

Women, peace and security

Implementing the Maputo Protocol in Africa

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Summary

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

SECURITY HAS LONG been a male-dominated sphere of influence, with a focus on masculinised responses to threats, conflict, conflict resolution and post-conflict development, with the objective of protecting nation state territories. This system of and investment in militarisation foregrounds violent masculinities in the quest to defend 'a narrow range of external (military) threats to the territorial and political integrity of states'.¹ The idea of 'human security', introduced in 1994 by the United Nations Development Programme (UNDP),² proposed a rethinking of the traditional concept of security by shifting the focus to protecting the individual from threats to the freedom from want and the freedom from fear. Human security therefore entails a broad range of issues that encompasses freedom from violence, the degradation of human dignity, threats to livelihoods, environmental concerns, hunger, disease and other harms to the security of the individual.

Human security and national security are not mutually exclusive and often work together as mutually reinforcing. However, 'secure states do not automatically mean secure peoples',³ and, as such, human security traverses the political continuum of all countries in Africa, whether in active conflict or at peace.

Africa has been a violent continent for well over a century. Colonialism, liberation movements, independence struggles, intra- and inter-state conflict, armed violence between state and non-state armed actors, ethnic conflict, political violence, religious tension and violent extremism have been experienced at different times and to different degrees across the continent. These cycles

of violence and conflict, combined with entrenched social systems of patriarchy, have impacted most significantly upon women.

Women's rights are fundamental to human security and sustainable peace. Gendered power differentials mean that women and girls experience human insecurity differently to men: their subordinate societal status renders them 'less able to articulate and act upon their security needs',⁴ which exacerbates their insecurity. The 1994 UNDP Human Development Report outlined two crucial determinants of sustainable peace: that 'the world can never be at peace unless people have security in their daily lives'⁵ and 'In no society are women secure or treated equally to men. Personal insecurity shadows them from cradle to grave.'⁶ It is now indisputable that women's rights are human rights; as such, gender equality is one of the foundations on which human security can be achieved in the daily lives of women and men.

Women continue to experience sexual and gender-based violence and rights violations along a continuum that incorporates conflict, transition, post-conflict development and stability

However, women's rights in Africa – from the family unit through to national political enfranchisement – have historically been at best ignored and at worst actively denied or violated. The political economy of violence begins in the home, and women who do not have rights in the home cannot conceive of claiming those rights at the community, country or global level. Women continue to experience sexual and gender-based violence (SGBV) and rights violations along a continuum that incorporates conflict, transition, post-conflict development and stability. It is important to stress that the absence of armed conflict in parts of Africa does not mean the presence of peace, especially for women.

The women, peace and security (WPS) agenda has been developed as a global response to the differential effects of conflict and violence and focuses on promoting the participation of women in peace and security institutions, processes and decision-making structures, preventing violence against women and ensuring their protection. Despite the global WPS agenda, in the African context – because of a basic undermining of their human rights in the lived reality of women on a daily basis – women's insecurity is integrally linked to the broader continuum of violence that encompasses much more than strict definitions of conflict and post-conflict.

This is why the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, better known as the Maputo Protocol, is crucial to achieving lasting peace in Africa. The Maputo Protocol aspires to guarantee comprehensive rights for women in Africa by providing family units, communities and nation states with duties and responsibilities that will ultimately result in human security and sustainable peace. The Maputo Protocol has a number of articles that have specific bearing on and intersect with global frameworks that speak to women's equality and security, including: the elimination of discrimination against women; the right to dignity; the right to life, integrity and security of the person; the right to access to justice and equal protection before the law; the right to participation in political and decision-making processes; the right to peace; and the right to protection in armed conflicts.⁷



THE POLITICAL ECONOMY
OF VIOLENCE BEGINS IN
THE HOME

Women, peace and security frameworks

The WPS agenda in Africa is based on a number of international and regional conventions, treaties and protocols aimed at protecting women and girls, addressing gender inequality and eliminating discrimination. These include the 1979 Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW), the 1995 Beijing Platform for Action (BPA), and a series of (to date) seven United Nations Security Council resolutions (UNSCRs) on various elements of women, peace and security adopted between 2000 and 2016. The CEDAW and the BPA recognise that women's rights are human rights and that women's empowerment and gender equality are key to achieving development and sustainable peace. The first UNSCR on women, peace and security (UNSCR 1325, adopted in 2000) recognises that war disproportionately affects women, and that women's active participation in peace processes is imperative for international peace and security. The subsequent resolutions engage with issues from sexual violence during armed conflict to the role of peacekeepers in protecting women and preventing sexual violence (including incidents of sexual exploitation and abuse by those involved in peacekeeping missions) to women's participation in conflict prevention, resolution and recovery. The Sustainable Development Goals, adopted in 2015, seek to address the key challenges that women face, such as violence, poverty and inequality.⁸

Women's empowerment and gender equality are key to achieving development and sustainable peace

The African Union (AU) has also developed frameworks to empower women and ensure their security. One of the governing principles of the AU Constitutive Act (2000) is to promote gender equality.⁹ The AU's Solemn Declaration on Gender Equality in Africa (2004) and Gender Policy (2009) reaffirm the union's commitment to accelerate and expand efforts to promote gender equality.¹⁰ In 2013, the AU adopted the Aide-Memoire for the Consideration of Issues Pertaining to the Protection of Civilians in Africa to supplement its draft guidelines on the protection of civilians drafted in 2012. The aide-memoire includes a section on specific protection concerns related to women that dovetails with the UNSCRs on WPS.¹¹ In order to develop and implement these strategies and mechanisms for the increased participation of women in promoting peace and security, the AU launched the Gender, Peace and Security Programme in 2014.¹²

Regional protocols and mechanisms also support this continental framework. The Southern African Development Community (SADC), for instance, recognises the importance of gender mainstreaming for sustainable development through its Protocol on Gender and Development.¹³ The Inter-Governmental Authority on Development (IGAD) has developed a regional action plan in response to UNSCR 1325, which is implemented and monitored by the IGAD Women and Peace Forum.¹⁴

The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

The African Charter on Human and People's Rights, adopted in 1981, recognised that discrimination against women should be eliminated but was ineffective in addressing women's rights.¹⁵ By the late 1990s, women's organisations from across Africa were realising that gender inequality and discriminatory practices against women were still entrenched in Africa and that a better strategic framework was needed to address these.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) was adopted in 2003 and entered into force in 2005, representing an important milestone for women's empowerment and gender equality in Africa.¹⁶ The swift ratification of the protocol was largely due to women's movements and networks working together to put pressure on governments.¹⁷

To date, 49 states have signed and 37 states have ratified the Maputo Protocol; two states (Botswana and Egypt) have refrained from signing or ratification.¹⁸

The protocol lays the foundation for the women's rights legal framework in Africa and recognises the crucial role that women play in preserving African values based on principles of equality, peace, freedom, dignity, justice, solidarity and democracy.¹⁹ It commits African states to combat all forms of discrimination against women through the drafting and implementation of legislative, institutional and policy measures in a determined effort to 'ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights.'²⁰

The protocol contains articles on a wide range of women's rights, from discrimination to education, and from food security to health and reproduction. Articles that touch on the WPS agenda include:

- Article 2: Elimination of Discrimination Against Women, which commits all states to combat all forms of discrimination against women through appropriate legislative, institutional and other measures.

- Article 3: Right to Dignity, which commits states to adopt and implement appropriate measures to prohibit exploitation or degradation of women and ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence.
- Article 4: The Rights to Life, Integrity and Security of the Person, which commits states to identify the causes and consequences of violence against women and take appropriate measures to prevent, eliminate and punish such violence.
- Article 8: Access to Justice and Equal Protection before the Law, which affirms that women and men are equal before the law and shall have the right to equal protection and benefit of the law.
- Article 9: Right to Participation in the Political and Decision-Making Process, which commits states to promoting equal participation of women in political life through affirmative action, enabling national legislation and other measures.
- Article 10: Right to Peace, which affirms that women have the right to a peaceful existence and to participate in the promotion and maintenance of peace.
- Article 11: Protection of Women in Armed Conflicts, which commits states to respect and ensure respect for the rules of international humanitarian law applicable in armed conflict situations that affect the population, particularly women.²¹

The importance of the Maputo Protocol is that it recognises that gender inequality undermines social, economic and political empowerment, which in turn impacts on human security.²² The ratification of the protocol means that accountability, protection against abuses and equality for women are in place – on paper at least – at the highest level on the continent.

Not all African countries have domesticated all aspects of the Maputo Protocol, meaning that this continental instrument is in danger of becoming a paper tiger

However, the protocol needs to be incorporated in domestic law in order to be implemented at a national level. Not all African countries have domesticated all aspects of the Maputo Protocol, meaning that this continental instrument – which meets the international standards of locating women's rights within the ambit of fundamental human rights – is in danger of becoming a paper tiger, irrelevant to the lived reality of women.²³



THE MAPUTO PROTOCOL
RECOGNISES THAT GENDER
INEQUALITY UNDERMINES
SOCIAL, ECONOMIC AND
POLITICAL EMPOWERMENT

Implementation of the Maputo Protocol: case studies

Four countries in sub-Saharan Africa have been selected as case studies for the implementation of the Maputo Protocol because they occupy different phases in the nation building process – from never having been involved in a conflict (Malawi), to currently involved in conflict (South Sudan), to emerging out of conflict (Somalia), to post-conflict recovery and in the process of developing democracy (Mozambique). All of these countries represent similarities and differences in the challenges they face in achieving peace and security for women.

According to the World Bank, poverty and inequality remain stubbornly high in Malawi, with one quarter of the population living in extreme poverty.²⁴ The rigidity of the authoritarian regime under Hastings Banda – declared president for life in 1971 – meant

that Malawi's transition from colonial rule took place without armed conflict or much violence. Since the first multi-party elections were held in 1994, there has been relative peace in Malawi. Bingu wa Mutharika, Malawi's second elected president, was seen by some as increasingly autocratic and dismissive of human rights in his second term.²⁵ In 2011, Malawi witnessed violent protests over high costs of living, devolving foreign relations, poor governance and a lack of foreign exchange reserves. Vice-President Joyce Banda became the country's first woman president upon Mutharika's death in 2012, although she lost the election in 2014.²⁶

The Republic of South Sudan became the world's newest nation in 2011 and has some of the worst development indicators in Africa and the world, with more than half the population living below the poverty line.²⁷ The country is emerging from one of the longest and most destructive wars in African history, which has left over 2 million people dead and more than 4 million displaced.²⁸ Despite various agreements and mediation processes, including the 2005 Comprehensive Peace Agreement, the conflict between militia and state forces, as well as inter-communal violence, was reignited in 2013 and still continues.

Mozambique is recognised as one of the fastest growing economies in Africa, although more than half the population are currently living under the poverty line

Somalia has experienced conflict and insecurity for decades, resulting in little economic growth, the destruction of legitimate institutions and the creation of widespread vulnerability.²⁹ Following a fragile, but positive, 2012 transition based on the Kampala Accord peace agreement, the country established a full federal government in Mogadishu built on a provisional constitution.³⁰ Somalia is faced with the daunting task of rebuilding both the state and society. Current insecurity is related to the religious extremist group al-Shabaab, which seeks to establish its own form of governance. Spikes of active conflict still occur in the south.³¹

Mozambique is recognised as one of the fastest growing economies in Africa, although more than half the population are currently living under the poverty line.³² Mozambique has battled civil war and domestic strife since independence in 1975. Despite the civil war ending in 1992 and the first democratic elections being held in 1994, political tensions between the Front for the Liberation of Mozambique and the Mozambican National Resistance continued and threatened to destabilise the country in 2013 and 2014. The former party has won all the political elections since the end of the civil war.

Constitutional and legislative framework

A country's constitution is considered the highest law of the land and sets the tone for the legislative framework within which the state and its citizens operate. It follows, then, that:

Constitutions matter for women. The specific way in which a country's constitution shapes each aspect of state power will either facilitate or limit the opportunities for advancing gender equality. A well drafted constitution containing gender equality provisions opens many doors. A constitution steeped in patriarchal values keeps them locked tight.³³



THE REPUBLIC OF
SOUTH SUDAN BECAME
THE WORLD'S NEWEST
NATION IN 2011

A tolerance or intolerance for discrimination against women in a country's constitution will filter down into its domestic legislation, especially those laws that deal specifically with discrimination or violence against women. The Maputo Protocol recognises the importance of this constitutional and legislative framework. Article 2 calls on member states to 'include in their national constitutions and other legislative instruments [...] the principle of equality between women and men and ensure its effective application', while Article 4 encourages member states to 'enact and enforce laws to prohibit all forms of violence against women'.³⁴

Table 1: Comparison: constitution, gender equality and sexual- and gender-based violence legislation and policies in four African countries

Malawi	South Sudan	Somalia	Mozambique
The constitution			
Article 13: gender equality	Article 1: equality	Article 11: gender equality	Article 11: equality of citizens before the law
Article 24: rights of women	Article 16: rights of women (participation in public life, combat harmful traditional practices)	Article 15: security of the person and prohibition of female genital mutilation	Article 122: women's equal right to political, economic, social and cultural development
Article 30: right to socio-economic development	Article 109: quota for Council of Ministers	Article 27: socio-economic rights for women	Article 118: recognises traditional authority and customary law ³⁸
Article 68: quota for Senate	Article 142: quota for independent commissions	Article 111D: quota for women in Parliament	
Article 26: claw-back clause related to culture ³⁵	Article 162: quota for each legislative and executive organ of state	Article 127: right to participation in defence forces	
	Article 166: recognises traditional authority and customary law ³⁶	Article 40: recognises sharia and customary law ³⁷	
Gender equality legislation and policies			
Malawi Defence Force Act (2004)	National Gender Policy and Strategic Plan (2013)	Somali Compact (2014–2016)	Family Law (2004)
Gender Equality Act (2013)			National Gender Equality Policy
Marriage, Divorce & Family Relations Act (2015)			National Action Plan for the Advancement of Women
Gender Equality & Women Empowerment Programme (2012–2016)			
Sexual- and gender-based violence legislation and policies			
Prevention of Domestic Violence Act (2006)	None	Gender-based Violence Working Group Strategy (2014–2016)	Domestic Violence Act (2009)
Child Care (Justice & Protection) Act (2010)		Draft National Gender Policy	Penal Code (2015)
Criminal Procedure & Evidence Code (2010)		National Action Plan on Sexual Violence in Conflict (2014)	
Penal Code (Amendment Act) (2011)			

Gender equality is formally enshrined in the constitutions of Malawi, South Sudan, Somalia and Mozambique. There are, however, challenges to the full implementation of the constitutional clauses on gender equality in all of these countries due to the recognition, in the same constitution, of systems of customary or religious law. In its analysis of women's rights and national constitutions, United Nations (UN) Women perceives these constitutions as guaranteeing both gender equality and legal pluralism but remaining 'silent as to how potential conflicts will be resolved',³⁹ relying instead on the judiciary to resolve the contradictions. The danger lies in the fact that most clashes between the constitution and customary law will play out in issues considered to be personal or private (such as marriage, inheritance rights, marital rape, sex work or abortion). Also, given the choice between a constitutional equality clause and customary law, gender equality may be sacrificed by a male-dominated judicial system where officials could be biased by their own traditional or patriarchal outlooks.

Most clashes between the constitution and customary law will play out in issues considered to be personal or private, such as marriage or inheritance rights

In terms of constitutional clauses taking effect through domestic legislation, despite clauses in their constitutions guaranteeing the right of citizens to be free from violence, neither South Sudan nor Somalia has specific legislation defining crimes of SGBV and providing for their prosecution, conviction and punishment. In addition, various existing pieces of legislation embed violence against women: in South Sudan, coerced marital sex is excluded from the definition of rape contained in the Penal Code Act; in Somalia, the Criminal Code has not been updated since the Italian colonial period. Although Malawi has specific SGBV legislation, marital rape is not criminalised, and sex work has not been decriminalised. Mozambique does not have stand-alone laws on sexual offences, which are instead covered by the Penal Code. While a new penal code was promulgated in 2014, it was strongly criticised by women's rights organisations. In particular, there are fears that incorporating the stand-alone Domestic Violence Law into the country's revised Penal Code 'will worsen the situation of precariousness in the judicial treatment of crimes of domestic violence, and as a consequence [...] increase societies' perception of impunity'.⁴⁰ Mozambique has decriminalised homosexuality, and marital rape is a crime.

Women's security and access to justice

Article 4 of the Maputo Protocol speaks directly to women's security when it states that 'Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights' and 'Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.'⁴¹ Article 8 of the Maputo Protocol focuses solely on women's access to justice and equal protection before the law, urging states to take all appropriate measures to ensure three key elements:

- women's effective access to judicial and legal services, including legal aid;
- adequate educational and other appropriate structures with particular attention to women and to sensitise everyone to the rights of women;



SOMALIA'S CRIMINAL CODE
HAS NOT BEEN UPDATED
SINCE THE ITALIAN
COLONIAL PERIOD

- law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights.⁴²

SGBV is a widespread and often socially tolerated human rights violation in Africa. With its roots in the structural inequalities between men and women that results in women's persistently subordinate status to men, coupled with a general acceptance of interpersonal violence as a means of resolving conflict, SGBV has a significant and devastating impact on individual women, their families, communities and even the development of the state.

Much of the violence experienced by women in these four countries is perpetrated in the context of domestic relationships

The Maputo Protocol recognises that identifying the causes and consequences of violence against women is a crucial step towards understanding the problem in order to design effective response mechanisms and prevention strategies. Identifying the causes and consequences requires, at the very least, reliable baseline data.

None of the countries considered in this paper has publicly available and reliable official statistics on the rates of SGBV in the country. However, it is widely accepted – through evidence-based, independent, community-level research studies – that SGBV is endemic in all the countries.

Much of the violence experienced by women in these countries, even those involved in or emerging from conflict, is perpetrated in the context of domestic relationships. SGBV is further compounded in the context of armed conflict, where women are

Table 2: Comparison: rates of sexual- and gender-based violence, response services, and access to justice in four African countries

Malawi	South Sudan	Somalia	Mozambique
Rates of SGBV			
No official statistics	No official statistics	No official statistics	No official statistics
Physical violence: 29,5%	Internally displaced persons (IDPs): 1,69 million ⁴⁴	IDPs: 1,22 million ⁴⁵	Physical violence: 39%
Sexual violence: 40,3% ⁴³			Sexual violence: 30% ⁴⁶
Response services			
Police: 196 victim support units	Police: directorate of gender affairs at headquarters	Police: gender-based violence department	Police: 262 cabinets of assistance to women and children victims of violence
Health: one one-stop centre	Health: virtually non-existent	Health: one one-stop centre	Health: five one-stop centres
Services provided by local and international non-governmental organisations (NGOs) ⁴⁷	Services provided by humanitarian aid organisations ⁴⁸	Services provided by international NGOs ⁴⁹	Services provided by local and international NGOs ⁵⁰
Access to justice			
No available statistics on prosecution and conviction	No available statistics on prosecution and conviction	No available statistics on prosecution and conviction	No available statistics on prosecution and conviction

particularly vulnerable to violence perpetrated by non-state armed groups as well as state actors as part of a broad pattern of systematic violations.

In Malawi, high levels of SGBV have been attributed to, among other factors, a social acceptance of physical violence as a means of a man 'disciplining' his wife, and the controlling behaviour of men over their intimate partners.⁵¹ Similarly, the drivers of SGBV in South Sudan include an acceptance and normalisation of domestic violence by both men and women.⁵² One of the most common forms of SGBV in Somalia is intimate partner violence, where cultural beliefs, social discrimination and gender inequality place women at risk of victimisation in their own homes.⁵³ In Mozambique, the aggressor in 90% of SGBV cases is someone well known to the survivor (family members, friends/colleagues, or someone in a position of authority).⁵⁴ The high incidence of SGBV in Mozambique is also consistent with the high proportion of women who are accepting of domestic violence: 54% of women aged 15–49 years said that it is justified to be beaten by their partners for reasons such as stealing food, arguing, leaving the house without notice, refusing sex and not looking after the children.⁵⁵

The drivers of sexual and gender-based violence in South Sudan include an acceptance and normalisation of domestic violence by both men and women

Harmful traditional practices are also widespread in all these countries. Wife inheritance, bride price, early marriage, polygamy, the payment of girls for outstanding debt and monetary compensation for SGBV crimes are widespread. South Sudan has been described as 'strongly traditional and deeply patriarchal', a fact evident in the societal gender roles and positions: while men are 'the heads of households, holding positions of authority within their families; women are subservient to their husbands [...] [a] system [that] often leaves women extremely vulnerable, with little recourse in cases of abuse or when husbands fail in their duties of support and protection.'⁵⁶ At 98%, Somalia has the highest rate of female genital mutilation (FGM)/cutting in the world, with the concomitant health and sexual reproductive problems.⁵⁷ Harmful traditional practices still performed in Malawi include: *nhlazi*, giving into marriage a young relative of the wife as a reward to her husband for being good to her family; and *kulowa kufa*, sexual intercourse between a newly widowed woman and a designated man to 'cleanse the village of death'.⁵⁸ Harmful traditional practices compromise young women in terms of education and sexual and reproductive health.

Internally displaced persons (IDPs) constitute a particularly vulnerable group of women in at least three of these countries. UN Women executive director Phumzile Mlambo-Ngcuka told the UN Security Council that she was appalled by the conditions in the Protection of Civilian areas in South Sudan, saying that the conditions 'pose significant health, protection and security risks to girls and women'.⁵⁹ Women IDPs in South Sudan face numerous threats to their physical security and psychological wellbeing, not only from the parties to the conflict, but also as a result of exposure to inter-communal violence and crime.⁶⁰ A dearth of comprehensive data and a lack of understanding about the issues involved in displacement have been barriers to an effective response by national authorities, and their capacity and willingness to protect civilian IDPs has been questioned.⁶¹

A large, stylized graphic of the number 98% in a light grey font, positioned above the text.

THE RATE OF FEMALE
GENITAL MUTILATION
IN SOMALIA – THE
WORLD'S HIGHEST

In Somalia, women and girls that are displaced because of conflict or political instability face a significant risk of sexual violence from both extremist groups and government forces. AU Mission in Somalia forces have also sexually exploited and raped women and girls in their bases in Mogadishu. In some cases, internally displaced women and girls have to resort to 'survival sex' to gain access to food and other essential goods.⁶² In 2014, the Somalia government adopted a policy framework to prevent new internal displacement, improve IDPs' living conditions and create conditions conducive to durable solutions. Yet weak governance, limited human and financial resources and lack of access threatens the finalisation and implementation of such initiatives.⁶³

Mozambique is a destination country for refugees and asylum seekers, and there have been reports of abuse of women in Maratane, the country's only refugee camp.⁶⁴

Other explanations for the high levels of SGBV in these countries include: silence and stigma surrounding SGBV, substance abuse, violent masculine identities, prolonged conflict, recurring natural disasters and a lack of access to legal recourse.

The lack of access to justice for women is common across the countries and can generally be attributed to the official ways of administering justice, as well as women's subordinate position in society and their lack of knowledge about the laws intended to protect them. There are strong links between poverty, illiteracy and a lack of access to and use of the formal justice system.

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Access to justice for rural women in Malawi remains a significant challenge, aggravated by the slow administration of criminal justice coupled with corruption and fear of reprisals.⁶⁵ Some of the barriers include: inadequate awareness about the laws that relate to women's rights, the provisions contained in those laws that relate to their particular context and court procedures; no legal representation or court structure at the community level, which has created a gap between the informal and the formal justice systems; and the economic disempowerment of rural women who cannot afford to seek redress from the formal legal system.⁶⁶ Those who do seek assistance will likely go to informal or traditional arbitrators, such as marriage counsellors, village heads and chiefs who are usually men who do not provide justice in line with international human rights standards.

The Enough Project reports that survivors of SGBV in South Sudan face many interlocking barriers to accessing justice: cultural (the marginalised role of women in their families and a social stigma attached to survivors of sexual violence); the legal process (formal and customary laws, processes and procedures that discriminate against women and afford them few legal rights); and broader systemic barriers, such as a lack of infrastructure and government resources.⁶⁷ It is estimated that 57% of women who have experienced SGBV in South Sudan do not report the incident as a crime.⁶⁸ There is therefore widespread impunity for perpetrators.

There are multiple barriers to women reporting rape in Somalia and additional ones to investigation and prosecution.⁶⁹ The process of reporting sexual violence is fragmented and exposes the survivor to significant security risks.⁷⁰ Clan elders deal with most

10%

THE PERCENTAGE OF CASES OF INTIMATE PARTNER VIOLENCE AGAINST WOMEN THAT ARE REPORTED TO THE POLICE IN MOZAMBIQUE

SGBV cases within the traditional justice systems and use sharia or the customary Xeer law, even in regions where formal judicial systems are in place. Relying on agreements between the perpetrator and survivor's male heads of household, these justice systems generally disadvantage women.⁷¹

Although there is very little information available, it is estimated that only 10% of all cases of intimate partner violence against women are reported to the police in Mozambique.⁷² Of those cases reported, few are filed, and even fewer result in successful prosecutions due to poor police work and lack of sufficient evidence.⁷³ Women's access to justice is impeded by a lack of information on their rights and the laws that protect them, the cost of proceedings and the lack of training of police and legal personnel. Community tribunals are intended to alleviate the burden on the official justice system but comprise only 10% women and apply traditional law, which is particularly discriminatory against women.⁷⁴

Equal participation in politics and the security sector

Articles 8 and 9 of the Maputo Protocol speak, respectively, to the equal participation of women in law enforcement/judicial organs and in the political life of their countries.⁷⁵

Gender equality in politics can lead to real transformation in state institutions, particularly in terms of budgetary choices, which can in turn address inequalities and increase women's access to education, health and justice. Crucially, '[W]omen's equal, meaningful and effective participation in post-conflict government institutions and political processes ensures a greater array of views is reflected in decision-making.'⁷⁶ The 2012 World Development Report states that '[W]omen's collective voice—either through direct participation in decision-making institutions or through shaping the context for decisions—can result in policies, programmes, and laws that are quite different from those that would have emerged without it. Providing an environment where women's voice can coalesce into a collective voice can thus promote women's agency and greater gender equality.'⁷⁷

Women's equal participation in politics remains patchy across these countries. Significantly, the number of women in the Malawi Parliament was highest (at 22%) during Joyce Banda's presidency.⁷⁸ However, a recent study in Malawi shows that women lag behind men in political engagement and interest.⁷⁹ Women are less likely than men to discuss politics and to be interested in public affairs. In addition, the proportion of Malawians who believe women should have the same chance as men of being elected to political office has declined.⁸⁰ The three current female cabinet ministers in Malawi are responsible for the relatively 'soft' ministries of Gender, Children, Disability and Social Welfare; Sports and Culture; and Home Affairs and Internal Security.

Women's access to justice is impeded by a lack of information on their rights and the laws that protect them

In South Sudan, despite the operationalisation of the Comprehensive Peace Agreement, most women remain marginalised from political participation due to high illiteracy rates and prevailing cultural norms.⁸¹

Although the provisional constitution in Somalia calls for the effective inclusion of women in government, there is no legislated quota system in place. In the Transitional Federal Government, the number of women in cabinet decreased from 20% in 2013 to 10% in 2014.⁸²

Mozambique has sustained an increasing number of women in Parliament since its first multi-party elections in 1994, despite not having any gender quotas. However, government agency Sida argues that in spite of the impressive participation of women in politics in Mozambique, women's issues are not as prominent within political discourse as would be expected, and several studies have found that the party political women's wings have little scope to intervene in high-level decision-making.⁸³

Table 3: Comparison: women in politics in four African countries

Malawi	South Sudan	Somalia	Mozambique
Politics			
No quota system for Parliament	Quota of 25% in legislative and executive organs	No quota system for Parliament	No quota system for Parliament, but there is a voluntary party quota of 40%
MPs: 16,7%	MPs: 26,5%	MPs: 13,8%	MPs: 39,2%
Ministers: 15% ⁸⁴	Ministers: 18% ⁸⁵	Ministers: 10% ⁸⁶	Local government: 35% ⁸⁷

UNSCR 1325 provided the rationale and platform for integrating women into peace missions, and it ‘was soon widely interpreted as one calling for women’s participation in the security sector as a whole, and it was thus integrated into security sector reform programming’.⁸⁸ While the benefits of including women in the police and justice sectors are self-explanatory, there has been some controversy regarding women’s participation within the military. The Global Study on the Implementation of UNSCR 1325 explains that:

Although there is some debate as to whether the women, peace and security (WPS) agenda—which has its roots in the pacifist, anti-militarist struggle—should include this issue within its goals and advocacy, there is no doubt that women’s presence raises awareness of women’s issues in theaters of action, helps prevent sexual exploitation and abuse of the local population, and improves operational effectiveness. Furthermore, a commitment to equality under CEDAW requires that women be given the same employment opportunities as men, including within military structures.⁸⁹

For the countries in this study, there is very little transparent information on the number of women involved in the security sector or the nature of their involvement.

The Malawi Defence Force has adopted a gender policy that focuses on eliminating gender inequalities within the rank and file, as well as within the communities they serve

In Malawi, women have mobilised to improve their participation in the judiciary, the police and the military. The Women Judges Association of Malawi was established in 2009 to ‘advance the rights of and access to justice for vulnerable groups especially women and children through the judicial system’.⁹⁰ The Malawi Police Service Women’s Network was launched in 2014 under the theme ‘Forward with the empowerment of police women to fully contribute to policing’,⁹¹ while the Malawi Defence Force has adopted a gender policy that focuses on eliminating gender inequalities within the rank and file, as well as within the communities they serve, and to guarantee women’s representation in both recruit and officer cadets training.⁹² Despite these measures, discrimination against women persists, as women officers who are married to civilians are for instance not permitted to stay in police-owned houses.⁹³ Accommodation provision is the area in which the Malawi Defence Force’s inability to create an equitable environment for both genders has become most clear.⁹⁴

Table 4: Comparison: women in the security sector in four African countries

Malawi	South Sudan	Somalia	Mozambique
Security sector			
Malawi Police Service: 23%	No reliable statistics for police, military or peacekeepers	No reliable statistics for police, military or peacekeepers	Mozambique Republican Police: 7%
Malawi Defence Force: 8% (highest ranking female officer is a major)			No reliable statistics for military
Peacekeepers: 5%			No peacekeeping troops
High court judges: 32% ⁹⁵			Supreme court judges: 43% ⁹⁷
	High court judges: 10% ⁹⁶		

In South Sudan, women's roles in the security sector are often limited to administrative tasks, and, as such, their contribution to improving the police service is often overlooked. Men have traditionally dominated the legal profession and key institutions of the rule of law, including the judiciary and the Ministry of Justice.

In Somalia, women find it difficult to integrate into the highly masculine environment of police and military and are under-represented in the higher ranks. However, General Garad Nur Abdulle, head of the police training and planning department, in 2015 stated that, 'The number of women in the police force has increased by 10% in the last two years [...] and one of the police stations in Mogadishu has a female commanding officer. This has never happened before and it is an opportunity that we want to use to employ women.'⁹⁸ Women's representation in the justice sector is making progress, albeit slow: in 2015 it was announced that there were six women among 17 new government attorneys hired by the attorney general;⁹⁹ while the UNDP has assisted 75 women to work in the legal sector in Somaliland.¹⁰⁰

The national action plan for the advancement of women in Mozambique guarantees access for and the participation of women in all sectors and levels in the areas of defence and security, including in peacekeeping missions. Women are relatively well represented in the judiciary.¹⁰¹

Women's contributions to peace processes

Article 10 of the Maputo Protocol calls on member states to ensure the increased participation of women in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels.¹⁰² Article 11 speaks specifically to the protection of women in armed conflicts and commits member states to, '[I]n accordance with the obligations incumbent upon them under the international humanitarian law, protect civilians including women, irrespective of the population to which they belong, in the event of armed conflict.'¹⁰³

In Somalia, women find it difficult to integrate into the highly masculine environment of police and military and are under-represented in the higher ranks

Research has unequivocally shown that, '[P]eace processes that included women as witnesses, signatories, mediators, and/or negotiators demonstrated a 20% increase in the probability of a peace agreement lasting at least two years. This increases over time, with a 35% increase in the probability of a peace agreement lasting 15 years.'¹⁰⁴

The representation of women among mediators, negotiators, witnesses and technical experts in the peace-making processes across these countries has been seriously deficient, in line with the global trend.¹⁰⁵

In South Sudan, women have a long history of being involved in – even leading – efforts to resolve inter-ethnic conflict at a grassroots level.¹⁰⁶ However, women have been routinely excluded from formal peace processes. Anne Itto describes how, during the 2005 Comprehensive Peace Agreement negotiations, the Sudan People's Liberation Movement/Army leadership:

nominated a handful of women leaders as members of the delegation to Machakos and subsequent rounds of negotiations. However, this did not necessarily enable

35%

THE PERCENTAGE BY WHICH
THE INCLUSION OF WOMEN
UPS THE CHANCES OF A
PEACE AGREEMENT LASTING
AT LEAST 15 YEARS

their strong participation: the women were often co-opted to these delegations at short notice with very little opportunity to consult with each other and develop a women’s peace agenda; they were expected to contribute to the overall party position which was gender-blind to begin with; and they were always a minority, ill-prepared for debates with seasoned politicians who ridiculed or intimidated anyone who dared to spend much time on gender issues.¹⁰⁷

Sudanese women’s organisations were at one stage reduced to pushing their position papers and recommendations under the closed doors of the negotiation room.¹⁰⁸ In the latest round of peace agreements, women activists, organisations and groups – such as the South Sudan Women Leaders for Peace – held several meetings to consolidate women’s voices and influence the peace talks. In one such meeting, women’s groups released a statement calling for an inclusive peace process:

Women bring unique perspectives to matters of peace and security: we understand what’s happening on the ground, we are trusted bridge-builders within our families and communities, and we have the technical expertise and knowledge that add value to the process.¹⁰⁹

Due to these sustained efforts, the peace agreement signed in 2015 stipulated the following:

- No fewer than seven women must be elected to the Council of Ministers;
- Conflict-affected persons (including women) must be given special consideration in the provision of public service delivery, including access to health and education services, and granted protection and humanitarian services;

Table 5: Comparison: women in peace negotiations and agreements and disarmament, demobilisation and reintegration in four African countries

Malawi	South Sudan	Somalia	Mozambique
Peace negotiations			
N/A	2005: no women signatories or mediators; 9% women witnesses 2013: 33% women advisors to the Inter-Governmental Authority on Development special envoys (three men) ¹¹⁰	2002: women excluded 2004: one female signatory ¹¹¹	Rome General Peace Accords (1990s): male official observer and mediator during the negotiations; women did not play a visible role
Peace agreements			
N/A	2005: sexual violence prohibited as part of the ceasefire agreement	Garowe Peace Agreement (2012): gendered Garowe II principles (2012): gendered; 30% quota for women’s participation in representative bodies	Rome General Peace Accords (1990s): gender neutral 2014 ceasefire: gender neutral
Disarmament, demobilisation and reintegration (DDR)			
N/A	49% of initial combatants demobilised were women DDR programmes: gendered ¹¹²	No reliable information available	1,48% recognised ex-combatants are women DDR programmes: not gendered ¹¹³

- A women enterprise development fund must be established to provide subsidised credit for women-based enterprise development and capacity building of women entrepreneurs;
- The Commission for Truth, Reconciliation and Healing (CTRH):
 - Consultations must ensure that the experiences of women, men, girls and boys are sufficiently documented.
 - Two of the seven commissioners must be women.
 - The CTRH must implement measures to protect victims and witnesses, in particular, youth, women and children.
- The women's bloc must be involved in the re-drafting of the constitution.¹¹⁴

In Somalia, women have mostly been involved in informal and local peace processes, establishing inter-clan dialogues for peace. Women were excluded from the formal and official peace negotiations in 2002, where only representatives of Somalia's five clans were allowed as official representatives; traditionally, only men represent the clan.¹¹⁵ Led by woman politician and peace activist Asha Haji Elmi, Somali women created a sixth, women's clan and 'vigorously pursued a twelve percent quota in the [Transitional National Assembly (TNA)]'.¹¹⁶ They were subsequently awarded 25 seats in the 245-member TNA. The 2012 Garowe Peace Agreement between the Transitional Federal Government and various Somali stakeholders outlines a framework for the interim administration's scheduled political transition to a permanent, representative government. The Garowe Agreement contains a strong gender aspect, which seeks to ensure opportunities to enhance women's political representation. Commitments were made to include women on the committees involved with the draft constitution, the new federal Parliament and an interim independent electoral commission.¹¹⁷ In the on-going military clashes between Somali security/AU Mission forces and al-Shabaab, Somali women have demonstrated willingness to spearhead peace talks in the communities.¹¹⁸

Despite systematic sexual violence, sexual slavery and the forced labour of women perpetrated during the Mozambique civil war, the Rome General Peace Accords were gender neutral and did not contain any specific provisions addressing women's rights or interests.

It is now widely recognised that female ex-combatants contributed equally to men in inter- or intra-state conflicts and need to be considered as a special group in disarmament, demobilisation and reintegration (DDR) processes following conflict.

During the on-going conflicts in Sudan and South Sudan, women have played various active roles: protecting their land, fighting alongside male comrades, acting as informal intelligence officers as well as fulfilling other important non-military roles (porters, cooks, field nurses).¹¹⁹ A woman was the first person to be formally demobilised during the launch of the DDR process in South Sudan in 2009.¹²⁰ The South Sudan National DDR Commission states that, 'Once SPLA [Sudan People's Liberation Army] has selected women for demobilization, female fighters and Women Associated with Armed Forces are entitled to the same DDR benefits and provisions as men. These women have sacrificed their educational, family and career opportunities in precisely the same way as their male colleagues. They deserve all the support DDR can provide as they move back into civilian life.'¹²¹ At the start of the DDR programme, a needs assessment was conducted among the women who would access the programme.¹²² There were female staff members at each site, a separate space for women to gather in, separate facilities and women-appropriate reintegration packages. At the reintegration training centres, childcare facilities were provided, so that women with children could participate. Despite a slow start, the DDR programme provided material support and the opportunity to develop literacy and livelihood skills for both genders.¹²³

A woman was the first person to be formally demobilised during the launch of the DDR process in South Sudan in 2009

Despite the decades long and continuing conflict in Somalia, there is no traditional DDR programme or policy at the government level. The Federal Government is reported to be proceeding with caution, 'doing the preparatory work, focusing its efforts primarily on building capacity and the technical expertise of its institutions'.¹²⁴ Women ex-combatants' access to DDR processes is hampered by the apparent reluctance of the Somali government to meet their special needs, the lack of international funding and structural and cultural constraints.

Women formed only 1.48% of those recognised as combatants in the demobilisation process in Mozambique in 1992.¹²⁵ Despite the constitution recognising and honouring the participation of Mozambican women in the national liberation process, DDR programmes were not gender-sensitive, and women soldiers were not given any priority or recognised as a distinct group with specific needs. The relatively small numbers of women is often used to justify this lack of attention. Only men were involved in the distribution of the 18-month resettlement allowance for ex-combatants. Payments were issued to men,

and the clothes that were issued were designed to fit men; women were given only small *capulanas* (wrappers). When reintegration courses were finally made available to women, they were still relatively exclusive, as no childcare provisions were made or complementary services (e.g. health, family planning, counselling) provided.¹²⁶ As part of the DDR process in Mozambique, former soldiers and disabled veterans worked together to form ProPaz, an organisation that promotes, among other things, the reintegration of women combatants.¹²⁷

The implementation of the women, peace and security agenda of the Maputo Protocol

The Maputo Protocol is not implemented in any systematic or uniform manner across the four countries, which represent a microcosm of the situation across Africa.

There are a number of crosscutting challenges that speak to issues at both the continental and domestic levels.

Political will and member state reporting

The protocol is non-binding and relies on the political will of individual member states for its implementation. This is significant because one of the criticisms that has been levelled against the AU is that it lacks a pan-Africanist orientation and leadership. The union has been accused of remaining largely ‘unknown to the African people, who have yet to be directly touched by or involved in its work [...] [it] will continue to be distant from the African people as long as it is member state-driven rather than people-driven.’¹²⁸

Women face specific practical barriers, such as low levels of literacy, unaffordable transport costs to attend court and a lack of childcare options

National governments should bridge the gap between the AU and the lived reality of women. However, when political will towards the empowerment and protection of women is lacking at the domestic level, the protocol loses all real meaning. Eliminating discriminatory practices and addressing issues that disproportionately affect women require incorporating the protocol into domestic law, and not all African countries have ratified the protocol, let alone domesticated it.¹²⁹ Hollywood rightly highlights that ‘[A] lack of resources can always be compensated for; a lack of political will cannot.’¹³⁰

According to Article 62 of the African Charter and Article 26 of the protocol itself, AU member states are compelled to report on the Maputo Protocol. Yet this reporting rarely happens, and if it does, it is often not satisfactory, especially with regards to the steps taken for the full realisation of women’s rights.¹³¹ The lack of reporting may be linked directly to the dearth of data on women’s empowerment and protection against almost all the indicators in the Maputo Protocol.

This is of course problematic, as it affects policymaking, service provision, trend monitoring and assessment of measures taken.¹³² However, tracking the implementation of the Maputo Protocol in cross-country comparisons is challenging, as indicators must respond to the specific country context and forms of violence against women.¹³³



AU MEMBER STATES ARE COMPELLED TO REPORT ON THE MAPUTO PROTOCOL

The challenge of binary legal systems in Africa

Most African countries have enshrined gender equality at a constitutional level. However, plural legal systems in many African countries hamper the full implementation of constitutional gender equality clauses and specific SGBV legislation (including those that seek to eliminate harmful traditional practices).

The national legal system of an African state is typically composed of the following sources: African customary law, religious laws, received law and colonial and post-independence legislation enacted by Parliament.¹³⁴ Furthermore, the term 'customary law' refers to a plethora of different legal systems that generally have patriarchy as their bedrock.¹³⁵ Because 'the work of interpreting and implementing customary law is limited to men, and [...] practices are strongly influenced by patriarchal norms',¹³⁶ customary law in large parts undermines the rights of women and is used to justify treating women as subordinate. As it is often pervasive and entrenched, customary law imbues 'the sense of being natural and part of the way things are or should be',¹³⁷ and many women are subsequently not even aware of their rights within the formal legal system.¹³⁸ Cultural and traditional practices, even if formally outlawed, continue to be pervasive.

Women are most often the biggest victims of the inaccessibility – socially, economically and geographically – of the state law and legal practice institutions, and that is often why they favour traditional courts (with all their shortcomings) above the formal justice system.¹³⁹ Put differently, this means women avoid the formal justice system for a range of reasons, including fear of victimisation and reprisals, a lack of understanding of complicated legal processes, the perception that impunity is inevitable, and dealing with corrupt government officials or authorities who see violence against women as a matter to be dealt with privately. In addition, women also face specific practical barriers, such as low levels of literacy, unaffordable transport costs to attend court, a lack of childcare options, and excessive delays that necessitate frequent returns to court, among others.

For countries involved in or newly emerging from conflict, a collapsed or non-existent criminal justice system impedes the implementation of any progressive laws and policies that have been promulgated at state level.

The impact of political quotas on realising women's rights

Setting quotas for women's representation in politics is an important step to 'give women a small window on which they can build from and imprint their competence as decision-

makers'.¹⁴⁰ In addition quotas help to 'address gender imbalances, achieve social justice, and equality'.¹⁴¹ Representing a critical first step in allowing women access to a platform that they had often historically been marginalised from or outright denied, quotas have resulted in a steady increase in women's political representation in Africa over the last two decades. The Beijing Platform for Action sets the bar at 30%, which provides the critical mass necessary to allow women 'to influence the political culture, endorse gender-sensitive policies and uphold women's rights'.¹⁴² Significantly, under Joyce Banda women in Malawi were appointed for the first time to the Supreme Court bench, as chair of the Malawi Electoral Commission and inspector of general police. These gains, however, have been undermined since Banda was voted out of office; the number of women in Parliament declined from 22% to 16,7%, and the number of women ministers declined from 28,1% in to 15%.

Quotas cannot necessarily change entrenched patriarchal and discriminatory attitudes

Yet the inclusion of women in politics through a quota system does not guarantee de facto gender equality in policymaking. Quotas do not always deliver the expected outcomes, as '[A]dding women to unaltered social and political structures is likely to lead to frustration as [they] continue to suffer discrimination and exclusion in spite of their representation in decision-making'.¹⁴³ Institutionalised patriarchy and male-dominated structures expect compliance from women elected or appointed to positions of power; the 2013 SADC Gender Monitor observes that there is 'an alarming trend of feminization of deputy positions, which, while possibly giving women experience and signalling correct male/female proportions, provides limited power and control for women in these decision-making positions'.¹⁴⁴

Quotas cannot necessarily change entrenched patriarchal and discriminatory attitudes and do not guarantee a substantive shift away from gender inequality. They must be complemented by qualitative strategies of change; equality in politics is 'dependent upon other institutional innovations' besides quotas, Nakaya argues.¹⁴⁵ She includes these innovations: equal provision of adequate authority, resources, gender awareness and expertise of representatives, their outreach to and communication with wider constituencies and the efficacy and integrity of the legislature.¹⁴⁶

And while institutions matter, they cannot 'be separated from dominant societal attitudes and norms, and the socio-

economic position of women in society,' Ballington notes. 'How women politicians use their leverage to address matters concerning gender inequality in society at large remains a key outstanding point in Africa.'¹⁴⁷

Violence against women

SGBV remains rife across Africa. Despite endemic under-reporting of SGBV crimes, health- and victim-based community and national surveys conducted in many countries have recorded high lifetime prevalence rates across all forms of violence against women, which are consistent across peace, security and political contexts. In Africa, 45,6% of women have experienced some form of physical or sexual violence, compared to the 35% globally.¹⁴⁸

Women are still the main targets of violence and discrimination in countries that are embroiled in on-going violent conflict. Systematic rape is used as a weapon of war by some armed groups, women can be forced into prostitution or trafficked, the risk of domestic violence is heightened, and women can be sexually attacked or exploited by a range of actors, including non-state combatants, state security forces, peacekeepers and even humanitarian workers.¹⁴⁹ In addition, large numbers of women and children refugees and IDPs in transit and in refugee camps face specific threats and are extremely vulnerable to SGBV. Violence against women is not limited to conflict areas, however; SGBV in countries at peace is still widespread.

SGBV remains largely invisible and its victims silent, due both to a wide socio-cultural acceptance of this form of violence as well as the stigma attached to the victims of gender-based violence. Because many forms of SGBV are often accepted or condoned, women find it very difficult to report such violence. If they do, they run the risk of being turned away because the violence is perceived to be a private matter to be dealt with by traditional authorities at the community level, or within the family. Furthermore, the formal criminal justice systems of many African countries are under-capacitated and under-resourced to deal with the special needs of women, especially those who have been exposed to SGBV. There is generally poor operational capacity for gender desks within police forces; medical facilities also often lack skilled staff, and there are gaps in the availability of proper equipment. Psychosocial support and counselling is only available if human and monetary resources allow, which is seldom.

All of this means that SGBV is difficult to quantify, and there is no reliable way to measure the extent of the problem or the progress made in responding to it. Administrative data on SGBV is not collected systematically or regularly by government institutions; statistical and research surveys that track rates of SGBV are usually confined to specific geographical areas or target only a portion of the population. Thus, the already-high available numbers represent only a fraction of the true extent of the problem.

Women's involvement in peace processes

At a decision-making level, women have been consistently excluded from formal peace processes in Africa. This is usually based on the perception that women are the passive victims of war, not agents in the fields of politics and society and even active participants in conflict. Despite women mobilising across Africa to demand that their concerns be addressed within the provisions of peace agreements and that they be given a place at the negotiating table (these have been described above in the country reports), there is usually well below 20% women's representation among mediation and negotiating teams.

45.6%

THE PERCENTAGE OF WOMEN IN AFRICA WHO HAVE EXPERIENCED SOME FORM OF PHYSICAL OR SEXUAL ABUSE

The Global Study on the implementation of UNSCR 1325 makes the observation that ‘Women have always participated in peace negotiations and peacebuilding, but always at the informal level and rarely visible to the formal peacemakers and keepers of peace.’¹⁵⁰ While some of the barriers to women’s inclusion in peace processes remain the same as those to high-level political inclusion, there are other more practical reasons for their exclusion. These include: ‘a lack of information about the timing and location of formal and informal negotiations, particularly closed door negotiations that excluded women; difficulties in obtaining visas to attend negotiations; national laws or traditions that restricted women’s movement; and a lack of access to communication technologies and networks.’¹⁵¹

Research has made it clear that ‘the participation of women at all levels is key to the operational effectiveness, success and sustainability of peace processes and peacebuilding efforts.’¹⁵² To exclude women means ‘limiting the effective utilisation of [their] experiences, expertise and perspectives in decision-making’.¹⁵³ As such, women’s tangible and effective engagement in peace processes, beyond quotas and symbolism, is pivotal to finding sustainable resolutions to conflict and lasting peace.

Recommendations

- At a fundamental level, the AU needs a shift in conceptualisation regarding its work on women’s empowerment. High-level operations might be necessary to achieve reform and hold states accountable, yet the AU needs to capacitate grassroots organisations at the local level to achieve real impact. Fostering a bottom-up approach in conjunction with a top-down approach will go further to achieve real change in women’s lived reality in Africa.
- The AU needs to be vigorous in urging member states to implement their commitments to gender equality and women’s rights and needs a stronger mechanism for holding member states to account for their implementation of the Maputo Protocol.
- AU member states need to commit to enacting gender-sensitive and empowering legislation and formulating policies that speak to the needs, protections and advancement of women. This entails both political will at the highest levels and sustained pressure from civil society and communities.
- Both the AU and national governments need to develop and conduct targeted, systematic and wide-reaching awareness-raising and training campaigns on a range of gender issues, including: women’s rights as part of the human rights framework, women’s protection in terms of the law and the

benefits/drawbacks of using the customary legal system and empowerment of women on a grassroots level.

- It is imperative that accurate and comprehensive data is gathered on women’s rights indicators in Africa in order to increase societal awareness, ensure that nation states are acting to eradicate discrimination and can be held accountable for their lack of progress.
 - Structural indicators measuring commitments should reflect the ratification and adoption of legal instruments and existence of basic institutional mechanisms necessary for facilitating the empowerment and protection of women;
 - Process indicators measuring efforts should refer to measures that honour commitments to empower and protect women;
 - Outcome indicators measuring results should capture attainments and results that reflect the realisation of empowerment and protection of women.
- For the realisation of lasting peace, the full participation of women is essential in decision-making, conflict prevention and all other peace initiatives. While it is imperative that women are capacitated to participate and are included in peace processes at the highest levels, women’s efforts at the grassroots level must also be recognised. Platforms need to be provided for women to come together to discuss gender, peace and security issues in constructive ways at community levels.
- All the recommendations above require adequate and ring-fenced funding from both the international community and national governments. Gender-sensitive budgeting must be developed and implemented across sectors, and the breakdown of funds must be transparent.
- The adoption and implementation of a set of recommendations of this nature will require a concerted joint effort between the UN, the AU, regional economic communities, governments, non-governmental organisations, civil society and donors.

Conclusion

Gender equality and human security are inextricably linked.

The development of the field of human security has shifted the traditional concept of security from inter-state conflict and national security to one based on the security of the individual. As such, it recognises that meeting basic human rights is fundamental to sustainable stability and peace in the world. Women’s rights are now recognised as an integral element of universal human rights, and ‘reflect the fact that men and women have very different experiences – and the fact that women and girls often face gender-based discrimination that puts them

at increased risk of poverty, violence, ill health and a poor education'.¹⁵⁴ A gender-blind or even gender-neutral approach to human security misses important threats to individual, community and national security, and efforts to improve human security should take into account the different ways in which men and women experience conflict, post-conflict and peace.

The Maputo Protocol is a key continental instrument that recognises the links between gender equality, women's empowerment and the achievement of sustainable peace in Africa. Its full and effective implementation is key. However, despite the fact that many African states have ratified the protocol, implementation has been severely restricted – if it has happened at all – by a lack of political will, an immense gap between high-level policy and awareness on the ground, where it matters most, and challenges in changing prevailing behaviours and attitudes that embrace patriarchy. It is imperative that the AU finds new and innovative ways of working with national governments, civil society and grassroots organisations to realise the full potential of this crucial instrument.

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