



Implementing the Maputo Protocol Towards the Women, Peace and Security Agenda Parallel Session at the Maputo Protocol @20 Anniversary, Nairobi - Kenya

Dates: 11 July 2023

Report

Introduction

Women's International Peace Centre in collaboration with Oxfam International convened a parallel session at the 20th anniversary commemoration of the ground-breaking AU Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The objectives of the event were twofold. First, the session provided a unique platform for civil society organisations (CSOs) to examine the progress, challenges and opportunities in the implementation of the Maputo Protocol, with a particular focus on Article 10 on the Right to Peace and Article 11 on the Protection of Women in Armed Conflict.

Secondly, the session underscored the importance of advancing the Women, Peace and Security Agenda within the SOAWR¹ coalition considering recent crises, such as the Sudan conflict which has vividly demonstrated how women comprise the highest proportion of marginalised individuals exposed to conflict-related sexual violence and various forms of gender-based violence. The session sought to shed light on these pressing issues, reiterating their critical nature and pushing for the inclusion of the WPS Agenda at the top tier of the SOAWR coalition's agenda.

This report provides a summary of the perspectives and insights shared during the meeting which was attended by 40 participants, identifying common trends across Kenya, South Sudan, Sudan and at the regional level and highlights recommendations for collectively advancing women's peace and security in Africa.

Background

Women's rights are fundamental to human rights and sustainable peace. However, these rights are neither accessed nor enjoyed by women especially those living in conflict-affected zones. The African continent is grappling with multiple crises and has been marred by conflicts for the past several decades majority of which are political, due to civil unrest, weak governance, discrimination, marginalization, identity, and terrorism.

While conflicts are widespread and with significant increases in violence, women and girls continue to pay the high price as they are primarily and increasingly targeted by the use of sexual violence as a weapon of war. There are heightened levels of gender-based violence against women and girls, including rape, sexual abuse and exploitation, arbitrary killings, torture, sexual violence and forced marriage. Women and girls affected by conflict also face

¹ Solidarity for African Women's Rights



challenges in accessing comprehensive sexual and reproductive health services, including access to contraception and safe abortion.

As conflict-related sexual violence is prevalent among women and girls; with conflict as a longstanding crisis in Africa, there have been several international and regional frameworks providing pathways to sustainable peace by integrating the Women, Peace and Security (WPS) agenda.

The Maputo Protocol guarantees the rights and equality of women on the continent and complements the global Women, Peace and Security agenda - the UN Security Council Resolution 1325 (2000).

The Resolution, along with its subsequent ten (10) Resolutions, is dedicated to addressing the profound impact of armed conflicts on women and underscoring the utmost importance of enabling women's complete engagement in conflict resolution processes. It also calls for the implementation of specific measures to safeguard the well-being of women and girls, particularly from the scourge of conflict-related sexual violence. Additionally, these Resolutions outline the gender-related responsibilities that the United Nations (UN) should uphold across various political and programmatic domains. These provisions are reiterated under Articles 10 & 11 of the Maputo Protocol on the Right to Peace and the Protection of Women in Armed Conflict respectively.

African countries have endorsed these frameworks and have gone ahead to domesticate these provisions by designing the National Action Plans (NAPs) as trajectories for the implementation of the Women, Peace and Security (WPS) agenda. Africa has the largest number of countries with NAPs. However, there are gaps and challenges as women's participation in peace processes remains low and progress in the implementation of policies and action plans is too slow. The implementation of the NAPs on WPS is not budgeted for, hence their implementation is heavily dependent on donor funding¹.

In addition, the question of the protection of women peacebuilders has been a contentious issue recently not only to the Maputo Protocol but the UN RES 1325, and there have been loopholes within these two frameworks that exist and/or were overlooked in terms of ensuring the needs of women human rights defenders are considered; most importantly their safety and reprisals against them as front liners of peace.

Reflections from the Panel Discussion

The discussion was facilitated by Helen Kezie-Nwoha, the Executive Director of the Women's International Peace Centre. The speakers were:

1. Catherine Njeru

¹ <https://www.un.org/shestandsforpeace/content/state-women-peace-and-security-agenda-africa>



Catherine Njeru is a Gender, Peace, and Security Expert with over fifteen (15) years of experience in institutionalizing gender equality and human rights in development, peace, and security frameworks, policies, and programs. She has practical experience in supporting government, intergovernmental, and civil society organizations in designing, implementing, and monitoring gender equality policies, programs, and related plans, including action plans on Women, Peace, and Security.

Catherine contributed to the development of the AU Continental Results Framework for monitoring and reporting on the women, peace and security agenda in Africa. She is also experienced in designing, implementing, and evaluating programs aimed at the elimination of gender-based violence, including conflict-related sexual violence.

2. Dr. Hannah Forster

Dr. Hannah Forster is the Executive Director of the African Centre for Democracy and Human Rights Studies. She is a human rights, governance, gender and conflict transformation expert and has engaged with the African and International Human Rights Systems and Mechanisms for over three decades. As a trained mediator, she has designed and implemented projects on women, youth, peace and security, especially for civil society, particularly on UNSCR 1325 (Women, Peace, and Security) and 2250 (Youth, Peace and Security).

She possesses varied experience in community mediation and election observation mediation. She is a member of the Working Group on Women, Youth, Peace and Security in West Africa coordinated by the UNOWAS, and the Women's Forum on Peace and Security in Guinea Bissau, Senegal and The Gambia.

3. Jackline Mutere

Jackline Mutere is the founder and director of Grace Agenda based in Nairobi, Kenya. She founded the organization in December 2010 to support survivors of rape in Kenya's 2007 and 2008 post-election violence. Initially responding to the needs of children born from the rapes, Mutere realized the mothers of these children had additional needs. Through Grace Agenda she has mobilized other survivors to advocate for reparations, participate in police vetting processes, and restore survivors' dignity.

4. Josephine Chandiru

Josephine Chandiru is the Director of STEWARDWOMEN, a women-led organization in South Sudan. She is a 2013/2014 Award recipient of the Women, Peace and Security Fellowship for African Women. She is a strong advocate of women's rights. She has particularly focused on justice for CRSV; and SGBV victims. She supported the prosecution of the first child marriage case in South Sudan. She is a champion of Maputo Protocol in South Sudan having mobilized 40 local CSOs to amplify the campaign towards the ratification of the Women's Rights



Protocol. She is the current chair of the Rule of Law Technical Reference Group of the National GBV Sub-Cluster.

5. Nihal El Shiekh

Nihal El Sheikh, is a human rights activist, with eight years of experience in the non-profit sector. She is a graduate of Economics and Social Studies with a major in Sociology & Economics. She obtained her postgraduate diploma in international relations from the University of Khartoum. She is the founder of the feminist library initiative and currently works as a program officer of the Human Rights Hub project at Sudanese Archives.

Opening Statement

Dr Helen Kezie-Nwoha highlighted the significant anniversaries of both the Maputo Protocol and the Women, Peace, and Security (WPS) Agenda, both celebrating two decades of existence. She underscored the existence of vibrant movements dedicated to each cause but expressed concerns about the apparent isolation between the implementation of the two frameworks. The discussion aimed to address this disconnect, recognizing that many provisions within these frameworks pertain to women's rights, peace, and security.

She delved into the multifaceted challenges facing the African continent encompassing weak governance, rampant corruption, inadequate election management, emerging crises such as the climate crisis, violent extremism, online abuse, and the marginalization of various groups across different countries. It was acknowledged that women, particularly those in conflict and post-conflict settings, experience unique and exacerbated forms of violence. Moreover, within the category of women and girls, differences based on religion, ethnicity, culture, age, and other factors further compound the complexities of addressing their specific needs and vulnerabilities.

The central question that emerged was how to best engage with these instruments together and harness their collective power to advance women's rights, peace, and security on the continent. It was observed that 44 African nations have ratified the Maputo Protocol, signalling a substantial dedication to women's rights, while 35 have crafted National Action Plans (NAPs) aligned with the WPS Agenda. Nonetheless, a noticeable gap persists between these policy commitments and the on-the-ground realities, with the primary obstacle being the challenge of implementation.

She noted that the session would ensure that participants received first-hand information from women who have experienced election-related violence and other forms of conflict and post-conflict situations and discuss the role of the Maputo Protocol in safeguarding the rights of women in these contexts.



The Context of Women, Peace and Security/Conflict in Africa: The Connections between the Maputo Protocol and Women, Peace and Security - Catherine Njeru, AU OSE on Women, Peace and Security

Catherine Njeru explored the vital connections between the Maputo Protocol and the WPS Agenda in the context of conflict in Africa. The discussion aimed to shed light on how the Maputo Protocol can be effectively utilized to reinforce the WPS agenda on the continent. The session emphasized that both UNSCR 1325 (2000) and the Maputo Protocol (2003) are ground-breaking instruments. UNSCR 1325 marked the first UN framework to centre women's roles in global peace and security efforts, while the Maputo Protocol is the first African tool to comprehensively provide for women's rights on the continent. Notably, both were the result of strong civil society advocacy, particularly from Africa.

Complementarity of WPS & Maputo Protocol

It was observed that these frameworks serve as powerful tools to assert women's rights and demand governments to establish adequate response mechanisms. The WPS Agenda mandates member states to engage women in all aspects of peace-building, while the Maputo Protocol enriches the WPS by providing substantive normative guidance on WPS-related interventions. Moreover, the WPS broadens the scope of Maputo's application, especially in conflict states not party to Maputo or concerning non-state actors. Maputo also defines specific WPS actions to be taken.

Domestication Status

As of June 2023, 44 African states had ratified the Maputo Protocol, binding themselves to its provisions. This enables the use of the Maputo Protocol to advocate for the implementation of WPS provisions in countries that have ratified it but have not yet adopted a NAP on WPS. Additionally, 35 African states have adopted specific NAPs on WPS. Some of these states have not ratified the Maputo Protocol but can still be held accountable to its provisions on WPS. It is important to note that the Maputo Protocol is legally binding, whereas the WPS Agenda is not.

Specific Applications of the Maputo Protocol for the WPS Agenda

Several key areas where the Maputo Protocol can be applied to advocate for the WPS Agenda were highlighted:

Participation of Women in Peace and Security Processes: The Maputo Protocol details the steps needed to increase women's equal participation in peace and security-related decision-



making at various levels, requiring governments to report on this. It also specifies mechanisms for incorporating a gender perspective into government policy and programming.

Protection of Women and Girls' Rights from Violence: The Maputo Protocol outlines comprehensive ways to protect women and girls from violence, including sexual and gender-based violence (SGBV) and socio-economic harm. It addresses issues related to dignity, security, protection from harmful practices, access to justice, housing, food security, and more. Article 8 of the Maputo Protocol addresses access to justice and equal protection before the law, aligning with the WPS Agenda's requirements related to the constitution, judiciary, and law enforcement. It also addresses the legal status of women in various areas, including nationality, marriage, inheritance, education, and health. Thus, in the drafting of legislation, the Maputo protocol should be referenced and incorporated.

Organizing for Peace: The Maputo Protocol reinforces the WPS Agenda's calls for support to local women's peace initiatives and consultations with women's groups in conflict and post-conflict states. It recognizes women's rights to participate in the promotion and maintenance of peace and political processes.

Rehabilitation, Reintegration, and Reconstruction: The Maputo Protocol acknowledges the special needs of women and girls during repatriation, resettlement, rehabilitation, reintegration, and post-conflict reconstruction. It calls for women's inclusion in all aspects of planning, formulation and implementation of post-conflict reconstruction and rehabilitation. It further provides for the protection of asylum seekers, refugees, returnees and displaced persons. However, progress here has been slow.

Monitoring and Reporting (Accountability): While the WPS Agenda lacks a strong accountability mechanism, the Maputo Protocol strengthens accountability by requiring state parties to report on its implementation. Currently, reporting is poor and thus, advocates can push for reporting on the Maputo Protocol to include reporting on WPS.

Ms. Njeru concluded by emphasizing that by referencing the Maputo Protocol, which is widely accepted as an African tool, civil society organizations and lobby groups can press African governments to implement the WPS Agenda. The Maputo Protocol provides specific measures for applying the WPS Agenda in practice, making it a valuable guiding and reference tool in the formulation of NAPs. Ultimately, the Maputo Protocol can serve as a powerful tool for peacebuilding and the promotion of women's rights, peace, and security in Africa.

The Human Cost of Conflict and its Impact on Safeguarding Human Rights and the Achievement of Gender Justice in the Context of Peace and Security – Dr Hannah Foster, the African Centre for Democracy and Human Rights Studies (ACDHRS)



Dr. Hannah Foster began by raising critical questions regarding the state of peace in Africa. She highlighted ongoing issues in countries such as Burkina Faso, Cameroon, Guinea, Mali, Sudan, and South Sudan, and questioned whether conflict contributes to development. The staggering statistic that over 18 billion US dollars are spent annually on arms, funds that could be directed towards development, underscored the macroeconomic costs of conflict. Dr. Foster emphasized that countries with better peace indexes tend to have higher GDP per capita.

One key aspect of the session was the reminder that the Maputo Protocol is legally binding on states, setting clear obligations for the protection and promotion of women's rights. The discussion delved into the pervasive nature of violence, which is not confined to isolated incidents but has become deeply rooted in many African countries. Dr. Foster shared concerning statistics about violence during the COVID-19 pandemic, illustrating its ongoing impact and how it has taken root in African communities.

Dr. Foster also emphasized that the targeting of human rights defenders (HRDs) and the shrinking civic space have added another layer of insecurity and instability in African countries. These developments threaten not only human rights but also the prospects for lasting peace and security. The session further highlighted the rampant issue of trafficking in Africa and its violation of the right to dignity, as recognized in the Maputo Protocol. Dr. Foster pointed out the significant export of human trafficking victims to the Gulf region.

The discussion also addressed violence against women in politics, with Dr. Foster noting that the energy and resources consumed by such violence could have been directed towards development. Article 9 of the Maputo Protocol provides for women's participation in political processes, underlining the need for greater protection and inclusion. Dr. Foster stressed the importance of conducting gender-sensitive conflict analysis to better understand the distinct impact of conflict on women and men. Such analysis is essential for developing effective strategies to mitigate the adverse effects of conflict and promote gender justice.

The session concluded with an emphasis on the promotion of women's meaningful participation in all aspects of peace and security efforts. Dr. Foster highlighted that war itself has become an economy, reinforcing the need for comprehensive strategies that consider both economic and human costs. She called for a multi-faceted approach that addresses the root causes of conflict, promotes peace, and ensures the meaningful participation of women in all peace and security processes.



The Lived Realities of Women Peacebuilders/Women Human Rights Defenders in Africa Within the Context of the Maputo Protocol

How electoral violence has led to sexual violence and its impact on the individual, the response by the State and justice in Kenya - Jackline Mutere, Human Rights Defender/SGBV in Conflict Survivor

The session commenced with Ms Mutere expressing her concerns about the reports submitted by the government of Kenya on the implementation of the Maputo Protocol. She questioned the adequacy of the reports in capturing the experiences and needs of Kenyan women.

As a survivor of election-related sexual violence during the 2007 elections in Kenya, Jackline shared her personal story. The session underscored how electoral disputes, ethnic tensions, and disputed election results led to conflict, displacement, and rampant sexual violence creating a crisis in Kenya. She recounted the challenges she faced in accessing sexual and reproductive health (SRH) services after she was raped and the severe impact on her health due to the lack of proper care. Driven by the need for collective action, she established the Grace Agenda, aiming to amplify the voices of survivors. She lamented that these voices were repeatedly silenced due to the lack of political will to address the root causes of the conflict.

Ms Mutere pointed out that the Maputo Protocol which had been ratified by Kenya by that time did not adequately address the needs of survivors like her. She highlighted the absence of survivor involvement in the reconstruction efforts that followed the violence and the challenges in restoring dignity to survivors. One of the ongoing challenges highlighted in the session was the pursuit of reparations and justice for survivors, especially considering the ICC process at that time. The complex nature of justice processes and the systemic obstacles faced by survivors create significant barriers. Since then, a significant development in Kenya has been the lifting of reservations on access to abortion when a life is in danger. This marked a positive step forward in ensuring the reproductive rights of women, particularly in conflict and crises.

She emphasized that the implementation of the Maputo Protocol and the pursuit of justice cannot occur in isolation. Intersectionality is key in addressing the multifaceted challenges faced by survivors and ensuring a comprehensive response. Survivors must be recognised as agents of change who can drive progress toward lasting peace and gender justice.

The Recent Ratification of Maputo Protocol and Justice for Women Survivors of Sexual Violence in South Sudan - Josephine Chandiru, Executive Director, Steward Women



Josephine Chandiru engaged with critical questions regarding the value of the Maputo Protocol's ratification in the context of South Sudan's longstanding conflict, focusing on its significance for justice for women survivors of sexual violence. She also explored the role of South Sudanese women and women's rights organizations in supporting survivors and the opportunities and challenges related to the Protocol's implementation in this conflict-ridden context.

Ms Chandiru noted that women have endured years of hardship without the protection and provisions of the Maputo Protocol and that advocacy for its ratification was influenced by the pressing need for justice for women survivors of sexual violence, including the lack of comprehensive laws. South Sudan has faced a high incidence of sexual and gender-based violence (SGBV), with alarming rates of SGBV affecting 57% of women. This has resulted in children born out of rape, who often face stigmatization and shame, lacking identity. Despite efforts towards peace, conflicts persist in South Sudan and sexual violence is sometimes used as a war tactic.

The campaign for the ratification of the Maputo Protocol began in 2012 and took a decade to achieve. South Sudan was grappling with issues of gender equality. While the transitional constitution stipulates equality as a principle, customs and traditions are recognized as sources of law, some of which are oppressive and harmful. Also, women forcefully inserted themselves into the 2013 and 2016 peace processes, advocating for greater representation. Although they initially asked for 50% representation, it was reduced to 35%. The Beijing Platform set a standard of 30%, but South Sudanese women advocated for more. While they achieved this representation, the implementation has been lacking, with instances of women appointees being replaced by men. The Maputo Protocol and a permanent Constitution could help address these issues which still linger. The Protocol is seen as providing solutions for accountability and justice.

Ms Chandiru concluded by underscoring the critical importance of political will to implement the WPS agenda and the Maputo Protocol in South Sudan. Political commitment is essential for addressing the pressing issues of gender equality, justice, and peace in the country. She stressed the importance of collective efforts to provide assistance, rehabilitation, and empowerment to survivors.



The Ongoing Conflict in Sudan and the Impact on Women: Challenges, Gaps, and the Role of the Maputo Protocol – Nihal El Sheikh, Sudanese Archives

Nihal shed light on the dire circumstances faced by Sudanese women due to the ongoing conflict. She emphasized the grim reality of women being subjected to sexual violence daily, even on the streets. She highlighted that Sudan has not ratified the Maputo Protocol, leaving women without the legal protections it offers. Efforts to implement the WPS agenda in Sudan have also been halted by the fragile transition processes.

She drew attention to the challenges faced such as the glaring gaps in protection and accountability. The lack of ratified international agreements like the Maputo Protocol exacerbated the vulnerability of Sudanese women, who were suffering the devastating consequences of the conflict.

One of the most pressing issues discussed was the exclusion of women from the peace process. Nihal recounted how the conflict that began on April 15th resulted in thousands of deaths and the displacement of millions, including herself. She emphasized the impact on women, who were particularly vulnerable and targeted, with widespread sexual and gender-based violence and conflict-related sexual violence occurring. Nihal highlighted the underreporting of these atrocities due to social stigma and cultural norms in Sudan. Survivors often hesitate to report such crimes due to concerns about gaps in accountability and societal repercussions.

She also noted that these issues stemmed from unresolved conflicts dating back to the 2018 outburst when the Rapid Support Forces (RSF) and Sudanese Armed Forces (SAF) collaborated to oust the government at that time. She pointed out the limited participation of women in the peace talks then, with negotiations frequently taking place at night, making it unsafe and logistically challenging for women to attend, contributed to the failure of the agreement, resulting in the current conflict. Even in the Juba peace talks, only 10% of the participants were women and Sudan cannot afford to repeat these mistakes.

Nihal stressed the need for women to be included in the current peace processes and for their voices to be heard. Women, she noted, were actively engaged in protection and humanitarian work at the grassroots level, demonstrating their commitment to peace and security in Sudan. Nihal expressed a willingness to learn from countries that have successfully implemented the Maputo Protocol and how Sudanese women can leverage it to advocate for their participation and protection.



Plenary Comments: Enhancing Accountability and Practical Implementation of the Maputo Protocol

- Holding Governments Accountable

One participant raised a crucial question about how to hold governments accountable for their commitments under the Maputo Protocol. They asked for examples of governments that the African Union has held accountable for failing to uphold the Protocol's provisions.

- Addressing Root Causes at the Local Level

A common theme among participants was the observation that many documents related to women's rights and gender justice exist at a high level but are not effectively localized. It was pointed out that root causes of issues often persist at the local level, requiring practical solutions.

- Practical Approaches vs. Technocracy

A participant stressed the need for a shift from being technocrats to being practical in addressing issues related to gaps in the implementation of the Maputo Protocol. They questioned the value of countries signing these instruments without taking substantive action and suggested imposing penalties or withdrawal as consequences for non-compliance.

- Challenges in Access to Justice

The implementation of Maputo's provisions related to access to justice was discussed, particularly the need for legal aid for women. Concerns were raised about hindrances to justice, such as interpretation issues in appellant courts for example in South Africa.

- Grassroots Engagement and Documentation

Participants pondered the challenge of engaging and educating women at the grassroots level regarding their rights under the Maputo Protocol. They emphasized the importance of documenting the experiences of women and discussed strategies for taking the campaign to the grassroots.

- Learning from Experiences in Conflict Zones

The experiences of conflict zones, particularly in South Sudan and Cameroon, were shared. Participants questioned how the Maputo Protocol could provide solutions to the root causes of conflicts and intersecting issues, such as women's participation and protection in these



regions. South Sudanese participants acknowledged that the Kenyan experience could provide lessons and solutions as South Sudan prepares for elections in 2024.

- Long-Standing Issues of Sexual Violence

Concerns were raised about the persistence of sexual violence, particularly in the Democratic Republic of Congo (DRC), despite the existence of the Maputo Protocol for two decades. Participants emphasized the need for concrete actions and mechanisms to address such issues.

- The Call for Action

A recurring sentiment among participants was the desire to move beyond conventions and policies to take concrete actions. They stressed the urgent need for proper mechanisms to implement the Maputo Protocol effectively.

- Collective Civil Society Engagement

Participants called for collective civil society engagement and solidarity, recognizing the importance of building a critical mass of demands and actions to drive meaningful change in the implementation of the Maputo Protocol.

Recommendations for the Implementation of the WPS Agenda and the Maputo Protocol

- I. Civil society organizations should actively engage with governments, using research and advocacy to hold them accountable for implementing the WPS Agenda and the Maputo Protocol. Create platforms for open dialogue to facilitate collaboration between CSOs and governments.
- II. Continue to work closely with the African Human Rights Commission, ensuring that its chairperson and mechanisms collaborate effectively. Scrutinize defence budgets to ensure they align with the development needs of the population.
- III. To prevent election-related violence, implement protection laws and collaborate in their development and implementation. Allocate budgets for contingency planning, including GBV shelters, and establish an electoral security program like Kenya's to mitigate election-related violence.
- IV. Advocate for the inclusion of a clause for Women Human Rights Defenders (WHRDs) within AU frameworks. Also, push for a clause addressing reparations for survivors of sexual violence.



- V. In Sudan, incorporate Maputo Protocol provisions into demands for the peace agreement. Support survivors in organizing and demanding reparations. Encourage the formation of survivor networks at the local and state levels.

- VI. Promote solidarity with Sudanese women among African women to ensure their voices and actions are recognized and heard across the continent. Develop regional solutions and campaigns against sexual violence in the country. Recognize and support the efforts of Sudanese women in organizing and advocating for change.