

The Independent Experts' Assessment

on the Impact of Armed Conflict on Women
and the Role of Women in Peace-building

**Women
War
Peace**

On May 2, 2000, 92 Somali women stood outside a huge military tent in the town of Arta, Djibouti.

The Somali National Peace Conference was about to begin, the fourteenth attempt since 1991 to find a peaceful solution to the civil war. The women had been chosen to be part of delegations representing traditional clans. But their ultimate goal was to break out of clan-based allegiances.

"We knew that peace in our country would come from cross-clan reconciliation, not official negotiations among warlords and faction leaders," one delegate told the Independent Experts during their visit a year later. "So we cared for the wounded, built schools in communities regardless of clan and political affiliations."

At the Conference, the women presented themselves as a "sixth clan" (delegations came from four major clans and a coalition of minor ones) that reached beyond ethnicity to a "vision of gender equality," said Asha Hagi Elmi, a leader of the Sixth Clan Coalition.

"In Arta, we presented 'buranbur' – a special poetic verse sung by women – to show the suffering of women and children during 10 years of civil war," said Ms. Elmi. "We lobbied for a quota for women in the future legislature, the Transitional National Assembly (TNA). But we faced opposition from the male delegates who told us, 'No man would agree to be represented by women.'"

But the women ultimately helped create a National Charter that guaranteed women 25 seats in the 245-member TNA, and protected the human rights of women, children and minorities as well. Although the Charter has not been implemented, as a document it "ranks among the top in the region and the best in the muslim world," said Ms. Elmi.

"In war-torn societies, women often keep societies going. They maintain the social fabric. They replace dislocated social services, and tend to the sick and wounded. As a result, women are often the prime advocates of peace. We must ensure that women are enabled to play a full part in peace negotiations, in peace processes, in peace missions."

UN Secretary-General Kofi Annan

On ensuring women's participation in peace-building the Experts call for:

- The Secretary-General, in keeping with his personal commitment, to increase the number of women in senior positions in peace-related functions.
- Gender equality to be recognized in all peace processes, agreements and transitional governance structures. All participating parties involved in peace processes should advocate for gender parity.
- A United Nations Trust Fund for Women's Peace-building. The Fund would leverage the political, financial and technical support needed for women's civil society organizations at all levels.
- UNIFEM to work closely with the United Nations Department of Political Affairs to ensure that gender issues are incorporated in peace-building and post-conflict reconstruction.
- Peace negotiations and agreements to have a gender perspective through the full integration of women's concerns and participation.
- The United Nations and donors to invest in women's organizations as a strategy for conflict prevention, resolution and peace-building.



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ENSURING JUSTICE

Justice Denied: Impunity Weakens the Foundations of Societies

The Independent Experts' visits to conflict situations confirmed the stark reality that women are being denied justice. With few exceptions, those who commit heinous crimes against women in war are not punished, nor are women granted redress. Worse yet, little is being done to prevent new abuses.

Women often have nowhere to turn: law enforcement agents, military officials, peace-keeping forces or civilian police may be complicit or themselves guilty of these crimes. The failure to prevent and punish such crimes is a betrayal of women on a massive scale, the Experts state.

Increased levels of violence against women continue into the post-conflict period. Criminal activity often thrives in such situations, where law enforcement is generally weak and there is rarely an effective judicial system.

Accountability on the part of states and societies for crimes against women means more than punishing perpetrators. It means establishing the rule of law and a just social and political order. Without this, there can be no lasting peace.

Impunity weakens the foundation of societies emerging from conflict by legitimizing violence and inequality. It prolongs instability and injustice and exposes women to the threat of renewed conflict.

Despite the fact that international humanitarian, human rights and refugee law protects women against war-time atrocities, there are limitations. According to Dr. Kelly D. Askin, Director of the International Criminal Justice Institute, "Treaties have been drafted outlawing, in excruciating detail, everything from particular kinds of bullets to the destruction of historical buildings, while maintaining enormous silence or providing only vague provisions on crimes against women."

Ultimately, Askin argues, "provisions are needed in international humanitarian law that take women's experiences of sexual violence as a starting point rather than just a by-product of war."

Women's rights advocates worldwide have slowly and steadily constructed an international

Historically, women have been underrepresented in judicial processes. Only one woman has served as a judge on the International Court of Justice since it was established more than 80 years ago. The 34-member International Law Commission had no women throughout its 55-year history until 2001, when two women were elected. No more than three women have served at any one time among the 14 permanent judges of the International Criminal Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR).

In the Democratic Republic of the Congo (DRC) women described their frustrations. One activist told the Independent Experts:

"Large numbers of atrocities have been committed during the war here, but even now there is no justice.

"We cannot go to local authorities, as they have no power. We call for the establishment of a truth and reconciliation commission and an international criminal tribunal for the DRC.

"We know those who have committed war crimes and their accomplices. We will testify to ensure that they are brought to justice.

"But the Security Council must accelerate its decisions on the situation in our country."

legal framework to address these grievances. Campaigns to end violence against women took root and gained momentum throughout the 1990s on the agendas of UN World Conferences, from Vienna in 1993 to Cairo in 1994 to the 1995 Beijing Fourth World Conference on Women, which began to recognize the principles for codifying international law on violence against women.

Those principles were later tested and articulated in landmark decisions by the International Criminal Tribunals for the Former Yugoslavia and Rwanda and ultimately informed the definition of crimes of sexual violence included in the Rome Statute of the International Criminal Court (ICC).

More than 20 countries have established truth and reconciliation commissions, which often have no legal status but provide a public record of crimes committed by gathering testimony from survivors. Yet for the commissions to serve women, their mandates must reflect the nature of the human rights violations that women suffer. The stigma associated with reporting sexual violators and the issue of witness protection must be addressed.

In East Timor, a combination of methods are being used to attempt to bring perpetrators to account for war crimes and crimes against humanity committed at the time of the August 1999 referendum on independence. But the women of East Timor are not yet convinced these methods will work, according to the Experts. They met Maria, who fled her village as everything she owned burned to the ground. She knew the people who had committed crimes against her community.

"We know who these people are," she told the Experts, "we know them by name, by face and we know that many are still hiding in West Timor. We will not agree to live side-by-side with them in East Timor unless justice is done."

In Kosovo, Cambodia and Rwanda, women's groups are working with judges in community and national courts to sensitize them about gender issues.



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Chantal was living in a UN refugee transit centre in Goma, in the

eastern part of the Democratic Republic of the Congo (DRC) when the Independent Experts met her. She was anxious to return to her native Rwanda.

At first sight, Chantal could have been any strong, young village woman, a farmer from Rwanda's steep hills, who brought produce to market and carried water and wood for miles. But her face was blank as she described the last five years since her abduction, years which she spent deep in the forests of eastern DRC with a group of Interahamwe militia – some of whom were the "genocidaires" of Rwanda in 1994.

The militia used thousands of women like Chantal, as human shields, porters and sex slaves.

"We ate when we went to villages," Chantal told the Independent Experts. "We carried very heavy loads of what we took from their places. Often there was fighting. Every man raped me."

Most survivors of sexual violence do not talk about

it. Chantal was able to tell her story because she felt no risk of stigma or rejection from her husband, family or community; she had already lost everybody and everything she was attached to. It is unlikely that Chantal will ever see justice done.

She is not likely to receive reparations for the violations she suffered, or to see her violators prosecuted. She probably will not receive adequate medical or psychosocial support. Chantal may have contracted HIV/AIDS from the multiple rapes, but it is unlikely that she will ever be tested. Even if she is tested, and is positive, she will probably not have access to treatment or care.

If Chantal has children, they may be able to go to school, but she herself is not likely to receive any education. If she makes it back home, she will have to struggle to claim the property she lived on, the inheritance due her and the possessions she left behind. The chances are very high that Chantal will be violated again.



On ensuring justice for victims of violence the Experts call for:

- The Secretary-General to appoint a panel of experts to assess gaps in international and national laws pertaining to the protection of women in conflict and post-conflict situations and their role in peace-building.
- States which are parties to the Statute of the International Criminal Court to undertake national law reform to ensure compatibility, with particular attention given to provisions regarding crimes against women.
- National legal systems to penalize and remedy all forms of violence against women in conflict and post-conflict situations. Women's access to justice should be ensured.
- Gender equality in constitutional, legislative and policy reforms. The principle of gender should be integrated into all relevant constitutional clauses.
- Establishment by the United Nations of interim judicial systems capable of dealing with violations against women by their family and society at large.



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ARMED CONFLICT AND HIV/AIDS

Armed Conflicts Exacerbate the HIV/AIDS Epidemic

The HIV/AIDS epidemic has long eclipsed all other health concerns in Africa and is set to do the same in the rest of the developing world. It is likely to be the pre-eminent killer disease for many years to come and has consistently gone beyond even worst-case scenario projections of infection rates.

Gender inequalities are a major driving force behind the AIDS epidemic. Women are more vulnerable to HIV/AIDS than men and boys, not only because they are biologically more susceptible to sexually transmitted infections (STIs), but also because they often lack power to negotiate the terms of sexual relations or economic independence. Adolescent girls, relatively powerless to avert abuses such as forced marriage or trafficking, are at greatest risk.

The chaotic and brutal circumstances of armed conflict aggravate all the factors that fuel the HIV/AIDS crisis. The impact on women's health is particularly harmful. The virus spreads faster during conflict and has itself contributed to political instability by leaving governance structures, health systems and communities weakened.

As sexual violence and exploitation have escalated in conflict and post-conflict situations, so has the spread of HIV and other STIs.

STIs themselves greatly increase the risk of infection with HIV.

The mixing of civilians and combatants can also increase the risk of infection. Military forces almost always have higher rates of STI and HIV infection than civilians do. In many conflict settings, the combatants are involved in sexual exploitation of women, including regular relations with sex workers and sexual violence.

Armed conflict impacts all levels of the structures in society that might have helped slow or prevent the spread of HIV.

Conflict destroys the health services that helped protect people against HIV/AIDS or screen blood transfusions. It devastates the education systems that might have been able to teach HIV and gender-based violence prevention. And HIV/AIDS itself contributes to political instability by leaving millions of children orphaned and

Of sub-Saharan Africa's 29.4 million HIV-positive people, 58 percent are women.

AIDS Epidemic Update
UNAIDS, December 2002

Even in settings where HIV prevention programmes are in place and women have attained some level of equality, the onset of war can severely disrupt access to health information, damage health infrastructure and create shortages of supplies STI treatment drugs or condoms.

This lack of services, combined with poverty, can severely limit women's abilities to control their exposure to HIV/AIDS. As one refugee told the Experts:

"I know all about AIDS because we had a big prevention programme back home. Lots of people started using condoms there. But here in this camp, they aren't always available and in the city they are expensive – so what should we do? Sometimes my husband and I are together without protection, even though we know better."

"It seems strange that donors only seem to want to fund governance projects here – courts, elections, tribunals, civil service training, and police training – and no one wants to support HIV prevention. If we don't work on stopping HIV now, there won't be people left to govern."

UN Diplomat,
Sierra Leone

by killing teachers, health workers and other public servants that help keep society's fabric together.

In many countries, women and girls become easy targets for sexual violence and exploitation in refugee camps. Even simple tasks such as collecting firewood and water outside the camp expose women and girls to the threat of violence and rape.

Some refugees bring STIs with them; others contract them in the camp or in nearby towns. Refugee camps must provide active STI treatment services and HIV prevention programmes, so that all residents, women and men alike, are protected.

In Sierra Leone, UNIFEM and UNAIDS, has deployed a gender and HIV/AIDS specialist to ensure that gender and human rights perspectives are integrated into all country activities to fight the pandemic.

In the country's capital, Freetown, the Women in Crisis Movement has established support for young women forced into the sex trade. The women are provided with literacy, vocational and HIV prevention training, as well as treatment for STIs in participating clinics. However, despite the new skills that the women are learning, until the local economy can provide more jobs or they can establish sustainable businesses, the women are forced to continue to sell sex for food and other necessities.

Even as conflicts subside, difficult economic and social conditions often leave many unemployed and unable to resume their normal community or family lives.

Where AIDS and other diseases are already a problem, women bear the largest burden of care for family members. The responsibility can keep girls from going to school and prevent women's involvement in the work force, thus amplifying their low status and their family's poverty.

HIV is a direct threat to both human and national security since the epidemic undermines economic and social participation at a critical time of rehabilitation and recovery.



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Marie, a tall and quiet woman of twenty-four, lives with her two-year-old and her baby on the

edge of a frontier town in Eastern Congo. It is not a town that many of its residents would choose to live in – it is simply a place they have run to in order to escape fighting elsewhere.

The three-room health post is pockmarked from mortar fire and nearly empty of furniture and supplies. The one trained nurse can provide advice, but little else.

There are no jobs for Marie or her friends and they have no family left to help them, so quite often they resort to selling sex for money, food or even to “buy” protection from rebel leaders.

Marie is embarrassed, but feels she has no choice. “I am only thankful that my mother and father cannot see the way I am living now because they did not raise me to do these things. But what else can I do? There is no one to help. I must take care of my children.”

Marie knows that sex with many partners can be unhealthy but she doesn't know any details and has no access to information about sexually transmitted infections or HIV. Nor does she have access to basic supplies such as condoms or contraceptives to prevent an unwanted pregnancy. She has no power to negotiate protection with the men who come to her hut.

The odds are very much against Marie. Almost 1.3 million adults and children are living with HIV in the Democratic Republic of the Congo. In North Kivu, near where Marie lives, a recent study showed infection rates of 54 per cent among adult women, 32 per cent among adult men and 26 per cent among children.



To prevent the spread of HIV in conflict situations, the Experts call for:

- HIV/AIDS awareness and prevention programmes to be implemented during conflict and in post-conflict situations, with care and support provided whenever there is access to affected populations.
- All HIV/AIDS programmes and funding in conflict situations to address the disproportionate disease burden carried by women.
- Vulnerability assessments to be carried out in each humanitarian situation to determine links between conflict, displacement, gender and HIV/AIDS.
- Clear guidelines for HIV/AIDS Prevention in Peacekeeping Operations. Counseling and testing should be provided for all contingent forces and civilian personnel.
- The Global Fund to fight AIDS to make special provisions for support of HIV/AIDS programmes in conflict situations, including in countries without the government capacity to manage the application process.