

NWMMUN 2009



The Premier Model United Nations Conference in the Northwest

Background Guide:
Commission on Sustainable Development



Northwest Model United Nations | November 13-15 | Grand Hyatt Seattle

August 25, 2009

Dear Delegates,

Welcome to the 2009 Northwest Model United Nations (NWMUN) Conference and the Commission on the Status of Women. My name is Whitney Thompson and I will be serving as your Director this year along with Kelsi Steele as your Chair. We are very excited to work with you in November and appreciate the hard work and research you are undertaking in preparation for what we are confident will be a great conference!

The topics for this year's Commission on the Status of Women are:

- I. Women's Roles in Post-Conflict Reconstruction
- II. Sexual and Gender-Based Violence in the Great Lakes Region

Every participating delegation is required to submit a position paper prior to attending the conference. NWMUN will accept position papers by **Sunday, November 8th at 11:59 pm. Please submit all position papers to: dg@nwmun.org**. Please refer to the sample position paper on the NWMUN website for paper requirements and restrictions. Delegates' adherence to these guidelines is crucial, because it not only ensures a well prepared committee, but is also a key component of the awards process.

We wish each of you the best as you prepare for this conference and committee. We urge you to move beyond the background guide as you learn more about both the State you will represent and the topics we will be discussing. Please do not hesitate to direct any questions or concerns toward your Director or the Director General. We look forward to meeting you at the conference!

Sincerely,

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Committee History & Background

Gender equality has been at the forefront of the United Nations (UN) agenda, since the inception of the organization. Evidence of the organization's commitment to women's rights can be seen in the *United Nations Charter* in the statement of its, "faith in fundamental human rights, in the dignity of the human person, in the equal rights of men and women."¹ The Commission on the Status of Women (CSW) is a subsidiary body of the Economic and Social Council (ECOSOC).² The CSW was formed by *ECOSOC resolution 11(II)* on June 21, 1946, with the mission "to prepare recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields."³ The CSW also makes recommendations to ECOSOC on urgent matters related to women, such as: employment, health, and education.⁴

The work and scope of the Commission has never been stagnant, but rather has evolved to encompass a broader scope in order to more effectively promote topics related to women. In 1987, the mandate of the Commission was expanded through *ECOSOC resolution 1987/22* "to include the functions of promoting the objectives of equality, development and peace, monitoring the implementation of measures for the advancement of women, and reviewing and appraising progress made at the national, sub-regional, regional and global levels."⁵

The General Assembly authorized the Commission to review the *Beijing Platform for Action (BPfA)* in 1995.⁶ The Platform was the result of an extensive group process, including five pre-conference meetings and 170 country reports, culminating with the Fourth World Conference on Women in Beijing, China in 1995.⁷ Although there were many diverging ideas for the BPfA, it was adopted unanimously by all 189 participating states and widely supported by the over 10,000 NGO representatives in attendance.⁸ The BPfA is important because it "built on political agreements reached at the three previous global conferences on women and consolidated five decades of legal advances aimed at securing the equality of women with men in law and in practice."⁹

In *ECOSOC resolution 1996/6*, the CSW was ordered to identify emerging issues, trends and approaches to equality between women and men.¹⁰ Today, the primary mission of the CSW is to achieve "gender equality and advancement of women," and "to evaluate progress on gender equality, identify challenges, set global standards and formulate concrete policies to promote gender equality and advancement of women worldwide."¹¹

The CSW adopts an array of resolutions that are included in a final report that is submitted each session to ECOSOC, but in addition to this, the Commission also submits Agreed Conclusions, in which the Commission articulates priority themes for the year. These Agreed Conclusions include "concrete recommendations for Governments, intergovernmental bodies and other institutions, civil society actors and other relevant stakeholders, to be implemented at the international, national, regional and local

¹ *Charter of the United Nations*. The United Nations. June 26, 1945.

² "About the Commission." Division for the Advancement of Women. <http://www.un.org/womenwatch/daw/csw/>.

³ Ibid.

⁴ "Short History of the Commission on the Status of Women." Division for the Advancement of Women. 2000, p. 11. <http://www.un.org/womenwatch/daw/csw/index.html>.

⁵ "Mandate." Division for the Advancement of Women. <http://www.un.org/womenwatch/daw/csw/>.

⁶ Ibid.

⁷ "Short History of the Commission on the Status of Women." Division for the Advancement of Women. 2000, p. 15. <http://www.un.org/womenwatch/daw/csw/index.html>.

⁸ Ibid.

⁹ Ibid.

¹⁰ "Mandate." Division for the Advancement of Women. <http://www.un.org/womenwatch/daw/csw/>.

¹¹ "About the Commission." Division for the Advancement of Women. <http://www.un.org/womenwatch/daw/csw/>.

level.”¹² The resolutions address specific matters such as: the “situation of and assistance to Palestinian women; and women, the girl child and HIV/AIDS.”¹³

Current Programme of Work

During the most recent CSW meeting, the 53rd Session, the Commission discussed many important issues to promote the advancement of gender equality. The priority theme of the Commission was “the equal sharing of responsibilities between women and men, including caregiving in the context of HIV/AIDS.”¹⁴ The Commission also discussed the emerging matter of gender perspectives of the financial crisis, capacity-building for mainstreaming a gender perspective into national policies and programs, equal participation of women and men in decision-making processes at all levels, and gender perspectives on global health.¹⁵

The 54th session of the CSW will convene March 1-12, 2010 at the UN Headquarters in New York.¹⁶ During this session, the Commission will review the “Implementation of the Beijing Declaration and Platform for Action, the outcomes of the twenty-third special session of the General Assembly and its contribution to shaping a gender perspective towards the full realization of the Millennium Development Goals.”¹⁷

Although gender equality was a value upon which the United Nations was founded, even 64 years later, there still remains a stark disparity between genders in every member state. So long as this imbalance exists the work of the Commission on the Status of Women will be necessary and pivotal within the United Nations to advance the cause of women and all of humanity.

Membership

The Commission is comprised of one representative from each of the 45 Member States elected by ECOSOC on the basis of “equitable” geographic distribution. Specifically, there are: 13 members from Africa; 11 from Asia; 9 from Latin America and Caribbean; 8 from Western Europe and other States and 4 from Eastern Europe. Members are elected for a period of four years.¹⁸

The membership of the CSW for the upcoming 54th session will be: Armenia, Azerbaijan, Belarus, Belgium, Brazil, Cambodia, Cameroon, China, Colombia, Cuba, Djibouti, Dominican Republic, Ecuador, Eritrea, Gabon, Germany, Guinea, Haiti, India, Indonesia, Iran, Iraq, Israel, Italy, Japan, Lesotho, Malaysia, Mauritania, Mexico, Namibia, Nicaragua, Niger, Pakistan, Paraguay, Republic of Korea, Russian Federation, Rwanda, Senegal, Spain, Sweden, Togo, Turkey, United Arab Emirates, and the United States of America.¹⁹

¹² “Output of the Commission.” Division for the Advancement of Women. <http://www.un.org/womenwatch/daw/csw/>.

¹³ Ibid.

¹⁴ “Themes.” Division for the Advancement of Women. <http://www.un.org/womenwatch/daw/csw/53sess.htm>.

¹⁵ Ibid.

¹⁶ “About the Commission.” Division for the Advancement of Women. <http://www.un.org/womenwatch/daw/csw/>.

¹⁷ E/2009/27. *Draft Resolution III*. Economic and Social Council. 2009.

<http://www.un.org/womenwatch/daw/csw/csw53/Excerpt%20from%20E-2009-27.pdf>

¹⁸ “Membership and Composition.” Division for the Advancement of Women. <http://www.un.org/womenwatch/daw/csw/>.

¹⁹ “Membership of the Commission on the Status of Women at its fifty-fourth session (2010).” Division for the Advancement of Women. <http://www.un.org/womenwatch/daw/csw/CSW%20Membership%2054.pdf>

I. Women's Roles in Post-Conflict Reconstruction

Introduction

The post-conflict reconstruction phase, which encompasses a multitude of stages during which a country recovers and rebuilds following violence conflict, requires not only the “inclusion, but the active involvement of women at all stages.”²⁰ Too often, post-conflict reconstruction efforts merely superficially resolve conflict, and those carrying out reconstruction efforts lose sight of the long term goals. Reconstruction, in order to create sustainable solutions, needs to look at the structural factors, and underlying issues that fuel conflict, such as inequalities, namely gender and racial inequality.²¹ Post-conflict reconstruction requires a balance of international and regional agencies, national governments, and representation of men and women. Balancing humanitarian assistance and governance changes in infrastructure development has also been crucial to sustainable reconstruction.

The environment of a post-conflict society is not only extremely sensitive with basic needs often not being met, but the legal and political infrastructure is also completely damaged, requiring extensive time and effort.²² With a wide range of needs of its citizens, often issues such as gender equality get ignored, but it has been demonstrated over and over, that with women as partners and participants in reconstruction efforts, countries rebuild successfully and in a more stable manner.²³

Post-Conflict Reconstruction Phases

The phases of reconstruction that are internationally agreed upon are identified as (1) the initial response immediately after widespread violence characterized by emergency humanitarian services; (2) the transformation or transition phase during which “legitimate local capacities emerge and should be supported” particularly in the areas of the economy, judicial reform, and basic social welfare, and; (3) the final phase of fostering sustainability which should include a “consolidation of recovery efforts to prevent a resurgence of conflict.”²⁴

There are four main pillars of reconstruction which occur throughout the phases of reconstruction and are accepted by the international community: security, justice and reconciliation, social and economic well-being, and governance and participation. The area of security encompasses the provision of “collective and individual security” and includes stages of peacebuilding such as security sector reform, disarmament, demobilization and reintegration. The second area of justice and reconciliation is necessary in order to not only address past abuses but also develop a strong legal framework for the country moving forward via the creation of an open judicial system, humane corrections system, effective law enforcement, and formal and informal mechanisms for resolving grievances arising from conflict.²⁵

The third pillar, social and economic well-being, “addresses fundamental social and economic needs,” specifically through the provision of “emergency relief, restoration of essential services to the population, laying the foundation for a viable economy, and initiation of an inclusive, sustainable development program.”²⁶ This pillar accompanies the establishment of security through the need for protection of the

²⁰ United Nations Development Fund for Women. *Reconstruction*. 2009. <http://www.womenwarpeace.org/node/13>

²¹ Grey-Johnson, Crispin. *Beyond Peacekeeping: The Challenge of Post-Conflict Reconstruction and Peacebuilding in Africa*. 2006. <http://www.un.org/Pubs/chronicle/2006/issue1/0106p08.htm>

²² United Nations Development Fund for Women. *Reconstruction*. 2009. <http://www.womenwarpeace.org/node/13>

²³ Ibid.

²⁴ Hunt Alternatives. “Chapter 10: Post Conflict Reconstruction.” *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*. 2006. http://www.huntalternatives.org/download/39_post_conflict.pdf

²⁵ Ibid.

²⁶ Ibid.

population accompanying the establishment of security, well-being entails protecting the population from starvation, disease and the elements. As the situation stabilizes, attention shifts from humanitarian relief to long-term social and economic development.²⁷

Finally, the fourth pillar of reconstruction is governance and participation, which includes activities which address the need for “legitimate, effective political and administrative institutions and participatory processes; in particular, establishing a representative constitutional structure, strengthening public sector management and administration, and ensuring active and open participation of civil society in the formulation of government and its policies.”²⁸ In addition, governance involves setting rules and procedures for political decision-making, and delivering public services in an efficient and transparent manner.²⁹ Participation encompasses “the process for giving voice to the population through the development of civil society that includes the generation and exchange of ideas through advocacy groups, civil associations and the media”.³⁰

International Framework for Post-Conflict Reconstruction

In October 2000, Security Council Resolution 1325 mandated UN member states ensure women’s participation in peace processes.³¹ In its preamble, Security Council Resolution 1325 recalls previous resolutions 1261, 1265, 1296, and 1314. It also recalls the commitments made by the Beijing Declaration and Platform for Action in September 1995.³² In the 23rd special session of the General Assembly the document titled “Women 2000: Gender Equality, Development and Peace for the Twenty-First Century” was produced that was noted in Security Council Resolution 1325.³³

On December 16, 1966, General Assembly Resolution 2200A, referred to as the *Declaration on the Protection of Women and Children in Emergency and Armed Conflict* focuses on the burden women and children take on during times of conflict. General Assembly Resolution 3521 (December 15, 1975) called states to ratify international conventions concerning the protection of women’s rights³⁴. In 1979, the General Assembly wrote *The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*. Three years later it produced a declaration addressing women’s participation in promoting international peace and cooperation.³⁵

The Role of International and Regional Agencies in Post-Conflict Reconstruction

There are many international and regional agencies which piece together reconstruction efforts in conflict-affected countries. Within the United Nations, the main agencies tasked with restoring the quality of life for people whose lives have been devastated by natural disaster or violence conflict are the Office for the Coordination of Humanitarian Relief (OCHA) and the UN Development Programme (UNDP).

The UN Development Program (UNDP), through the Bureau for Crisis Prevention and Recovery (BCPR) addresses the needs of societies who have just experience violent conflict. The BCPR has as one of its

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Security Council. *Resolution 1325 on women, peace and security (S/RES/1325/2000)*. 2000.

³² Ibid.

³³ United Nations Population Fund. *Programming to Address Violence Against Women*. 2007.

http://www.unfpa.org/webdav/site/global/shared/documents/publications/2007/vaw_10cases.pdf

³⁴ United Nations. *Ending Impunity for Violence Against Women and Girls*. 2007.

http://www.unis.unvienna.org/pdf/international_days/womens_day_07.pdf

³⁵ Ibid.

main functions, to “protect women in crisis and promote gender equality,” which has led to the integration of gender issues throughout BCPR and their partner’s work in areas traditionally ignored in terms of gender equality, such as disarmament and economic recovery.³⁶ The BCPR provides not only technical expertise and capacity building, but also fosters partnerships to implement crisis and recovery programs.

UN entities which work closely with UNDP on these efforts include, the UN Development Group, UN Children’s Fund (UNICEF), UN Development Fund for Women (UNIFEM), the UN Fund for Population Activities (UNFPA), World Health Organization (WHO), UN-HABITAT, the UN High Commission for Refugees (UNHCR), the International Labor Organization (ILO), the Office of the High Commissioner for Human Rights (OHCHR), and the Food & Agriculture Organization (FAO). In addition, departments within the UN, such as the Department for Political Affairs (DPA), Department of Economic & Social Affairs (DESA), and the Department of Peacekeeping Operations (DPKO) also work closely with UNDP & the BCPR in its work.

OCHA is the focal point for UN response to complex emergencies and natural disasters, which is reflected in its mandate to “coordinate humanitarian responses, develop policies and undertake advocacy.”³⁷ The daily work of OCHA is managed through the Inter-Agency Standing Committee (IASC), which includes key UN agencies as well as the International Committee of the Red Cross.³⁸ The activities of the IASC include a needs assessment of the current crisis, networking and coordination among key actors, the use of tools and mechanisms to improve coordination, and mobilizing resources through, among other vehicles, the Consolidated Appeals Process (CAP).³⁹

The World Bank Group (WB), which includes the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA) have over the last several decades played key roles in post-conflict reconstruction efforts.⁴⁰ Specifically, through the Post Conflict Fund (PCF), the WB gives grants for social and physical reconstruction.⁴¹ The PCF is administered by the Conflict Prevention and Reconstruction Unit which assesses and recommends applicants on the basis of several factors, including which one is the potential program’s policy towards gender and the contribution it will make towards gender equality efforts.⁴² Regional development banks are active in post-conflict situations as well. These include, the African Development Bank (AfDB), the Asian Development Bank (ADB), the European Bank for Reconstruction and Development (EBRD), and the Inter-American Development Bank Group.⁴³

International conferences and sessions have also touched on the issues of effective post-conflict reconstruction. In 2003, the Inter-Agency Network on Women and Gender Equality (IANWGE) and the Development Assistance Committee (DAC) of the Organization for Economic Co-operation and Development (OECD) held a joint workshop in Paris on “Gender and Post-Conflict Reconstruction: Lessons Learned from Afghanistan.” At this workshop, the focus was gender and post-conflict reconstruction.⁴⁴ The workshop participants were emphatic in reiterating that, reconstruction programs, if implemented in conjunction with human rights principles, can work toward the elimination of inequalities

³⁶ United Nations Development Programme. *Bureau for Crisis Prevention and Recovery Overview*. 2009.

http://www.undp.org/cpr/we_are/we_are.shtml

³⁷ Hunt Alternatives. “Chapter 10: Post Conflict Reconstruction.” *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*. 2006. http://www.huntalternatives.org/download/39_post_conflict.pdf

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Inter-Agency Network on Women and Gender Equality. *Gender and post-conflict reconstruction : Lessons learned from Afghanistan*. 2003. <http://www.un.org/womenwatch/ianwge/taskforces/communique03.htm>

and discrimination, and that reconstruction should lead to fair and sustainable societies.⁴⁵ Women often bear the burden of post-conflict reconstruction. Women are left to restore traditions and customs and develop laws and regulations. In post-conflict times, during reconstruction, women are left to mend relationships.⁴⁶ On a global level, the OECD in particular plays a key role in developing agreed-upon instruments, recommendation, and research in order to allow the work of other organizations to be better informed.⁴⁷

Bilateral agencies also play an important role in post-conflict reconstruction. Too numerous to elaborate on substantially, the key organizations include: the Canadian International Development Agency (CIDA), UK Department for International Development (DfID), the European Union (EU), the Japan International Cooperation Agency (JICA), the Swedish International Development Cooperation Agency (SIDA), and the United States Agency for International Development (USAID).

When working within a country, it is crucial that international partners work to facilitate reconstruction efforts, rather than force them.⁴⁸ In post-conflict situations, the international community needs to be knowledgeable of local issues and concerns. The role that the international community plays in post-conflict reconstruction can promote or undermine long-term efforts to strengthen state organizations. The local, national, and regional players are essential in providing culturally appropriate guidance. After the intermediate stages of reconstruction, local, national, and regional institutions can adopt the efforts of international institutions to take over the long-term reconstruction efforts.

Economic and Social Recovery

Social and economic gender equality needs to be insured throughout all post-conflict peacebuilding processes in order to lay the foundation for an equal, peaceful society. These processes include, but are not limited to stages of conflict resolution, peace processes, disarmament, reconstruction, and reconciliation. There are entry points within these processes for social and economic rights to be protected and enshrined in a state's development, and all of them require a commitment by not only the state itself, but the international community.

Among international donors, there is a "widespread understanding that social and economic reconstruction in the immediate post conflict phase – often known as the transition phase – is not only key in preventing a recurrence of conflict, but also is a critical step towards long-term development."⁴⁹ National governments, local agencies, and international support are integral components to effective and sustainable reconstruction processes. The 23rd special session of the General Assembly, held in June 2000, focusing on gender equality development and peace building looked to promote the advancement of women and gender equality.⁵⁰

Some of the major obstacles to economic and social empowerment include the lack of access to land, legal ownership over or inheritance of housing and property, and the lack of access to adequate food,

⁴⁵ Ibid.

⁴⁶ United Nations. *Governance Strategies for Post-Conflict Reconstruction, Sustainable Peace and Development*. 2007. <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan028332.pdf>

⁴⁷ Hunt Alternatives. "Chapter 10: Post Conflict Reconstruction." *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*. 2006. http://www.huntalternatives.org/download/39_post_conflict.pdf

⁴⁸ Fourth World Conference on Women. *Beijing Platform for Action*. 1995. <http://www.un.org/womenwatch/daw/beijing/platform/institu.htm>

⁴⁹ Hunt Alternatives. "Chapter 10: Post Conflict Reconstruction." *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*. 2006. http://www.huntalternatives.org/download/39_post_conflict.pdf

⁵⁰ Fourth World Conference on Women. *Beijing Platform for Action*. 1995. <http://www.un.org/womenwatch/daw/beijing/platform/institu.htm>

health care and justice.⁵¹

Peace and Reconstruction

Reconstruction is means to reconciliation. It should not be seen as end in itself. A return to the status quo does not result in an end to conflict and inequalities. As discussed, in the IANWGE's 2003 workshop in Paris, reconstruction is most effective when it is community driven and owned. Successful reconstruction is politically driven. Political motives may impact long-term sustainability, effectiveness, and credibility of reconstruction projects. Humanitarian assistance is not a substitute for political action. Without both, sustainable change is not possible. Humanitarian assistance is shrouded by political implication. It is important to recognize political implications and limitations imposed by donor countries.⁵²

To promote gender equality in post conflict reconstruction, local groups, governments, and outside parties have build partnerships and alliances with men. Peacekeeping forces tend to be very patriarchal; they do not always help women feel safe. While patriarchal peace keeping forces are present, the threat of rape, the spread of HIV/AIDs, and prostitution may increase.⁵³ Training and support for women to become political actors and build their capacity for advocacy, training government staff on data analysis from a gender perspective, and gender sensitivity training for peacekeeping officials promotes gender equality. Promoting equality in involvement, private and voluntary sectors may be strengthened through training. Training can help bring about self-analytical ways of working for aid workers and planners.⁵⁴

The United States Institute of Peace created a report, in 2006, outlining recommendations for the United States government. The recommendations focused on creating a means to enhance and protect the roles of women in stabilization and reconstruction operations. The institute advised that special training on gender sensitivity be provided to individuals involved in reconstruction missions. The institute also recommended that agencies integrate past reconstruction experiences with gender be used as learning tools for new efforts, and require plans to include women in the reconstruction process. It was also advised that legislation and policy reforms should guarantee gender, racial, religious, and ethnic equality. Reconstruction policies should address violence against women, including sexual violence.⁵⁵

With training, reconstruction efforts strive towards grassroots ownership, which helps ensure that solutions to conflict are sustainable. By building partnerships, and through training, traditionally respected groups may be brought into the peace building efforts. When implementing change to access to assistance for women and girls understanding local, social and cultural norms, and exercising sensitivity to these norms, has been crucial. The OECD, IANWGE, and DAC's June 2003 workshop concluded that it is crucial to consider cultural identities when responding to conflict. Peacekeepers should be trained in how populations view themselves.

Case Study: Rwanda

To understand the 1990-1994 conflict in Rwanda, one must have a brief history of Rwandan conflict. In 1962, Rwanda gained independence from Belgium. In overthrowing the Belgian colonial regime, the Hutu majority also overthrew the ruling Tutsi minority. In the late 1980s social tensions rose; sexual violence and repression increased. With the threat of civil war on the horizon, extremist propaganda-

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ United Nations. *Governance Strategies for Post-Conflict Reconstruction, Sustainable Peace and Development*. 2007. <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan028332.pdf>

often targeting women-increased in popularity.⁵⁶ The civil war began, in October of 1990, when the Rwandan Patriotic Front (RPF) invaded the country. The Arusha Accord, containing a ceasefire and political talks of peace and power sharing, was signed in July 1992.⁵⁷ Despite the ceasefire, President Habyarimana's airplane was shot down on April 6, 1994. Immediately following the assassination of the Hutu president, genocide began with the Tutsi minority and moderate Hutus as the targets. Over 800,000 people were killed in 100 days. In July 1994 the genocide came to an end leaving the Rwandan population 70% female.⁵⁸

Women immediately took on multiple roles. They became heads of households, community leaders, and met the needs of devastated communities. The genocide devastated societies and left nearly 500,000 orphans.⁵⁹ Rwandan women played an integral role in reconstruction, social healing, reconciliation, and governance. In the 2003 elections, women were elected to 49% of the parliamentary seats. Rwanda has the largest female parliamentary representation worldwide.⁶⁰

Determining that women must be central to the process of governing, reconciling, and rebuilding the community, the post-conflict government, led by the RPF, committed to a platform of unity and reconciliation.⁶¹ Women held key positions in the RPF and were appointed roles in the transitional government. Women's presence in the RPF, and then in the government, contributed to more progressive gender policies within the administration.⁶² In Rwanda, women's NGO umbrella group, *the Pro-Femmes Twese-Hamwe*, trains members as leaders. The Parliament passed legislation giving women equal rights to property and inheritance.⁶³

Ten years following the genocide, women were still a demographic majority at 54% of the population. In Rwanda, women ran 35% of households in 2004. During conflict demographics change drastically transforming women's roles in governance and society⁶⁴. Women in Rwanda took non-traditional social and economic roles and worked in the public sphere during reconstruction. Rwanda's reconstruction addressed the gendered implications of violence⁶⁵. Women's harassment in pre-genocide Rwanda is similar to the experiences of women in other pre-conflict settings. Specific needs of widows, survivors of sexual torture and rape, children born of rape, and HIV/AIDS infections transmitted through sexual violence were considered during Rwanda's reconstruction⁶⁶. Rwandan genocide survivors developed the Manda Peace Village which houses and provides literacy programs to displaced widow and orphan heads of household⁶⁷.

Case Study: Afghanistan

In 2001, *The Bonn Agreement* paved the way for deepening women's roles in Afghanistan government. The Ministry of Women's Affairs was established as part of the new Afghanistan administration. Calling

⁵⁶ Powley, Elizabeth. *Strengthening Governance: The Role of Women in Rwanda's Transition*. 2004.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Zuckerman, Elaine and Greenberg, Marcia. *The Gender Dimensions of Post-Conflict Reconstruction*. 2009.
http://www.genderaction.org/images/GenderDimensionsPCR_2009.pdf

⁶¹ Powley, Elizabeth. *Strengthening Governance: The Role of Women in Rwanda's Transition*. 2004.

⁶² Ibid.

⁶³ Zuckerman, Elaine and Greenberg, Marcia. *The Gender Dimensions of Post-Conflict Reconstruction*. 2009.
http://www.genderaction.org/images/GenderDimensionsPCR_2009.pdf

⁶⁴ Powley, Elizabeth. *Strengthening Governance: The Role of Women in Rwanda's Transition*. 2004.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Zuckerman, Elaine and Greenberg, Marcia. *The Gender Dimensions of Post-Conflict Reconstruction*. 2009.
http://www.genderaction.org/images/GenderDimensionsPCR_2009.pdf

for the establishment of a broad-based, multi-ethnic, representative, and gender-sensitive government, the Ministry of Women's Affairs contributed greatly to the many changes to the Afghanistan administration⁶⁸. Along with Security Council resolution 1325, *the Bonn Agreement* recognized the importance of women's participation is critical to national peace and positive reconstruction. It also recognized the importance of noting women's rights and status in effective governance⁶⁹.

Drawing from the experiences in Afghanistan, there are important areas to look at when designing gender-sensitive reconstruction processes. Some essential elements, as identified by women leaders in Afghanistan among others, include ensuring attention to urgent need for improves security, long-term efforts and a commitment to complex social transformation, high-level of commitment from all stakeholders, enabling full participation of women in policy formation, and providing incentives to men to support women's participation⁷⁰. Afghanistan has involved men in working with women toward change and thus men are developing an understanding for the value in women's empowerment for economic and social development. Afghanistan acknowledged a need for cultural sensitivity and historical awareness when designing reconstruction programs and efforts⁷¹.

Conclusion

When looking at the issues forming barriers and the advancement of gender equality, there is a lot to be addressed. Insufficient resources, including monetary, trained personal, food, shelter and other necessities, impact the success of a region's reconstruction efforts. The lack of support from political leaders to promote gender sensitivity during reconstruction has also been an issue drawing much attention at international meetings on women, peace, and security. In June 2000, the General Assembly, noted that the lack of commitment at the highest levels exacerbates gender inequalities in economic, social, and infrastructure development.⁷²

Questions to Consider

1. What has worked particularly well during previous reconstruction efforts to promote gender equality?
2. What role are women expected to play in the reconstruction? How do cultural and social expectations impact a gendered reconstruction?
3. What lessons have been learned from previous reconstruction efforts?
4. What as been done by the UN to address this issue?
5. How is the success of a post-conflict reconstruction effort measured?
6. What problems have we seen in regards to isolating women in post-conflict elections?

⁶⁸Inter-Agency Network on Women and Gender Equality. *Gender and post-conflict reconstruction : Lessons learned from Afghanistan*. 2003. <http://www.un.org/womenwatch/ianwge/taskforces/communique03.htm>

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ bid.

⁷² Ibid.

II. Sexual and Gender-based Violence in the Great Lakes Region

Introduction

Sexual and gender based violence is pervasive in every corner of the world, serving as a major impediment to the achievement of gender equality. Studies conducted by the United Nations have shown that a significant portion of women around the world have suffered physical, sexual or psychological violence, the most common being physical violence inflicted by an intimate partner.⁷³ Regardless of whether these acts are perpetrated by the State and its agents, by family members or strangers, and whether or not they occur in the public or private sphere during times of peace or conflict, all Member States have an obligation to not only protect women from violence, but also to “to hold perpetrators accountable and to provide justice and remedies to victims.”⁷⁴ Gender based violence can take many forms, such as female infanticide, female genital mutilation (FGM), and child-prostitution. There is also less overt violence that is gender-based, such as different access to food and medical care.⁷⁵ Gender-based violence reinforces inequalities between women and men while sacrificing women’s health, safety, and dignity.⁷⁶

Within the Great Lakes region, which includes the countries of Burundi, Democratic Republic of the Congo, Kenya, Rwanda, Uganda and the United Republic of Tanzania, there are widespread cases of sexual and gender based violence, a large majority of which is the result of previous or ongoing conflicts. It is estimated that around 250,000 women were raped during the war and genocide in Rwanda.⁷⁷ In addition, although no official statistics exist for Burundi and the DRC as a whole, an estimated 60,000 women were raped in the Eastern Democratic Republic of the Congo between 1996 and 2002.⁷⁸ Important issues within the overall topic of sexual and gender-based violence include, sexual exploitation by peacekeeping troops, sexual violence as a public health issue (which includes addressing HIV/AIDS and reproductive rights), and FGM. All of these issues are seen throughout the Great Lakes region and will be discussed further within this guide.

Sexual and Gender Based Violence Initiatives within the UN System

The Commission on the Status of Women made one of the first major references to women and armed conflict in 1969, when it began to consider whether special protection should be offered to women and children during armed conflict and emergency situations. In 1974 the GA adopted the Declaration on the Protection of Women and Children in Emergency and Armed Conflict.⁷⁹ This Declaration focuses on the prevention of harm to women and children; services for victims were not addressed in this document.⁸⁰

The United Nations Population Fund (UNFPA) has supported training for medical professionals in sensitivity toward women’s needs after violence. Pilot interventions have been tested in Cape Verde,

⁷³ “Violence against women: forms, consequences and costs.” *Ending violence against women: from words to action: Study of the Secretary General*. United Nations. 9 October 2006. <http://www.un.org/womenwatch/daw/yaw/launch/english/v.a.w-consequenceE-use.pdf>

⁷⁴ A/61/122/Add.1. *Report of the Secretary-General: In-depth study on all forms of violence against women*. United Nations. 6 July 2006. <http://www.un.org/womenwatch/daw/yaw/SGstudyyaw.htm#more>

⁷⁵ Gender Equality: Ending Widespread Violence Against Women. UNFPA. August 2009. <<http://www.unfpa.org/gender/violence.htm>>.

⁷⁶ Ibid.

⁷⁷ <http://www.fasngo.org/assets/files/publicatons/Gender%20based%20violence%20in%20Great%20Lakes.pdf>

⁷⁸ <http://www.fasngo.org/assets/files/publicatons/Gender%20based%20violence%20in%20Great%20Lakes.pdf>

⁷⁹ Women 2000. Division for the Advancement of Women and the Department of Economic and Social Affairs. <<http://www.un.org/womenwatch/daw/public/w2apr98.htm#part1>>.

⁸⁰ The Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974)

Ecuador, Guatemala, Lebanon, Lithuania, Mozambique, Nepal, Romania, Russia, and Sri Lanka.⁸¹ UNFPA has held workshops for health providers that encourage confidentiality and monitoring. Workshops cover detecting, preventing, and recognizing the effects of gender-based violence on women's health. UNFPA has also held workshops on assisting victims.⁸² UNFPA has partnered with the Government of Kenya. With a \$12 million budget, the Sixth Country Programme supported population and reproductive health policies and programs. The Programme worked to empower males, females, and adolescents, girls in particular. The program promoted HIV prevention, reproductive health services, and population development coordination and management.⁸³ UNFPA published a manual titled "A Practical Approach to Gender-based Violence". UNFPA has suggests conducting research on gender-based violence, implementing education and communication projects, ensuring emergency contraception for victims of sexual violence, strengthening advocacy on gender-based violence with existing UN partners, and advocating for women with parliamentarians.⁸⁴

In 2006, the General Assembly (GA) adopted resolution 61/143 on the intensification of efforts to eliminate all forms of violence against women. The following year, in December 2007, the GA adopted resolution 62/133, and in January 2009 resolution 63/155 was adopted. These resolutions are also on the intensification of efforts to eliminate all forms of violence against women.⁸⁵

In 2008, UN Security Council unanimously approved resolution 1820, which addresses sexual violence in conflict zones. The Council noted that sexual violence, including rape, against civilians is used as a tactic of war. Sexual violence is used to humiliate, dominate, frighten, and force civilians to relocate. The Security Council, who had gathered to discuss "Women, Peace and Security," discussed the importance of debunking myths that perpetuate sexual violence, training troops against the use sexual violence against civilians, and enforcing appropriate military disciplinary measures.⁸⁶ Security Council resolution 1820 states that rape and other sexual violence can constitute war crimes, crimes against humanity, and may be an element in perpetuating genocides. The Security Council urges the importance of strengthening judicial and health systems to provide support for civilian victims, and fight impunity against perpetrators. The resolution addresses the need for policies, activities, and advocacy for civilian victims of sexual violence.⁸⁷ During the 2008 meeting on "Women, Peace and Security," the Council considered imposing measures against warring groups who committed rape and other forms of violence against women and girls. The Council discussed the need for targeted measures of increased degree for such infractions.⁸⁸

Secretary General, Ban Ki-moon warned that sexual violence as a weapon of war has become commonplace in conflict ridden areas of Africa, Europe, and Asia, in a report issued in July 2009.⁸⁹ Ki-

⁸¹ Gender Equality: Ending Widespread Violence Against Women. UNFPA. August 2009.
<<http://www.unfpa.org/gender/violence.htm>>.

⁸² Ibid.

⁸³ Programming to Address Violence Against Women. UNFPA. August 2009.
<http://www.unfpa.org/webdav/site/global/shared/documents/publications/2007/vaw_10cases.pdf>.

⁸⁴ Gender Equality: Ending Widespread Violence Against Women. UNFPA. August 2009.
<<http://www.unfpa.org/gender/violence.htm>>.

⁸⁵ Work of the General Assembly on Violence Against Women. Division for the Advancement of Women. August 2009.
<<http://www.un.org/womenwatch/daw/vaw/v-work-ga.htm>>.

⁸⁶ Security Council Demands Immediate and Complete Halt to acts of Sexual Violence Against Civilians in Conflict Zones, Unanimously Adopting Resolution 1820 (2008). Security Council. August 2009.
<<http://www.un.org/News/Press/docs/2008/sc9364.doc.htm>>.

⁸⁷ Security Council Resolution 1820 (2008)

⁸⁸ Security Council Demands Immediate and Complete Halt to acts of Sexual Violence Against Civilians in Conflict Zones, Unanimously Adopting Resolution 1820 (2008). Security Council. August 2009.
<<http://www.un.org/News/Press/docs/2008/sc9364.doc.htm>>.

⁸⁹ Report to the Secretary General Pursuant to Security Council Resolution 1820 (2008).

moon reported that sexual violence is dehumanizing, creates intense mental and physical trauma, and fuels instability and fear. Sexual violence leaves a stigma with its victims laced with fear and shame. Ki-moon echoed sentiments in Security Council Resolution 1820 in his report, stating that it is a war crime often accompanied by other offenses including genocide. The International Criminal Tribunal for Rwanda qualified rape as a form of genocide for the first time in 1994. Protecting individuals from sexual violence, punishing perpetrators, and providing assistance to victims are all steps that Ki-moon recommends in his report.⁹⁰

There are a number of additional recommendations in the report, including that concerning the appointment of a high-level official to drive this agenda forward, to which the Member States are giving serious consideration, and which reflect the concerns we have previously raised regarding Member States and the UN system responses to sexual violence. Although civil society and indeed the UN itself has admitted that report does not effectively address the Security Council's concerns regarding information collection, or the lack of systematic and coherent response to sexual violence, opportunities like the August 2009 Open Debate and other high-level events provide the opportunity to address the integrally related issues of access to assistance, services, and justice and reparations for survivors.

History of Instability in the Great Lakes

The Great Lakes Region of Africa has faced many hardships in recent history. In 2004, the UN Security Council called for region-wide talks. Regional leaders attended the first International Conference on the Great Lakes Region in Tanzania.⁹¹ Marked by egregious crimes against ethnic groups, the disproportionate injustices that women suffer are often left to be discussed. A focus needs to be placed on preventing and eliminating inequalities that cause women and the girl-child to face undue violence.

In 2006, the heads 11 countries signed a comprehensive Pact on Security, Stability, and Development in the Great Lakes Region. The Pact was signed in Nairobi on December 15th. Just weeks before, the region witnessed another milestone: the successful presidential election in the Democratic Republic of the Congo (DRC).⁹² The pact focused on security, democracy and governance, economic development, and humanitarian and social welfare. Women's empowerment, environmental protection, human rights, and HIV/AIDS prevention were covered in the pact.⁹³ The conflict in the Great Lakes Region has been happening for quite some time. The genocide in Rwanda in 1994 and the overthrow of the dictatorial government in the Democratic Republic of the Congo in 1997 drew attention to the volatile region. By 2003, eight African countries and a handful of independent rebel groups were involved in the violence. Rwandan and Ugandan forces, seeking to overthrow the Democratic of the Congo government, combated the Congo government backed by Angolan, Zimbabwean, and Namibian troops.

An attack, on August 12, 2009 by armed militiamen in the east of the Democratic Republic of the Congo, ended in at least 16 reported deaths. The Congolese army (FARDC) dispatched troops to find the militiamen, but they were not found. Alan Doss, head of MONUC and the Special Representative to the DRC, issued a statement that, "Nothing can justify these crimes committed by the armed groups that strike at civilians." MONUC established a medical assistance team to help with injury treatments, and the blue helmets increased their patrols in the area.⁹⁴

<<http://daccessdds.un.org/doc/UNDOC/GEN/N09/405/56/PDF/N0940556.pdf?OpenElement>>.

⁹⁰ Ibid.

⁹¹ Pledging Peace at Great Lakes Summit. Michael Fleshman. <http://www.un.org/ecosocdev/geninfo/afrec/vol2Ino1/211-great-lakes-peace.html>

⁹² Ibid.

⁹³ Ibid.

⁹⁴ UN Blue Helmets Provide Help in Wake of Deadly Attack in East of DR Congo. August 2009. <http://www.un.org/apps/news/story.asp?NewsID=31773&Cr=MONUC&Cr1=>

Also recently, the International Conference on the Great Lakes Region (ICGLR) was held in Lusaka, Zambia. A UN representative commended President Joseph Kabila of the Democratic Republic of Congo and President Paul Kagame of Rwanda for participating in a summit in early August 2009. These leaders demonstrated a commitment to promoting peace and stability in the Great Lakes Region.⁹⁵ The August 2009 summit was designed to discuss and review developments made in the Great Lakes Region since the last two meetings in 2004 and 2006. The summit also discussed the implementation of the pact on security, stability, and development signed in the December 2006, Nairobi summit.⁹⁶ The pact became effective in June 2008. Through this pact, countries of the region made commitments to tackling the root to the many conflicts that have tormented the region.⁹⁷

The United Nations Organization Mission in DR Congo (MONUC) held a two-day meeting, August 7-9, 2009, between the Bukavu office and traditional leaders. The meeting was held to discuss the challenges posed by the DRC military operations against the Democratic Forces for the Liberation of Rwanda (FDLR); the 35 traditional leaders worked to develop strategies to protect civilians through various partnerships.⁹⁸

In March 2009, Secretary General Ban Ki-moon reported that sexual violence was rampantly continuing in eastern Democratic Republic of the Congo. Since 1996 over 200,000 cases of sexual violence have been reported. That number is presumed to be inaccurately low as victims are unable to report due to shame, fear, or death. Ki-moon reported that the Armed Forces of the Democratic Republic of Congo, the Rwanda Defense Forces, the Democratic Liberation Forces of Rwanda, the Congolese National Party, and the national Congress for the Defense of the People are all responsible for acts of sexual violence in the region.⁹⁹ According to the UN High Commissioner for Refugees (UNHCR), 400 cases of rape are reported at a camp for displaced persons in North Kivu every month.¹⁰⁰

Sexual exploitation and abuse of women by peacekeeping troops

The issue of sexual exploitation and abuse (SEA) of women by UN personnel was first raised in 2001, following persistent and serious allegations of abuse by humanitarian workers of refugees in West Africa with the UN High Commissioner for Refugees (UNHCR) and Nongovernmental Organizations (NGOS). In reaction, the Security Council included a reference to sexual abuse and exploitation within the peacekeeping mandate of the mission in Sierra Leone in contained within S/RES/1400.¹⁰¹

Following up on this, the Secretary-General issued a bulletin, the *Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse*, which defines acts of sexual exploitation and abuse, as well as classified them as “serious misconduct for all UN staff, including UN

⁹⁵ UN Hails Eased Tensions in Africa's Great Lakes Region. Chinaview.cn. August 2009, http://news.xinhuanet.com/english/2009-08/10/content_11858749.htm

⁹⁶ Ibid.

⁹⁷ UN Blue Helmets Provide Help in Wake of Deadly Attack in East of DR Congo. August 2009. <http://www.un.org/apps/news/story.asp?NewsID=31773&Cr=MONUC&Cr1=>

⁹⁸ Kimia II: MONUC and traditional leaders reflect on collaboration strategies in South Kivu. MONUC. <http://monuc.unmissions.org/Default.aspx?tabid=932&ctl=Details&mid=1096&ItemID=5108>

⁹⁹ Report to the Secretary General Pursuant to Security Council Resolution 1820 (2008). <http://daccessdds.un.org/doc/UNDOC/GEN/N09/405/56/PDF/N0940556.pdf?OpenElement>

¹⁰⁰ United States vows to support UN efforts against sexual violence in DR Congo. August 2009. <http://www.un.org/apps/news/story.asp?NewsID=31737&Cr=democratic&Cr1=congo>

¹⁰¹“Update Report No. 3: Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel.” Security Council Report. 20 February 2006. http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.1429245/k.E83E/update_report_no_3BRsexual_exploitation_and_abuse_by_UN_peacekeeping_personnelBR20_february_2006.htm

agencies, and stressed that these rules should also apply to entities and individuals working in cooperative arrangements with the UN.”¹⁰² Despite these actions, allegations of sexual abuse by peacekeeping troops within the UN Mission to the Congo (MONUC) in 2003, initiated a review within the UN system of policies and practices within the UN system. A 2004 report stated that “sexual exploitation and abuse damages the image and credibility of a peacekeeping operation and damages its impartiality in the eyes of the local population, which in turn may well impede the implementation of its mandate.”¹⁰³ SEA includes acts such as sex with minors, the bartering of food and protection for sex, and sex with prostitutes.¹⁰⁴

Following the situation in the DRC, then Secretary General Kofi Annan appointed Prince Zeid R’ad Zeid al-Hussein as the first Adviser on Sexual Exploitation and Abuse by UN Peacekeepers, which resulted in the 2005 *Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations (A/59/710)* known as the “Zeid Report.” The recommendations contained within this report initiated widespread reforms such as, mandatory pre-deployment training on UN codes of conduct and SEA, in-country public information campaigns to counter it, conduct and discipline teams in 11 of the 17 current peacekeeping operations (as well as all three political missions supported by DPKO).¹⁰⁵ In addition, the report also resulted in the establishment of a headquarters-based Conduct and Discipline Unit in New York, which has led to, “more consistent, reliable record keeping, as well as reporting of allegations and of the status of investigations.”¹⁰⁶

Despite the reports written by the UN and actions taken, which include recently revising the *Standard Memorandum of Understanding* between Troop Contributing Countries (TCCs)/Police Contributing Countries (PCC) and the DPKO, the UN often does not have the opportunity to respond. For example, in situations where a “well established allegation of SEA is levied against a member of a UN peacekeeping missions,” civilian staff are fired and repatriated, and uniformed staff are sent home and barred from future service in UN missions.¹⁰⁷ In the case of military peacekeepers, who are not employed by the UN but rather by their home country, jurisdiction is retained by the TCC/PCC.¹⁰⁸

HIV/AIDS, reproductive rights and sexual violence

The linkage between violence against women and HIV/AIDS is multifaceted and complex with violence being both a cause and a consequence of HIV/AIDS. Violence and fear of violence are key risk factors which, according to the World Health Organization, “contribute to the vulnerability of women to HIV infection.”¹⁰⁹ Multiple activities and situations can reinforce this link, not the least of which includes: (1) “women becoming infected with the HIV virus through forced sex; (2) sexual abuse in childhood associated with risk-taking behavior later in life; (3) violence and fear of violence preventing a woman from insisting on condom use or refusing unwanted sex, (4) fear of violence, stigma, and abandonment can dissuade women from discovering their HIV-infection status, and (5) unwillingness on the part of a

¹⁰² Ibid.

¹⁰³ A/59/710. *Report of the Secretary-General: A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations*. United Nations. 24 March 2005.
[http://www.reliefweb.int/rw/lib.nsf/db900sid/LKAU-6B6G4D/\\$file/Zeid%20report%20_A-59-710_%20English.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/LKAU-6B6G4D/$file/Zeid%20report%20_A-59-710_%20English.pdf?openelement)

¹⁰⁴ “UN Peacekeeping: Responding to Sexual Exploitation and Abuse.” Refugees International. November 1, 2007.
<http://www.refintl.org/policy/field-report/un-peacekeeping-responding-sexual-exploitation-and-abuse>

¹⁰⁵ A/59/710. *Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations*. United Nations. 24 March 2005.
<http://daccessdds.un.org/doc/UNDOC/GEN/N05/247/90/PDF/N0524790.pdf?OpenElement>

¹⁰⁶ “UN Peacekeeping: Responding to Sexual Exploitation and Abuse.” Refugees International. November 1, 2007.
<http://www.refintl.org/policy/field-report/un-peacekeeping-responding-sexual-exploitation-and-abuse>

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ *Violence Against Women and HIV/AIDS: Setting the Research Agenda*. World Health Organization. 25 October 2000.
<http://www.genderandaids.org/downloads/topics/VAW%20HIV%20report.pdf>

woman to get tested due to violence in life, which has a detrimental effect on HIV control, treatment and prevention of mother to child transmission programs.”¹¹⁰ The intersectionality of violence against women and HIV as well as the multiplicity of types of “discrimination experienced by women living with HIV, particularly by migrant, refugee, minority, and other marginalized groups of women.”¹¹¹

According to the United Nations, women exposed to HIV are twice as likely to become infected with HIV as their male counterparts, the reason being in large part women’s subordinate position in sexual relations and unequal power between men women and men and the use of violence to sustain that imbalance, which in turn limits women’s ability to negotiate safe sex.¹¹²

There are two categories of violence against women that have an impact on women’s reproductive rights, according to the United Nations Special Rapporteur on Violence Against Women.¹¹³ The first category relates to reproductive health consequences of violence against women, which include gender-based violence, such as forced prostitution/trafficking, and cultural practices such as child marriage/early childbearing and sex-selective abortion/female infanticide.¹¹⁴ Each of these actions constitute “violence in and of itself, in addition to inflicting serious reproductive, sexual, physical, psychological and health-related long-term harm to women.”¹¹⁵

The second category of violations is related to violence occurring “directly or indirectly as a result of State action/inaction in the context of reproductive health policy.”¹¹⁶ These actions include:

“Coercive population policies and measures of population control, coerced sterilization of women from marginalized ethnic populations, criminal sanctions against all forms of abortions and contraception, and inadequate sex education for adolescents. Such State policies and measures infringe upon women’s liberty results from the neglect of the State obligation to address structural subordination of women and dominant notions of sexuality that impose norms of chastity and honor upon them.”¹¹⁷

According to the UN Special Rapporteur on Violence Against Women (SRVAW) there are several areas where the State’s failure is even more apparent: “failure to prevent maternal mortality, non-provision of contraceptive information/family planning services that recognize and enable women’s sexual autonomy, and State failure to address physical and psychological abuse perpetrated by health-care providers all amount to violence resulting directly or indirectly from State policies.”¹¹⁸

Within the Great Lakes region, a high number of rape victims are infected with HIV/AIDS.¹¹⁹ Human Rights Watch estimates that in the Eastern DRC alone, 4.6% of all combatants are HIV-positive, meaning there is a high risk of infection.¹²⁰

¹¹⁰ “Background.” *Violence Against Women and HIV/AIDS*. World Health Organization.

<http://www.who.int/gender/violence/vawandhiv/en/>

¹¹¹ E/CN.4/2005/72. *Intersections of Violence Against Women and HIV/AIDS: Report of the Special Rapporteur on violence against women, its causes and consequences*, Yakin Erturk. 17 January 2005.

<http://daccessdds.un.org/doc/UNDOC/GEN/G05/102/11/PDF/G0510211.pdf?OpenElement>

¹¹² Ibid.

¹¹³ *15 Years of the United Nations Special Rapporteur on Violence Against Women, Its Causes and Consequences: A Critical Review (1994 – 2009)*. United Nations. 2009.

<http://www2.ohchr.org/english/issues/women/rapporteur/docs/15YearReviewofVAWMandate.pdf>

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Femmes Africaine Solidaire. *Gender-based violence in the Great Lakes Region: Facts and Figures*. 22 March 2007.

<http://www.fasngo.org/assets/files/publicatons/Gender%20based%20violence%20in%20Great%20Lakes.pdf>

¹²⁰ Ibid.

Legal and Justice Mechanisms for Addressing Sexual Violence

Widespread impunity within the Great Lakes Region is a major factor in the continued prevalence of sexual and gender based violence.¹²¹ The international community has recently emphasized the need for greater and sustained investment in national and international justice mechanisms to ensure sexual violence survivors' safety and dignity throughout the justice processes; and to ensure suspected perpetrators are promptly brought to justice in accordance with international fair trial standards not only in the Great Lakes, but globally. These standards are enshrined within documents such as the *International Covenant on Civil and Political Rights*, and the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*¹²².

Providing justice to victims of conflict-related sexual violence has its challenges. There is now consensus, based on the experiences and observations of NGOs around the world, that survivors of sexual violence face considerable economic, educational and socio-cultural barriers in gaining access to justice.¹²³

In most societies, they are stigmatized, and may be rejected by their spouse and even expelled from their community. Both their health and social needs must be addressed in order to effectively respond to the crimes committed against them. Legislation in many countries still does not adequately recognize sexual violence as a crime – for example, by failing to recognize male rape. Furthermore the procedures associated with the prosecution of sexual violence often “discriminate against the victims, exposing them to further humiliation and re-victimisation.”¹²⁴

In Burundi, victims face “insurmountable obstacles in trying to bring suspected perpetrators to justice.”¹²⁵ Not only does the country lack sufficient mechanisms for victims to seek redress, but cultural attitudes often present women with the choice between justice and potential abandonment by ones family and community.¹²⁶ These attitudes manifest itself in the form of hostility from the family, community and the police. The system itself ignores, denies, and even condones violence against women and protects

It is crucial that transitional justice mechanisms are established to temporarily provide the opportunity for survivors to seek justice. The responsiveness of these institutions to sexual violence needs to be mirrored furthermore as countries rebuild and shape their permanent judicial institutions.¹²⁷ Within the Great Lakes region, Truth and Reconciliation Commissions have been utilized, as have Special Tribunals. At the heart of the issue, is the fact that sexual violence in conflict shatters lives and communities. Providing justice to survivors of sexual violence brings recognition of the harm that they have experienced and seeks to alleviate the consequences.¹²⁸

¹²¹ Ibid.

¹²² Geneva Centre for the Democratic Control of Armed Forces. *Justice for Survivors of Sexual Violence in Armed Conflict*. 2007. <http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=43991&nav1=4>

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Femmes Africaine Solidaire. *Gender-based violence in the Great Lakes Region: Facts and Figures*. 22 March 2007. <http://www.fasngo.org/assets/files/publicatons/Gender%20based%20violence%20in%20Great%20Lakes.pdf>

¹²⁶ Ibid.

¹²⁷ Geneva Centre for the Democratic Control of Armed Forces. *Justice for Survivors of Sexual Violence in Armed Conflict*. 2007. <http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=43991&nav1=4>

¹²⁸ Ibid.

Case Study: Democratic Republic of the Congo

Tens of thousands of women in the Democratic Republic of the Congo (DRC) have been victims of horrific acts of sexual violence.¹²⁹ There is no longer any question in the mind of the international community that the problem within the DRC is the worse the world has ever seen, and it has become a pervasive aspect of society, even within parts of the country that are no longer directly experiencing conflict.

The main perpetrators of sexual violence in the DRC is the army, the *Forces Armees de la Republique Democratique du Congo (FARDC)*, which contributes to an extreme climate of “insecurity and impunity in the Eastern Congo.”¹³⁰ FARDC soldiers are accused of committing acts such as gang rape, rapes leading to injury (such as fistula) and death, and abductions of girls and women. These crimes are serious violations of international humanitarian law and are encouraged and condoned by military commanders, who they themselves are guilty of war crimes or crimes against humanity as a consequence.¹³¹ There are multiple armed rebel groups in the DRC which also commit sexual violence against women and girls, but due to the fact that the Congolese army is deployed throughout the country and have access to citizens in ways that rebels do not, they are named as the biggest perpetrators of these acts.¹³²

Girls, in particular, are especially at risk due to the fact that their future is severely compromised once they have been raped, with the ability to lead healthy lives, in which they are able to find a partner, continue their education, and remain within their family and community seriously in question.¹³³ If a girl is raped and it results in a pregnancy, then she is forced to raise a child while still being a child herself.¹³⁴

Within the FARDC, the 14th brigade is often focused on as an example of the wider problem of impunity within the DRC. Since its creation in 2006, this brigade has “committed many crimes of sexual violence in different areas of North and South Kivu in eastern Congo. It has also been responsible for abductions, killings, torture, looting and extortion. Without sufficient food or pay, soldiers have attacked the civilian population to loot and extort goods.”¹³⁵

Since March 2009, the 14th brigade as officially ceased to exist following its combination with combatants into two new brigades.¹³⁶ Sexual violence has continued to be committed by former 14th brigade soldiers, as well as by previous opposition soldiers within the new integrated groups.¹³⁷ Despite pressure from the international community, victims, and politicians, Congolese military courts have not brought perpetrators to justice and commanders have protected their soldiers.¹³⁸

Within the Congolese government, there have been significant initiatives carried out, including by the wife of President Kabila, in an attempt to stop this continued violence by the military.¹³⁹ A sexual violence law came into force in 2006, setting the stage for an investigation on the part of the International Criminal Court in 2008 into crimes committed in its jurisdiction in the Kivus in 2008. In addition, there are more, although still insufficient resources for survivors in the form of programs which provide

¹²⁹ Human Rights Watch. *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of the Congo*. 2009. <http://www.hrw.org/sites/default/files/reports/drc0709web.pdf>

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

medical, psychological, economic and legal support.

The military justice system though, is the institution that is in need of most reform and attention. To date, only “a small fraction of the total number of acts of sexual violence committed by soldiers has been prosecuted... and almost all military prosecutions of sexual violence to date have focused on lower-ranking soldier.”¹⁴⁰ No senior military figure has been prosecuted, the highest being a captain.¹⁴¹ This lack of justice is apparent in the statistics collected during 2008 on instances of sexual violence in the North and South Kivu provinces. During that year the UN registered over 7,700 new cases of sexual violence, while only 27 were convicted of crimes.¹⁴²

In order to address these issues, the international community has continued to encourage the Congolese government and its partners to not only “intensify efforts to prevent and punish sexual violence crimes by army soldiers,” but to also build the capacity of the “weak military justice system; professionalize the army, including by improving living conditions of soldiers; and introduce a vetting mechanism to remove officers with responsibility for past crimes from the army.”¹⁴³ In the short term, Member States during the recent Security Council Open Debate on Women, Peace and Security suggested the creation of a mixed chamber, “composed of international and Congolese judges and prosecutors. This mixed chamber would prosecute high-ranking officers, armed group leaders, and civilian leaders responsible for war crimes and crimes against humanity, including sexual crimes, beyond the few individuals who will be tried by the International Criminal Court (ICC).”¹⁴⁴

The future of the situation in the DRC is unclear, but what is absolutely certain is the need for concerted, forceful and strategic action on the part of the Congolese government and international community in order to end the atrocities being committed daily.

Conclusion

The incredibly “destructive long-term physical, psychological, and social effects of sexual violence on the victims cannot be underestimated.”¹⁴⁵ There is a need to significantly increase the provision of accessible and quality assistance, especially life-saving health services, for survivors of sexual violence. In addition, in concert with UN efforts, civil society should be involved in the design, implementation and evaluation of UN system and Member State strategies to address sexual and gender-based violence. This should include regular consultations with survivors, their communities, and women human rights defenders. As mentioned earlier, other suggestions by international community members include the immediate appointment of a much needed high-level, highly experienced and respected United Nations official, such as a new Special Representative on Women, Peace and Security, with responsibility across the UN system to reinforce, support and help drive existing UN efforts forward to address the needs and interests of women in conflict-affected situations, and particularly to prevent and respond to the use of sexual violence.¹⁴⁶ Data collection is highly relevant, particularly in the Great Lakes region, and therefore the UN system has been working to promote the attainment of relevant benchmarks in preventing and addressing sexual violence, including, *inter alia*, the implementation of measures to reduce the

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ NGO Working Group on Women, Peace and Security. *Open Letter to Permanent Representatives to the UN: Recommendations on the Security Council Open Debate on “Women, Peace and Security.”* 27 July 2009. <http://www.womenpeacesecurity.org>

proliferation and misuse of small arms & light weapons, which facilitate the use of sexual violence as a tactic of war.¹⁴⁷ In addition to the immediate action to respond to and prevent sexual violence in conflict zones, the General Assembly is urged to establish a new strong UN entity for women, headed by an Under-Secretary-General and with extensive country operations and the necessary funding. The entity must have a mandate that enables the UN system and member states to implement their obligations under Security Council resolutions on Women Peace and Security.¹⁴⁸

Action needs to be taken by the international community on this issue. In the words of a coalition of civil society organizations on this issue, “before the next surge of violence captures the front pages of our daily media, you have a unique opportunity to demonstrate to the world your seriousness and determination to respond to sexual violence, and to end the impunity currently enjoyed by its perpetrators.”¹⁴⁹

Questions to Consider:

1. UN officials, across the board, agree that although prevention is crucial, there is a high-need for services and systems to care for victims and punish perpetrators. What resources are lacking for women and girls impacted by sexual and gender based violence?
2. How does the violence in the Great Lakes Region parallel violence in other areas? What can be learned from past conflict?
3. The UN has had many reactions to sexual and gender based violence. Which measures have been the most effective?
4. What role do women play in providing services and support for survivors of violence?
5. Does sexual violence against civilians differ from sexual violence against combatants?

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.