



JOINT-STATEMENT - FEMMES AFRICA SOLIDARITE, WILPF & WORLD YWCA:

EFFECTIVE REMEDIES FOR CONFLICT RELATED SEXUAL VIOLENCE

Femmes Africa Solidarité, WILPF and World YWCA submit this joint-statement expressing concern that the provision of services and reparations for women survivors of conflict-related sexual violence remains inadequate. Access to justice and effective accountability mechanisms are an integral part of reparation, but to date, the ideals of restorative justice have yet to be realized. Enormous progress has been made in the prosecution of sexual violence in international criminal law but the impact has been narrowly felt and the majority of rape cases are not prosecuted due to continued reliance on individual testimony and its intrusive nature; stigma and shame; and intimidatory post-conflict environments where parties to the conflict are often institutionalized in governance.

Whilst embracing UNSCR resolutions on women, peace and security, and recognising the need to ground them in human rights norms, we express concern over the almost exclusive focus on sexual violence against women, which re-enforces gender stereotypes of women as victims and objects of male protection. Women remain without agency in such an analysis and men remain as the power holders. We advocate for a more comprehensive and transformative political economy approach that addresses the root causes of sexual violence in conflict including: gendered economic inequalities in natural resources; political inequalities in state decision-making power; and feminized peacekeeping economies which involve sexual exploitation, trafficking and gendered identities (e.g. masculine 'breadwinner' and 'solider'), which are supported by unequal family-household relations. These gendered economies are major parts of the conflict and post conflict situation, and need to be recognized and addressed in the context of reparations.

Effective reparations and justice should not focus on international security and legal actions that respond to selected instances of sexual violence, but include practical, community-based responses that take into account social and economic needs as well as access to justice and rights. Prioritizing state security and electoral machinery over gender-aware human security is destabilizing in the

long run. The design of reparations programmes is crucial to the transformation from violence to security; and women must be consulted in the establishment of such mechanisms. Programmes must also address the challenges women face in seeking accountability and redress for conflict-related sexual violence including social ostracism, physical threats and institutional barriers. Transitional justice mechanisms must provide strategies to protect survivors and witnesses, including victim/witness protection schemes, provision for in camera hearings and support counsellors. Adequate resourcing is also essential; as are both collective reparations for rape survivors and individual compensation through social welfare.

Bosnia and Herzegovina is illustrative of how the absence of a consultative, reparation programme prejudices women's ability to achieve justice in a legal sense, economic agency and participation in governance structures. Reparations were collapsed into the social welfare system with women having to demonstrate levels of injury relative to the military index for pension compensation and veterans were automatically prioritized. Similarly in Timor Leste, reparations have privileged male combatants over the victims of violence. All too often inadequate funding limits the effectiveness of reparations or provides insufficient compensation, as seen with the Reparations Fund for female war victims, including widows in Sierra Leone, and the Bosnian example. The 'so called' democratic transitions in the Middle East and North Africa region, have seen the exclusion of women from decision making in all areas of economic, political and security issues. The end result is increased violence and insecurity for women and insufficient legal protection and remedies. None of this is good practice with regards to reparations.

The recent example of women's participation in Senegal as peace agents during the presidential elections, however, has demonstrated the tremendous potential and societal benefits of women's empowerment. The creation of a Situation Room, founded on international and regional instruments such as UNSCR 1325 and the Solemn Declaration on Gender Equality in Africa, adopted by African Heads of State and Governments, has enabled women to contribute to the country's democratic process and united national and international NGOs involved in promoting women's rights, peace building and ending violence against women and girls.

Our organisations jointly recommend a holistic approach to remedies for women affected by conflict-related sexual violence that promotes women's agency and empowerment and does not only focus on women as victims. We call for the political participation of women and their inclusion in mediation and negotiation processes. We call for the strengthening of preventive and early warning mechanisms to protect women's rights during conflict, as well as the arrest and

prosecution of perpetrators of conflict-related sexual violence. Survivors of conflict-related sexual violence also need access to psychosocial services and other economic initiatives to strengthen women's agency and ability to take charge of their lives. The single most important element in transformative reparations is to prioritise sustainable social and economic livelihoods in order to reduce vulnerability to violence and facilitate participation in justice and governance.

Key recommendations:

In conclusion, FAS, WILPF and World YWCA make the following recommendations to the Human Rights Council in the context of the discussion and proposed resolution on remedies for violence against women and girls. Effective remedies must:

- 1) Promote women's empowerment and agency; including the full inclusion of women in the design, delivery and monitoring of effective reparations and justice mechanisms; and adequate community based support services for women to rebuild their lives
- 2) Be grounded in a transformative political economy approach that prioritises sustainable social and economic livelihoods in order to prevent violence and enable women to participate fully in justice and governance
- 3) Promote an end to impunity through the prosecution of perpetrators and appropriate sentencing
- 4) Ensure adequate protection mechanisms for survivors and witnesses and the removal of other barriers that prevent women from seeking justice and remedies in post-conflict settings, including social, economic and institutional barriers
- 5) Be adequately resourced to ensure their effectiveness and ability to bring accountability, justice and appropriate compensation to the survivors of conflict-related sexual violence.