sexual violence<sup>12</sup> and this is backed by the

12 Republique Democratique du Congo. Constitution de la Republique Democratique du Congo. 2006, revise en Mars 2011. <http://www.>

National Strategy to Fight Sexual and Gender Based Violence (SNLVBG), which was adopted in 2010 by the National Agency for the fight against Violence against Women (AVIFEM) set up in 2009.

Additionally, in 2009 the government put in place a National Fund for the Promotion of Women and Child Protection (FONAFEM), which is also supported by the Strategic Unit for the Promotion of Women, Family and Children created in 2009. Local and National Councils of Women, Children and Family were reinstated and strengthened and more policies were developed such as the Law No.09/001 on the protection of the child as well as Law No. 08/011 on the protection of rights of people living with HIV and AIDS.

In relation to women's participation in decision-making, the 2006 Constitution provides for parity within political parties, electoral positions and civil service. This is reinforced by Act No. 08/005, Act No. 001/2001, Act No. 81-003 and the National Gender Policy.

## PILLAR

## Prevention

**T**he enormity of the need to address and thereby reduce sexual violence against women in DRC is well known and the government's move to view it as a development problem to be tackled in the national Poverty Reduction Strategy Paper is a solid testament. DRC is a significant example of the relationship between gender dynamics, peace and development as well as the gains to be made by centering women, peace and security issues in the post-2015 development framework. However despite acknowledgment of the extent of the problem and the need for strong action, little progress has been registered on the part of government in reducing sexual and gender based violence against women.



Impunity for sexual violence is prevalent with statistics indicating that only 2 percent of reported rape cases are taken to court. Among those arrested and prosecuted for rape, a large majority remain unpunished or escape from prisons. In addition, senior level military officers continue to enjoy impunity for sexual crimes. For instance, of the 187 convictions by military courts for sexual violence between 2011 and 2013, only four were members of the armed group while the majority were soldiers, policemen and state agents. Among these, only three senior offices were convicted.

While DRC has made progress in terms of putting in place measures to promote justice for survivors such as testifying in private, a lot remains to be done to facilitate reporting, the justice process and protection of reporters. This is due to a broken justice system plagued by corruption, political interference and limited capacity of judicial and prison officers, which severely limits women's access to justice. A 2008 UN Joint Human Rights Office report found that a large number of survivors lack the ability to pay the required legal fees, medical fees and travel costs to attend court sessions, automatically denying them access to justice.

Survivors also reported a fear for their own and their families safety due to lack of protection mechanisms by judicial authorities and also cases of perpetrators or members of the same armed group threatening and attacking survivors who report cases. All this persists despite legal provisions forbidding intimidation of witnesses as these laws are not implemented. Despite government's considerable efforts to end impunity by prosecuting the perpetrators, the existing challenges limit real success in the reduction of cases of sexual violence.

## Participation

# PILLAR 2

**D**espite the existence of UNSCR 1325 at the time of the Sun City and Goma peace processes, women were excluded on the basis that they were not directly involved in the armed conflict. Participants in the negotiations were selected from government, the armed opposition, the unarmed opposition and some representatives of the civil society. Active participants in these negotiations were the Heads of State of the countries involved, the Ministers of Foreign Affairs, Ministers of Internal Affairs, Ministers of Defense and Majors in the armed forces all of which are political positions that women are systematically excluded from. As such women were not meaningfully represented at the peace negotiation table and only participated as observers and external influencers of the process.

In 2012 and 2013, all negotiations concerning the war in the Eastern part of DRC included the Congolese government as well as other countries affected by the conflict in the Great Lakes Region (Angola, Burundi, Congo Brazzaville, Kenya, Tanzania, Central African Republic, Zambia, Sudan, Rwanda and Uganda). However, women were excluded from these negotiations despite the significant effect of the armed conflict on women and the importance of including women's concerns and needs in peace building and post-conflict processes.

A 2012 report on UNSCR 1325 implementation in the DRC represents this with statistics indicating women's declining involvement in formal peace processes. In 2002 in Sun City women comprised 13.62% of the negotiating teams for the Global and Inclusive Agreement on Transition in the DRC<sup>13</sup>. Women then made up only 1.12% during the 2008 Goma Act of Engagement<sup>14</sup> process and this fell to 0% in the Peace and Security Cooperation Framework for DRC and the region<sup>15</sup> signed in Addis Ababa in 2013.

Despite increased institutional involvement, understanding and support for UNSCR 1325 in DRC, there have not been corresponding results. Regardless of this slow progress, women's groups and organisation have actively taken part in ensuring that 1325 is put into practice in DRC. One of the major successes of women's advocacy is the Gender Equality Law of November 2012, which now provides a 30% quota for women in Congolese institutions, with sanctions in cases of non-compliance. As a result women have been appointed to senior positions in the military and judiciary.

13 Accord Global et Inclusif. [www.docucongo.org/Frans/archief/accordglobal.html](http://www.docucongo.org/Frans/archief/accordglobal.html) 2002

14 Actes d'engagements de Goma du 23 Janvier 2008. [www.grandslacs.net/doc/4119.pdf](http://www.grandslacs.net/doc/4119.pdf)

15 Accord-cadre de sur la paix, la securite et la cooperation pour la RDC et la Region de Grands Lacs, 24 Fevrier 2013.

The budding civil society in DRC has placed great emphasis on the promotion of women's participation in political and peace-building processes through diverse long-term activities such as dialogue between women and men, and also with policy-makers. This has also been backed by advocacy and civic education in order to promote women's political participation and gender equality in local governance structures.

Women in civil society have championed the cause of women's participation in all public decision-making spaces with an emphasis on young women as well as rural women, by building their capacity to lead and to claim their space. These organisations also publish and widely disseminate international policy documents that promote the rights of women and decry discrimination against women and girls.

Despite all these efforts by civil society actors to ensure that women are involved and meaningfully participate in national efforts for peace and security, insufficient success has been registered. As such it is important that the implementation of the DRC NAP emphasizes the need to meaningfully include women, their needs and concerns in all planning, financing and implementation of national interventions for peace, security and development.

**PILLAR 3 | Protection**

**W**hile the government has expressed commitment to reduce women's vulnerability by protecting them from exposure to sexual violence and providing a protective environment, this has not been translated into significant action. Some of the achievements to this end include the externally funded enhanced Security Sector Accountability and Police Reform (SSAPR) programme, with a specific focus on sexual and gender-based violence, where judicial police officers were trained to deal with SGBV. From early 2013, this SSAPR has provided support to build civil society capacity to monitor how the national police handle SGBV cases, as well as increasing research and community sensitization on preventing SGBV.

Various measures have been put in place aimed at providing a protective environment for women and girls who are susceptible to sexual violence, such as strengthening the capacity of UN peace keepers. Since the mass rapes of 2010 and 2011 in North Kivu, MONUSCO increased its bases in the region and the capacity to deal with civilians with the goal of increasing protection from sexual violence. MONUSCO has since reported success in reducing the number of attacks on women during their daily lives. Despite these victories, efforts of this nature have not succeeded in significantly reducing sexual violence or the vulnerability of women and girls in DRC in general.

In implementing UNSCR 1325, a significant pitfall was the weak focus on displaced women in North and South Kivu which resulted in substantial rates of sexual violence with Internal Displaced Persons (IDPs) women seeking medical treatment from organisations such as Medecins Sans Frontiers (MSF). While MONUSCO provided protection services for women who left the camp for supplies or farming, their vulnerability while in the camp was not sufficiently addressed. As such, despite efforts from the region and by the international community, the security of women remains unstable, and there is a sense of resentment towards the UN Intervention force, as many believe that MONUSCO has not been effective in protecting women and girls.

In the same vein there has been a gap in the government's responses particularly in relation to guaranteeing physical safety for women. As such, women's organizations continue to lobby for gender responsive security sector reform. In addition women's organisation continue to call on government to effectively operationalise the policy and legal instruments that exist concerning protection of women and girls from SGBV.

**W**hile UNSCR 1325 calls for women's specific conflict and post-conflict needs to be addressed, the situation in DRC remains dire with regard to responses for survivors. Significant gaps remain in the provision of health services and psychosocial support to survivors of sexual violence. A health system with limited funding, insufficient human capacity all coupled with obstacles limiting women's access to health services have resulted in poor implementation of this pillar of 1325 in DRC.

A great majority of rape survivors have reported inability to access health services within the 72 or 48-hour period required for post-exposure prophylaxis (PEP) for HIV prevention or emergency contraception. Those who were able to access health units reported inadequate treatment, inconsistent provision of drugs and challenges such as lack of trust in the confidentiality of medical personnel, long distances from health units and lack of funds for transport due to poverty.

In addition, there are few health centres able to respond to the specific needs of women who have been raped. As such women report inadequate service because they are only provided PEP and basic health care. Special health services such as treatment for rape mutilations or fistula and specialists such as gynaecologists are often unavailable in rural areas. In addition, while survivors receive valuable counselling, they do not have access to comprehensive psychosocial support and their mental health needs remain unfulfilled.

On the other hand, the existing healthcare personnel report low salaries, poor working conditions, overwhelming workload and lack of capacity building opportunities particularly for the counselling of survivors. While civil society actors<sup>16</sup> have played a strong complementary role with a strong focus on HIV/AIDS prevention and providing psychological support, national funding and programming needs to be adjusted to address these significant gaps in 1325 implementation.

## Conclusion

**T**he magnitude of the problem of sexual and gender based violence in DRC cannot be overestimated, as such the NAP presents a valuable opportunity that should be seized to systematically address this problem and make progress towards national peace, security and development. However, despite a solid implementation mechanism and clear goals articulated in the NAP, without sufficient funding and political will to comprehensively implement the strong National Action Plan, it is unlikely that significant achievements will be realised in the implementation of 1325 in DRC.

The post 2015 framework is in a position to address these bottlenecks in line with goals such as goal 12, which focuses on creating a global enabling environment and long-term finance, by stressing resource allocation for women's needs this framework would make a significant contribution to the development reality in DRC. It is also clear that if women's conflict and post-conflict needs are not prioritised then the stable and peaceful societies this framework seeks, would not be a reality. As such a post 2015 agenda that supports institutions to prioritise women's needs and also serves as an accountability mechanism would contribute to 1325 implementation as well as overall peace, security and development.

<sup>16</sup> Organisations include; Cadre Permanent de Concertation des Femmes Congolaises (CAFCO), Promotion and Support of Women Initiatives (PAIF), Women International League for Peace and Freedom in DRC (WILPF/DRC), Centre for Studies on Justice and Resolution 1325 (CJR 1325), Ligue des Femmes Congolaises pour Les elections et Le Developpement (LIPED), African Women Minister's and Parliamentarians Network (REFAMP), Caucus of Women – South Kivu, Foundation Internationale de la Femme Africaine (FIFAD), Association des Femmes Juristes Congolais (AFEJUCO), Solidarite des Femmes Activistes pour la Defense des Droits Humains (SOFAD), Synergie des Femmes pour les Victimes de Violences Sexuelles (SFVS), National Support Centre for Development and Participation (CENADEP), Collectif des Associations des Femmes pour le Développement (CADEF), Association des Femmes des Médias (AFEM), Femmes en Action pur le Developpement Intégré (FADI) and Energy for Peace in the World.

# Nepal

## At the Crossroads of Peace and Post-Conflict Reconstruction for Women

### Background

**N**epal experienced a decade of armed conflict as the government and the Communist Party of Nepal (Maoists) remained at loggerheads. This conflict was characterised by insurgencies sparked off by dissatisfaction with striking levels of inequality and discriminations based on gender, caste and class. As such, the Maoist action was a response to abuse of power, poverty, unemployment and a lack of access to opportunities.

During the decade of violence that started in 1996 over 13,000 lives were lost, up to 200,000 were displaced, over 1,000 involuntarily disappeared with more than 4,000 women losing their husbands, and hundreds of women experiencing sexual violence<sup>17</sup>. As a result of this conflict, women who were raped were ostracised and forced to raise their children singlehandedly. Some women committed suicide and many others suffered long-term mental distress.

In 2006, the Comprehensive Peace Accord (CPA) was signed and this brought an end to the warring. However, women in post-conflict Nepal continue to suffer the effects of the conflict. The women who joined the armed groups to escape gender-based oppression and gain liberties, face difficulty reintegrating due to social stigma and pressure for them to return to traditional gender conventions. In many instances, they lack community or family support and due to limited financial opportunities turn to human trafficking and commercial sex work<sup>18</sup>. In addition, cases of gender-based violence in post-conflict Nepal continue to persist.

While the transition has posed specific challenges for women, the end of the armed violence resulted in certain benefits. It paved way for multiple transitions and Nepal has since changed from a monarchy to a republic; from authoritarianism to democracy and human rights; from a hegemony to an inclusive and participatory system of governance; from a state pervaded by one religion to secularism; and ultimately from a heavily centralized unitary system to one characterized by decentralization and autonomy at the regional and local levels<sup>19</sup>.

17 Keeping the Beijing Commitment Alive...Nepal NGO Report on Beijing +15. National Network for Beijing Review, Nepal. SAATHI (2009)

18 Colekessian and Barr, "Reintegrating Female Ex-Combatants: Good Practices and Lessons Learned in Disarmament, Demobilization and Reintegration of Women and Girls," p. 4

19 Nepal Human Development Report 2009; State Transformation and Human Development. UNDP. Kathmandu, Nepal (2009)

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## **Actualising UNSCR 1325 in Post-Conflict Nepal**

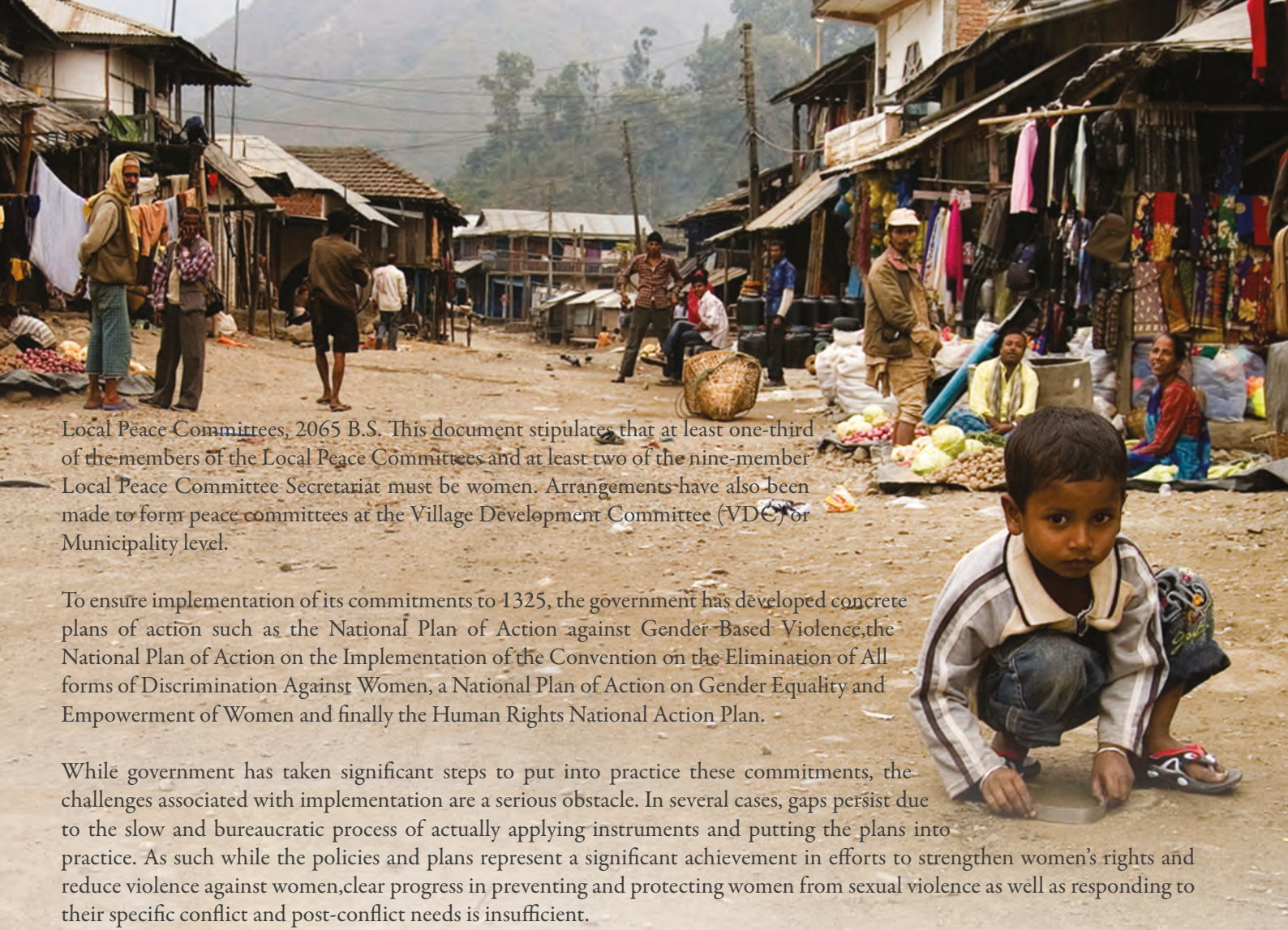
**N**epal was one of the first countries in Asia to acknowledge UNSCR 1325 as a key landmark in the history and future of women in peace as well as conflict. As a result, the government of Nepal took quick action as the first country in South Asia to put in place a National Action Plan (NAP) for the implementation of UN Security Council Resolutions 1325 and 1820.

The government conducted a significant nationwide consultation process that involved a wide range of state and non-state stakeholders who contributed to the NAP design. In February 2011, the government launched the National Action Plan to guide its efforts to implement UNSCR 1325 and address women, peace and security issues in the post-conflict context of Nepal.

Several laws, policies and action plans have been put in place by the government of Nepal in an attempt to address issues pertaining to the security and rights of women in line with UNSCR 1325. To start, the Interim Constitution in articles 13 and 20 guarantee women's rights and their right to equality. The Constitution states that all citizens are equal before the law and shall not be denied equal protection. Gender based discrimination is also deemed as punishable by the law. The government also expressed its commitment to equally guarantee the fundamental rights of women and men.

In even more direct relation to UNSCR 1325, the government passed a Human Trafficking and Transportation (Control) Act, 2064(2008) formulated to ensure protection from threats to physical safety. The law addresses the sale and purchase of a person and forced prostitution all of which women in post-conflict Nepal are susceptible to. Similarly, the 2009 Domestic Violence (Offence and Punishment) Act, 2066 was an important effort at state level to prevent and mitigate sexual and gender-based violence against women, by making it punishable under the law. These have all been fortified by the National Women's Commission Act(2064 BS).

The government also issued gender-sensitive Procedural Conditions for the formation of



Local Peace Committees, 2065 B.S. This document stipulates that at least one-third of the members of the Local Peace Committees and at least two of the nine-member Local Peace Committee Secretariat must be women. Arrangements have also been made to form peace committees at the Village Development Committee (VDC) or Municipality level.

To ensure implementation of its commitments to 1325, the government has developed concrete plans of action such as the National Plan of Action against Gender Based Violence, the National Plan of Action on the Implementation of the Convention on the Elimination of All forms of Discrimination Against Women, a National Plan of Action on Gender Equality and Empowerment of Women and finally the Human Rights National Action Plan.

While government has taken significant steps to put into practice these commitments, the challenges associated with implementation are a serious obstacle. In several cases, gaps persist due to the slow and bureaucratic process of actually applying instruments and putting the plans into practice. As such while the policies and plans represent a significant achievement in efforts to strengthen women's rights and reduce violence against women, clear progress in preventing and protecting women from sexual violence as well as responding to their specific conflict and post-conflict needs is insufficient.

## PILLAR

# 1

## Prevention

**I**n implementing the first pillar of UNSCR 1325 in Nepal, the importance of linking women, peace and security issues to sustainable development at local and global levels is very apparent. In order to effectively implement this pillar, it has been acknowledged that the focus should not be solely preventing sexual violence in conflict and post-conflict, but also preventing conflict or other forms of gender-based violence and achieving lasting peace as well as the basis for development.

In addition to the policies and plans put in place, the government has made efforts such as declaring 2010 the year to combat gender based violence and establishing a unit within the Prime Ministers' office to monitor SGBV related complaints for further government action. Despite these accomplishments in preventing the perpetration of SGBV, experience has shown that these efforts have not achieved much due to regular interference in the judicial process and corruption of the judicial system by political parties in cases implicating their members. As such the Police itself may not file a woman's case if the alleged perpetrator is a party member and so the agents who should provide protection are actually promoting impunity for crimes of sexual violence against women.

Consequently, there still remains a need to promote preventive measures and adequately address the security concerns of women in order to curb the prevalence of SGBV. It is important that specific measures are directed towards security actors and institutions to ensure that they are accountable in implementing UNSCR 1325.

Gaps in the realization of UNSCR 1325 with relation to prevention have resulted from the exclusion of civil society actors influence after the design phase of the NAP. As such, there continues to be a disparity between community level issues and national level decisions or responses. Women's groups therefore continue calling for more comprehensive collaboration between all actors implementing 1325 so that the UN bodies, government and development actors are best equipped to reduce local women's experiences of all forms of gender-based violence during and post-conflict.

## Participation

## PILLAR 2

**N**epal has registered noteworthy progress in increasing the participation of women in decision-making levels in national institutions and mechanisms related to prevention, management, and resolution of conflict. The government should be credited for the mandatory provision, which has ensured at least 33% women's participation in the local peace committees formed in every district, municipality and the village development committees. The House of Representatives that was reinstated following the restoration of democracy in 2006 also passed a resolution for ensuring 33% women's participation in all organs of the State.

Following the resolution, sixteen members in the committee preparing the Interim Constitution of Nepal in 2007 were women. Similarly, out of the total 330 members in the Interim Parliament, 57 were women and there are 197 women out of the total 601 members in the present Constituent Assembly<sup>20</sup>. In addition to this, the Constituent Assembly also has diverse representation from the indigenous community, Madhesi, Dalit and other marginalized communities.

While state-initiated efforts to promote women's participation in decision-making cannot be denied, in practice this meaningful involvement has not been reinforced and women's concerns continue to be sidelined. Male-centred governance issues take priority over women's specific concerns and Nepal's patriarchal context is reflected in the organizational structures of various parties and government bodies. Women seem to have influence in smaller parties but they face obstacles in the decision-making and Constitution building processes at the national level and in larger political parties.

This was evidenced in the peace process where although women organized protest rallies in great numbers to end the armed conflict and party leaders including the Maoist leaders initially appeared to include women in their ranks, they later failed to include women in the formal peace talks. In the same regard, during the post-conflict development processes, the grassroots women in Nepal who bore the brunt of the conflict were largely excluded. This was reflected in the detachment between community-level experiences and the national or international level processes.

Additionally, the implementation of 1325 has not taken a deliberate effort to include the youth and especially young women. Consequently, while women's participation in conflict resolution, post conflict reconstruction and peace building have received some much-deserved attention in recent times the progress is slow. "The role of women in peace processes generally continues to be viewed as a side issue rather than as fundamental to the development of viable democratic institutions and the establishment of sustainable peace."<sup>21</sup>

Nevertheless women's participation in decision-making has yielded positive results and has transformed peace processes and security institutions. This has also contributed to improving the status of women as in certain instances women have managed to change the agenda<sup>22</sup>. Reports highlight the contributions of multiple marginalized women who have influenced the process of negotiating a new Constitution, raising issues concerning Dalit rights and gender-based violence. Women are also actively addressing conflict dynamics, such as cross-border violence in Nepal, which were neglected by international and national-level policy-makers<sup>23</sup>.

20 Nepal National Action Plan on Implementation of the United Nations Security Council Resolution 1325 & 1820

21 United Nations Security Council, "Report of the Secretary General on women, peace and security" 17.

22 From resolution to reality, "Lessons learned from Afghanistan, Nepal and Uganda on women's participation in peace building and post-conflict governance". CARE Report 2010.

23 Ibid.

## Protection

**T**

he Interim Constitution of Nepal, 2007 stipulates that all citizens are equal and shall not be denied equal protection. As such, the government agencies responsible for law enforcement are also charged with guaranteeing the safety of women and girls in Nepal. However, evidence indicates that vulnerable group of women and girls who are at risk of sexual violence have not benefited from the implementation of this pillar of 1325.

Firstly, the law's definition of rape is too narrow, discriminatory and consequently does not provide enough of a disincentive for rape. In addition, the agencies charged with providing security are often the perpetrators of the sexual crimes against women. Moreover, due to corruption and infiltration of criminal elements within political parties, these perpetrators are seldom arrested or punished for these crimes. As such women and girls are not assured of the protection provided for in the NAP or Nepal's Constitution.

In many circumstances, women's human rights defenders (WHRDs) are also susceptible to violence when they speak out against SGBV and the police threaten or perpetuate discrimination against them. In addition, no specific effort or measures have been established to ensure the safety of women human rights defenders who are susceptible to sexual violence as a punitive attack for their work.

Women and girls continue to suffer disproportionately from sexual violence within homes, while going about their daily activities in the community and by state agents. The post-conflict context also makes them vulnerable to human trafficking and while laws exist to criminalise this, implementation is lacking. This continued absence of accountability for crimes of sexual violence and the long-standing culture of impunity mean that post-conflict Nepal is a site for continued threats to women and girls safety.

While various initiatives have been put in place, their effectiveness has been low. For instance, the hot-line service set up by the Office of Prime Minister did not succeed in increasing reporting rates due to low confidentiality and limited awareness of the service. The focal Ministry of Women, Children and Social Welfare do not have a comprehensive funded programme specifically focused on addressing violence against women. In addition the Women Development Office that is the government focal point and mechanism for women to report their cases of SGBV, has not succeeded due to a shortage of human and financial resources.

As a result, despite implementation of 1325 in Nepal, women and girls have not experienced a decreasing rate of sexual violence or increased safety and protection from SGBV. There is therefore a strong need for more concrete progress particularly in relation to providing survivor-friendly response and protection mechanisms as well as addressing the kinks in the current implementation.

## Relief and Recovery

**T**

he Interim Constitution of Nepal 2007 has provisions related to the state's responsibility to provide appropriate compensation to the families of people killed in the course of the armed conflict and for the assistance, rehabilitation and respect of those rendered disabled or incapacitated due to the conflict. However, there is an enormous gap in terms of guidelines and mechanisms for the recovery, rehabilitation and socioeconomic integration of survivors

of sexual violence as a result of conflict.

Women and girls who survive rape are often left to fend for their specific health, psychosocial, legal justice and reintegration needs particularly in rural areas. In addition, the state does not provide special services such as psychosocial support and gynaecological health services for survivors of rape and other forms of SGBV. The 15 short-term service centres set up by government provide general services and survivors are often left to deal with their psychological trauma and physiological effects of rape. The governments health units are not equipped in terms of medical personnel, capacity and equipment and are therefore unable to support women survivors' specific recovery.

To this end women's groups are intensifying their demands for accountability on government spending and insisting on the allocation of resources for human security as opposed to the high military spending. There is also a need for government to specifically allocate a significant amount of funds to rehabilitation and recovery of these victims of sexual violence, in accordance with this pillar of 1325.

## Conclusion

**D**espite elaborate national policy frameworks, Nepal still faces enormous challenges in the struggle to translate into practice the instruments that actualise UNSCR 1325. One of the key challenges of the implementation of plans and policies on women, peace and security is a lack of political will on the part of government. This is coupled with poor coordination and a lack of human and financial resources to implement such policies and laws as well as the absence of a strong accountability mechanism for enforcing implementation<sup>24</sup>.

As a result, the National Action Plan on UNSCR 1325 and 1820 has been criticized for its lack of a systematic approach, which makes it difficult to measure the impact of the implementation. It suffers from weak linkages between those responsible for the implementation within ministries some of whom are not even aware of its existence<sup>25</sup>. The success of the NAP also depends on effective cooperation among different stakeholders responsible for implementation, coupled with grassroots support. As such, the State should uphold its responsibility and ensure that the existing system for implementation and channeling financial resources includes and targets grassroots levels women's organizations and groups.

Ultimately, while progress has been made in implementing UNSCR 1325 in Nepal, gaps and challenges still exist that need to be addressed. It is also clear that the issues associated with the limited actualisation of 1325 are development issues linked to the health, judicial and security sectors among others. As such any discussions on a long-term development agenda cannot expect to have concrete results without addressing the elements of gender, peace and security that are interdependent.

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24 From resolution to reality, "Lessons learned from Afghanistan, Nepal and Uganda on women's participation in peace building and post-conflict governance". CARE Report 2010.

25 Nepal National Action Plan 1325 & 1820, "Next steps to support the implementation of monitoring and evaluation of the NAP on the implementation of the United Nations Security Council Resolutions 1325 and 1820", Saferworld, April 2012.

# South Sudan

## Grappling with Women's Peace and Security amid Fragility



### Background

**F**ollowing independence and the creation of an autonomous Republic of South Sudan in July 2011, the ten states were ripe and expectant for a new South Sudan progressing towards sustainable peace and development. Women in the deeply patriarchal country were hopeful for a future that addressed gender equality and their empowerment in order to curb the endemic levels of sexual and gender based violence in private and public spheres, the oppressive customary practices such as child and forced marriages as well as girl-child compensation which further violated their rights and promoted society's perception of women as inferior.

In line with the South Sudan people's expectations for their transition out of fragility, the government embarked on the Constitutional review process, the national security policy development process as well as piloting the 'New Deal' a novel aid architecture for post-conflict or fragile countries. South Sudan proceeded to develop a compact to implement this with both state building and peace building goals which included the need to implement UNSCR 1325 by ensuring it is reflected in national priorities, planning and financing.

To support the plans to actualise 1325 in South Sudan, UN Women and other donor agencies partnered to carry out a baseline study, which stressed the need for more action to promote the peace and security of women in South Sudan and also informed the design and implementation of a National Action Plan (NAP). The Ministry of Gender and Social Welfare, UN Women, the Joint Donor Team for South Sudan and Eve Organisation for Women Development gathered representatives from national and state level CSOs and government ministries to determine priority issues for South Sudan under each pillar.

The priority issues for 1325 implementation included sexual and gender based violence, access to justice, access to education, women's political participation and the need to incorporate into the NAP, women's rights treaties such as the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). Following national consultations, the NAP was developed however only two weeks after validating the plan, the current conflict broke out<sup>26</sup>.

Currently, over six months into the conflict many women suffer increasing levels of marginalisation, they are exposed to deeper insecurity as well as sexual and gender based violence and lack access to basic social services. In addition, despite being validated, financing for the NAP has not been secured and therefore without a budget for implementation of 1325, the capacity for women's protection, meaningful participation and the provision of their conflict-specific needs remains simply as a document.

The situation in South Sudan clarifies the centrality of women's peace and security issues to a nation's development and stability. Without practically addressing these wide reaching concerns and promoting gender equality and women's empowerment, even the overarching goals of the New Deal aid architecture cannot be achieved as the country would not be able to truly transition out of fragility if women's peace and development remains marginalised. As such, the post 2015 development framework must appreciate the value of prioritising women, peace and security to ensure sustainable development particularly in conflict and post-conflict countries.

**“...over six months into the conflict many women suffer increasing levels of marginalisation, they are exposed to deeper insecurity as well as sexual and gender based violence and lack access to basic social services.**

**”**

26 Thankfully in August 2014 the Government domesticated CEDAW a step in the right direction towards the realisation of women rights in South Sudan.

## Decades of Violent Conflict and Simmering Instability

**F**or decades South Sudan had been subject to political, economic, and cultural domination and marginalization by the apparatus of the Sudanese state in the North. The political leadership of the North was not as concerned with the people of the South as they were with South Sudan as a real estate and a resources base. The gap between the South and the North, which over the years widened in most respects, was heightened through the exclusionary practices against South from the political process regarding their quest for independence as if Southern Sudanese had no say in the destiny of their own country<sup>27</sup>.

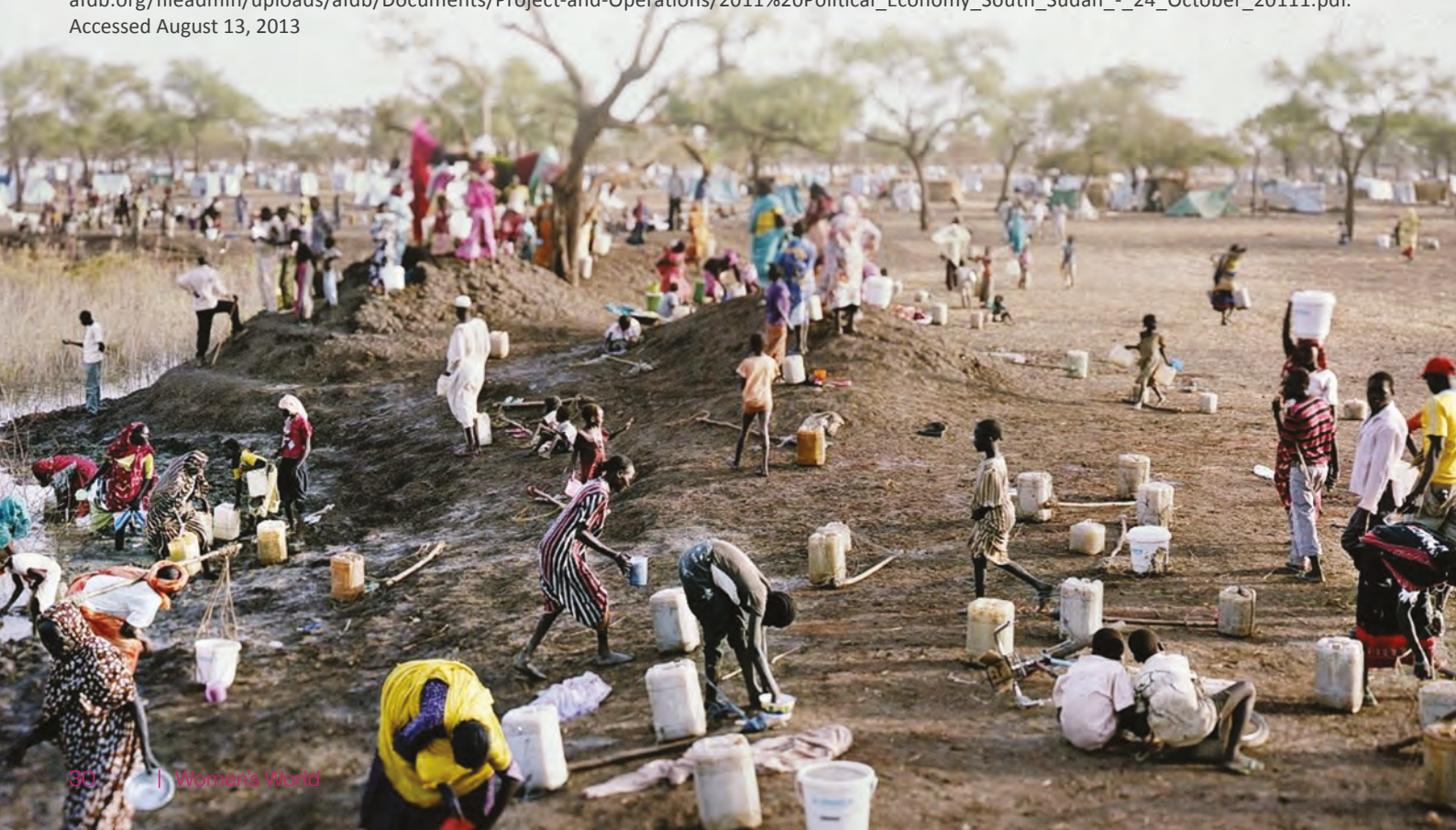
Thus, the lack of clear recognition by the political leaders of the North for the concerns of the South gave birth to the first civil war less than four months before independence in 1955. The war was led by the South Sudan Liberation Movement and its military wing, the Anya-nya, and aimed at the independence of the South<sup>28</sup>. Given the worsening situation, a new rebellion Anya-nya Two was born to mobilize the South into a full-fledged return to a liberation struggle under the leadership of the Sudan People's Liberation Movement/Army (SPLM/A). This time, however, the objective was to create a New Sudan free from any form of discrimination on the grounds of race, ethnicity, religion, culture or gender that would challenge the Arab-Islamic hegemony over the whole country and not just over the South.

Consequently, South Sudan has long been a field for civil war with threats remaining to date in its peripheral regions around the country such as the Nuba Mountains, Southern Blue Nile, Abyei, eastern Sudan, and Darfur<sup>29</sup>. As such, the region's predominantly rural, subsistence economy has been devastated and negatively affected during the long episodes of civil war (1955-72, and 1983-2005), resulting in grave neglect, lack of infrastructure development, major destruction and displacement.

27 Riek Machar (1995), South Sudan: A History of Political Domination- A Case of Self-Determination, University of Pennsylvania, African Studies Center.

28 Riek Machar (1995), South Sudan: A History of Political Domination- A Case of Self-Determination, University of Pennsylvania, African Studies Center

29 Kameir, W. E. The Political Economy of South Sudan: A Scoping Analytical Study. The African Development Bank. Available at [http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/2011%20Political\\_Economy\\_South\\_Sudan\\_-\\_24\\_October\\_2011.pdf](http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/2011%20Political_Economy_South_Sudan_-_24_October_2011.pdf). Accessed August 13, 2013



Over 2 million nationals have been killed, and more than 4 million internally displaced or turned into refugees in neighbouring countries and other parts of the world. South Sudan's Central and Western Equatoria states have also over the years received refugees from the Democratic Republic of Congo (DRC) and the Central African Republic (CAR) fleeing attacks by the Lord's Resistance Army (LRA).

However, the decades of civil war ended in 2005 with the signing of the Comprehensive Peace Agreement (CPA) and its five Protocols<sup>30</sup> between the Government of Sudan and the Sudan People's Liberation Movement (SPLM). Even though war was declared to be over by the signing of the CPA, persistent insecurity continued to afflict various parts of South Sudan. Communities remained vulnerable to violent conflicts and the government was yet to successfully disband or integrate irregular armies as well as demobilize surplus forces. A culture of war coupled with the proliferation of, and easy access to, small arms sustained this violence. With too few productive opportunities for the large youth population, lack of physical infrastructure, especially outside of urban areas, and chronic capacity deficits at all levels of government and society, insecurity remained a critical concern across South Sudan.

The simmering instability in South Sudan has been attributed to tribal propensity to violence, Sudanese Armed Forces (SAF), NCP-instigated border feuds and the Ugandan Lord's Resistance Army (LRA). Internal conflicts however are symptoms of underlying political, managerial and economic causes. While the government of South Sudan has worked hard to resolve conflicts, low-intensity violence and lawlessness continue to abide in areas, such as Jonglei, Unity and Upper Nile. In addition there is a strong belief locally that conflicts between tribes, though demarcated along tribal lines, are attributable to manipulation of ethnic cleavages by political and military elite for self serving purposes, as well as economic and environmental change, population movements, and access to and control of natural resources

**“The absence of security and the ubiquity of armed men have worsened the prevalence of sexual violence.”**

As such the outbreak of violence that erupted in December 2013 following a clash between army factions loyal to President Salva Kiir and those loyal to Vice President Riek Machar was not completely unforeseen. This conflict has been attributed to fundamental grievances related to power sharing, Constitutional reform, resource management, governance, disarmament and demobilisation. This has resulted in deliberate disregard of human rights with mass killings, arbitrary detentions, abductions and sexual violations against women and girls. Ethnic communities, particularly Dinka and Nuer have been pitted against each other and this has led to civilians joining in ethnically motivated acts of violence and revenge attacks.

Over one million people have fled their homes, 950,000 are displaced within South Sudan, 290,000 have sought refuge in neighbouring countries and 80,000 are seeking shelter at United Nations Mission in South Sudan (UNMISS) bases with an undefined number displaced in remote areas with little or no access to humanitarian assistance, clean water or food. The absence of security and the ubiquity of armed men have worsened the prevalence of sexual violence as women increasingly report cases of sexual assault, gang rape, sexual mutilation and sexual slavery by government, opposition forces and civilians. Ethnically motivated sexual violence against women has become rife and is being used as a revenge tactic with armed groups of men carrying out premeditated gang rape<sup>31</sup>.

As such, while the IGAD sponsored peace talks are in adjournment, women and girls continue to be vulnerable to sexual and gender based violence in the conflict-ridden South Sudan and do not have their specific needs met particularly basic social services or access to humanitarian assistance. The implementation of UNSCR 1325 is even more crucial in this context and during this period.

30 These were: Power Sharing Protocol, Wealth Sharing Protocol, Security Arrangements Protocol, Protocol on the Resolution of Conflict in Southern Kordofan/ Nuba Mountains and Blue Nile States, and the Protocol on the Resolution of Abyei Conflict.

31 Voice of America, February 19, 2014, Women Bear Brunt of South Sudan Conflict

# Actualising

## UNSCR 1325 in a Fragile South Sudan

**S**outh Sudan has expressed its commitment to implement UNSCR 1325 by acceding to and putting in place various international instruments and policy frameworks which promote gender equality, women's participation, the prevention of and protection from sexual and gender based violence against women and girls. For instance, it signed and ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and adopted the African Union's Post-Conflict Reconstruction and Development strategy which emphasises the requirement for gender mainstreaming in nation and state building efforts.

At national level, South Sudan amended the 2005 interim Constitution to produce a transitional Constitution (2011) that favours women's participation and promotes gender equality. Article 16 clearly states that women are of full and equal dignity as men and therefore have equal rights to property, to inheritance and equal pay for work. The same Constitution supports the prevention of SGBV by requiring government to enact laws that combat customs and traditions that undermine the dignity and status of women<sup>32</sup>. In support of women's specific needs, the Constitution demands that pregnant and lactating women are provided adequate maternal and childcare as well as overall medical care.

**“At national level, South Sudan amended the 2005 interim Constitution to produce a transitional Constitution (2011) that favours women's participation and promotes gender equality.”**

Since the signing of the CPA, South Sudan had committed to promoting women's political participation through a quota system that ensures gender parity in government. The 2011 Constitution reinforces this by putting in place a quota of 25 percent representation for women at executive and legislative levels. Additionally, a Ministry for Gender and Social Welfare was formed and the government committed to appoint Gender Focal Point persons assigned to each ministry. Several development partners have provided funds in support of gender mainstreaming across sectors, to build the gender ministry's capacity and economically empower women and girls through a national programme.

Nevertheless, due to insufficient financial resources, the gender focal point positions have not been established and the Ministry has not been able to have an impact due to its extensive mandate including religious affairs and a minuscule budget, which is less than 1 percent of the total GoSS budget<sup>33</sup>.



32 Article 16.4.b of The Transitional Constitution of the Republic of South Sudan (2011).

33 Ali, M. N. 2012. Gender and State Building in South Sudan. Special Report. United States Institute of Peace. Available at [www.usip.org/sites/default/files/resources/SR298.pdf](http://www.usip.org/sites/default/files/resources/SR298.pdf)

Another stumbling block in the successful implementation of 1325 in South Sudan lies in the contradictory fact that the same Constitution, which promotes gender equality, also recognises customary law, which discriminates against women and promotes practices against women's bodily integrity such as wife inheritance<sup>34</sup>. In addition, the country does not have specific laws addressing violence against women and while the Penal Code Act (2008) criminalises rape, it excludes sexual violence within marriage<sup>35</sup>. Consequently, with families' preference for customary justice, cases of sexual violence are often unpunished and clan heads or traditional leaders promote the negotiation of settlements instead of punitive action, which perpetuates SGBV<sup>36</sup>.

As such, while the National Action Plan on 1325 represents a significant accomplishment, there remains a need for a more enabling legal and policy environment to promote the implementation of 1325 in South Sudan.

## Prevention

### PILLAR

# 1

**W**omen in South Sudan have over the years mobilised across religious and ethnic lines to develop and promote a common vision for peace and the resolution of the various conflicts within the country. As such, they have played a significant role in informally implementing the prevention pillar of UNSCR 1325. During the on-going peace process, while the mainstream focus was on forging an agreement between the two conflicting parties, the recommendations of women to IGAD and the AU Peace and Security Council, through the Norwegian Special Envoy to South Sudan were focused on preventing violence by addressing root causes of the conflict to avoid recurrence as well as the unresolved issues in the CPA<sup>37</sup>.

The South Sudan Human Rights Commission (SSHRC) which is the government body charged with monitoring, documenting and reporting human rights violations has also played a role in highlighting the need to prevent violations associated with the on-going conflict including sexual violence. Despite being constrained financially and logistically, the SSHRC has been able to challenge government to expedite investigations and prosecutions, to stop its forces from committing human rights violations and to ensure humanitarian agencies' access to the conflict-affected areas<sup>38</sup>.

Regardless of this, the high level of impunity in South Sudan not only remains as one of the main drivers of the conflict but also a major hindrance to the implementation of 1325 particularly in terms of reducing conflict or preventing physical and sexual gender based violence. The state is unable to bring perpetrators of physical violence and SGBV to justice or prevent revenge attacks, thus increasing the incidence of violence. South Sudan also lacks a functioning judicial system and therefore there is no legal deterrent to prevent the perpetration of violence particularly in an environment where law and order are not maintained.

In addition, the state lacks the required human and material resources within the police and judicial systems, to carry out its role to this effect. Law enforcement services are weak, and the police is under trained and under-resourced particularly concerning cases of gender-based violence<sup>39</sup>. This is worsened by the existence of parallel customary and statutory systems coupled with the population's preference for the inequitable customary courts, which hamper efforts to prevent or discourage sexual, and gender based violence. As a result, women have not reported successes or improvements in relation to measures put in place to prevent the occurrence of sexual and gender based violence against women and girls in South Sudan.

34 Nada Ali, "Women and HIV/AIDS in South Sudan," in F. Babuenzar and O. Stern, eds., *With Pain, Hope, and Patience: The Lives of Women in South Sudan* (Cape Town: Institute for Justice and Reconciliation, 2011)

35 Government of the Republic of South Sudan (2008b)

36 The Human Security Baseline Assessment for Sudan and South Sudan (2012). Women's Security and the Law in South Sudan [www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/south sudan/womens-security/HSBA-women-security-law.pdf](http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/south%20sudan/womens-security/HSBA-women-security-law.pdf)

37 Isis-WICCE, 2014, *Peace at All Costs: South Sudanese Women Leaders Consultative Meeting and Engagements at the African Union*

38 Amnesty International, 2014, *Nowhere Safe: Civilians Under Attack in South Sudan*

39 Government of the Republic of South Sudan (2008b)

**W**hile the government of South Sudan committed to promote women's participation and institutionalised a 25% quota for women to take part in senior political leadership, this commitment has been undetectable during the on-going peace process. While the government and the opposition had three women each in the negotiating team in the Addis Ababa peace talks, these women did not represent the concerns of the general population of the women of South Sudan.

### PILLAR 2

Despite efforts by the former Minister of Social Development and SPLM deputy chairperson to ensure that a woman took part and specifically presented women's priorities, the acting lead negotiator and Minister of Information insisted that the delegation was appointed by Presidential degree and therefore gender representation was not important.

As such, in the absence of the government support for women's meaningful participation in the resolution of the conflict and the peace process, women leaders formed a coalition, 'the South Sudan Women Operational Group' to ensure their involvement and the inclusion of women's concerns in the Addis Ababa peace talks. This group of women parliamentarians, peace activists, civil society leaders and grassroots women presented their request for participation in the peace process to the President and the parliament with no success.

Undeterred, the women of South Sudan met the chief negotiator prior to the signing of the Cessation of Hostilities Agreement and the Agreement on the release of political prisoners in order to ensure that women's concerns were included in the discussions and the resulting agreements. The women called for a gender responsive cessation of hostilities agreement that specifies the cessation of rape, SGBV and abductions; a gender responsive New Deal; women to form 25 percent of the negotiation team; inclusion of women in government's peace building initiatives; and support for women addressing humanitarian needs in vulnerable communities.

As a result, the women were invited to witness the signing of the cessation of hostilities agreement, which however did not deliver on the promise of peace. Nevertheless, women continued to take action to influence the peace process by meeting the UNSG Special Envoy for the Great Lakes Region and the AU Commissioner for Political Affairs to press for the need to resolve the conflict, end sexual violence in conflict and prioritise issues of humanitarian assistance. Women also met with the UN Women Representative to the AU to share the specific demands of women and to press upon the Heads of State through UN Women, the need to meaningfully involve women and include their specific concerns.

While women went to great lengths to ensure the actual implementation of 1325, the government, which committed to promote women's participation in peace processes with the very tangible evidence of the 1325 NAP, fell short. This is evidence of the low level of political will to actually implement 1325 in South Sudan. Women report the same minimal political will on the part of the international sponsors of the Addis Ababa peace talks who did not allot specific funds for women's participation or influence the main conflicting parties to meaningfully involve women and their specific concerns.

### PILLAR

### 3

## Protection

**I**mplementation of the third pillar in South Sudan is very poor as women's safety, physical and mental health is not assured and neither are their rights respected. One of the main reasons for this lack of protection for women and girls is the important role customary law plays, particularly because it undermines women's rights and perpetuates unjust gender relations. As a result, the wellbeing and safety of a woman is overlooked in favour of social cohesion and preserving the family. So instead of punishing cases of rape and other forms of sexual violence, customary law does not punish the perpetrator or seek redress for the survivor but instead promotes reconciliation and compensation at the expense of women. Consequently with customary law prevailing over

statutory law within communities, women and girls are still not assured of their safety or rights.

While the Minister of Justice declared that a death penalty would be the punishment for perpetrators or inciters of rape during the conflict, the government of South Sudan still does not have the capacity to document, investigate or prosecute these crimes of sexual violence. As such, women and girls continue to remain highly vulnerable even in UN bases where they report cases of sexual harassment especially at night. The deputy head of UNMISS also admitted to challenges in ensuring the protection of women and girls in a highly militarised environment. This has posed specific challenges for UNMISS' provision of protection particularly in government or opposition held areas as the levels of vulnerability for women and girls are heightened in these areas with armed combatants and an absence of law and order.

The weak security sector in South Sudan has also affected this aspect of 1325 implementation as the country has a low number of security agents whose presence and impact has been weak around the country. The police lack personnel, training and equipment to provide security for women and girls or respond in a timely manner to reports of security threats. In addition, various members of the military continue to act like members of a rebel force and instead of providing security, perpetrate the sexual violence against women and girls. The South Sudanese army reported the arrest of about 100 soldiers for abuses including rape at the beginning of the conflict outbreak<sup>40</sup> however there is no information on the prosecutions as well as other specific measures taken by the government to curb this practice.

Due to internal displacement, the disintegration of the community protection mechanisms and high levels of insecurity, about 10,000 IDP women and girls face higher risks of sexual violence and lack access to health services. Due to their displacement, these women are unable to quickly access aid workers and report their cases within the 72 hours required to access post-exposure prophylaxis or emergency contraception. In addition, their displacement means that they cannot access psychosocial support following experiences of sexual violence. While NGOs are providing medical and psychosocial aid to displaced women and girls in UN bases, they represent less than 10 percent of the displaced.

Additionally, among those in communities, the low quality of health care and a lack of access to health services have been reported. Women walk for four hours or more to access health units, which often lack the necessary drugs or equipment. Across the country, women have complained of insufficient medical assistance for pregnant women who need specific medical personnel. As such women and girls continue to need strong measures to ensure their safety from sexual violence and to address their mental health as well as sexual and reproductive health.

## Conclusion

**W**hile the government of South Sudan had expressed commitment to implement 1325 and taken practical steps such as the development of a National Action Plan, the evidence on the ground does not reflect this rhetoric or the fact that women's peace and security concerns are a national priority. It is clear that the importance of 1325 implementation has not been internalised across different government sectors such as the ministries, parliament or among key political actors. As such the political will to ensure that 1325 is actualised remains low.

With the conflict still unresolved, the need for UNSCR 1325 to be implemented in South Sudan cannot be over stressed. In addition, the minimal achievements registered as well as the gaps, which exist despite the finalisation of the NAP, bring into question the value of this plan in the absence of concrete commitment, national prioritisation of women's issues, allotment of financial resources and a strong accountability mechanism for implementation. This echoes the need for a global development framework that addresses sexual and gender based violence in addition to supporting institutions to effectively address women's conflict and post-conflict needs.

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40 BBC, June 10,2014, Women Raped Under the Noses of UN Forces

# Uganda

## Building a Firm Ground for Respect of Women's Human Rights

### Background

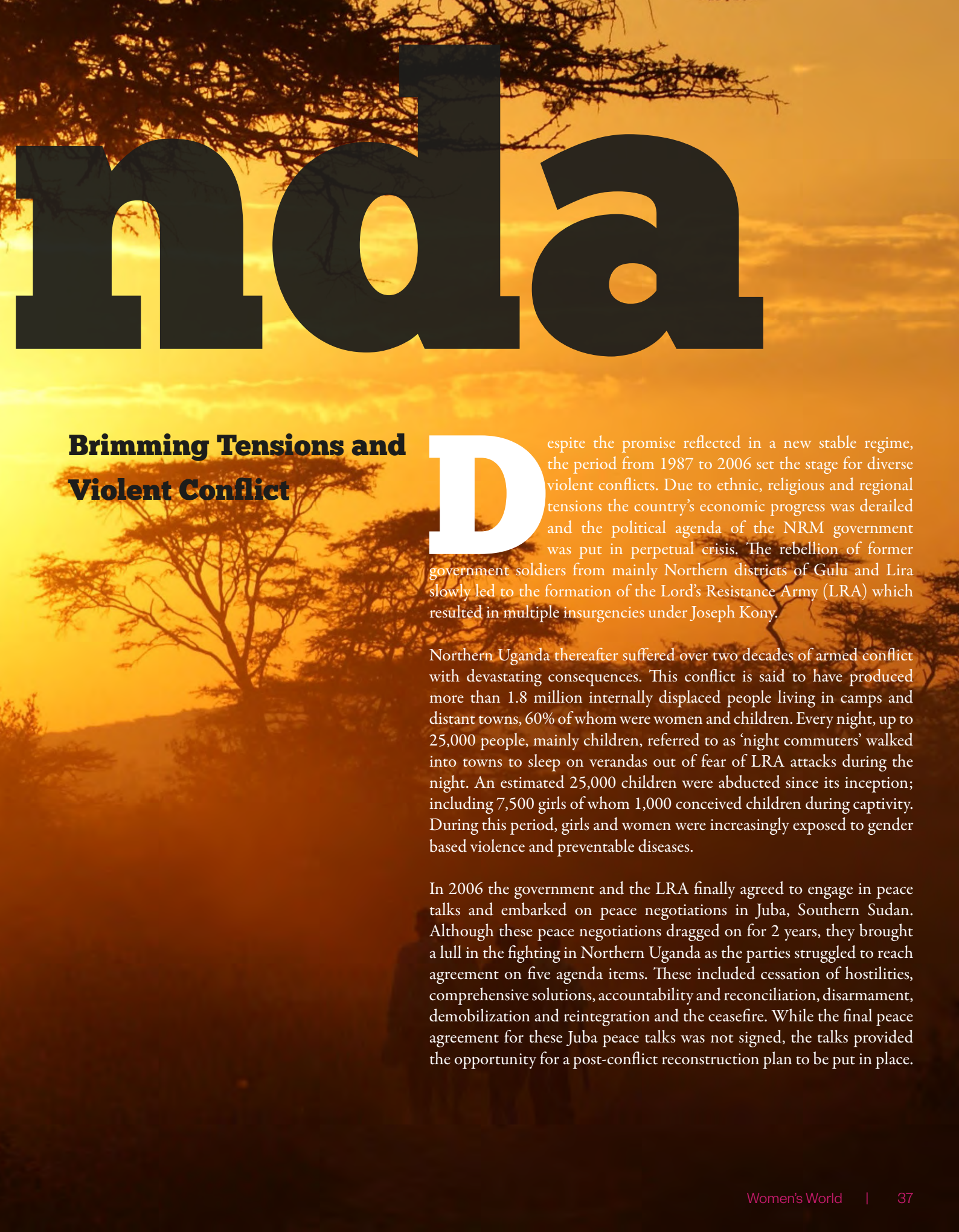
**U**ganda has experienced political conflict tracing back to the colonial era. The colonial division of the Bantu ethnic groups in the South from the Nilotic and Nilohamitic ethnic groups of the North and Northwest created an inevitable fault line of conflict. As a result, the political history of the country was marred by a resistance to monarchism along with political parties and local interest groups that were riddled with rivalries based mainly on ethnic and religious considerations.

This caused the country to go through several turbulent transitions in its colonial and immediate post-colonial phases leading up to 1986 when Yoweri Kaguta Museveni took over power. However, the 'Bush War' of 1981-86 that ushered in this regime heightened the clash of ethnicity; as the war was largely dominated by Luo speaking government soldiers from the North and the anti-government rebels mainly from the central and southern regions.

The death toll from the bush war and previous armed conflicts is estimated at about 500,000 including women and children as major victims. However the new administration established a measure of peace, political stability and economic growth across Uganda unmatched by predecessors. While Uganda had witnessed serious economic decline during the period of conflict, in 1987 the newly established National Resistance Movement (NRM) government launched a series of reforms including the minimum Economic Recovery Programme (ERP) <sup>41</sup>.

The newly instated President Museveni quickly sought to build legitimacy beyond the NRM's power base of the South and South West and established a no-party system based on decentralized councils in an effort to overcome some of the ethnic and religious cleavages.

41 Uganda National Development Plan (2010/11 – 2014/2015)



# nda

## **Brimming Tensions and Violent Conflict**

**D**espite the promise reflected in a new stable regime, the period from 1987 to 2006 set the stage for diverse violent conflicts. Due to ethnic, religious and regional tensions the country's economic progress was derailed and the political agenda of the NRM government was put in perpetual crisis. The rebellion of former government soldiers from mainly Northern districts of Gulu and Lira slowly led to the formation of the Lord's Resistance Army (LRA) which resulted in multiple insurgencies under Joseph Kony.

Northern Uganda thereafter suffered over two decades of armed conflict with devastating consequences. This conflict is said to have produced more than 1.8 million internally displaced people living in camps and distant towns, 60% of whom were women and children. Every night, up to 25,000 people, mainly children, referred to as 'night commuters' walked into towns to sleep on verandas out of fear of LRA attacks during the night. An estimated 25,000 children were abducted since its inception; including 7,500 girls of whom 1,000 conceived children during captivity. During this period, girls and women were increasingly exposed to gender based violence and preventable diseases.

In 2006 the government and the LRA finally agreed to engage in peace talks and embarked on peace negotiations in Juba, Southern Sudan. Although these peace negotiations dragged on for 2 years, they brought a lull in the fighting in Northern Uganda as the parties struggled to reach agreement on five agenda items. These included cessation of hostilities, comprehensive solutions, accountability and reconciliation, disarmament, demobilization and reintegration and the ceasefire. While the final peace agreement for these Juba peace talks was not signed, the talks provided the opportunity for a post-conflict reconstruction plan to be put in place.



## Setting a Roadmap for Post Conflict Reconstruction

**T**he government of Uganda initially adopted a socioeconomic approach to peace building and post conflict recovery. This approach was embodied in the Northern Uganda Reconstruction Programme (NURP-I) and Northern Uganda Social Action Fund (NUSAF). The Northern Uganda Reconstruction Programme (NURP-I) of 1992 to 1997 aimed at restoring basic social and economic infrastructure in addition to reviving economic activities. However this programme did not link development to peace building or consider the much-needed psychosocial support for war-affected communities.

The NURP-I was also based on a top-down process that did not involve communities or women and as a result did not respond to their needs. This led to the launching of NURP-II in 1999 with the aim of incorporating a more bottom-up, demand-responsive approach. The most significant initiative under NURP-II was the World Bank-funded Northern Uganda Social Action Fund (NUSAF), which provided grants directly to community groups.

NUSAF was adopted to empower communities in Northern Uganda by enhancing their capacity to identify, prioritise and plan for their needs within their own value systems. During the six years of implementation of NUSAF, significant progress was made in enhancing the capacities and making local governments more accountable to community demands thereby improving service delivery. However, NUSAF was not gender responsive and therefore did not respond to the specific needs of women in post-conflict Northern Uganda.

As a result, while NUSAF and other development programs improved the socioeconomic conditions of communities, the region which had experienced the longest insurgency in the country's history continued to struggle with widespread poverty, vulnerability and low access to quality social services. In 2009, the NUSAF programme, which was plagued by corruption and poor results, paved way for a more comprehensive post-conflict framework titled the Peace, Recovery and Development Plan (PRDP) for Northern Uganda.

The Peace, Recovery and Development Plan for Northern Uganda of 2009, now in its second phase, was developed with the overall goal of consolidating peace and stability as it sought to eliminate the great discrepancies between the level of development in the North and the rest of the country. The PRDP was in essence affirmative action by the government to lay the necessary foundation for recovery and development in Northern Uganda. This comprehensive development framework contained four strategic objectives focused on the consolidation of state authority; rebuilding and empowering communities; revitalization of the economy and lastly peace building and reconciliation.

Through the PRDP, government aimed to strengthen the self-reliance and protection of local communities, rehabilitate social infrastructure and improve the local capacity to respond to conflict, while promoting reconciliation and reduction of regional disparities through development. This plan however neglected to include women in the consultations and design process and also did not provide for women's recovery as it overlooked their specific needs and concerns.

**“ This plan however neglected to include women in the consultations and design process and also did not provide for women's recovery as it overlooked their specific needs and concerns. ”**

## Actualising UNSCR 1325 in Post-Conflict Uganda

**D**espite the government's actions during the peace process not being in alignment with 1325, it ratified and adopted various resolutions and conventions promoting women's rights and providing a basis for 1325 implementation. These frameworks include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Beijing Platform for Action (BPFA) the Protocol on the African Charter on Human and People's Rights of women in Africa (2003) known as the Maputo Protocol and the Goma Declaration. Additionally, the International Conference of the Great Lakes Region Protocol on the Prevention and Suppression of Sexual Violence against Women and Children (2006/2008) and the Kampala Declaration by Heads of State and Government of the Member States of the ICGLR on Sexual and Gender Based Violence (2011).

“  
**The NAP seeks to ensure the protection of women and girls from gender-based violence, particularly rape and other forms of sexual abuse...**  
”



Furthermore Uganda put in place a National Action Plan on the implementation of UNSCR 1325 that was launched in December 2008, through which the Ministry of Gender, Labour and Social Development took charge of initiating, implementing and coordinating policies and programmes that support women's empowerment and advancement. The National Action Plan on the UNSCR 1325 & 1820 and the Goma Declaration is in line with the five year National Action Plan on Women (2007) and focuses on peace building, conflict resolution and freedom from violence <sup>42</sup>.

The NAP seeks to ensure the protection of women and girls from gender-based violence, particularly rape and other forms of sexual abuse in addition to guaranteeing increased participation of women at all levels of decision-making in conflict resolution and peace processes.

The implementation of 1325 in Uganda is therefore aided by a NAP that includes monitoring and coordination mechanisms. However despite the existence of a satisfactory NAP, the government has not directly allocated funds for its implementation. In addition, no accountability mechanisms exist to enforce implementation or resource allocation for this government plan. As such, there is still a long way to go in achieving goals associated with 1325 NAP implementation in Uganda.

42 Ministry of Gender, Labour & Social Development, February 2007, theNational Action Plan for Women

## Prevention

**U**ganda in its 1995 Constitution criminalises rape and other acts of sexual violence. Similar measures to prevent the perpetuation of physical and sexual gender-based violence against women are included in the 2009 Domestic Violence Act. The Act provides for the protection and relief of victims of physical, economic, emotional, verbal and psychological violence and the punishment of perpetrators.

In the PRDP, the country's post-conflict reconstruction framework, the first strategic objective includes a specific programme for judicial services enhancement. However this has not notably contributed to reducing violence against women as it has not increased their access to justice or guaranteed their physical security. Gender insensitive investigation processes within the police and among judicial officials continue to affect reporting of cases of rape and thereby limit efforts to curb impunity for SGBV by punishing offenders.

In addition, refugee women and girls in Uganda are a particularly vulnerable group who have reported high instances of rape by gang members, soldiers, police and civilians. However they also lack access to justice for these crimes as they are often unable to fulfill the medical requirements of the police and in cases where the perpetrator is a state agent, the women or girls are accused of fabricating the reports. Consequently recent monitoring reports record an increase in cases of rape and defilement despite increased expressed commitment to implement UNSCR 1325.

## Participation

**T**he opportunity to effectively implement this pillar of UNSCR 1325 existed during the Juba peace process where instead women and by extension their concerns, were excluded from the peace negotiations from the outset. In response, the women's movement formed the Women's Peace Coalition of over 2000 to gather women's recommendations and lobby for women's meaningful involvement in the peace process. The resulting outcomes and agreements were praised for being gender-responsive and inclusive of women's experiences such as their input on gender-responsive reconstruction frameworks, women's participation in the Disarmament Demobilisation and Reintegration (DDR) process, gender-sensitive security sector reform, accountability and justice for gender-based crimes and gender-sensitive reconciliation processes.

However, women and girls' human rights were not specifically considered and neither were the gendered needs of IDPs and refugees. While overall physical security was addressed, women's protection concerns as targets for sexual violence were not specifically addressed and no priority was given to the provision of health care to women. Lastly, women's specific participation in political processes was excluded as there was no regard for affirmative action. A lack of resources to support women's initiatives also greatly hampered their practical and timely engagement to push critical women concerns and issues that were side-lined particularly in relation to post conflict reconstruction.

Ultimately, this same spirit was spotted during the post-conflict recovery process as the PRDP also neglected to effectively include women's meaningful participation in the design and initial implementation stages. As such, to build on the gains secured during the Juba peace process, the women's movement formed a National Women's Task Force for a gender-responsive PRDP to ensure that 1325 was implemented. The Women's Task Force succeeded in acquiring representation in the planning and monitoring structures at national level while grassroots women's groups continue monitoring the PRDP to ensure that women's needs and gender equality issues are a priority in peace and recovery efforts.

As a result of this participation, the task force has been able to influence the PRDP monitoring framework and operating guidelines. The same task force continues to engage in dialogue and advocacy with various duty bearers such as LC5 chairpersons, Councillors, District Health Officers, Chief Administrative Officers, Resident District Commissioners, District Community Officers, and District Education and Health Officers to ensure that women are included in planning and implementation of

post-conflict recovery programmes. In the same proactive spirit, women's organisations formed a UNSCR 1325 Task Force of 35 members to annually monitor 1325 implementation in order to influence district and national level leadership.

## PILLAR

# 3

### Protection

**I**n implementing 1325, the importance of ensuring women's safety as well as their physical and mental health is particularly high in Northern Uganda. Health service delivery in the region remains a big challenge with reproductive health care not adequately resourced under government plans and programmes. In PRDP districts, it was discovered that the immediate reproductive health needs of women remain largely unaddressed due to various challenges.

Remote or hard-to-reach areas lack trained medical personnel especially in the health centres, which are closer to women, such as the Health Centre 2. In addition, existing medical staff lack adequate housing in close proximity to the health centre and this affects their ability to provide round the clock services to women. These same centres lack sufficient equipment and lab services such as HIV testing kits or PEP services for rape survivors.

As a result, many women are unable to protect themselves from the effects of sexual violence such as HIV infection. In addition, women are forced to travel long distances to access gynaecologists who are only found in referral hospitals so as to address their sexual and reproductive health needs. Women have also reported inadequate support for their mental health and psychosocial needs as the health units lack skilled or specialised personnel and government programmes do not prioritise psychosocial support.

Additionally, while the PRDP is focused on supporting the socioeconomic development of the post-conflict region, women have not been specifically targeted through these efforts. The economic safety of particularly vulnerable groups of women such as widows and female household heads remains unsecured. This is heightened in the current climate of land conflict, which reduces women's already limited access to land for use or ownership. As such, government needs to provide sustained support to improve their socio-economic status through skills building, and extended livelihoods enhancement programmes.

### Relief and Recovery

## PILLAR

# 4

**T**he government's budgeting for post-conflict recovery through the PRDP in 2009 prioritised the reconstruction of physical infrastructure such as roads, schools and other government institutions as well as the strengthening of state authority. Issues of importance to women's recovery such as responses to women survivors of SGBV including psychosocial support and sexual reproductive health care were said to be the responsibility of development partners. As a result the post-conflict recovery process has not sufficiently responded to the situation of women and girls.

Due to the lack of financial resources allotted for women's recovery, specialised care for survivors of sexual violence is either too costly for women or altogether unavailable. Women with disabilities face additional challenges in accessing medical care and psychological healing following instances of sexual violence. Another particularly vulnerable group includes women and girls who bore children during the time of their abduction by the LRA. These survivors continue to suffer mental and emotional distress and government programmes that do not address their needs marginalise them further.

Finally, women and girls who experienced rape mutilations or have conditions resulting from sexual violence such as fistula continue to be denied access to reproductive health care. The PRDP should therefore prioritise the health care needs of women sexual violence survivors in order to ensure an equitable and gender-responsive recovery process. A failure to respond these essential post-conflict needs of women and girls causes a questioning of government's political will and commitment to implement UNSCR 1325.

## Conclusion

Since 2000, Uganda has put in place policies and enacted laws that promote women's rights, their participation and protection from SGBV. However, the extent of implementation does not match the rhetorical commitment as funding for 1325 is not prioritised. The Ministry of Gender Labour and Social Development, which is the national machinery in charge of coordination and implementation, receives less funding each year and is therefore unable to take substantial action. As such, there is a great necessity for the influence of a global development framework that prioritises issues of women, peace and security as they relate to overall peace and sustainable development in Uganda.

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