

'Compensating an Assault on Dignity'?¹



"We must condemn sexual and gender based violence – not sometimes, not on certain occasions, not with certain exceptions, not maybe. Ending Impunity on SGBV requires a resounding and unshaken belief that it is wrong period" - **Awino Okech**

¹ The title of this report is derived from some of the initial conversations by the conference reference group members on what it would mean to 'compensate' a woman for an assault on her dignity. Can it be compensated?

COMPENSATING AN ASSAULT ON DIGNITY:
A PAN AFRICAN CONFERENCE REPORT

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ACORD – Agency for Cooperation and Research in Development
ACK Garden House – 1st Ngong Avenue
P.O. Box 61216 - 00200,
Nairobi, Kenya
Tel: + 254 20 272 11 72/85/86
Fax: + 254 20 2721166

Address in UK
Development House
56-64 Leonard Street
London EC2A 4LT
Tel: +44 (0) 20 7065 0850
Fax: +44 (0) 20 7065 0851

Email: info@acordinternational.org
Website: www.acordinternational.org

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ACRONYMS & ABBREVIATIONS

AAI - A	Action Aid International Africa	GFATM	Global Fund to Fight AIDS, Tuberculosis and Malaria
ACORD	Agency for Cooperation and Research in Development	GNOU	Greater North of Uganda
AG	Attorney General	HIV/AIDS	Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome
AMANTITARE	African Women's Network for Sexual and Reproductive Rights	ICGLR	International Conference for the Great Lakes Region
AMWIK	Association of Media Women in Kenya	ICMHD	International Centre for Migration Health and Development
ANC	African National Congress	ICTR	International Criminal Tribunal for Rwanda
ANEJ	African Network of Journalists	IDRC	International Development Research Centre
ARV	Anti Retro-Viral	IPPF	International Planned Parenthood Federation
AU	African Union	IRD	International Relief and Development
AVEGA	Association des Veuves du Génocide	IRIN	Integrated Regional Information Networks
AWDF	African Women's Development Fund	ISIS-WICCE	ISIS-Women's International Cross-Cultural Exchange
CAR	Central African Republic	JOOF	Jaramogi Oginga Odinga Foundation
CCFD	Comite Catholique Contre La faim et pour le Developpement	KEWOPA	Kenya Women Parliamentarians' Association
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women	KHRC	Kenya Human Rights Commission
COVAW	Coalition on Violence Against Women – Kenya	KNCHR	Kenya National Commission on Human Rights
CIDA	Canadian International Development Agency	LVCT	Liverpool Care and Treatment
CLICK	Centre for Legal Information and Communication in Kenya	LGBTI	Lesbian, Gay, Bisexual, Transgendered and Intersex
COMESA	Common Markets of East and Southern Africa	MOH	Ministry Of Health
COVAW	Coalition On Violence Against Women	MONUC	Mission des Nations Unies en République Démocratique du Congo
CPDA	Christian Partners' Development Agency	MP	Member of Parliament
CREAW	Centre for Rights Education and Awareness	NACC	National AIDS Control Council
CSO	Civil Society Organizations	NPI	Nairobi Peace Initiative
DEVAW	Declaration on the Elimination of Violence Against Women	NURC	National Unity and Reconciliation Commission
DfID	Department for International Development	OAU	Organization of African Unity
DRC	Democratic Republic of Congo	PAP	Pan African Parliament
EAC	East African Community	PEP	Post Exposure Prophylaxis
EALA	East African Legislative Assembly	PEPFAR	President's Emergency Plan for AIDS Relief
ECOSOCC	Economic, Social and Cultural Council	SADC	Southern African Development Community
ECWD	Education Centre for Women in Democracy	SGBV	Sexual and Gender Based Violence
FAS	Femmes Africa Solidarité	SOA	Sexual Offences Act
FAWE	Forum for African Women Educationalists	SSR	Security Sector Reform
FEMNET	The African Women's Development & Communications Network	STI	Sexually Transmitted Infection
FHOK	Family Health Options Kenya	TJ	Transitional Justice
FIDA	Federation of Women Lawyers	UAF - A	Urgent Action Fund Africa
GBV	Gender Based Violence	UN	United Nations

UNAIDS	United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commission for Refugees
UNIFEM	United Nations Development Fund for Women
UNSCR	United Nations Security Council Resolution

USAID	United States Agency for International Development
VAW	Violence Against Women
VAWG	Violence against Women and Girls
VCT	Voluntary Counselling and Testing Centre
WAFNET	Women Action Forum for Networking
WANEPIC	West African Network for Peace building in Cote d' Ivoire
WHO	World Health Organization
WOLPNET	Women of Liberia Peace Network

GLOSSARY

<i>amicus curiae</i>	friend of the court
<i>bourgmestre</i>	mayor
<i>inter alia</i>	Among others
<i>mwananchi</i>	citizen
<i>sui generic</i>	Of its own kind; the only one of its kind

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Saying thank you to everyone who participated in a process of this nature is a daunting task; knowing that many names, energies and resources went into the planning, conceptualization and actualization of the conference for which this report has been compiled. I will from the outset note that behind the names and organizations that will follow there are many others. We may not mention all of you individually but we recognize the resources you dedicated to this process and for that we express deep appreciation.

We would like to recognize all the partners named as the Conference reference group: African Women's Development Fund, Action Aid International Africa, The Kenya Human Rights Commission, International Planned Parenthood Federation, Fahamu, The Great Lakes Parliamentary Forum on Peace – Amani Forum and the Urgent Action Fund – Africa. You not only gave institutional and financial support as well as a willingness to lend the name of your organizations to this conference as an event but also gave a commitment to future processes. We would like to recognise the financial support of ACORD's partners towards our Gender Thematic work: CCFD, Oxfam Hong Kong and Oxfam Novib.

To members of the technical team who were central to the conceptualization, planning and execution of this event: Carol Angir, Eva Ayiera, Sarah Mukasa, Kaari Murungi, Ayodeji Ajayeoba, Muthoni Wanyeki, Brian Kagoro, Salome Katia and Mary Wandia. Asanteni Sana. A special note of gratitude goes to Sarah Mukasa and Dawn Cavanagh for their extraordinary support in facilitating this conference.

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To Ruthpearl N'gan'ga and the communication officers from various institutions within the reference group who mobilized and maintained the visibility of SGBV in both the local and international media. To Sara Mitaru and Rumbidzai Sengwayo for their incredible artistic efforts towards keeping the discussions alive during the conference through their creativity.

This conference would neither have been a possibility nor this report had it not been for the willingness of one hundred and forty parliamentarians, policy makers, representatives of regional blocs, women's rights activists and civil society actors drawn from across the continent, who recognized the urgency and the need for this convening. To you we say thank you. Special thanks to all the resource persons whose insights through their papers and presentations stimulated the outcomes of this conference.

Finally, we would like to say a big thank you, to all the staff at ACORD for their indefatigable commitment.



Awino Okech
Gender & Conflict Thematic Manager
ACORD International

FOREWORD



It is my pleasure to present the Pan African Conference Report on Ending Impunity for Sexual and Gender Based Violence (SGBV), held in Nairobi in July 2008. This conference could not have come at a more opportune moment. The high prevalence of SGBV in our continent and the lack of tangible action has heightened the need for resolve to work together for action, to turn rhetoric to practice.


The battle for gender equality, in particular women's, must be fought on many levels, including the need to address violence against women through the justice system. Getting help for women's trauma at the personal level balanced with getting women into leadership positions, from where they can re-write societies' rules will be an essential combination. Hence a cornerstone of this was the need for an action oriented report that will form the basis of monitoring progress going forward.

The conference marked a milestone in the discourse around impunity, sexual and gender based violence and human rights violations in Africa, an issue that is greatly misunderstood, stigmatized and rarely addressed. The conference facilitated a forum for the candid discussion of sexual and gender based violence and an end to impunity throughout the sessions which included presentations from key actors in the continent. As a fitting conclusion, conference participants endorsed a comprehensive conference Communiqué for action.

I would like to thank alongside the team at ACORD the conference reference group that included The Kenya Human Rights Commission, International Planned Parenthood Federation, Fahamu, The Great Lakes Parliamentary Forum on Peace – Amani Forum, African Women's Development Fund, Action Aid International Africa and Urgent Action Fund – Africa who will take up the lead in the dissemination of the conference proceedings and recommendations among relevant stakeholders.

It is my hope that this report will serve as a reference document for a cross section of stakeholders working in the areas of gender based violence and human rights, and will contribute to the reduction of the stigma and silence associated with impunity; gender based violence and human rights violations.

I envisage that through this initiative, there will be increased dialogue among governments, Leaders, communities and societies throughout Africa. Through broader partnerships we will also seek to increase support in the implementation of programs that will contribute to the reduction of the negative consequences of sexual and gender based violence and human rights violations; and put an end to its impunity.



Mr. Ousainou Ngum
Executive Director
Agency for Co-operation and Research Development - ACORD

INTRODUCTION

"If you come here to help me, then you are wasting your time. But if you come here because your liberation is bound up in mine, then let us begin."

– Lily Walker, Australian Aboriginal women's leader

Some of the typical questions asked when discussions about sexual and gender based violence arise are; where are the statistics? Where are the survivors; we want to speak to a survivor; where are the perpetrators (yes, some media houses specifically sought interviews with perpetrators during this conference, as a *'new angle'* to the debate). We recognize where this may be coming from; in terms of emerging and ongoing work particularly in the academic arena to understand and redefine masculinity as well as long standing psychoanalytical traditions of understanding the perpetrator. Nonetheless, such efforts cannot replace an amplification of what is a worrying trend with regard to violence against women generally. It cannot appear to intimate that what more do we need to understand about women's situated experiences of violence. This emerging distinction, could easily be read as a need to roll back the gains made by women by alluding to the alleged impact it has had on men; read *"emasculatation"*. This inevitably leads to a situation where one's legitimacy (as a woman's rights activist) and/or positionality is hinged on an ability to testify that you have worn the shoe that pinches.

Win, makes a hilarious but serious commentary when she states that being an educated African feminist working as a policy advocate becomes difficult when the only African woman presented as having a *'legitimate voice'* is a grassroots woman who is perpetually poor, powerless and pregnant (Win, E.J. 2004: 3).¹ While Win may have been responding to hegemonic discourses, her commentary is also captured in Sarah Mukasa's statement, who whilst reflecting on a series of documentaries shown during the conference affirmed – *'I am doing it for me.'* This short and powerful statement captures the essence of why this convening was sought at a critical time in Kenya's history, held as it was as the hitherto thwarted Truth, Justice and Reconciliation Commission as well as those investigating the post election violence were being established. Much more importantly it also came at a time when Africa is witnessing a nauseating rise in violence against women. Whether it is hate crimes against black lesbians in South Africa, wanton rape and abuse of women in situations of conflict; Darfur, Central African Republic, Democratic Republic of Congo, Zimbabwe, Kenya, Sierra Leone, trafficking of women and children or the ordinary *mwananchi* (citizen) who is attacked for being just that - a woman.

The preponderance of the debates on sexual and gender based violence in civil society spaces, governments or within the academic arena is not an indicator of the vast amount of resources disposable for the matter. Quite the contrary, it reflects the urgency and cry for effective intervention. It is an indication that there is a pandemic at our doorstep and not enough is being done to remedy the situation. Fundamentally, it is a signal that this violence is no longer removed from us: it is not about some woman in rural Kwa Zulu Natal, or an unemployed woman in East Legon. It is a reality that every woman lives; in the street, in the home, in parliament, at work, it is about us, it is about you.

This conference was convened by a reference group that was constituted for the purpose of conceptualising, resourcing, planning and actualizing the first Pan African Conference on Ending Impunity for Sexual and Gender Based Violence. This reference group is not in any way representative of the multitude of actors working on SGBV on the continent, it is however indicative of a few like minded organizations who sought to respond at a

¹ Everjoice Win, 2004, in *"Making Sense of Gender in Shifting Institutional Contexts: Some Reflections on Gender Mainstreaming"* Institute for Development Studies Vol. 35 (4), Brighton, IDS

particular moment and in a particular way. The reference group was mobilized by ACORD International and brought together The Kenya Human Rights Commission, Action Aid International-Africa, The Great Lakes Parliamentary Forum on Peace - Amani Forum, African Women's Development Fund, International Planned Parenthood Federation, Urgent Action Fund – Africa and Fahamu.

Reconvening under the call for a move from Establishing Frameworks and Norms on SGBV to Action, it provided an opportunity to engage substantively on effective strategies to address impunity on the African Continent. We brought together one hundred and forty participants, who included members of parliament from the Great Lakes Region, East Africa and the Horn of Africa, policy makers, representatives of regional institutions (ICGLR, SADC, COMESA, EALA) as well as civil society actors and women's rights activists from across the continent to concretely map out action points at a Pan African and regional level to end impunity on SGBV. The conference was designed to bring together three strands of actors – civil society, parliamentarians and regional blocs. Actors that have consistently work in disparate ways. Our intention was to begin bridging efforts in responses to SGBV and develop stronger multi-sectoral approaches post the conference. The space was created to develop alliances, clarify a Pan African advocacy agenda and think through how to make existing sub regional initiatives stronger.

In addressing impunity for SGBV, the conference zeroed in on the question of compensation and protection for survivors of SGBV; one of the frameworks within which such analysis has taken place has been within transitional justice paradigms. By bringing together well known and emerging activists and researchers who work within this intersection and others such as HIV/AIDS, we chose not to focus on rehashing well known statistics and re-establishing gaps in existing frameworks, instead we identified tangible actions that could be taken up by the various actors represented at the conference. In what has been noted as *'not your ordinary'* conference, we were able to coalesce 140 voices, across language and regional boundaries into developing a six point action plan.

The next couple of pages capture the deliberations from the Conference. We note existing tensions, highlight emerging ideas and propose a plausible way forward. We distinguish that impunity will not end today, however we are optimistic that through collaborative initiatives of this nature that seek to cut across a range of experiences and sites from the continent, the possibilities are endless. One of the most affirmed action points was the need to develop a sexual violence index, a proposal mooted by Mama Mongella, the current president of the Pan African Parliament. This amongst the other action points will be pursued over the next year, but that said we must recognize that it is not about the *'other'*, it is not about *'the others'*, it is not about the statistics that we need to collate to ascertain the gravity of the situation, it is about you. You are doing it for you.

EXECUTIVE SUMMARY

The report of the Pan African Conference on Ending Impunity for Sexual and Gender Based Violence (SGBV), held in Nairobi in July 2008, has attempted to capture an extremely rich discussion that is intended to ensure a call to action in addressing SGBV. Chapter 1 “*Unfinished Business: Transitional Justice and Women’s Rights in Africa*” problematises the struggle to create gender responsive transitional justice mechanisms. Noting that transitional justice mechanisms are a new phenomenon, the chapter illustrates how the legacy of impunity for SGBV in times of ‘*peace*’ means that transitional justice mechanisms are often focused on trials of the ‘*Big Men*’ with women’s rights concerns not being addressed. The need to create survivor and victim centred approaches is poignantly brought to the fore with a contrast between the treatment of ex-combatants who are offered compensation packages and victims of SGBV whose needs are rarely considered and when they are, it is often as an “*add on*.”

Chapter 2 on “*Governmental, Parliamentary and Institutional Approaches*,” raises the issue of the absence of responsive legal mechanisms for addressing SGBV and the lack of enforcement where they do exist. It also showcases some of the gains that have been made in parts of the region in creating victim and survivor responsive laws as well as the challenges in the enactment of these laws. Whilst Chapter 3 “*Exploring the Intersections*” draws the linkages between HIV/AIDS and SGBV pointing to the fact that SGBV is an unrecognised driver of the pandemic.

Chapter 3 also raises the issue of Security Sector Reform (SSR) and the need to engender the discourse on the security sector. Finally Chapter 3 also states the demand “*show us the money*” raising the question of where are the resources for addressing SGBV.

Chapter 4 “*Planning for Action: Group Sessions*” is replete with strategies and identifies key opportunities for concretely addressing the legal, policy and institutional gaps in addressing SGBV.

Chapter 5 “*Gallery Walk: Evoking the Rage*” visually encapsulates the atrocities visited on women and girls in the perpetration of sexual and gender based violence.

Chapter 6 offers concluding remarks with regard to how these strategies will be taken forward. It provides an analysis of the environment within which we are currently operating in Africa. It recommends three pillars that will underpin the actions that the reference group will seek to scale up in concert with the conference participants within the next year.

Finally Chapter 7 contains appendices which include action plans developed by Conference participants, the Conference Communiqué and a statement of solidarity by some male delegates. It is hoped that this report will be a rich and informative contribution to the discourse on sexual and gender based violence.



CHAPTER ONE

*Until lions are able to tell their own story,
the hunters will always be heroes*

– African proverb

1. UNFINISHED BUSINESS: TRANSITIONAL JUSTICE AND WOMEN'S RIGHTS IN AFRICA

This session was designed to lay the foundation for conference discussions by analysing transitional justice mechanisms from sampled countries across the continent. The Key note paper by Professor Makau Mutua mapped out the broad terrain while the panel papers zoned in on country processes.

1.1: Contextual Analysis

Transitional justice is a relatively new concept in both international law and human rights - it is still essentially a work in progress. Rather than treating the concept of transitional justice as established and sacrosanct, government institutions and civil society should critically examine its track record and expose its weak points. In particular, how have transitional justice mechanisms responded to SGBV in conflict and post-conflict situations, and what is the potential within the transitional justice concept?

Transitional justice mechanisms include:

- Legislative reforms: e.g. the repeal of laws that do not respect human dignity; and enactment of women-centred laws.
- Legal reforms e.g.: the purge of corrupt judges and judicial reform
- Institutional reforms e.g.: the reform of prison systems and police forces
- Civil society measures e.g.: peoples' commissions or mock tribunals
- Truth Commissions

The Truth Commission of South Africa was the first widely publicized of its kind on the continent, and thus the most closely scrutinized. In the years since then, Truth Commissions and other transitional justice mechanisms have been replicated throughout Africa's post-conflict societies. The Truth Commission is the most well-known, transitional justice mechanism and also perhaps offers the best opportunity for coalescing national consciousness and providing a teachable moment for a society. It is the most viable method used to examine the past, assess the present and create an agenda for the future.

Yet, Truth Commissions have often failed to respond adequately to SGBV. Truth Commissions replicate the same deficits of attention as that of the larger society, and gender is a neglected concern in our patriarchal systems. Thus, SGBV is considered a minor issue, and not included in the trials of the 'Big Men'. Transitional justice attempts to balance the justice for victims with proportionate retribution of violators, if gender is, on the whole, not given much weight, then the solemnity of SGBV violations will necessarily be less.

Mutua asserts that Africa should avoid the traps of most transitional justice programs that have focused on civil and political rights violations alone while leaving completely untouched the equally important arena of economic crimes, which are intrinsically connected to sexual and gender based violence. He continues that economic powerlessness – which is connected to political powerlessness – lies at the root of sexual and gender based violence. The inadequacies of transitional justice in addressing SGBV go deeper than women being sidelined. The Sierra Leone Truth and Reconciliation Commission focused on finding out the 'truth,' but this was not enough for SGBV survivors. They wanted reconciliation and restitution. Similarly, when domestic criminal courts and the International Criminal Court do include

Personal Account

The LRA rebels crossed into Atiak in April. They found me asleep at 11.00 am under a mango tree in our compound. One of them came to me and ordered me to stand up which I did. Another asked why I was sleeping at that time and I told him that I had been harvesting vegetables and felt tired, that is why I had slept. He then asked whether I was of any value to them. I told him I did not know. He hit my head with the butt of his gun and a machete and I collapsed in front of the hut. Their commander ordered all other captives to be brought where I was. They hit many captives with the machete and butts of their guns; they left many of them dead and others unconscious.

One of them asked why they should leave me. Another replied that they were already "tired of having sex with women" and said they "should do something else to me." He ordered that I should be dragged to an open space and was taken under the mango tree. One of them ordered for a knife and told me to lie upside down, which I refused. He then said that since I was stubborn, they would teach me a lesson I would never forget. Two rebels spread my legs in opposite directions and tied them with ropes. They started piercing my vagina with a knife and cut it up to the anus. One of them said I should be killed and my head smashed, but another said that what they had done to me was enough. After a while, heavy rain fell, it rained on me for almost two hours as I could not move anywhere. I regained consciousness in the morning and found bodies of other captives they had killed next to me.

Source: Isis-WICCE. 2001. Women's Experiences of Armed Conflict in Uganda, Gulu District, Kampala, Uganda

rape and SGBV in charges, this offers an opportunity for some women to ‘serve the greater good’ but does not help to meet their personal needs.

1.2: Background on Transitional Justice and SGBV

The call to action and ending impunity with respect to SGBV in the context of the discourse on transitional justice raises the questions of what do peace, security and a human rights state mean for women and girls? Sadly sexual and gender based violence are a “norm” within the context of “peace” in patriarchal states. In patriarchy perpetrating human rights violations against women and girls is an accepted norm. It is therefore unsurprising that rape was first defined in international law in 1998 in the International Criminal Tribunal for Rwanda (ICTR) is decision in the case of *The Prosecutor – v – Jean-Paul Akayesu* [ICTR-96-4-T]. Where the court stated:

...the Chamber also had to define certain crimes which constitute offences under its jurisdiction, in particular rape, because to date, there is no commonly accepted definition of this term in international law.

It is a sad statement of how unrecognized women’s human rights are that until 1998 there was no definition of rape in international law. Rape was only added to the charges against Jean-Paul Akayesu (the former bourgmestre (mayor) of Taba Commune in the prefecture of Gitarama, Rwanda) after the NGO Coalition on Women’s Human Rights in Conflict Situations filed an amicus curiae (friend of the court) brief.¹

Transitional justice mechanisms have evolved within the context of global patriarchal human rights norms. Within the traditional patriarchal human rights framework most forms of sexual and gender based violence such as domestic violence are considered a private matter and therefore traditionally outside the purview of the state. It is only in 1993 at the United Nations Vienna Human Rights Conference, that states formally acknowledged responsibility for acts occurring within the private domain, through the *Declaration on the Elimination of Violence Against Women (DEVAW)*. Article 1 of which provides that:

...“violence against women” means any act of gender based violence that results, in or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life.

In patriarchy, that which happens within the private domain is subject to the authority of individual males. This is encapsulated in the English saying “a man’s house is his castle.”

As is noted by Rebecca Cook:

The public-private distinction underlies many problems in trying to apply the human rights model to domestic violence. The law just does not reach to the private sphere of the family. More importantly, public international

¹ See “Rwanda: Akayesu Sentencing a Victory for Women’s Rights,” *www.dd-ca* as at 9th September 2008. Several Rwandese and other African women’s human rights CSOs were involved in the coalition.

law, the state sovereignty model, does not necessarily reach to the private domain of the state.²

One of the greatest challenges in respect of domestic violence is getting law enforcement agents to intervene in what they consider to be “domestic” or private affairs. This perception of SGBV as a private matter has meant that historically states were not tasked with addressing it in times of peace let alone conflict situations.

Another manifestation of patriarchal human rights norms is that in most legal systems rape was not treated as an offence against a woman but rather against her male relations. In old English law for example, a girl or unmarried woman’s father was compensated for her rape, whilst in the case of a married woman it was her husband.³ This is no different from the manner in which rape is dealt with in African customary law or the perception of rape as an “honour” crime in some Asian and Middle Eastern cultures. In patriarchal legal systems rape is not a violation of a human being but rather the damage of another man’s goods (the woman or girl, or the man’s reputation (honour)) thus the man must be compensated or avenged. Women, as noted by Professor Mutua, are chattel in patriarchy – chattel cannot have rights. In conflict situations this becomes heightened as women’s bodies become the very territory on which the battle is fought. Raping a woman is violating and claiming the other male’s territory.

Thus the patriarchal objectification of women is key to the philosophical underpinnings of the culture of impunity with respect to SGBV even within the context of transitional justice mechanisms which ironically are intended to address impunity. The objectification of women is at the heart of the bias towards perpetrators’ needs as opposed to those of SGBV victims in transitional justice mechanisms. This is actually reflective of how states address SGBV and in particular sexual assault, where complainants are presumed to be inherently dishonest and out to malign the reputations of “good men.” Thus laws of evidence in respect of rape are often biased, requiring that victims’ evidence be physically corroborated and that victims prove that they did not “ask for it” through their conduct.

In respect of transitional justice and SGBV Harriet Musoke aptly illustrates this contradictory bias towards perpetrators’ needs, as opposed to a victim centred approach, when she observes how in Uganda under the Amnesty Act (2000):

Many ex-combatants were able to secure amnesty as surrendering rebels for crimes they committed. Many of these committed atrocities against their communities and sexually abused women who were abducted.... Amnesty

² See Joanne Kerr ed., *Ours by Right: Women’s Human Rights as Human Rights* (London: Zed Books, 1993) 13

³ In early English law, the crime of rape was concerned with the “theft of virginity”. See Jennifer Temkin, *Rape and the Legal Process* (London: Sweet and Maxwell, 1987) 27, 42-47

stood out as a mechanism that helped to bring many ex-combatants, and showered them with resettlement packages while other perpetrators were graced with leadership positions.⁴

Musoke contrasts the reception of these ex-combatants, who are perpetrators of SGBV, with the treatment of women survivors, who “communities are not willing to stay with ... on learning that they have HIV/AIDS or children born out of rape in the bush.”⁵ She aptly observes

As a transitional justice mechanism, the question for the Amnesty Act is how have female survivors’ needs such as compensation, protection and resettlement been taken care of?⁶

This question needs to be asked in respect of all transitional justice mechanisms. The basis of human rights claims is one’s citizenship, there is therefore a direct link between women’s subordinate status and their inability to enforce human rights mechanisms – whether national laws or international conventions – to protect themselves from SGBV.

It is also in Vienna that the principle of indivisibility of human rights was recognized. This is the principle that: “All human rights are universal, indivisible and interdependent and interrelated.”⁷ Section 5 of the United Nations’ Vienna Declaration and Programme of Action (1993) states that:

...it is the duty of States, regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms.

The discourse on ending impunity for sexual and gender based violence needs to be framed within the context of the principle of indivisibility – what does the right to security mean to victims of rape? What does the right to equal treatment by a court of law mean? Sexual and gender based violence is therefore a civil and political rights issue however it is rarely articulated and/or advocated as such. African women were key to the struggle for the recognition of rape as a crime against humanity in international law through the Akayesu decision. They need to be at the forefront of pushing the frontiers of human rights discourse by utilizing the variety of human rights instruments and mechanisms (national, regional and international) that theoretically recognize their right to security. There is no reason why African women cannot for example invite the United Nations’ Special Rapporteur on Violence against Women to investigate the situation of African women in conflict; or for that matter the UN Special Rapporteur on Torture.

⁴ This was raised in Harriet Musoke’s presentation of her paper “The Human Face of Armed Conflict: Transitional Justice Questions Related to Female Survivors of the Armed Conflict in the Greater North of Uganda (GNOU)”

⁵ Ibid

⁶ Ibid

⁷ Article 5, United Nations Vienna Declaration and Programme of Action (1993)

1.3: Challenges to Ensuring Justice for SGBV Victims and Survivors Within the Context of Truth and Justice Mechanisms

Our challenges are not only in a quest to make transitional justice measures deliver, but also in defining the contours of the problem [SGBV] for which we are mobilizing the transitional justice response

– Lydia Bosire

- Navigating the pitfalls of the traditional models of restorative justice: Following cultural or traditional justice systems can mean that there is greater access for SGBV survivors and greater cultural sensitivity than in the criminal justice system. However, it must also be acknowledged that African traditional systems usually place the male solidly in the centre. Thus, men are in charge of the process; it is the male family members who are ‘aggrieved’ and not the survivor; and sentences are often negligible. Solutions that save honour, such as marrying the survivor to the perpetrator or paying fines to the men, are acceptable. Such processes do not respect the dignity of the women survivors, nor do they address their needs or rights. Restorative justice models also pose other challenges. To what are women survivors being ‘restored’? Is it justice if the goal is to reinstate the gendered inequalities of the previous “usual” life? And can these models be used to comprehensively address SGBV – beyond sexual violence to include other forms of gendered violence and the social and economic impact of SGBV?
- Enforcing good existent laws: Good laws without implementation are ineffective. One of the major stumbling blocks to ending the practice of impunity for SGBV is the lack of implementation of the laws and policies that already exist. Many African countries have put in place laws that can be used to address SGBV, but these are not properly implemented. The Deputy Speaker of the South African National Assembly offered the example of her country. On the books, South Africa has comprehensive laws against SGBV. Furthermore, they have a celebrated constitution that ensures women’s rights, and they have ratified the Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Yet, in spite of all of this, and in spite of being in a state of ‘peace’, South Africa has one of the highest rates of rape in Africa. One of the reasons behind this is the lack of political commitment and action to institutionalize legal commitments to prosecuting SGBV.
- Creating women centred transitional justice mechanisms: Looking back at Africa’s experiments in transitional justice, it is clear that for the most part women have not been part of developing the mechanisms. Often, the voice of outsiders, such as the United Nations, is given disproportionate weight.

Outsiders fail to have a sense of what local women want and need, and by trying to design processes for healing, can prevent the healing process. One example of such an outsider-designed process is the criminalizing of survival mechanisms such as ‘bush marriages’ in Sierra Leone, where many of the women involved actually wanted acknowledgment of their share of their men’s compensation packages. Simply put, women must own the transitional justice processes, or they will not be healed or empowered. In order to effectively take hold of the processes, women must be in a position to make the decisions. Lip service to gender balance on Truth Commissions and a concern for SGBV is not enough. The pre-existing structures of hierarchy must be dismantled within the transitional justice mechanisms. It is equally important to reckon with the challenges of different situations and acknowledge the complexity of armed conflicts, for example where children were forcibly recruited and committed atrocities; their reintegration into the society is a constant reminder to the survivors of atrocities committed against them.

- The Politics of SGBV and Impunity; Negotiating Democracy: Long before the recent post-election violence in Kenya, a proposal was floated to form a Truth Justice and Reconciliation Commission.⁸ The Commission was never approved however, because it got caught in the cross-fire of national politics. Too often, transitional justice mechanisms are stillborn because of such politicking. Where governments do not function properly, there is a greater chance that transitional justice will be compromised and fail to effectively address SGBV. Ties to former regimes and the interests of the post-conflict emergent ruling elites are often more at play than the ideals of justice. The Honourable President of the Pan-African Parliament, Mama Gertrude Mongela, further warns that the recent trend of ‘negotiated democracy’ as was witnessed in Kenya and now Zimbabwe threatens women. Women speak through voting, and by setting aside those votes, their voices are taken away.

- Reconceptualising women and gender within our societies: The problem of SGBV and its impunity in our societies must be addressed by starting from the bottom, with patriarchy’s roots. Families have a responsibility to reshape the models and lessons of

⁸ The first recommendation that Kenya have a TJRC emerged in 2003 at the end of the Kenya African National Union (KANU) is uninterrupted forty year rule. Consequentially a Taskforce on the Establishment of a Truth, Justice and Reconciliation Commission chaired by Professor Makeni Mutua was established on 17th April, 2003. The Taskforce on the TJRC submitted its report to the then Minister for Justice and Constitutional Affairs, Honorable Kiraitu Murungi, on 26th August 2003. Although the Makeni Taskforce had found that Kenya did require a TJRC and had indeed recommended the establishment of one, it was never set up. After the post-electoral crisis in Kenya, it was acknowledged by all political parties that the country requires a truth, justice and reconciliation commission. The Truth Justice and Reconciliation Commission Bill is currently before Kenya’s Parliament.

gender and sexuality that are taught to children in the way they are raised. The State has a responsibility to implement an educational system that shapes citizens who recognize women as human beings and not objects of sex or work.

- Survivor Centred Approaches: By involving the affected women in designing transitional justice mechanisms, there is a better chance that the ultimate processes will actually speak to their needs and desires. For example, SGBV survivors may not want attention placed on their experiences as they attempt to reintegrate into their communities. The best way to ensure that survivors’ dignity and rights will be respected is to make them central in designing mechanisms and the necessary structural reforms. At the centre, these women are more likely to be in control of the processes, rather than being forced to access the processes from the periphery, which often requires a ‘public confession’ a process that victims perceive as shameful and that can potentially stigmatise them.
- Effective utilisation of UN Security Council Resolution (UNSCR) 1325: United Nations Security Council Resolution 1325 (UNSCR 1325) is a milestone in its recognition of and commitment to address women’s experiences of armed conflict. It calls for women to be involved in the negotiation and implementation of peace-keeping agreements, and lays out specific guidelines for the behaviour of UN missions. The special needs of women must be addressed with respect to disarmament, demobilization and reintegration. Over all, UNSCR 1325 is a potentially powerful tool to prevent SGBV, protect women, and ensure women’s participation in decision making. However, UNSCR 1325 has not been implemented to anything approaching its full potential. The big UN agencies, such as the UNDP, do not apply it to their missions. Nor is it recognized in low-level conflict situations where an ‘emergency’ or war has not been declared, despite its applicability.
- Separate the criminal and political: In Africa, as in other parts of the world, wars are more than just criminal events; they are political events. Thus, responding to criminal events without addressing underlying political issues and imbalances of power will be ineffective. At the same time, political solutions should not allow criminal responsibilities to be ignored. Blanket amnesty is never acceptable in the grave cases of human rights abuses, such as rape and other forms of gendered abuse.
- Ensuring parity for women in decision making in public institutions: Until there is parity of women in decision-making positions, the urgent need to address SGBV will not be felt. There is need to institute measures to ensure that national parliaments across

Africa are on track to have over 50% representation by women, through affirmative action if necessary. Where women are in Parliament, caucuses can be useful tools for uniting on issues and rising above political parties. Once women are in positions of power, citizens must play an active role in holding them accountable. The example was given of Sierra Leone where women mobilized to threaten to withhold their votes if their Parliamentarians did not take specific action on SGBV.

1.4: Strategies

- Use existing legislation and policies: In many African countries there is existing legislation and policies that directly respond to SGBV. Even if these laws are not being adequately implemented, they are available for use.
- Reference standards, mechanisms and protocols that exist within Africa: One need not look outside of the continent for norms or standards on SGBV. Regional examples include the *Protocol the African Charter on Human and People’s Rights on the Rights of Women in Africa (African Women’s Protocol)*; the *Great Lakes Protocol on the Prevention and Suppression of Violence Against Women and Children*; the African Union Gender Directorate;

and the gender desks of the Regional Economic Communities.

- Document incidences of SGBV: This relatively simple tactic can be an empowering process, catalyze movements of survivors, and ensure a national response to SGBV.
- Explore defining rape as torture: This is an example of a creative legal response that deserves an exploration of its possibilities and potential limitations. Torture’s robust international and domestic protections could give power to SGBV claims and demands for protection.
- Memorialize the battlefield that is women’s bodies: How can we creatively bring attention to an issue often swept under the negotiation table in the name of peace?
- Borrow from other successful areas of activism: Is there a way in which we can borrow from success stories of activism (e.g. freedom of expression) to hold institutions concerned accountable on SGBV?
- Engage in discussions with state security sectors on SGBV issues: unless states are held accountable for their role in protecting citizens, especially women and girls, it will be difficult to end impunity on SGBV.



Ending impunity for sexual and gender based violence



When women dress well it is not an invitation to rob,”

– Hon. Njoki Ndung’u

Personal Account

My name is Salome. My home is 70 kms away from here in a place called Ritchuru. I used to live there in my parents’ house until things changed for me about 3 years ago. One day when I was coming to Goma town to sell some wares I met about three soldiers on the way to the market. I knew two of them but without saying a word to me they began raping me repeatedly and then left me for dead. I was rescued by some good Samaritans and taken to the hospital at Heal Africa. There I received treatment and later decided to report these men to the police. These men were arrested and I was told we would go to court. I travelled back to my village in Ritchuru but when I came back after about two weeks the first people I saw in the market place were the same soldiers who had raped me, walking very confidently and looking like they did not have any problems. I got so scared that I quickly ran away so that I could go somewhere safe. Do you know why? Because I felt they were going to do even worse things. After this happened to me I began asking myself several questions which I could not answer because a few years before I had seen my own mother being raped. She later died of HIV/AIDS. I have also recently discovered that I am HIV positive. For me, living in this semi conflict situation, what is still not clear is who is supposed to protect people like me?

Source: Action Aid International- Africa.

2. GOVERNMENTAL, PARLIAMENTARY AND INSTITUTIONAL APPROACHES

2.1: Key questions in Respect of Governmental, Parliamentary and Institutional Approaches towards SGBV

In examining the issue of governmental, parliamentary and institutional approaches towards SGBV, the question of women’s citizenship arises again. This is both as a philosophical and actual concern. As has been noted in chapter 1 above, women are not citizens within the patriarchal state. This poses a practical problem, law enforcement agents, the world over, are notorious for discriminating against victims of SGBV. Many states are yet to institute practical measures actualizing Article 1 of the *DEVAW*, requiring and capacitating law enforcement agencies to treat SGBV as a human rights violation and provide commensurate services to survivors. At a global level this institutionalized culture of discrimination against SGBV victims and survivors was exemplified in the *Akayesu* case, where the rape charges were only instituted after the filing of an *amicus curiae* brief.

In actuality women also do not have equal civil and political rights as their male counterparts in several African states e.g. in Kenya. Clawback clauses in national constitutions militate against women enjoying their rights on the same basis as male counterparts and permit discrimination in matters of family and personal law, the primary sites of SGBV. In Kenya for example, women cannot bequeath citizenship on either their children or spouses. The *Constitution* also permits the use of customary law in respect of inheritance, yet most Kenyan communities have customary laws that do not allow women to own property. As a consequence of clawback clauses women – and specifically SGBV survivors – are sometimes unable to take advantage of equality provisions and use instruments such as class action suits. The clawbacks in the *African Charter on Human and Peoples’ Rights* that necessitated the *African Women’s Protocol* are replicated at the national levels through these constitutional clawbacks.

However, there have been instances where courts used constitutional equality clauses to protect SGBV survivors e.g. in the Kenyan case of *John Mwashighadi Mukungu – v – Republic [2003]*, the Court of Appeal ruled that:

If any basis existed for treating female witnesses differently in sexual offences, such basis cannot properly be justified presently.... We have no hesitation in holding that decisions which hold that corroboration is essential in sexual offences before a conviction are no longer good law as they conflict with section 82 of the Constitution.¹

This was a clear example of the principle of indivisibility being positively applied to protect victims of SGBV from sexist interpretations of the provisions of the *Evidence Act* that discriminated against them by requiring physical corroboration.² Again it is imperative that the principle of indivisibility is tested and operationalised in order to end impunity in respect of SGBV.

The other area of concern in respect of governmental, parliamentary and institutional approaches is that of ratification of human rights instruments that protect women’s rights in particular the *African Women’s Protocol*. As of July 2008 only 24 African countries and member states of the AU had ratified

¹ *Coalition on Violence Against Women – Kenya (COVAW), Judicial Attitudes of the Kenyan Bench on Sexual Violence Cases – A Digest (Nairobi: COVAW, 2005) 15 - 16*

² *In an earlier decision, Maina – v – Republic [1970] the then Chief Justice Mwendwa of Kenya, had stated:*

It has been said again and again that in cases of alleged sexual offences, it is really dangerous to convict on the evidence of the woman or girl alone. It is dangerous because human experience has shown that girls and women sometimes tell an entirely false story which is very easy to fabricate, but extremely difficult to refute,

Such biases are the source of clauses such as section 38 of the SOA that treat perjury as if it is equivalent with rape.

the *African Women's Protocol*.³ The unwillingness to ratify the *African Women's Protocol*, our own regional instrument, illustrates the lack of political will in respect of addressing women's rights. Yet the *African Women's Protocol* contains a definition of violence against women that includes:

...acts perpetrated against women which cause or could cause them physical, sexual, psychological and economic harm...in private or public life in peace time and during situations of armed conflicts or of war.⁴

The definition of violence against women in the *African Women's Protocol* is therefore broader than that contained in the *DEVAW* as it addresses the situation of women both in peace time and conflict situations. Furthermore unlike the *DEVAW*, the *African Women's Protocol* is binding on states that ratify or accede to it.⁵ Furthermore, the *African Women's Protocol* recognizes the right to peace.⁶ It is therefore in the interests of mainstream peace, human rights and development organizations to promote the ratification of the *African Women's Protocol* as it is one of the only human rights instruments that recognizes this right. The *African Women's Protocol* also contains specific provisions that protect women in situations of conflict.⁷ There is need to raise public awareness about the potential advantages to African communities, as a whole, of respective African countries ratifying the *African Women's Protocol*. Regional parliaments and bodies such as EALA and SADC can play an important role since the peer pressure from progressive member states can have an impact on other states. It is also imperative that states are held accountable for the agreements that they have made, CSOs have an important role to play in this respect, in monitoring state compliance.

2.2: Mapping the Context

Across the continent there has been what some have termed a 'policy explosion'. Beginning with the host country Kenya we sample two parliaments and one institutional mechanism. These have been adopted by African countries towards engaging with both the proposed prosecution of SGBV perpetrators, address the needs of survivors and deal with post conflict reconstruction.

There is little legislation on Sexual and Gender Based Violence (SGBV) in Africa, even less on domestic violence. The available laws are inadequate and offer little protection for women and girls in the wake of the increased cases of these kinds of violation in the continent. For instance, in Kenya, before 2006, there were no laws specifically dealing with SGBV issues. Any laws in regard to SGBV or GBV were spread through the *Penal Code*; *Criminal Procedure Code*; *Criminal Amendment Act* and *Evidence Act*.

Most laws in Sierra Leone date as far back as the colonial

³ See www.africa-union.org, official website of the African Union is list of countries that had ratified the African Women's Protocol as of 16th July 2008.

⁴ Article 1(f)

⁵ Declarations do not automatically have the same force in law as conventions and their protocols that states have ratified.

⁶ Article 10

⁷ Article 11

era and are therefore no longer relevant to current situations and realities of the country. These laws have failed to have successful prosecutions (as they make it hard for victims to testify); prevent reporting of crimes and even lead to withdrawal of cases thus encouraging impunity. Customary laws and practices in respect of sexual offences, which are deeply discriminatory against women and girls facilitate impunity. The incapacity of these laws to adequately and comprehensively deal with prosecution of crimes of sexual violence has therefore prompted their review and/ or enactment of new laws which have provisions for protection of the victims. The purpose of the new law is therefore to introduce comprehensive law reform with regard to rape and sexual assault, introduce stiffer and enhanced penalties for offenders as well as end impunity enjoyed by most perpetrators of SGBV. Achievement of these new laws has been through collaboration mainly with the CSOs, judiciary, medical fraternity, media and also the police.

Sexual Offences and Domestic Violence Legislation

The *Sexual Offences Act (2006) (SOA)* in Kenya was the first gender related act to be passed by Parliament. An increase in the number of female legislators gave more power to the efforts to lobby for the legislation. The *Act* was successful in introducing mandatory sentences for SGBV offenders as well as not allowing for withdrawal of a case without the consent of the Attorney General. A National Taskforce that is working with the Judiciary, Prosecutors (AG's Chambers), police, medical officers (Ministry of Health Services), prisons, Ministries of Education and Gender, has been set up to implement the *Act*.

The *Domestic Violence Act (2007)* in Sierra Leone is gender neutral and includes violence committed by women against their spouses. It seeks to address the high incidence of domestic violence in the country as well as eliminate the culture of silence and impunity in relation to crimes that occur in domestic relationships. Apart from parliamentarians, institutions are also critical in dealing with SGBV. In Rwanda for example, the *Gacaca* Courts have been helpful in dealing with prosecution of war crimes, including rape and sexual violations. Also, the National Women's Council, which acted as the voice of all women, helped in post war healing by offering a space for genocide victims to share experiences. The Council also strengthened the decision making capacity of women thus acting as a nursery for women leaders. There was also the National Unity and Reconciliation Commission mandated to educate so as to promote respect for life and for human rights. All these institutions were very helpful and effective in managing the post-genocide period in Rwanda.

2.3: Challenges

- Opposition (from male legislators and others): The patriarchal system that exists in most African nations as well as the negative attitudes, cultural norms and perceptions with regard to women hinder any progress in legislating against SGBV. In addition, most parliaments are male dominated and so may not



see the need for such laws. For example, during the legislation process for the *SOA* in Kenya, various proposals were removed from the *Sexual Offences Bill* e.g. the clause on genital mutilation. There was also the introduction of section 38 by disgruntled male opponents stipulating that any person who makes false allegations against another to the effect that the person has committed an offence under this *Act* is guilty of an offence and shall be liable to punishment equal to that for the offence complained of. In Sierra Leone, the fear of losing female votes forced male parliamentarians to cooperate. Uganda has been unable to enact the *Sexual Offences Bill* due to opposition from Muslims who have stated that they do not want to be governed under the same law, claiming that the Koran already stipulates how marriage relationships should be managed.

- Collaboration with CSOs: As much as collaboration with CSOs is integral to proper formulation, lobbying and advocacy of laws, if not handled well, the collaboration can be a source of dispute. Most CSOs, although knowledgeable about what should be in the law, may lack appropriate knowledge about the lawmaking process itself and hence cause problems during the legislative process. This was evident during the process of enactment of the *SOA* in Kenya where CSOs attempted to circumvent the constitutional process by issuing threats to male parliamentarians who in turn retaliated by threatening to withdraw their support. Sierra Leone's enactment process was faced with the difficulty of successfully managing and sustaining parliamentarians' collaboration with CSOs,

without usurping and undermining each others' roles, responsibilities and powers.

2.4: Strategies for Success:

Successful strategies have taken on board the following factors:

- Political will: There is need for politicians as law makers to have and show the political commitment at all levels, from local up to the national level. This will go a long way in assisting in legislating against SGBV. In order to succeed, it will also be critical for the leadership to show commitment with regard to resources as well as creation of an enabling environment in order to sustain implementation of the law
- Increased parliamentary representation of women: Women can articulate issues that affect them better and if they are to make any headway in gender related laws, there is need for their numbers in parliament to be increased. Likewise changes in policies cannot be expected without critical masses of women as a few women parliamentarians cannot handle all the responsibilities underscoring the fact that numbers do matter. In Rwanda for instance, where 49% of parliamentarians are women, the numbers helped a great deal in managing the post-genocide situation in the country, especially with regard to SGBV.
- Partnerships: Cross-sector partnerships are vital in SGBV legislation and subsequent implementation. In this regard, there is need to identify and coordinate complementary roles of all parties to



avoid competition and create a situation, whereby all will be winners. For instance the CSOs can agitate, parliaments legislate and the judiciary enforce the law hence complementing one another. Support and strengthening of the existing caucuses as well as coming up with a network of symbiotic partnerships in dealing with SGBV issues is therefore important. Equally important is for women outside parliament and those in the civil society to be urged to support those in parliament.

Partnerships with men and also engaging political parties with regards to SGBV legislation should also be emphasized. In Rwanda for instance, besides engaging women from across all political parties, the National Women's Council got men on board, especially with policy formulation on SGBV which made their efforts successful. Lessons learnt from collaborations with

various partners need to be documented which could serve as useful guidelines in future collaboration.

- De-ghettoizing SGBV: One way of breaking the silence that surrounds SGBV issues is to mainstream these issues in all sectors of the society e.g. education and also in justice training. There is need therefore to begin to locate SGBV within the broader framework of peace education. This calls for the involvement of the academia in order to review the curriculum in efforts to expand the dialogue on SGBV. In Kenya for instance, the judicial officers were trained on how they can use and implement the existing international and national protocols and laws on SGBV properly in execution of their duties.
- Accountability: African Heads of States must be held accountable in matters regarding SGBV. In addition, CSOs can make periodic expert presentations to parliament which can greatly enhance the oversight role of parliamentarians.
- Vigilance: Follow up after enactment of the desired bills. For effective implementation, there is need for different capacities to be built and or strengthened at all levels and across sectors. This training should therefore target the judiciary, police, investigation bureaus, courts, medical doctors, social workers, communities, women's groups, civil society and policy makers. There is also need to put in place new institutions as well as strengthen old ones to adequately and effectively deal with implementation of the law.

In summary some successful strategies include:

- Women parliamentarians taking the initiative to make laws on SGBV by bringing in private members' bills
- Getting SGBV bills sponsored by one's political party. This requires good negotiation skills.
- Seeking both male as well as cross-party support
- Having a strong media strategy
- Identifying the opponent, being aware of their political strategies and being strategic on how to respond.
- Collaborating with others e.g. CSOs, media, the medical fraternity and the police.





If the concept of security implies the ability of state institutions to ensure the protection of all citizens; men, women, girls and boys then perhaps the failure is more noticeable when it comes to protecting women

– Dr. Annie Chikwanha

Personal Account

It's a practice called "corrective rape", where men try to "turn you into a real African woman". I was raped because I was a butch child. I was 13 years old the first time it happened. My mother walked into the room soon afterwards and said to me "this is what happens to girls like you". "It didn't occur to me then what she meant, but looking back now, that's not the kind of thing you expect from a mother," she said. "I was raped by my ex-boyfriend because I refused him sex. The last time I was raped, I was 18 years old and it was a family friend who said to me that I had to be taught how to be a black woman.

Source: www.iol.co.za, November, 07 2003

3: EXPLORING THE INTERSECTIONS

This session sampled CSO engagements; dealing directly with the intersections: HIV/AIDS, Security and Access to Justice. They draw our attention to the existing tensions based on research and programmatic interventions but also direct our focus to opportunities. Sexual violence is vastly under-represented as an HIV risk and transmission factor both within and outside of conflict situations. A number of studies have linked the spread of HIV and other STDs to conflicts and the populations shifts they propel (McGinn, 2001)¹. In Rwanda, The WHO reports: "In a survey of the women who survived the genocide, 17% were found to be HIV positive. In another survey carried out by the Rwandan Association for Genocide Widows (AVEGA), 67% of women who survived rape had HIV"² If sexual violence is a significant HIV risk factor, it follows that conflict situations may pose greater risks for HIV particularly where rape is used as a weapon of war. Although HIV/AIDS prevention is likely to be at the first-line response to sexual violence (such as through STI treatment and provision of post exposure prophylaxis), it is far less likely that sexual violence prevention is seen and used as an entry point for HIV/AIDS prevention during or after conflicts.

Some Government interventions have been largely blind to the reality of women's risk to HIV and its key driver (GBV). Multilateral agencies and bilateral donors in charge of defining AIDS response have been equally blind to the above intersecting crises. Until the link between SGBV and the spread of HIV/AIDS is adequately documented and understood, efforts towards combating both epidemics will remain vain. Gender violence is also exacerbated by the absence of effective security provision for the vulnerable groups, namely women and children. The lack of legal protection for girls and young women subjected to abuse including physical abuse, defilement, and rape is due in part to the lack of enforcement of laws, although they are often in the books. UN reports have documented examples such as the MONUC civilian and military personnel who were accused of 150 cases of sexual exploitation and general abuse of civilians in the DRC (See, Mulgavh et al 2005).

From the studies conducted by Isis-WICCE in Uganda many female survivors have been exposed to sexual violence that has resulted in unwanted pregnancies, HIV/AIDS, the burden of raising unwanted children (commonly referred to as 'infidels', in reference to the ethnic identity of the alleged perpetrators), vaginal tears, urinary fistula, infertility, genital sores, swellings in the abdomen (see Isis-WICCE, 1997, 2001, 2002)³.

Besides, when it comes to protracted wars such as Northern Uganda, the issue of seeking legal redress is also complicated. This is due to survivors' different needs and interests that a single transitional justice mechanism may not be able to address. More so the court process is complicated and expensive for women and does not provide immediate remedies. Their experiences, pains,

¹ McGinn T., S. Purdin, S. Kranse and R. Jones (2001) *Forced Migration and Transmission of HIV and other Sexually Transmitted Infections: Policy and Programmatic Responses*. HIV In Site Knowledge Base Chapter. See <http://www.eldis.org/static/DOC12546.htm>; accessed 12 September 2008

² WHO, 2004. "Violence Against Women and HIV/AIDS: Critical Intersections: Sexual violence in conflict settings and the risk of HIV". *Information Bulletin Series, Number 2, November 2004, p. 1.*

³ Isis-WICCE (2001): *Medical Interventional Study of War Affected Gulu District, Uganda*
Isis-WICCE (2001): *Women's Experiences of Armed Conflict in Uganda, Gulu District 1986-1999, Kampala, Uganda*
Isis-WICCE (2002): *Documentation of Teso Women's Experiences of Armed Conflict 1987-2001, Kampala, Uganda*

priorities as well as needs, capacity to heal over what they went through, and the need for justice are not the same. Thus to achieve an effective, systematic and coherent global response to the SGBV problem, it is essential to adopt a more holistic approach by pooling all efforts and resources together towards engendering all relevant sectors, namely security, health, judiciary, police, military. Ending impunity through strengthening the legal and judicial systems and by providing adequate resources to prosecute perpetrators only works when the entire criminal justice system is sensitive to SGBV.

Addressing gender relations and power dynamics between men and women and the complex ways in which they impact sexual relations and decision making is also critical in the prevention of SGBV and HIV. However, as long as women remain alien to the processes where decisions are made, not equally represented in social, economic and political arenas, then issues affecting women, especially gender based violence will not be adequately addressed.

3.1. Challenges:

- Security sector reform: The concept of security implies the ability of the State institutions to ensure the protection of all citizens: men, women and children. There exist conventions/protocols/policies that are designed to protect women. There is also a general consensus on gender mainstreaming in legal documents, policy statements, institutions and organizations within the global governance arena. However this does not translate into a gender sensitive budget because only state security gets a large portion of the cake. CSOs and other development institutions and agencies also dedicate much of the advocacy work to policy changes yet without requisite security sector reforms, policies become or will remain impotent. Furthermore any reform process has to start with dialogue amongst all the stakeholders (public, parliamentarians and security agents themselves). However, women's voices are conspicuously absent at high level decision making more so at peace negotiating tables where SSR are part of peace agreements.
- An institutional framework for addressing SGBV: Without an international regulatory framework, other than International Humanitarian Law that can be used to punish SGBV crimes, many atrocities probably go unreported and unpunished. There have been instances of private security personnel being implicated in SGBV that includes the sexual abuse of women, men, boys and girls. These instances have been reported in other continents mainly in the Middle East and Asia. And there is a demonstrated historical link between prostitution/sex work, women and child trafficking for sex purposes and the presence of regular armed forces. The documentary film, *"The Greatest Silence: Rape in Congo"* is a powerful

message that helps one appreciate the magnitude of the heinous crime perpetuated by armed groups in eastern DRC with impunity.

- Recognition of Violence against Women and Girls (VAWG) as a major driver and consequence of HIV/AIDS: VAWG is rarely highlighted as a major contributing factor and consequence of HIV/AIDS. Although there is an indication of policy recognition of the need to address violence against women in the fight against HIV/AIDS, it is still treated as an "add-on" rather than as an integrated aspect of a comprehensive HIV and AIDS response; thus not given much attention during implementation. This calls for a policy framework that integrates VAWG and HIV across the spectrum, and highlights the gendered dimensions of the epidemic.
- Accountability: *"Show Us the Money"*: The *"Women Won't Wait Campaign"* launched by AAI (and members) conducted a survey in which they examined the 4 major public HIV/AIDS donors along side UNAIDS to assess support for work at the intersection in policies, programming and funding:
 - the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM)
 - the US President's Emergency Plan for AIDS Relief (PEPFAR)
 - the United Kingdom Department for International Development (DFID)
 - the World Bank
- The survey established that no agency specifically tracks their programming for and funding to violence eradication efforts within their HIV&AIDS portfolio. It is extremely difficult to determine the precise level of resources dedicated to SGBV. Hence, it is virtually impossible to match public commitment to programming and country planning

3.2: Strategies

Women's role:

- Continue advocacy work to promote women to senior national and regional security portfolios
- Ensure that women play a key role in the design and implementation of post conflict resolution and peace building activities
- Lobby key actors in the security sector: journalists and policy makers who have the ability to influence and address gender security issues & create visibility that could push for their prioritization in the security sector

Documentation:

- Document the link between and specific dynamics of the relationship between gender based violence and HIV vulnerability and risk.
- Provide periodic analyses of major incidences/record trends to manage security threats to women
- Document major cultural barriers to combating SGBV and exchanging knowledge at the local and regional levels

Resource allocation

- Increase funding for SGBV prevention programs along side investment in sexual and reproductive health as well as HIV/AIDS prevention
- Dedicate resources for interventions that prevent VAWG across the spectrum and institute transparent tracking mechanisms to measure program values, content and outcomes
- Lobby for national gender sensitive budgets

Specific transitional justice mechanisms

- Ensure the inclusiveness of specific interest groups in participation, in identification of priorities and in addressing of needs.
- Ensure the dignity of people in all mechanisms. People are not objects but should remain subjects of development processes. Community voices should be articulated in interventions.
- Make law enforcement and other justice institutions and frameworks user-friendly for women in the post conflict settings.

3.3: Issues for Consideration In Respect Of Security Sector Reform and Access to Justice

In examining the issues of security sector reform and access to justice in relation to SGBV three issues come to mind:

- The role that impunity in relation to SGBV in peacetime plays in "normalizing" violence within a patriarchal context particularly in relation to persons who are perceived as "others" and thus are excluded on that basis.
- The relationship between militarization of communities and SGBV; and
- Finally the potential of monitoring SGBV as an early warning signal.

Does tolerance for SGBV prepare a community for escalating violence? Does the fact that SGBV is not effectively addressed by states result in a psychological acceptance of violence as a norm?

Lydia Bosire raises the issue of *"feminized identities"* in her presentation. Quoting Inger Skjelsbaek, who theorizes

that *"sexual violence stem[s] from constructed power relations, where some groups are feminized and others masculinized."*⁴ In doing so Bosire was inviting participants to interrogate the role played by the construction of gender in the victimization and exclusion of groups of the population.

SGBV it would appear plays a key role in "normalizing" violence and raising a population's tolerance for atrocity. The oldest psychological study on the phenomenon of apathy is an SGBV case: the Kitty Genovese murder which took place in New York in 1964. Catherine (Kitty) Genovese was stabbed to death on 13th March in 1964 and her assailant then proceeded to copulate with her corpse. The case drew the attention of psychologists as, in what was later discovered to be a sensationalist newspaper report, it was alleged that thirty eight people had witnessed her murder and yet no one had called the police.⁵ One of her neighbours is said to have justified not calling the police by saying *"I didn't want to get involved."*

The Kitty Genovese case though illustrates what seems to be a standard response to SGBV both at the state and communal levels. In 1991 when 19 Kenyan school girls at St. Kizito's High School died escaping gang rapes by their rioting male schoolmates the deputy headmistress of the school was asked if she had not heard the girls' screams. Her response: *"we did not think it was anything, only the boys raping the girls."*⁶ In essence, it was not the rape of seventy one girls that drew public outrage and shock, but rather the fact that 19 girls had died during the incident. The fact that Kenya's most infamous rape incident took place in an educational institution also raises the question of what the role of the socialization process is in impunity with regard to SGBV and a culture of violence.

In 1994 Robert Mugabe issued several offensive statements about Zimbabwe's gay community terming, them *"perverts"* amongst other things. Some cheered him

⁴ See, Lydia K. Bosire, "Sexual And Gender Based Violence In CAR, DRC And Sudan The Limits And Possibilities Of Transitional Justice," a paper that was presented at the Pan African Conference on Sexual and Gender Based Violence, 21st -23rd July, 2008. In her paper Bosire cites Skjelsbaek who she notes "rejects theories based on 'essentialist' claims of rape as stemming from militaristic masculinity that targets all or some women." Arguing instead that "men, ethnic groups and other identities in a war zone are feminized and 'othered', while the rapist is masculinized, even men can be raped." This is a paraphrasing of Inger Skjelsbaek's "Sexual Violence And War: Mapping Out A Complex Relationship," *European Journal of International Relations*, Vol.7 No. 2

⁵ See www.wikipedia.org. The Kitty Genovese case was used as a study in basic psychology courses in the United States to illustrate the phenomenon known as the "Bystander Effect" or "Genovese Syndrome." It has been established that the original New York Times article on which the phenomenon is based was actually factually wrong as "none of the witnesses observed the attacks in their entirety. Because of the layout of the complex and the fact that the attacks took place in different locations, no witness saw the entire sequence."

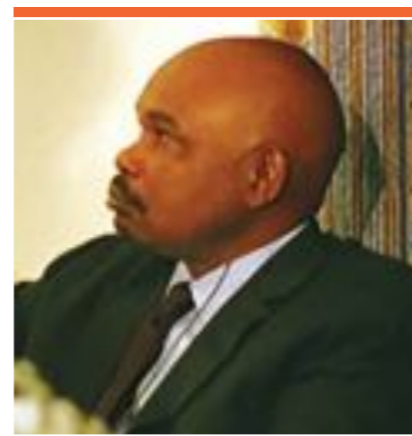
⁶ The St. Kizito's incident made headlines across the globe. It was even the subject matter of the Committee on the Elimination of Discrimination Against Women's "Concluding Remarks," to the Kenyan delegation in 1993. See www1.umn.edu/humanrts/cedaw/kenya1993 as well as Jane Perlez, "Kenyan Do Some Soul-Searching After the Rape of 71 Schoolgirls," *The New York Times*, July 29, 1991

on. Since 2004, rape has been the crime reportedly most on the rise in Kenya. In March 2004, a two year old girl was gang raped and murdered – not a single senior state official responsible for the administration of justice spoke out on this issue! Whilst the public was outraged, with the newspapers carrying this as a headline story on Thursday 18th March 2004, Kenya's then Minister for Internal Security, Christopher Murungaru, was reassuring

the United States that the country was safe for tourists!⁷ Do escalating incidences of SGBV numb a society's responses to violence in general? Can monitoring the incidence of SGBV provide societies with early warning signals of escalating conflict? Again do mainstream human rights, peace, conflict resolution, security and governance institutions have a direct interest in and could they stand to gain from monitoring and ending SGBV?

⁷ See the Daily Nation dated 18th March 2004.

CHAPTER FOUR



Only in the last decade have we seen serious attempts to remove women's rights from the ghetto of the rights discourse. How do we de-marginalize women's rights questions in the construction of transitional justice vehicles?

– Professor Makau Mutua

4. PLANNING FOR ACTION: GROUP SESSIONS

In keeping with the goal of having this conference as a strategy building event, day two and three were dedicated to three thematic working groups.

4.1: Legal, Retributive, Transitional and Restorative Justice Mechanisms: Mapping the Way Forward

Is the law a sufficient mechanism for transforming society with regard to SGBV? Should Transitional Justice be defined as a legal enterprise? What other kinds of discourses should be used to effect transitional laws? There seems to be a *lacuna* in law enforcement. What impedes law enforcement? Is this an invitation to adopt diversified approaches instead of relying on or privileging any one transitional justice discourse? It is clear a full frontal approach to the problem of sexual and gender-based violence is indispensable to understanding and addressing the problem in whatever transitional justice vehicle is chosen by a country. A number of responses should be contemplated because of the multifaceted nature of the problem. For instance, criminal sanctions against perpetrators are necessary, even in the context of a truth commission. Thus adjudicatory responses form one of the core vehicles. Note that adjudication has several purposes – these can be punitive, deterrent, compensatory, or correcting a historical wrong. They can also be “civilizational”. Some of these focus on the perpetrator, others on the victim or survivor. But others can and should be rehabilitative – that is, seeking to heal the trauma of victims and survivors as well as their families. Here, one of the purposes is to ease the reintegration of the survivors and their families back into society. Sometimes truth telling and public acknowledgement will play a role in this process.

Thus, whatever strategies are employed, it is essential to have a legal and policy framework for addressing these societal deficits. It is equally important to take into consideration the whole aspect of economy, commerce and markets in relation to the ability to purchase justice. It is very naïve to think justice shall work without economic power.

Finally the question which arises is: If all that is done is focus on legal approaches, what has been done for the victims? What produces victimisation? Who produces victims? A victimless society is a society of those who are empowered; this does not necessarily mean they understand the law. Thus the greatest task of CSOs is to make sure that there are fewer occasions for the society to create victims and invest in empowering women.

Strategies

- Come up with national home grown initiatives to address SGBV; implemented and managed by the affected nations. The examples from Sierra Leone about the on going establishment of Special Courts alongside Fast Track Courts meant to provide prompt judicial assistance to SGBV survivors could be adopted by other nations.
- Integrate domesticated gender laws into customary laws such that what is legal at national level finds its way into the culture at the local level.
- Community level women's mobilization in the fight against SGBV: It was noted that the use of the term “grass root level women” to refer to women at the community level was disempowering. They preferred to be referred to as “community level women” for them to feel they own and can take up the fight against SGBV while being supported with resources and capacity building in terms of human rights awareness.

- Adopt survivor centred approaches which address survivors' needs in a more holistic manner (see the Action Aid International EGG Model currently used in Sierra Leone and Burundi) for better coordination, alliance building and greater impact. This is because a legal remedy may not be sustainable if it does not address the rights of the survivors (right to be, to become, to belong)
- Create partnerships with other institutions which can offer legal support to SGBV victims (e.g. Associations of Women Lawyers)
- Revise the OCHA Humanitarian Response Manual for local ownership

Opportunities

- Engender existing restorative measures: There is need to undertake structural and institutional reforms within existing frameworks such as the Demobilisation, Demilitarization, Reintegration and Rehabilitation framework, which are male centred to make them more responsive to women survivors' needs. It is also important to ensure that the punitive aspect is not swallowed by the global reconciliation aspect much put forward in transitional justice.
- Design reparation measures: Who designs these reparation measures? Who takes responsibility? Who participates and at what level? There is a challenge in questioning frameworks designed by foreign "experts" and brought to selected fora to be validated for implementation. The question put forward is: "How are these frameworks designed to integrate issues related to age, culture and survivors' diverse needs?" Thus participation in the design of the above measures from the inception is key.
- Integrate new gender-responsive rules into SGBV protocols: The gravity of SGBV crimes points to the need for the adoption of new rules in existing protocols, namely:
 - Equality provisions: whatever package is provided for ex-combatants (who are mostly men), should be commensurate with that given to victims and survivors' (usually women).
 - Targeting and/or earmarking a specific percentage of humanitarian aid to go directly to survivors.
 - Creating a specific law which prevents suspected/convicted SGBV perpetrators from holding public office.
- Engage in legal literacy and awareness raising with regard to SGBV: There exists lots of legislation and policies meant to protect women and girls, some already domesticated at national level. However legal ignorance among most people (educated as well as

uneducated) is quite significant in regard to SGBV. The more people get enlightened about their rights the more they will be able to engage effectively on issues affecting them, especially issues related to SGBV, thus getting more involved in advocacy issues addressing their plight. Empowering women and girls through rights education more importantly on how they can access justice will open up new possibilities for them. After all, what women need is more justice not laws.

4.2: Policy: Understanding Regional and Pan-African Institutions: Strategies for Engagement

Across the continent multiple layers of activism exist to address sexual and gender based violence whether in situations that are deemed to be overtly in conflict or otherwise. The intersections with HIV/AIDS, land and agricultural policies as well as trade concerns have all been drawn in by civil society actors as critical factors to engage with, within the context of meeting gender equity on the continent.

There are also endeavours at the Pan African level that seek to institutionalize mechanisms for dealing with SGBV. The *African Women's Protocol*, the *ICGLR Protocol*, in addition to international instruments such as *UN Resolution 1325*, the *Beijing Platform for Action (BPfA)* and *Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)* have all been critical instruments that activists have rallied around to mobilize and put pressure on governments to act on the question of SGBV.

Regional institutions and mechanisms that operate



Compensating an assault on dignity

independent of governments but are reliant on governments' membership are in place and are equally geared towards addressing SGBV. Such institutions offer opportunities. The ICGLR recently passed a *Protocol on the Prevention and Suppression of Sexual Violence against Women and Children*. This *Protocol* sets standards for addressing SGBV and incorporates preventive aspects. It establishes a legal basis for judicial cooperation in cases of regional fugitives and encourages maximum punishment for criminals convicted of sexual violence.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was adopted by the African Union Heads of State in 2003. The *Protocol* covers various aspects of women's rights including the right to inheritance, health and reproductive rights, economic and social welfare rights, protection of women in armed conflicts and the elimination of discrimination against women. The principle of this *Protocol* was accepted in 1995, but it took years to pass it. Now the challenge is to have all African states ratify the *Protocol* and hold the states that have done so to account. Regional and sub-regional institutions also offer structures for examining SGBV issues, fora for government commitments to action, and accountability mechanisms to follow up on government actions.

The opportunity of regional and sub-regional institutions and strategies for influencing them

Regional and sub-regional institutions represent the executive arms of their member governments. Unlike parliaments, the executive arms tend to be less sensitive to public opinion and thus less sensitive to public pressure. They are also less open to outside scrutiny and monitoring. This can make gaining access to institutional processes and decision-making a struggle. Yet these institutions are tasked with addressing a wide range of issues, many of which ought to include SGBV. However, the tendency towards ghettoizing women's rights and SGBV has led to these concepts being left out of mainstream security and policy discourses. For example, "human security" should encompass the issue of SGBV, but African institutions rarely if ever include that or other women's rights concerns. There are several opportunities that exist at this level:

- Persistence and presence pays off: When the Organization for African Unity (OAU) transformed into the African Union (AU), women and women's groups took action. The OAU had given insufficient attention to women's issues, and by the time of the transformation, women's groups were prepared to lobby hard and persistently to get an agenda for gender. Ultimately, the States committed to parity in all of the institutions of the African Union – 50% women. Since then, of the AU institutions, only the African Union Commission has achieved parity. There is need for further persistence on the part of civil

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society to insist on greater representation of women.

- Existing policies and frameworks: The women's rights movement has secured some very strong policies and frameworks: the UN *CEDAW* and its *Optional Protocol*, the AU's *Solemn Declaration on Gender Equality in Africa*, *UNSCR 1325*, and the *Protocol to the African Charter on Human and Peoples' Rights on Women's Rights*. The challenge is in enforcing these policy frameworks and principles at the national level. Parliamentarians can focus on the domestication of these international standards into domestic law. Civil society should consider the tactic of strategic litigation where these protocols exist, such as the AU and ICGLR. Equality Now is currently bringing a case against the Ethiopian government to the African Commission on Peoples' and Human Rights, based on a violation of the *African Women's Protocol*. They should be supported and their example followed.
- Focus on the money; gender-responsive budgets: Gender responsive national budgets are necessary for countries to competently address the challenge of SGBV. Such a budget does not simply develop; countries need to first set up a strong policy framework which stipulates levels of spending and support. Both civil society and parliamentarians have a responsibility to oversee the development of the national budget and to ensure they are gender responsive. Also, national budgets should include money for those existing regional and sub-regional funds to address SGBV (such as the ICGLR). There is less transparency and openness in the development of the budgets of the regional and sub-regional institutions, but there is still room for oversight. In some cases, the institutions have made commitments to certain levels of spending on women's issues. Also, these institutions get resources from outside donor countries and institutions, which may be open to influence.
- Invest in leadership development: What is it that we want in leadership? These characteristics need to be identified, and then resources put towards nurturing them within women. Some groups, such as FAS and the African Women's Development Fund, are already dedicating efforts towards building a new base of African leaders. Africa needs more women in parliament. But once they are elected, it becomes apparent that some of them have minimal education and lack leadership skills. There needs to be concerted effort to provide women MPs with the training and educational opportunities that will help them grow into the kinds of MPs we want them to be. In some countries, women MPs are given access to university education. Civil society groups can work with MPs also to undertake training on specific policy issues as well as capacity building in processes such as legislation crafting and policy analysis.

- Have strong links from community level to regional bodies: The authority of and accuracy of the voices speaking to regional institutions will be much greater if they are strongly linked at the community level. At the national level, all of the parties involved should develop a plan of action to ensure coordination. This plan must make sense to all of the groups involved – it must be translated into an understandable language, and utilize appropriate mechanisms.
 - Long term investment in Human Rights and Women's Rights education: One of the practical ways to move towards a social revolution is to ensure that our education processes are geared towards producing responsible and gender-sensitive citizens. All of the educational processes should not only be responsive to gender concerns, but also include specific information on women's rights.
- A summary of effective strategies that have been used to influence regional and sub-regional institutions includes:
- Taking up issues that are already on the agenda of the institutions. These institutions are much more open to the influence of outsiders if they are working on the same projects and issues. Once you have established relationships within the institutions, you can slowly introduce your own issues.
 - Identifying key persons within the institutions who are friendly to your issue and who can help you navigate the structures.
 - Understanding the institution's history and how that shapes its interests and internal dynamics.
 - Pushing the boundaries. Don't restrict yourselves to civil society statements at the Summits. Many of these institutions are open to signing Memoranda Of Understanding (MOUs) with civil society groups and NGOs.
 - Being smart in how you engage with the culture of regional institutions. Talk the language that is recognized (diplomatic). There is a time for placards and sometimes a polite conversation is a more effective tool.
 - Civil society actors should identify whether the existing processes for including civil society in these institutions are strong enough to actually have an influence. If not, we need to identify mechanisms that would be more effective and create ways to implement them.



Compensating an assault on dignity

Personal Account

One time I went over to say hello to a male (parliamentary) colleague. I don't know, maybe I caught him at a bad time. Maybe he had other things on his mind (chuckles nervously) and then he sort of grabbed me here (points to her crotch). I was shocked I literally went down on my knees. I said, 'Please, please, I have a lot of respect for you.' But I wasn't angry; I thought maybe it was my mistake maybe I took him for granted. I just learnt a lesson that time that sometimes you have to be careful with men by nature they can misbehave simply by the way you present yourself.

Source: Sylvia Tamale, *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda*, (Boulder CO: West View Press, 1999).



4.3. Parliaments: Sub-Regional Norms, Policy Commitments and National Engagement

‘The ballot paper is the end – the process is the issue’

– Hon. Lydia Wanyoto

A good legislative framework is important in dealing with women’s issues and this can be attained by parliamentarians, through their legislative, representative and oversight role. It is their duty, either as regional or national representatives, to bring to the floor of the house motions, bills, questions and resolutions on women’s issues. In the legislative process, parliament is also responsible for doing away with bad laws.

Membership to the regional and sub-regional parliaments has numerous benefits to national governments. First of all national parliaments are usually the first to disappear after conflict erupts in any country. However, regional and sub-regional parliaments are always there to cater for the well being of all member states, whether in conflict or not. The regional Pan African Parliament (PAP), one of the 10 organs of the AU, has a niche over national parliaments because it is far removed from national action and therefore it is able to speak about issues with strength unlike national parliaments. The parliament ensures integration of African people through its responsibility for harmonization and coordination of the laws of member states by checking on similarities of continental laws, merging them then recommending to national parliaments. In addition, the PAP has advisory and consultative powers that make it powerful to debate on SGBV issues. In general, regional and sub-regional parliaments, like the East African Legislative Assembly

(EALA), have the power to create effective laws which national governments should ratify and are also responsible for holding their member states accountable for enforcing respect for women’s rights.

Parliamentary committees are important entry points for SGBV discussions and thus should be exploited. However, SGBV should not be the exclusive mandate of gender related committees. The discussions should also be taken up in other committees especially those dealing with budget allocations where parliamentarians are encouraged to monitor and influence money allocated to deal with women issues. Representation is not only about being voted in. In efforts to have informed discussions, and make committees effective, parliamentary committees should involve the public. In South Africa, for instance, committees go out to the people and listen to their opinions instead of the other way round. The *Domestic Violence Act (1998)* resulted from parliamentary committees consulting the people.

Public institutions, especially the judiciary have been instrumental in SGBV engagements. This has necessitated creation of synergies between these institutions and the parliamentary process in enacting SGBV legislation. Parliament and public prosecutions office complement each other in ending impunity against SGBV with parliament tasked with legislation and the judiciary with enforcement through prosecutions. Women are a powerful force whilst advocating for their rights. Despite this, some national parliaments have lumped women’s issues in a committee together with those of children and people with disabilities limiting the opportunity for advocating for their rights. Also, numbers as well as positions of

power influence legislation and advocacy for SGBV issues because they give a stronger voice and provide women with an enabling environment respectively. This has been achieved, in the continent, through affirmative action and good leadership. In South Africa, for instance, the ANC held the principle of emancipation of women and therefore provided women with powerful leadership positions. Affirmative strategies were also used to get more women in power and the ANC is working at having 50% representation of women in all structures of governance next year. In Rwanda there is no affirmative action but women are represented in large numbers. This is because women were rewarded for taking a lead in liberation of the country. Another entry point for women which should be strengthened is through ensuring that political party constitutions allow for higher representation of women. For instance, in Kenya the *Political Parties Act* has tied party funding to women’s representation whereby political parties will receive no funding if 1/3 of those in their decision-making organs are not women.

Legislation on and advocacy for women’s rights can be strengthened by viewing the issues that concern women not as their issues but as societal issues. This arises from the fact that we are dealing with systems and thus, there is no need to deal with the problem alone, as women. If this is adhered to, then questions as to why women are not handling it will not arise. Leaders should also be engaged through questions and debates on gender as well as women’s issues in parliament. Reports touching on women’s issues are important in eliciting action from the executive. This is because, if informed, parliament can hold the executive accountable on its commitment, for instance, on issues of gender parity. The reports should also be disseminated to as many people as possible as a means of creating awareness. In this regard, the South African Parliament intends to begin literacy classes at the villages in efforts of ensuring that all women can read and write hence promoting their rights. On the same note, the continent can emulate the ‘Uraia’ program in Kenya, a National Civic Education Programme used to raise awareness on good governance, in order to create awareness and educate people on SGBV issues.

Challenges

- Conservative mindsets: Sometimes the mindset of national parliaments, in form of conservativeness or biases against women, is usually dragged into the regional/ sub-regional parliaments. This prevents or limits progress regarding SGBV issues. There are also problems of members of a regional parliament dealing with country specific priorities and interests that relegate those at the regional level. All these act as deterrents to meaningful discussions geared towards action on SGBV.
- Women’s representation in parliaments: The quantity,

besides quality, of women in parliament does matter. Although women have the numbers, they lack it where power is concerned. The need for them to have large numbers in parliament, where power is, is because they are more effective in dealing with problems that affect them. The allocation of representatives to the PAP is not helpful to this cause as it stipulates that each country should be represented by 5 members at least one who should be a woman. This can work to the disadvantage of women representatives and yet their voice is vital in decision making, especially with regard to SGBV.

- Perpetrator centred laws and legal systems: It is difficult to effectively advocate for the rights of victims of SGBV as the court system is structured to look at the accused and not the victim thus ignoring their rights. Likewise, most laws on SGBV do not talk about the victim but are centred on the accused. This raises concerns about how the wellbeing of the victims can be ensured if they are ignored. The victim thus needs to be considered. In addition, present border laws also create violation of women at the border points and should be reviewed.
- Slow negotiating process: It is usually difficult to decide by consensus in regional parliaments sometimes due to sovereignty protection and interests and also sometimes due to fears and misconceptions harboured by national parliamentarians.



Recommendations:

- Create an SGBV monitoring structure: In order to influence the leadership on issues of gender parity, it is advisable to establish a gender monitoring structure. There is also need to establish a database and index on SGBV issues so as to monitor their progress. For instance, the South African parliament has a database on SGBV which enables them to give a quarterly report on the situation of issues such as health and gender such that parliamentarians are kept aware of what is happening. Information is a very powerful tool for lobbying for action and therefore parliament and the executive will be prompted to act on the issues. The PAP will ensure that governments put in place monitoring systems nationally.
- Capacity building for parliamentarians: Parliamentarians come from different backgrounds in terms of skills and knowledge. In order to ensure that this diversity does not interfere with their duties, there is need to capacitate them so as to strengthen their legislation,

representative and oversight roles in regards to SGBV. The South African Parliament, for instance, has a Leadership Development Programme and 106 MPs have graduated so far. There is also need to build the capacity of all officers implementing SGBV laws, like the police and the judiciary.

- Strengthen parliament's oversight role: Parliamentarians need to strengthen their oversight role especially over the budgeting process. Budget allocations need to be scrutinized and lobbying undertaken for more money to be allocated to deal with SGBV issues. This will require their early involvement in the national budget process as a measure to engender SGBV issues.
- Partnerships: There is a need for regional and sub-regional parliamentary bodies to strengthen links in order to work in a collaborative manner. It is equally important for these parliaments to form partnerships with other institutions like the media, CSOs, police and also the medical fraternity in their efforts to address SGBV issues.

CHAPTER FIVE

Plus Jamais Cela!

– Conference Participant

1 *Never again!*

5. GALLERY WALK: EVOKING THE RAGE

Activism across the continent and particularly around women's rights has involved an adoption of innovative ways of engaging the masses. Some feminist activists have argued that the ways in which knowledge is produced in Africa today by feminist researchers and activists has emerged through non-conventional ways and in the margins of dominant centres of knowledge. This session provided the space for an engagement with a few of the myriad of documentaries that have been developed within the last two years on the question of SGBV and related concerns.

One of the tensions that the conference technical team had to battle with in thinking through creating this gallery walk as part of the conference programme was whether we wanted to have 'real survivors' to offer testimonies. Were we going to be able to offer the necessary support within a space of this nature to the re-traumatisation that such an act would no doubt create? Did we have to offer up real lives bodies in order to emphasize the gravity of the situation? Or were we going to recognise that each one of us has walked this journey either personally or through others. We needed to evoke that outrage for action; not for others but for ourselves. Through a gallery walk participants had an opportunity to listen, to walk, to experience the stories of survivors of SGBV; they had an opportunity to listen to the survivor within them. The documentaries shown included:

Sasa by Raising Voices, *Broken Bodies* by IRIN, *Les Blessures du Silence* by SEVOTA, *Silent Genocide* by Action Aid International Africa

Below are reflections from some of the conference participants on the gallery walk:



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CHAPTER SIX

6. CONCLUSION:



'We are constantly at war ... I am doing it for me'

– Sarah Mukasa

At the time we were going to the publishers to finally put to paper three days of rich deliberations on a subject so wide, a range of events were happening across the continent that not only re-echoed some of the concerns raised at the conference but also affirmed the need for stronger and much more 'political' efforts to be taken in this regard.

The negotiated government deal in Zimbabwe finally came through after what seemed like months of an impasse. While some Zimbabweans and indeed the rest of the world celebrate that this potentially signals some reprieve from the harsh realities of not having a 'legitimate' government, we are all acutely aware of the dangerous signal that this trend flags for the future of democracy in Africa, Universal suffrage and most importantly the security of women.

During this same period, the Uganda government not only ordered a crack down on LGBTI activists working in this country but also invoked a miniskirt ban, all the while echoing a need to safeguard the moral fabric of society from decay. Quite notably similar crackdowns were also going on in Nigeria. The fact that these individuals were being incarcerated on the basis of their freedom of choice to associate whether in public or otherwise with whom they choose was a blatant abuse of their right to bodily autonomy and integrity. It calls to question whether the human rights framework is the most effective and viable platform through which some of these concerns can be defended; a concern that has consistently been raised by many a women's rights activist. Many have also pointed to the fact that the events in Uganda cannot be viewed in isolation and that this is merely an attempt by the government to divert the citizens attention from bad governance and ongoing un-constitutionalism.

In what appeared like a southward trend, the sudden departure of Mbeki from the seat of power in South Africa and the seeming inevitability of a Zuma presidency obviously raises much concern for women's rights activists and should raise concerns for all activists given his track record. Indeed, these events reaffirm the fact that we can no longer distance ourselves from what we name as sexual and gender based violence or what more broadly constitutes the security of women. It begs the question where will it stop – today LGBTI activists, tomorrow miniskirts, the day after that? We reiterate Sarah Mukasa's statement above, because it affirms the fact that we all are potentially the next target of violence if we are not already living with it. An onslaught on violence cannot be an onslaught in select times.

It therefore becomes difficult to merely recapitulate our commitment as Africans and as a reference group to ending impunity for SGBV and the richness of our discussions' in July without reiterating the context within which we are working. Reiterating this context is a pointer to the fact that our strategies must effectively respond to and anticipate such events. As a reference group, we initially converged to conceptualise the July convening given our various strengths in working in the area of SGBV. We have since re-committed ourselves to continuing to steer this work through the development of a Pan African advocacy Platform that works towards ending impunity for SGBV. We have identified key activities based on the work plans developed during the conference that we will scale up in concert with the conference constituency within the year. Further, and in light of the environment mapped out above, we have delineated three pillars that will frame our engagement. We will work towards ensuring state accountability, we will strengthen and build broad based movements and we will contribute to deepening analysis on sexual and gender based violence.

7. APPENDICES

7.1. ACTION PLANS

- The community is an important arena of the struggle
- Targeting all institutions and communities is fundamental
- Countries are at different levels of development with regard to laws, institutions and enforcement on SGBV
- The parliamentary level is crucial and strategic in law enactment and enforcement
- The media is a strategic partner in ensuring success
- Mobilization of survivors and women must come first.
- The nature of power relations which inform the absence or weakness of political will to take action

7.2. Action Points

Action points: legal:

<i>What</i>	<i>How</i>	<i>Who</i>	<i>When</i>	<i>Where</i>
Advocacy Targeted At Ending Impunity On SGBV	<p>Key Advocacy Activities</p> <ul style="list-style-type: none"> – National sensitization on human rights – Campaign for the provision of laws based on the AU Protocol – Ratification and domestication of regional protocols addressing SGBV – Enactment and review of existing laws – Support for legal aid <p>Goal:</p> <ul style="list-style-type: none"> • For linking health and law • Holding states accountable for investigation and justice • Developing common indicators between the health & judicial sector • Develop appropriate training approaches • Increase provision of appropriate evidence through; research, analysis of specimen, evidence chains etc • For funding of health and legal reform • To interrogate the <u>Evidence Act</u> to ensure its efficiency in increasing sound evidence presented and accepted in court. • Campaign for the right of women and justice on SGBV. • Advocate for establishment of Whistle Blowers mechanisms at community level. • Advocacy for victim's access to free 	<p>The Conference Reference Group</p> <p>National level: Law enforcement agencies Line Ministries (Gender, Health, Justice) The media The community</p>	Develop an advocacy framework in 3 months	National & regional

	<p>medical treatment and services.</p> <ul style="list-style-type: none"> • Access to health and treatment services at very local level. • Undertaking national sensitization campaigns on rights of women relating to sexual abuse, managing the evidence relating to sexual crimes, who and how to approach. • Gender sensitized reparation packages 			
Law & Policy Reform	<ul style="list-style-type: none"> – Ensuring enactment of SGBV laws relating to crimes in all countries represented in this conference – Restructuring judicial systems to appropriately respond – Law/legal and policy reform in the judicial and health sectors at national level to ensure – Effectiveness on SGBV – Harmonization, Enactment and domestication of the AU protocol – Harmonizing institutional responses to SGBV – Establishing specialized institutions and personnel to manage SGBV cases – Institutional capacity building for effective and appropriate responses – Developing common training approaches 	<p>Law enforcement institutions, Judicial institutions, Health institutions,</p> <p>Led By FIDA, Isis-WICCE (UG), Liverpool VCT Care and Treatment Centre (Kenya)</p>	1 YEAR	National (community and urban) & regional
Documentation	<ul style="list-style-type: none"> – Medical documentation for improved legal process – Documentation of SGBV cases for monitoring and programming (advocacy and policy formulation) AND support of families of victims to pursue SGBV cases – Documentation for collecting best practices for learning and sharing For Research and documentation to inform policy and advocacy initiatives Research for cost analysis of the SGBV agenda – Documentation for fundraising <p>Programming Activities</p> <ul style="list-style-type: none"> – Documentation of SGBV cases and medical related evidence – Building the linkages between those working on SGBV and HIV/AIDS and fundraising for this partnering 	RWG	On going & starting now	RWG-Regional level CSOs at National and Regional

	<ul style="list-style-type: none"> – Access to free access to medical and health treatment – For establishing health and medical services at the grassroots level. – For research on SGBV for policy and advocacy 			
Support To Survivors Of SGBV	<p>Livelihood Support</p> <ul style="list-style-type: none"> – Livelihood support, food and shelter & safe homes – A Legal Defence Fund (for litigation support) – Hosting Donor Round Table discussions with line sectors (health, legal) – Decentralization and free litigation services for victims – Establishment of a Legal Fund 	<p>(Focal Point)</p> <p>Sarah Una to take the lead.</p> <p>FAWE (in the Various countries) & other lawyer interest organisations</p>	<p>Ongoing but to initiative new process.</p> <ul style="list-style-type: none"> – Review Jun 09 	<p>National & regional level</p>

Action Points – Policy

<i>What</i>	<i>How</i>	<i>Who</i>	<i>When</i>	<i>Where</i>
<p>Strategic Litigation goal: cases on national level testing laws; cases with regional Protocols</p>	<p>Review:</p> <p>What laws and mechanisms are available at regional level / ACHPR?</p> <p>Connect</p> <p>Identify other actors. Link with Equality Now on their Ethiopian case; how can we help?</p> <p>Lobby:</p> <ul style="list-style-type: none"> – Governments and appropriate agencies (UN, RECs) to implement their policies & laws on SGBV. – Ark F'n – going to meet w/ Ghana govt. agencies to present M&E results. – FAS – African Union, ACHPR, Special Rapporteur on Women's Rights; AU Gender Directorate follow up on outcome of Sudan mission <p>Disseminate</p> <ul style="list-style-type: none"> – Raise public's awareness of existing laws. – National fora of interested persons. – Media 	<p>Connect</p> <p>AWDF & Ark Foundation – ECOWAS & partner w/ other women's orgs in W Africa.</p> <p>Review</p> <p>Ark Foundation- M&E of Ghana domestic violence act</p> <p>NURC – has ICGLR SGBV legislation been adopted by Rwanda & take up w/ Parl.</p> <p>ACORD Sudan – Review Sudanese Laws</p> <p>Lobby</p> <ul style="list-style-type: none"> – Ark Foundation – going to meet w/ Ghana government agencies to present M&E results. – FAS – African Union, ACHPR, Special Rapporteur on Women's Rights; AU Gender Directorate 	<p>Within one year, strong campaigns</p>	<p>Regional - AU</p> <p>Sub-Regional - W Africa - EAC</p> <p>National -Rwanda -Kenya</p>

	<ul style="list-style-type: none"> – Community stakeholders, Survivors, Schools, Grassroots organizations. – Private sector 	<p>follow up on outcome of Sudan mission & the "Fund"</p> <p>Funds:</p> <p>AWDF – commits funds to strategic litigation.</p> <p>Dissemination</p> <p>CGEA – centre gender and education awareness</p> <ul style="list-style-type: none"> - NURC - ACORD Rwanda 		
Leadership Development	<p>Strengthen women's leadership capacity to effect change that is pro-women by equipping them with knowledge, skills.</p>	<p>FAS & AMwA – women in leadership</p> <p>NURC – conflict resolution & prevention training</p> <p>Ark – Leadership dev with SGBV Survivors</p> <p>ACORD Rwanda – capacity building</p> <p>AWDF commits funds to leadership training</p>	<p>on-going program - 2009</p>	<p>- Africa</p> <p>- Rwanda</p> <p>- Ghana</p>
Gender Budgeting	<ul style="list-style-type: none"> – Ensure adequate resourcing for SGBV efforts & support for survivors <p>Study</p> <ul style="list-style-type: none"> – For Great Lakes region, conduct study to assess state of SGBV laws & practices, including gender budgeting (holistically and SGBV specifically) – Disseminate report to state organs including the ministries of finance, planning, health, justice, education, home affairs, gender, security, and other relevant ministries. – Link to existing tools (such as the Gender and Development Index) to ensure that they touch on SGBV comprehensively. 	<p>- ICGLR</p> <p>- ICGLR Reference group to link w/ ECA, Peer Review Mechanism, etc.</p>	<p>- October 2008</p> <p>- May, June, July, August of 2009</p>	<p>11 members states of ICGLR</p>
Coordination Mechanism	<p>strengthen SGBV mechanisms by harmonizing our efforts</p> <p>Use existing relevant networks</p>	<p>Raising Voices – hosts GBV prevention network</p> <p>ECA Observatory on HR</p>	<p>on-going</p>	<p>region & country level</p>

Action Points: Parliament

<i>What</i>	<i>How</i>	<i>Who</i>	<i>When</i>	<i>Where</i>
Legislation:	<ul style="list-style-type: none"> – Seek to develop model legislation on SGBV and ensure that it is disseminated at the level of different national Parliaments. – Need to increase representation of women in public office; through affirmative action strategies (and develop legislation dealing with appropriate electoral systems in this regard). – Develop models of best practice for ensuring that more women are elected into public office. Ensure that party manifestos/ constitutions/ codes of conduct make provision for increasing the representation of women. Need to develop timeframes and peer review mechanisms to ensure progress in this regard. 	<p>ICGLR – Model law</p> <p>National & Regional Parliaments</p>	Year	Regional
Linkages between national and regional legislatures and local government	<ul style="list-style-type: none"> – Need to develop models of best practice, create synergies in working systems so that there is no duplication and resources are used optimally. – There is also need to assess why the structures are not working effectively and develop appropriate interventions. Ensure the commitment of those dealing with the issues. Create provisions within rules of Parliament for regional representatives to report? Revisit rules and procedures in this regard so that reports are presented and taken up. Formalize the reporting mechanism so that they are more effective and can be translated into action plans. In the interim, MPs can take this up in their respective Parliaments. – Need to harmonize laws between regional Parliaments. This can only be done through the strengthening of the structures for information sharing. – Report back to PAP 	National & Regional Parliaments, PAP, Parliamentary women's caucuses	Year	Regional, EALA
Oversight	<ul style="list-style-type: none"> – International instruments: Ensure oversight of executive on ratification of international instruments; protocols and national laws with regard to SGBV. (PAP with regards to ratification of related protocols, Regional Parliaments and National Parliaments). – Linkages between Parliament and civil society: This is vital in relation to both oversight and legislation. – Budgets: Use oversight role to ensure that MPs influence budget making and thus ensure more money is allocated to deal with SGBV issues (PAP to be a pressure point/ ensure that national governments meet their obligations with regards to domestic budgets and development partner engagements, East African Legislative Assembly and National Parliaments, CSOs). – Implement SGBV legislation: Need to develop 	National & Regional Parliaments	Report back – 1 year	National & Regional

	<p>proper mechanisms to ensure effective implementation of legislation pertaining to sexual and gender based violence.</p> <ul style="list-style-type: none"> – Public participation: Enhance public participation for marginalized voices in legislative and oversight processes. E.g.: parliamentary democracy offices in SA – an extension of the larger parliament. They work as public participation sites. – Awareness Raising: Use debates in the House to create awareness of issue as being of national importance. 			
Cross Cutting Issues	<ul style="list-style-type: none"> – Parliamentary Caucuses: Encourage the formation of Parliamentary Caucuses: Need to build/ capacitate them where they do not exist. Where they do exist, need to strengthen them to enhance the debate on SGBV issues. Committees dealing with gender issues can also be used as entry points for discussions and action on SGBV issues (National Parliaments, PAP, Regional Parliaments and civil society). – Encourage the registration of women voters through civic education programmes. Election observation is vital to ensure that elections are not discriminatory against women. (Parliaments, electoral commissions, political parties, related international bodies and agencies, civil society organizations). <p>Capacity building:</p> <ul style="list-style-type: none"> – Ensure increased representation of women at all levels and build their capacity. Ensure that we build different kinds of capacity e.g. how laws are drafted, how to effectively conduct oversight, how to hold constituency meetings, how to engage with the media, gender mainstreaming skills etc. Capacity must cut across different areas of expertise (Parliaments, national, regional and PAP, educational institutions, key Ministries in Government). <p>Research and Documentation:</p> <p>Document women as role models – share their success with others. Create written narratives in this regard.</p> <p>Database: Need to create a database and index to influence/ lobby our leadership at different levels on issues of gender parity.</p> <p>Relationship with media: Engage with media for dissemination of information – need to have a communication strategy (ICT Compliant, IT as cross cutting issue).</p> <p>Safeguard women role-models: Remember and institutionalize women role-models by naming significant public institutions after them and creating awareness of their achievements.</p>	National, Regional Parliaments & Conference reference group	Report back – 1 year	National & Regional

Public awareness of SGBV: Significantly improve public awareness of what is happening with regards to rape. Research: Need for concrete research to act as backup for reports on issues pertaining to violence against women. This is a missing link. Deal with attitudes: Deal with prejudices, misconceptions, fears etc. Networking: Ensure networking with faith-based organizations, religious groupings, traditional leaders and elders.				
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7.3. Conference Communiqué

Sexual and gender based violence (SGBV) is a scourge on Africa; a pandemic that has undermined women and girls' rights to autonomy, bodily integrity, human dignity, sexuality, security and tranquillity. SGBV has, and continues to be a major hindrance to rights and justice. It is prevalent in all our societies across the continent, including non-conflict situations. It is repeatedly used as a weapon against girls and women in conflict/crisis situations. SGBV, including intimate partner violence, is a leading factor in the increasing "feminisation" of the HIV/AIDS pandemic in Africa.

The inadequacy of our societies' responses has cast SGBV as an abuse we are willing to live with. Women and girls, regardless of their race, age, social and economic status, live in perennial fear of violation.

We, the delegates of this Conference say ENOUGH.

As representatives of parliaments, regional institutions and civil society organizations in the Great Lakes, East, West, Southern and Horn of Africa regions, after three days of deliberation, identify these critical actions to ensure we are collectively and individually accountable. We determine together to effect a major push forward in ending impunity and promoting accountability. We commit to:

1. Ending impunity through accountability and implementation
2. Centering on women survivors of SGBV in conflict and non conflict situations
3. Mobilizing popular support in the fight against SGBV
4. Securing adequate human, financial and material resources in fighting SGBV
5. Building bridges across sectors and within movements
6. Developing a new cadre of leadership

These commitments include the following specific actions:

1. Ending impunity through accountability and

implementation

- Law is as useful as we make it. We determine to use the laws we have, including national laws, regional and international instruments, to demand accountability. We will engage in strategic litigation at national and regional levels to enforce implementation.
 - We will hold our Executives accountable for decisive action against SGBV. We will require them to uphold and enforce legislation against this pandemic.
 - We will prominently, publicly and consistently underscore that violence against women and girls is a major driver and consequence of HIV&AIDS on the continent. It must be addressed as such.
 - We will ensure the development of a gender violence index to hold governments accountable to consistently work to reduce the prevalence of SGBV. At a regional level we will name and shame nations that take inadequate action to deter SGBV. At the same time, we will seek the enforcement of the reward system proposed in the AU Solemn Declaration 2004 for nations with progressive gender records.
 - We will ensure that our governments ratify and report on conventions that protect and promote the rights of women and girls. As civil society, we vigilantly submit shadow reports on our governments' record on implementation of conventions, treaties, and international instruments that protect and promote the human rights of women and girls. We will specifically focus at a regional level on domestication and implementation on the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.
2. Centering on women survivors of SGBV in conflict and non-conflict settings
 - We will scale up our efforts and support our governments in providing universal access to social services, including but not limited to education,

post-exposure prophylaxis (PEP), emergency contraception and mental health and trauma support for survivors of sexual violence.

- Transitional justice processes in post conflict settings must address SGBV. Women and girls must be central in defining what justice means for them in a transitional justice process. We will reject the pattern of developing reparation priorities on behalf of survivors and seeking to impose these 'solutions' on them.
 - Drawing on the Nairobi Declaration on the Right of Women and Girls to Reparation, we will insist on reparations and compensation for women and girls that enable them to move forward with their lives. This includes state support for women and girls who have been raped, and support for the children born out of these rapes.
 - We will support survivors to give voice to their ideas on justice and reparations as well as their experiences. This means desisting from appropriating the stories of survivors, but rather, enabling survivors to exercise their agency.
 - We insist on a gender-conscious state approach to reparations. Post conflict initiatives of disarmament, demobilization, rehabilitation, reconstruction and reintegration must acknowledge the unique situation and needs of women victims and survivors. Equitable attention must be paid to disarmament and demobilization as to rehabilitation and reintegration. Women must be involved in designing, implementing monitoring and evaluating post conflict reconstruction, development, assistance and restoration packages
3. Mobilizing popular support in the fight against SGBV
 - SGBV is a vice that affects the entire community. We will focus on reviving communities' outrage at SGBV and prompting public outcry against the vice. We will work to ensure that SGBV is addressed at all societal levels.
 - We acknowledge the need to redefine the concept of masculinity in our communities to embrace the inherent value of women and girls as equal members of society. We recognize that the family as the basic unit of society is an important site for transformation. Thus our collective efforts to engage societal commitment to change will include strategies that tackle attitudes, ideologies and practices that drive and sustain SGBV at this level.
 - We will elucidate SGBV in the context of other areas of activism that inspire passionate outrage by society, including the recognition of rape as torture, and women's right to bodily integrity as a

human security concern.

- We will campaign for a sustained approach to change attitudes, beliefs and myths that perpetuate SGBV. We determine that civic education, public education and institutional education must begin to promote human rights and women's rights as critical components of citizenship. We commit to supporting the development of model codes of conduct for teachers and curricula that will enable such education.
4. Securing adequate human, financial and material resources in fighting SGBV
 - We commit to harmonize and better coordinate our SGBV focuses as civil society. We will focus on building complimentary approaches, including databanks of actors that allow us to maximize the human and financial resources at our disposal in fighting SGBV.
 - We will seek to ensure dedicated resources for interventions that prevent SGBV across the spectrum and transparent tracking mechanisms to evaluate their success. Similarly in national action pertaining to HIV/AIDS, we will seek to ensure targets and indicators around SGBV and preventative measures taken.
 - We will intensify our advocacy to hold accountable all parties to conflict, particularly ensuring that financing for reparations is made by states, international community, non-state actors, responsible multinational corporations and all who 'benefit' from conflict and war.
 5. Building bridges across sectors and within movements.
 - We will use the technological and multimedia facilities available to us to generate public consciousness on the inhumanity of SGBV. We will use our efforts to generate consciousness in the legislative (parliamentary) and public arenas
 - We will work to mobilize male parliamentarians, who are already sympathetic to the cause, to draw more men in parliament and in the community into the discussion on and engagement with the problem of SGBV. We call on male MPs to initiate constituency discussions on SGBV.
 - We will bring our respective strengths as civil society actors and government actors and fuse these into multi-pronged, multilevel actions to end impunity for SGBV within our societies.
 6. Developing a new cadre of leadership
 - We are taking responsibility for the leadership of our communities. We will invest in feminist leadership

development at national and community levels for the promotion of women's rights and welfare. To this end we are committed to a continental target of 50% representation of women in national assemblies by 2015.

- We commit to strengthening women's leadership capacities to effect change that is pro-women by equipping them with knowledge and skills. We commit to providing autonomous spaces that allow us to continuously set, validate and launch our agenda for ending SGBV.
- The waiting must end. Women's rights movements in Africa have long fought for concrete national actions against SGBV that promote and protect the human rights of all women – including the rights to be free from violence, coercion, fear and impunity. We are determined to see a translation of the rhetoric, policy and legal frameworks into practice.

Endorsed by Representatives of:

Equality Now, Great Lakes Parliamentary Forum on Peace – Burundi, WANEPFI, Kenya State Law Office Department of Public Prosecutors Office, ACORD Burundi, Women and Law in Southern Africa, FAWE-Sierra Leone, Great Lakes Parliamentary Forum on Peace – Tanzania, FEMNET, AMANITARE, Caucus for Women's Leadership, USAID/Kenya GJD, Liverpool-VCT, FIDA-K, WOLPNET-Women of Liberia Peace Network, Great Lakes Parliamentary Forum on Peace – Uganda, Action Aid International – Africa, Kenya Human Rights Commission, Jaramogi Oginga Odinga Foundation- JOOF, ACORD Uganda, Family Health Options Kenya- FHOK, ACORD-NORTH SUDAN, Femmes Africa Solidarité –FAS, NURC – Rwanda, The Ark Foundation, Centre for Gender Education & Awareness, ACORD-RWANDA, UNECA/ACGD, ECOSOC-AU, Kenya, WAFNET, Raising Voices, Akina Mama Afrika, UNHCR, Regional Office for East, Horn & Great Lakes, The league of Kenya Women Voters, Family & Socio-Cultural Services, UNFPA, RHR, KEWOPA, Fahamu, Development Through Media, Oxfam GB, UNIFEM, NACC, ACORD-TANZANIA, CREAM, Dept. of Children Affairs-Kenya, Canadian International Development Agency- GESP, SADC, ICGLR (Great Lakes Region), ACORD-Sudan, Nairobi Peace Initiative (NPI) –Africa, Great Lakes Parliamentary Forum on Peace –DRC, ACORD-Ethiopia, YMCA –Kenya, Education Centre for Women in Democracy-ECWD, International Development Research Centre – IDRC, Great Lakes Parliamentary Forum on Peace – Somalia, Centre for Legal Information & Communication, Women Direct, African Women's Development Fund-AWDF, Isis-WICCE, International Planned Parenthood Federation – IPPF, Coalition on Violence Against Women- COVAW, ANEJ, Planned Parenthood Federation

of America- PPFA, Safer World, Kenya Women Judges Association, ACORD Nairobi, MARWOPNET-(Mano River Women Peace Network), Kenya National Human Rights Commission- (KNHRC), East African Legislative Assembly EALA, Association of Media Women in Kenya- AMWIK, Christian Partners Development Agency (CPDA), GTZ, Great Lakes Parliamentary Forum on Peace – Nairobi, ACORD-UGANDA, Great Lakes Parliamentary Forum on Peace – Tanzania, ISS-AHSI, ICMHD, UN Millennium Campaign.

While it is important for women to have autonomous spaces to discuss these issues and strategize on how to surmount them it is also of crucial importance to create more shared spaces where these issues are discussed with the real and potential perpetrators of the violence: Men. - Dr Tajudeen Abdul-Rabeem

7.4. Brief Statement By Kenyan Male Delegates To The Pan African Conference On SGBV

We salute all

We wish to thank the organizers of this conference for having invited us to this esteemed forum

This conference has really focused deeply on issues of SGBV and therefore is not just another conference

In this conference we have witnessed the power and potential of women. Men must now join women to end impunity for sexual and gender based violence

We were privileged to meet women leaders of parliament and hear them speak. We encourage them to take the lead and support the working team

To change men's attitude, there is a need to host a men's conference to discuss issues of SGBV

We propose a partnership in pushing the agenda of SGBV forward. There is need to have like minded men to engage fellow men in seeking ways to ending impunity on SGBV.

It should start here. We are committed to talk about this conference to sensitize people

We feel privileged and honoured to have been with you in this conference

A long road through the gallery walk yesterday touched out hearts and it is through that, we need to work together

We pledge to end SGBV

Michael Mburu

Sam Okemwa

Sammy Kilonzo

Joseph Mugambi

Omara Horibae

Vincent Were

Allan Aligula

7.5. ABOUT THE REFERENCE GROUP

The reference group was constituted for the purpose of conceptualising, resourcing, planning and actualizing the first Pan African Conference on Sexual and Gender Based Violence from which the papers published herein were presented. This conference drew together African policy makers, parliamentarians, representatives of regional blocs, researchers and women's rights activists.

This reference group is not in any way representative of the multitude of actors working on SGBV on the continent, it is however indicative of a few like minded organizations who sought to respond at a particular moment and in a particular way.

We foresee a continued partnership on this particular agenda with goal of creating a formidable Pan African Platform that draws on organizational strengths, taps into regional and sub regional networks and designed to influence, hold accountable and push governments, parliaments and regional institutions to enforce, introduce and apply mechanisms to end impunity for sexual and gender based violence.

The reference group comprises ACORD International, The Kenya Human Rights Commission, Action Aid International-Africa, The Great Lakes Parliamentary Forum on Peace - Amani Forum, African Women's Development Fund, International Planned Parenthood Federation and Urgent Action Fund – Africa and Fahamu.

ACORD - Agency for Cooperation and Research in Development is an Africa-led international alliance working to promote social justice. ACORD is running field operations in 17 countries in Africa, as well as Pan African and international advocacy work. ACORD's response to the challenges of Africa is firmly based on a belief that people themselves are the agents of change and actors of their own development.RD:

The Kenya Human Rights Commission (KHRC) was established in 1992 in response to serious human rights abuses by the government of Kenya against its people. It also focused on challenging a largely unaccountable executive by attempting to strengthen parliament, the judiciary and other institutions of government. The KHRC played an important role in strengthening the role of civil society in advocating for democratic reforms by leading the way in initiating and carrying forward the constitution-making process.

ActionAid International Africa is one of the largest development agencies, working in partnership with communities in over 40 countries in Africa, Asia, Latin America and the Caribbean to fight poverty and its

causes. ActionAid country programmes around the world work together to change the social and economic factors that drive the epidemic at community, national and international levels.

The Great Lakes Parliamentary Forum on Peace - AMANI Forum is an initiative of African Parliamentarians in the Great Lakes region. It is a network of parliamentarians who are committed to peace and to the peaceful resolution of conflicts, both within their own countries and in the region as a whole. The aim of AMANI is to eliminate armed conflict and promote peace and democratic governance.

African Women's Development Fund (AWDF) is a grant-making foundation which supports local, national and regional organisations in Africa working towards women's empowerment. AWDF through institutional capacity building and programme development seeks to build a culture of learning and partnerships within the African women's movement. The vision of AWDF is for African women to live in a world in which there is social justice, equality and respect for women's human rights. To this end, our mission is to mobilise financial resources to support local, national and regional initiatives led by women, which will lead to the achievement of this vision.

International Planned Parenthood Federation is a global service provider and a leading advocate of sexual and reproductive health and rights for all. IPPF is a global network of Member Associations, and work in around 180 countries - providing and campaigning for sexual and reproductive health care and rights. IPPF works in partnership with like-minded organizations, galvanizing support to confront those who want to take away these rights.

Urgent Action Fund-Africa (UAF-Africa) works to promote the human rights of women and girls by encouraging or creating collaborative projects to support women in situations of conflict or crisis, and through urgent response grant making (incorporated in 2004). UAF-Africa's work is organized around three thematic areas: peace building, transitional justice, and rapid response grant making. Transitional justice incorporates UAF-Africa's efforts to engender post conflict processes such as Truth, Justice and Reconciliation Commissions, constitution making, national as well as international tribunals.

Fahamu has made a significant contribution to media and freedom of expression in Africa, using information and communications technologies. Its flagship publication, Pambazuka News, an open-access, pan-African email and online newsletter with English, French and Portuguese editions, some 15,000 subscribers and an estimated weekly readership of around 500,000, is generated predominantly in Africa.

7.6. Participants List

	Name	Organization	Title	Country
1	Hon. Stephen Kalonzo Musyoka	Kenya National Assembly	Vice-President and Member of Parliament	Kenya
2	Hon. Gwendoline Mahlangu Nkabinde	South African Parliament	Deputy Speaker	South Africa
3	Hon. Dr. Bernadette Lahai	Sierra Leone National Assembly	Member of Parliament	Sierra Leone
4	Jacinta Nyamosi	State Law Office Department of Public Prosecutors Office	Senior State Counsel	Kenya
5	Hon. Jacqueline Baranyizigiye	SENAT and Amani Forum Burundi	Member of Parliament	Burundi
6	Hon. Alfred Mwanba MP	AMANI-Zambia	MP, Secretary General Amani Zambia	Zambia
7	Alice Ondieki	Attorney General's Office, Prosecutions	SNR, Principle State Counsel	Kenya
8	Hon. Betty Amongi	Parliament of Uganda	MP	Uganda
9	Hon. Linah J. Kilimo	Kenya National Assembly	Assistant MP.	Kenya
10	Hon. Margaret Kamar	Kenya National Assembly	MP	Kenya
11	Elizabeth Mbuka	Rep. Ministry of Gender & Children Development- Dept. of Children Affairs	Children's Officer	Kenya
12	Hon. Bintu Jalia Abwooli	Uganda National Assembly	MP	Uganda
13	Hon. Gertrude Biaya Ndaya	Amani-DRC	MP	DRC
14	Hon. Abdiaziz A. Mohamed	Somalia National Assembly	MP	Somalia
15	Hon. Dr. Bernadette Lahai	Parliament of Freetown	MP	Sierra Leone
16	Lady Justice Mary Ang'awa	Kenya Women Judges Association	Chairperson	Kenya
17	Hon. Chantal Ruvakubusa	Burundi National Assembly	MP	Burundi
18	Hon. Teddy Louise Kassella-Bantu	Tanzania National Assembly	MP for Bukene Const.	Tanzania
19	Hon. Lydia Wanyoto	EALA/EAC	EALA/MP	Uganda
20	Hon. Sara Bonaya	EALA/EAC	EALA/MP	Kenya
21	Hon. Bashomberwa Lailia Marthe	Kinshasa National Assembly	MP	DRC
22	Hon. Biaya Naya Kazadi Gertrude	Kinshasa National Assembly	MP	DRC
23	Hon. Janeth M. Massaburi	Tanzania National Assembly	MP	Tanzania.
24	Hon. Martha Karua, EG-H	Kenya National Assembly	Minister for Justice, National Cohesion & Constitutional Affairs	Kenya
25	Hon. Mugumya Magulumaali Erasmus	Uganda Parliament	MP	Uganda
26	Hon. Alfred Mwamba	AMANI	Sec. General ZAM Chapter	Zambia
27	Hon. Valerie Nyirahabineza	EALA	MP	Rwanda
28	Hon. Laddy Omari Baroani	Ministère de la Justice et Droits Humains	Chef du Protocole Adjoint	DRC
29	Bonelwa Ziki	South Africa Embassy-Kenya	Counsellor-Political	Kenya
30	Fatuma Ndagiza	NURC	Executive Secretary	Rwanda
31	Sylvia Chirawu	Women and Law in Southern Africa	National Coordinator	Zimbabwe

32	Marie Louise Baricako	Femmes Afrique Solidarité -FAS	President	Tanzania
33	Janah Ncube	SADC Secretariat	Policy Advisor	Botswana
34	Ambassador Liberata Mulamula	ICGLR (Great Lakes Region)	Ambassador, Executive Secretary	Burundi
35	Nomonde Skitasi	South African Parliament	MD (International Relations Officer)	South Africa
36	Dr. Getrude I. Mongela	Pan African Parliament	President of PAP	South Africa
37	Nathan Byamukama	ICGLR (Great Lakes Region)	Program Officer	Burundi
38	Yasmin Jusu-Sheriff	MARWOPNET-(Mano River Women Peace Network)	Sub-Regional 1st. Vice President	Sierra Leone
39	Marguerite YOLI BI Koné	WANEPFI	Coordinatrice Nationale	Cote D'Ivoire
40	Nyamrushwa Luice	ACORD Burundi	Gender Officer	Burundi
41	Eileen Hanciles	FAWE-SL	National Coordinator	Sierra Leone.
42	Una Kumba Thompson	WOLPNET-Women of Liberia Peace Network	CEO	Liberia
43	Ayodeji Ajayeoba	AAIIECT	Global Conflict Advisor	Nigeria
44	Florence Okio	ACORD Uganda	Program Officer	Uganda
	Munzoul Assal	ACORD-NORTH SUDAN	Area Program Manager	Sudan
45	Naa Atemi Oneusu	The Ark Foundation	Program Coordinator	Ghana
46	Egidie Mukarurangwa	ACORD-RWANDA	Gender Officer	Rwanda
47	Souad Abdennebi	UNECA/ACGD	Regional Advisor-Women's Rights	Ethiopia
48	Evelyn Letiyo	Raising Voices	Senior Programme Officer	Uganda,
49	Christine Butegwa	Akina Mama Afrika	Regional Coordinator, Africa Programmes	Uganda
50	Lokola Ndibalema	ACORD-TANZANIA	Project Coordinator	Tanzania
51	Richard Nimbasha	AMANI-Burundi	MP	Burundi
52	Lillian Dudu	ACORD-Sudan	Gender/HIVAIDS officer	Sudan
53	Sisay Tsegaye	ACORD-Ethiopia	Asst. Project Manager & Gender Focal Person	Ethiopia
54	Dawn Cavanagh	FEW	Executive Director	South Africa
55	Sarah Mukasa	AWDF	Programs Director	Ghana
56	Harriet N. Musoke	ISIS-WICCE	Exchange Prog. Coordinator	Uganda
57	Sylvia Goba	Action Aid Intl.	Women's Rights Coordinator	Sierra Leone
58	Ellen Bajenja	ACORD-UGANDA	HIV/AIDS ADVOCACY SUPPORT OFFICER – ACORD UGANDA	Uganda
59	Jane Kiragu	Stima Consultants Ltd	Director	Kenya
60	Faiza Jama Mohamed	Equality Now	Director	Kenya
61	Milcah Mutindi Makato	AMANITARE	Board Member	Kenya
62	Angeline Siparo	IRD-K International Consultant	Consultant-RO EA	Kenya
63	Doris Oduor	Caucus for Women's Leadership	Programme Assistant	Kenya
64	Warigia Kamau	USAID/Kenya GJD	Rule of law & Conflict Mgmt Specialist	Kenya
65	Dr. Nduku Kilonzo	LVCT	Executive Director	Kenya
66	Pat Nyaundi	FIDA-K	Senior Programme Officer	Kenya

67	Dede Amanor Wilks	Action Aid Intl.	International Director West & Central Africa	Kenya
68	Carol Angir	Action Aid Intl.	Policy Coordinator-VAW-IECT	Kenya
69	Brian Kagoro	Action Aid Intl.	Pan African Policy Manager	Kenya
70	Mary Wandia	Action Aid Intl.	Regional Women's rights Coordinator	Kenya
71	Violet Barasa	Kenya Human Rights Commission	Associate Advocacy	Kenya
72	Lyn Ossome	Jaramogi Oginga Odinga Foundation- JOOF	Program Officer	Kenya
73	Rufus A. Murerwa	Family Health Options Kenya- FHOK	Youth Manager	Kenya
74	Sammy Kilonzo	ECOSOCC-AU, Kenya	National Coordinator	Kenya
75	Dr. Margaret Meme	DGH.MOH	Program Manager Gender and Rights	Kenya
76	Dolphine Okech	WAFNET	Convener and Technical Advisor	Kenya
77	Lynn Ngugi	UNHCR, Regional Office for East, Horn & Great Lakes	SNR. Regional Advisor Women & Children	Kenya
78	Josephine Wandago	The league of Kenya Women Voters	Programme Coordinator	Kenya
79	Mary O'Malley	Family & Socio-Cultural Services	Director	Kenya
80	Jennifer Miquez	UNFPA	Regional Emergency Advisor	Kenya
81	Josephine Omwenga	RHR	Advocate	Kenya
82	Maureen Gitinga	KEWOPA	Programme Officer	Kenya
83	Alice Nderitu	Fahamu	Director ESS	Kenya
84	Bann Khan	UNIFEM	M&E officer, GBV F. Point	Kenya
85	Dr. Sobbie Mulindi	NACC	Deputy Director Coordination & Support	Kenya
86	Nyambura Ngugi	CIDA- GESP	Project Director	Kenya
87	Emma Bowa	UAF-Africa	Asst. Programme Officer	Kenya
88	Nelly Njoroge	CREAW	Psychologist	Kenya
89	Betty Mugo	CIDA- GESP	Project Officer	Kenya
90	Davis M. Malombe	Kenya Human Rights Commission	Programs Officer, Advocacy	Kenya
91	Naana Mrekia	NPI-Africa	Intern	Kenya
92	Mabel Ule Takona	Actionaid Intl.	HIV&AIDS Coordinator Africa	Kenya
93	Mary Njeri	ECWD	Deputy Director	Kenya
94	Kavinya Makau	UAF-Africa	Asst. Programme Officer	Kenya
95	Eva Ayiera	UAF-Africa	Programme Officer, Collaborative Initiatives	Kenya
96	Nerida Nthamburi	Centre for Legal Information & Communication		Kenya
97	Tanya Achoch	YMCA -Kenya	Journalist	Kenya
98	Anne Mitaru-Mumina	Women Direct		Kenya
99	Samuel Okemwa	Centre for Gender Education & Awareness	Deputy Director of Programs	Kenya
100	Cecilia Kihara	IPPF	Programme Assistant	Kenya

101	Faith Kasiva	COVAW	Coordinator	Kenya
102	Yahie Abdullahi	African Development Bank	Principle Social-economist	Kenya
103	Wangari Kinoti	Women Direct		Kenya
104	Maximilla Wekesa	KHRC	APO Resource Centre	Kenya
105	Nelly Maina	Actionaid Intl.	Policy & Women's Rights	Kenya
106	Hope Muli	YMCA -Kenya	National Emergency Response Coordinator	Kenya
107	Christine Ochieng	Planned Parenthood Federation of America-PPFA	Program Officer	Kenya
108	Jacqueline Mbogo	Saferworld	Project Coordinator	Kenya
109	Dan Juma	Kenya Human Rights Commission	DED	Kenya
110	Michael Mburu Gathenge	Centre for Gender Education & Awareness	Director	Kenya
112	George Wachira	NPI-Africa	Senior Research and Policy Advisor	Kenya
113	Kaari B. Murungi	UAF-Africa	Director	Kenya
114	Winnie Lichuma	Kenya National Human Rights Commission-(KNHRC)	Commissioner	Kenya
115	Joy Matara	Kenya National Human Rights Commission-(KNHRC)	Human Rights Officer	Kenya
116	Njoki Ndung'u	Centre for Legal Information & Communication	Director	Kenya
117	Stella Maranga	Oxfam GB	Regional Gender Advisor	Kenya
118	Nadine Stiller	GTZ	Project Officer	Kenya
119	Salome Katia	Amani Forum	Executive Secretary	Kenya
140	Magdalene Ndingi	Amani Forum		Kenya
121	Belinda Chesire	CIDA	Development Officer	Kenya
122	Vicky Kasimi	UAF-Africa	Program Officer	Kenya
123	Annie Barbara Chikwanha	ISS-AHSI	AHSI Project and Senior Researcher Fellow	Kenya
124	Prof. P.R. Kenya	ICMHD	Executive Director	Kenya
125	L. Muthoni Wanyeki	KHRC	Executive Director	Kenya
126	Grace Maingi Kimani	COVAW	Deputy Co-coordinator	Kenya
127	Jane Onyango	FIDA-Kenya	Executive Director	Kenya
128	Charity Koronya	Planned Parenthood Federation of America-PPFA	Senior Programme Officer	Kenya
129	Dr.Tajudeen Abdul-Raheem	UN Millennium Campaign	Deputy Director	Kenya
130	Ida Rob	Education Centre for Women in Democracy-WOMEN DIRECT	Communication Manager, Service Centre	Kenya
131	David Ashley	British High Commission	Regional Conflict Advisor	Kenya
132	Sanda Ojiambo	IPPF- International Planned Parenthood Federation	Director of Programmes	Kenya
133	Miriam M. Kikui	Centre for Gender Education & Awareness	Field Coordinator	Kenya
134	Josephine Ambemo	Satima Consultants Ltd	Researcher	Kenya

135	Lydia Bosire	Oxford University	Transitional Justice Researcher	UK
136	Rachel Kagoiya	FEMNET	Documentalist	Kenya
137	Mercy Rurii	IDRC	Research Officer	Kenya
138	Joy Watson	South African Parliament	MS (Senior Researcher)	South Africa
139	Elizaphan O.	Christian Partners Development Agency (CPDA)	Documentalist	Kenya
140	Prof. Makau Mutua	Buffalo Law School	Dean	USA
141	Dr. Wanjiru Kamau Rutenberg	University of San Francisco	Professor	USA
142	Dr. Eddah Mutua Kombo	St. Cloud State University MN, USA	Ass. Professor	USA

7.7. REFERENCE FOR PICTURES:

Page 23 – *Muthoni Wanyeki Executive Director Kenya Human Rights Commission on the efficacy of UNSCR 1352*

Page 25 – *Hon. Martha Karua (Minister for Justice and Constitutional Affairs, Kenya) and Hon. Gwendoline Mablangu- Nkabinde (Deputy Speaker South African National Assembly),*

Page 27 – *Hon. Njoki Ndungu*

Page 29 – *Hon. Lydia Wanyoto (East African Legislative Assembly), Hon. Getrude Mongella (President, Pan African Parliament) and Hon. Gwendoline Mablangu - Nkabinde (Deputy Speaker South African National Assembly) share perspectives at the parliamentary working group*

Page 31 – *Hon. Chantal Ruwakubusa (MP Burundi, Member AMANI Forum Burundi chapter)*

Page 33 – *Fatuma Ndagiza (Executive Secretary National Unity and Reconciliation Commission, Rwanda on the Rwandan post genocide experience)*

Page 35 – *Dr. Annie Chikwanha, Senior Researcher (Institute of Security Studies on Security Sector Reform)*

Page 41 – *Professor Makau Mutua (Transitional Justice Scholar and Chair Kenya Human Rights Commission)*

Page 43 – *Participants in the Legal working group*

Page 45 – *Participants in the policy working group*

Page 48 – *Hon. Betty Amongi, MP Uganda (Chair AMANI Forum Uganda chapter)*

Page 53 – *Yasmin Jusu Sheriff (Mano River Women's Peace Network)*

Page 54 – *Sarah Mukasa (African Women's Development Fund)*

7.8. SNAPSHOTS FROM THE CONFERENCE



1. **Hon. Getrude Mongella** (President, Pan African Parliament), **Muthoni Wanyeki** (Executive Director, Kenya Human Rights Commission), **Prof. Makau Mutua** (Transitional Justice Scholar and Chair Kenya Human Rights Commission) and **Ousainou Ngum** (Executive Director, ACORD) at the opening session | 2. **Yasmin Jusu Sheriff** of the Mano River Women's Peace Network | 3. **Hon. Getrude Mongella** (President, Pan African Parliament) and **Lady Justice Mary Ang'awa** | 4. **Dr. Eddah Mutua** reflects on the Gallery Walk | 5. **Dr. Tajudeen Abdul Raheem**, Deputy Director United Nations Millennium Campaign on achieving MDG Goal 3 | 6. **Mary Wandia**, Women's Rights Coordinator AAI on the Women Won't Wait Campaign | 7. **Carol Angir** (AAI) and **Violet Baraza** (KHRC) share a light moment | 8. **Hon. Getrude Mongella** (President, Pan African Parliament) and **Hon. Gwendoline Mahlangu- Nkabinde** (Deputy Speaker South African National Assembly)

