

# Exposing Hidden War Crimes

## Challenging Impunity for Sexual Violence in Times of Conflict

**An ACORD Seminar Report**

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**March 2007**



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## Challenging Impunity for sexual violence in times of war

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**An Agency for Co-operation and Research in Development (ACORD) Report**

**Funded by**

**Defence for Children International (DCI)**



# **You are somebody!**

You are not damaged goods  
You are not spoilt  
You are not a reject  
You are somebody!

They use their mouths to break your spirit  
Like he invaded your womanhood and broke your body  
I use words to build your soul  
And bring life to you again...

You matter, you count  
You are important, you make a difference  
You are here in the today  
Despite of the wrongs and pains of yesterday

So shake off yesterday into the wind  
Wash off the pain and let it flow away in the stream of life  
Wake up to new dreams and an alive you  
You are somebody!

You can be more than what you are today  
You will reach a higher mountain than ever before  
You are a survivor, a fighter, a conqueror  
Stand on the mountain of pain and stigma in triumph

You are somebody!  
Just think it, see it, dream it, become it  
You are somebody!  
Define her to you.

## **Poem by Janah Ncube**

Written for 300 child mothers who marched proudly in the streets of Gulu their home town in Northern Uganda on 25 May 2007. They were seen, they were heard, they mattered.

## **Acronyms**

<b>ACORD</b>	<b>Agency for Cooperation and Research in Development</b>
<b>CSA</b>	<b>Child sexual Abuse</b>
<b>DCI Canada</b>	<b>Defense for Children International Canada</b>
<b>DDR</b>	<b>Disarmament Demobilisation Reintegration</b>
<b>FGM</b>	<b>Female Genital Mutilation</b>
<b>GLR</b>	<b>Great Lakes Region</b>
<b>HIV</b>	<b>Human Immune deficiency Virus</b>
<b>ICC</b>	<b>International Criminal Court</b>
<b>IDP</b>	<b>Internally Displaced People</b>
<b>ISIS-WICCE</b>	<b>Women's International Cross Cultural Exchange</b>
<b>PSC</b>	<b>Peace and Security Council</b>
<b>SGBV</b>	<b>Sexual Gender Based Violence</b>
<b>STI</b>	<b>Sexual Transmitted Diseases</b>
<b>UN</b>	<b>United Nations</b>
<b>UNIFEM</b>	<b>United Nations Fund for the Empowerment of Women</b>

## Acknowledgements

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We wish to thank our excellent panelists who led the proceedings and discussions in each of the two seminars and through their interventions stimulated debate and in the instance of the day one seminar led to much analysis that enriched the ACORD book *A Lost Generation: Young People and Conflict in Africa*.

Our panelists for the day one seminar were, Marie Jose Kandaga (Burundi), Kevin Aciro (Uganda), Dr. Asha El Karib (Sudan), Janah Ncube (Zimbabwe), Dr. Edwin Abuya (Kenya), Betty Kaari Murangi (Kenya), Vat Valerie Kamatsiko (Uganda), Millie Odiambo (Kenya) and Sandra Ayoo (Uganda).

Our panelists for the day two seminar were Hon. Njoki Ndung'u (Kenya), Hodan Addou (Somalia), Antonia Ngabala (Central Africa Republic), Hon. Christine Ntagwirumugara (Burundi), Vat Valerie Kamatsiko (Uganda), Kaari Betty Murungi (Kenya), Harriet Nabukeera-Musoke (Uganda).

These seminars owe their success to the participation of the various representatives of organizations and institutions from across the continent. They made interesting interventions based on their expertise and experiences in their varied capacities.

Much appreciation goes to Mary Nzioki ACORD Partnership Development Advisor and Janah Ncube ACORD Gender Thematic Manager for developing this report.

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## About ACORD

The Agency for Cooperation and Research in Development (ACORD) is an Africa-led international alliance working for social justice and development in Africa. For the last three decades ACORD has been working in some of Africa's poorest, most crisis prone and marginalised areas. The organisation today has 12 area programmes in 17 countries which are issue based within a specific geographic location. However the organization is centering its work and focusing on the issue of Food Sovereignty through its Pan Africa Programme. The other work we do focuses on conflict, gender, HIV and AIDS our cross cutting themes. ACORD particularly seeks to engage with marginalised and excluded communities themselves to analyse and address root causes of exclusion and social injustice in Africa and facilitate their participation in Africa-led social movements to bring about social justice and rights-based development. Thus our goal is ***to enhance the voice of the poor and the marginalized to change conditions undermining social justice in Africa through participatory people-centered research and advocacy.***

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## Introduction

This report emanates from a one day consultative seminar focused on *Challenging Impunity for Sexual Violence in Times of Conflict* convened by the Agency for Cooperation and Research in Development (ACORD). This seminar was held back to back with another one day one seminar *Analysing Young People's Experiences in Conflict* which was focused on reviewing the findings of ACORD's research on youth and conflict. This research and the analysis from the seminar is to be published into a book - ***A Lost Generation: Young People and Conflict in Africa***. The book is being published at an opportune time as it is set to play an intrinsic role in informing work aimed at transforming the indignity of rape and sexual abuse in countries in the Great Lakes Region with an emphasis on those currently in conflict or post conflict.

The focus on sexual violence by ACORD has been informed by the findings of the research and the pleas from the young girls sexually violated in conflicted who have been part of the projects and the interviews from this initiative. Thus ACORD has developed a program focused on Challenging Impunity for Sexual Violence which aims for the ratification and domestication of protocols adopted by the GRL that protect women and girls from sexual crimes. ACORD's initiative is also focused on working in concerted effort with national, regional and international stakeholders to stamp out the impunity that exists and obstructs justice, enables perpetrators of sexual crimes to go unpunished for their crimes, encourages our societies to shame the victims of sexual violence and hide its perpetrators within its-self.

Seminar participants comprised a wealthy assortment of stakeholders from across Africa including parliamentarians, councilors, human rights organizations, lawyers associations, representatives of SGBV survivor networks, organs of the UN, regional and international CSOs and youth representing their peers whose lives have been robbed of innocence and whose experiences have served as the resource for ACORD's research book. Partners representing DCI from Canada were also present.

This report captures the proceedings of the two seminars but focuses mostly on the rich discussions that explores the complexities of challenging impunity for sexual violence in conflict and post conflict environments.

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*The rape of one woman, the abuse of one child is a crime that should not go unpunished because it is a betrayal of the values that Africans espouse and their aspirations to full and dignified lives. It is our duty to ensure, ... that no errant soldier compromises the best efforts of thousands of committed Africans working hard and giving their best ... Rape is a heinous crime. We will also ensure that such a crime is not used by anyone to pursue other objectives. Winnie Byanyima 16 April 2006<sup>1</sup>*

## Exposing Hidden War Crimes: Challenging Impunity for Sexual Violence in Times of Conflict Summary Proceedings of the Seminar

*“Soldiers were told that they did not need a firearm; their sexual organ was also a useable weapon” Congolese woman DRC<sup>ii</sup>*

Sexual violence has become a major strategy that has turned men into weapons and women into battle grounds in times of conflict. The victims, who mostly are women and girls, have their bodies and spirits tortured, mutilated, broken and traumatized. Their families and communities shame them, stigmatize them and cast them out for crimes committed to them. Those who have perpetrated sexual crimes seem to have been exempted from recrimination. The consultative seminar discussed the issues pertaining to impunity for sexual crimes and the challenges of working towards ending this impunity.



Hon Njoki Ndug'u (MP) of Kenya and the 2006 UN Person of the Year in her opening remarks at the workshop asked a couple of intriguing questions. She wondered aloud why these perpetrators of sexual violence get away with these crimes. What is the role of society in reporting sexual violence? There is a need to examine the relationship between perpetrators, victims and society. Is it not our families that protect the perpetrators? Hon. Ndung'u went on to reiterate the governments' responsibility to prevent, protect, punish and eliminate violence through the enactment of relevant laws. The perpetrators of sexual violence are citizens of a country. It is the duty of the government to instill in their citizens a respect for all human life, male or female and to punish those who do not accord this respect.

Ms. Hodan Addou, the Africa Peace and Security Advisor at UNIFEM suggested that we recognize that legislation, policies and societal norms regulated by governments, policy and decision makers are what have significantly led to violations against women. The censure is therefore both on the UN and AU bodies as well as individual governments. However, up until now, they have not taken any responsibility for the sexually violent crimes their soldiers are committing or have committed while serving in UN/AU peace missions. What do we do when government has been the author of the crimes or when they ignore them? Who shall hold them then responsible? Who shall punish their crime?

A case study on impunity for sexual crimes in Burundi carried out and presented by Hon. Christine Ntagwirumugara (MP) showed how in the few situations where the perpetrator of a sexually violent crime has been arrested, the punishment given has been minimal. Many of them get away with only a few months in custody or even a minimal fine. The victim is rarely compensated. Victims wonder why they should report these crimes when all they get out of it is the humiliation and dishonor of the entire society knowing and the perpetrators still get away with it. In other cases, there is ignorance of the reporting procedure. Evidence is often tampered with or the rape crime is reported too late for any evidence to be collected. Shocking to the seminar was the revelation that at times officials will facilitate the woman/girl's family to meet with the perpetrator's family and arrange for a payment or marriage of the victim to the perpetrator.

Communities are responsible for both the impunity on perpetrators and the shame placed upon victims. The meeting noted that sexual violence does not emerge from conflict but rather that conflict reinforces what is already happening in our societies. Our societies have allowed gender based violence to continuously occur against women without punishing it and so that attitude has been extended to times of conflict. As the study shared by Ms Valeria Kamatsiko of World Vision showed, most of the children raped in IDP camps are raped and violated by men within their communities; men in their family, their neighbors and/or people they know. She further explained that because perpetrators want relationships that are not demanding, children become preferred targets.

According to Kaari Betty Murungi, Director of Urgent Action Fund Africa, historically gender crimes have been trivialized or deemed inferior by legislative processes. For example, despite the overwhelming evidence of mass rapes during the 1994 genocide in Rwanda, the ICTR did not include any charges of rape in its indictments until 1997 after concerted pressure from civil society. In fact, legal frameworks that could address these crimes were inadequate or were/are inadequately used. However we now have several instruments such as The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003); The Protocol on the Prevention and Suppression of Sexual Violence against Women and Children (2006) for the Great Lakes Region; UN Security Council Resolution 1325 (2000) on Women, Peace and Security; National penal codes and local Justice mechanisms.



Harriet Nabukeera-Musoke of Isis-Women's International Cross Cultural Exchange (Isis-WICCE) shared how NGOs have responded to dealing with sexual violence. By documenting the stories and experiences, they have brought to the fore many of these situation and promoted reform in post-conflict situations. Visits to victims have made possible the breaking of silence and expressing solidarity with and bringing healing to abused women. They have also had to provided practical support such as medical interventions, counseling etc.

The seminar recommended that challenging impunity must begin in peace times. Most interventions up until this point have been directed at the victims. It is time that we call to account perpetrators and perpetuators of violence against women; be it direct or indirect. Advocacy actions targeted at policy implementation by national governments and inter governmental agencies and also catalyzing community attitude changes from stigmatizing victims to stigmatizing perpetrators were proposed.

***“We want the great lakes region unsafe for perpetrators of sexual violence against women and children”***

**Mary Okumu (Chairperson of the GLR Women's Caucus)**

## **Chapter 1**

# **Robbery with Violence**



***“Sexual violence is robbery that takes away something that can’t be given back.....why are penalties so lenient? Why does society accept and tolerate this crime....?”***

**Hon Njoki Ndungu MP**

## **The nature of Sexual Violence**

Sexual violence is grave and catastrophic not only to the victim but also their spouse, children and family. It is not a crime of passion, but of hate, power between and within the sexes, dominance of one gender over another. This crime humiliates and scars not only physically but also emotionally and is intended to break one's spirit. It robs an individual of their right to choose when to have sexual relations, with whom and how. This robbery, is also carried out in the most gruesome and violent manner as it is characterized by lack of consent. It is an act that makes one recoil in fear and/or disgust as evidenced in victims' descriptions and expressions when relating rape. In a word or phrase, participants at the seminar described it as; totally unacceptable, atrocious, blatant abuse, despicable, an abomination, a distraction that lacks a name, robbery with violence, genocide, a murderous act, very inhuman, evil and an act of cowardice.

*“Many women begged to be killed during the genocide. They were refused and told ‘you will die of sadness”<sup>iii</sup>*

While men and boys do get sexually violated in conflict, the majority of its victims are girls and women. During conflict, it manifests as animalistic in nature, gang rapes, sexual assault, forced prostitution, sexual exploitation linked to battery and slavery, forced pregnancies, forced abortion and sterilization and gruesome mutilation. Key to the large scope of sexual abuse meted on women and girls is their vulnerability in conflict when families are dispersed.

Notably, Child Sexual Abuse (CSA) even in conflict, is most often tactically inflicted and includes coercion and manipulation exhibited in suggestive or improper sexual comments; kissing; touching of breasts, buttocks and sexual parts; rape; sex in exchange for something; forcing children to hear or watch people having sex. It is worth mentioning however, that numerous children in conflict have also been victims of the same gruesome acts of sexual violence as adults; like gang rapes. Children's vulnerability is heightened in conflict by factors including poverty; lack of security and protection, a breakdown of social structures and networks; alcohol and drug abuse; and the fact that men prefer sexually abusing children as they do not ask questions. These forms of CSA also take place in peaceful states though a predominant form of this abuse is incest.

### **Legally Defining Sexual Violence**

Statutes of the ICC define Sexual Violence as; any contact, gesture or act of exploitation of a sexual nature, which is unwanted or carried out without the consent of a person, which is imposed by physical force, threats, trickery intimidation or duress.

The consequences for girls, women and children are devastating as these grotesque acts further expose them to among others; STIs and HIV, traumatic fistula (rupturing of the vagina, bladder and rectum), unwanted pregnancies, psychological and emotional trauma.

## **Sexual violence in Peace and War times: The genesis of this delinquency**

There is a reported increase in sexual violence globally with the victim age bracket ranging from children aged 6 months to the elderly of 90 years. What is alarming is that it is not unique to conflict settings where the rule of law is visibly absent; it exists both in times of peace<sup>1</sup> and that of war. Though sexual violence is escalated during conflict, the culture of impunity is birthed in times of peace where and when the legal frameworks and institutions are functional. In the case of Kenya; a nation that has not experienced conflict, incidences of

<sup>1</sup> Feminists argue that peace does not mean absence of war as women experience different kinds of violence within their homes and communities such as domestic violence, marital rape, rape etc thus even normal communities are themselves not in peace.

rape are common and it is estimated that one woman is raped every 30 minutes while in South is estimated that one woman is raped every 15 seconds.

So, as a continent traditionally rich in moral codes and values, where have things gone wrong? The answer to this question is not only complex but multifaceted. War has brought about the destruction of family and community as seen in the soaring number of internally displaced persons and refugees. It has also culminated in vulnerabilities emerging from poverty, lack of security and the power dynamics at play between the one carrying a gun or wearing a police/military uniform and civilian ensuing in impunity on sexual violence.

Nations enjoying peace have also undergone moral decay from similar drivers (family disintegration, poverty, corruption among others), hence even functional legal frameworks have not curbed the rise in the atrocious act of rape and related sexual violence.

### **Our Traditions and Cultures: incubators of sexual gender based violence**

Cultural practices and definitions also serve to perpetuate rape and other sexually abusive practices (e.g. FGM<sup>iv</sup>, virginity testing, pulling of the labia). In the case of the Sudan, it is culturally acceptable to marry a child of even 8 years i.e. as long as her menstrual cycle has began and she can biologically bear children, in Tanzania it is legal to marry a 15 year old girl. Legally confronting child marriage in these cases is therefore extremely challenging. Also, in most African cultures, the term/word *rape* does not exist. A women's consent (or the lack of it) in the act of sex is not a cultural consideration as one of her primary roles is to please and satisfy the male's sexual demands. These and other culturally embedded practices, compound the impunity characteristic of sexual violence meted on women and girls.

### **A proposed community response**

The recourse tabled by participants begins with a need to review and confront sexual violence in countries where there is peace and legal frameworks that are functional. It starts with addressing the attitude of the self, each individual has to consider their role in perpetuating attitudes and practices that compromise women's safety and rights. Working from an onset of addressing culture and the socialization processes is key. There must be no tolerance for sexual gender based violence at all. Confronting sexual violence in peace time will also enable states manage these crimes when in war. The representation and participation of women in government is also crucial as this is a key factor that leads to issues relating to women and girl protection being factored into national policies and processes. We should be living in societies and countries that have a zero tolerance to any type of gender based violence.

***“Sexual violence is not a gender issue, it is not a women's issue, it is an issue for all of us” Teopista Kevin Akoyi, ACORD Chairperson***

## Chapter 2

# The Safety of Silence

***“... they came to where I was in the room and they raped me. There were three of them, I kept quiet about it. You see in those days, when such things happened to a girl, she would keep it a secret right at the bottom of her heart, so that no one would know what really happened. ... I said nothing to anyone. It stays inside me like a personal secret”. Young Girl from Burundi – Testimony in A Lost Generation***



Why after encountering these horrendous acts which cause physical and mental agony do the victims keep quiet? SGBV remains for most victims hidden due to the shame stemming from the assault. Families and communities shame and stigmatise the women and girls who have been sexually violated and at times shun them, mock them and cast them out for the crime committed against them when the committer of the crime remains untainted. Men and boys also keep quiet about these crimes when committed against them because they are ashamed by the emasculation that is perceived once it is known they were sexually violated.

### **When our law enforcement institutions betray us, we will keep silent**

Justice, peace and safety are highly betrayed by the corruption, indifference and lack of faith in the institutions, mechanisms and structures in our legal systems and processes. In addition, a substantial number of cases of sexual violence especially in conflict, are perpetuated by those belonging to institutions of protection (e.g. the army and peace keeping missions). This results in victims' mistrust of law enforcement institutions where the protector turns into perpetrator. According to a Human Rights Watch report of 2003, in Burundi a woman tried to assist victims of SGBV and reported the cases of rape to the commander of the military post at Bikobi, commune Nyabitsinda, and had even identified the perpetrators who were troops under his command. The commander apparently did nothing, but had the troops sent away and replaced by others soon after. One witness said that the new soldiers were no better than the others and at least one woman had to fight off a soldier who tried to rape her within twenty-four hours of his arrival at the post.

**The Uganda PF3 forms saga;** when a person gets raped in Uganda, they need a PF3 form from the police, it gets filled out and signed by a medical officer for the case to be filed in a court of law. Many families even in the conflict ridden Northern Uganda are forced to bribe the police to get the form, bribe the medical officer to fill out and sign the form, at times the police betray the victim by asking for a fee from the perpetrator to disappear the form and in other instances the girl/woman's family takes the form to the man and negotiate payment so they do not submit the form to the legal system.

### **When our Culture is used to betray us, we will keep silent**

Despite the escalation of these crimes in peaceful States, and more so in conflict settings, issues relating to sexuality are traditionally taboo in the majority of African communities. Hence, experiences of a sexual nature are enshrouded in secrecy. Effectively, sexual abuse is therefore left to escalate and this is the origin of the impunity on sexual abuse in the African context. The taboo nature of sexual issues translates into families and communities discouraging discussions relating to these abuses and cases get settled hurried 'within the family'. Hence, the consequence of this taboo is that women or girls once violated become part of the taboo and are shunned and ostracized by the community should they dare speak of it. This is the basis of a victim's self loath, shame and agony in silence. Thus culture in Africa is unfortunately also used as a medium to propagate the most horrific forms of sexual gender based violence.

### **When crimes against us are regarded as an acceptable norm, we will keep silent**

In our communities we have accepted some forms of sexual violations against women and girls such that when they get violated in a conflict situation it is in-scripted within their everyday life and the violation gets normalized. These include virginity testing, pulling of the labia, FGM, Child marriages, forced pregnancies and marrying the girl to the person who raped and impregnated her even if it is not her will. Some of these violations are symbolic of the right of passage from girlhood to womanhood. In the case of child marriage, children as young as 8 years are married off to adult men who subject them to repeated rape under the guise to conjugal relations. Challenging these and other traditional practices have proved extremely difficult as a victim's community and culture are intertwined and rejection of the cultural practice often results in the community's rejection of the victim. This has thus normalized child sexual abuse as long as she can be married off to the man who raped her, abducted her or impregnated her.

### **When you mock us for crimes committed against us, we will keep silent**

The continued mass rape of girls and women in the Great Lakes Region particularly in conflict and post conflict settings where law enforcement systems are dysfunctional has

intensified due to a number of factors; The majority of girls and women sexually violated do not report these crimes due to the shame and stigma associated with the socio-cultural taboo. Victims also live in fear of repeated rape as armed militia groups are unpredictable and they attack a person or community randomly. A majority of these crimes are also committed in darkness; by masked perpetrators who are in large numbers. It is therefore very difficult to identify them. Articulating these graphic and most dehumanizing ordeals and experiences is another factor contributing to the silence. Girls and women abducted and forced into sexual slavery by armed rebel groups also fear exposing their perpetrators due to intimidation. Sexual slavery victims and their children are also rejected by the community on return so they opt to remain with their 'husbands'. Reporting procedures and mechanisms are also in most cases unclear and medical services to treat victims' physical and psychological trauma inaccessible. Victims therefore see no need of exposing their pain if nothing substantial can be done to heal the physical and psychological anguish they suffer. The victim then resigns to an agony of silence.

For instance in Darfur, the Sudan which has received plenty of media attention for human rights violations including sexual violence and violation of girls and women; a large number of women and girls have reported their ordeals in the hope of receiving justice. Various organizations have undertaken researches and data collection on this issue but this has not yielded any reparative justice. Subsequently, victims have now become reserved and will not speak to people and organizations seeking information of sex crimes as they feel that they are being misused as publicity stunts and political tools.

***“Why are victims stigmatised for crimes committed against them, shouldn't their violators be the ones we stigmatise?” Janah Ncube ACORD***

### **The Price of Silence**

Sadly, this silence has an adverse effect on the war against impunity as perpetrators of sexual crimes largely remain un-identified and un-prosecuted. Documentation is a crucial tool in building an individual, national, regional and international case to halt this impunity. Documentation can also serve to inform and sensitize victims, communities, civil society, government, judicial institutions and processes, and the international community on the gravity of these violations, their harmful effect on victims; build advocacy campaigns at various levels and progressively shift the stigma from the victim to perpetrator. Drawing attention to these grave human rights abuses will also facilitate increased funding and humanitarian appeal to support this cause as currently, the financial commitments are disheartening low given the magnitude of the problem.

Victims of sexual violence, who opt to stay silent on their ordeal, are also unable to receive the much needed psychological and medical treatment. Reporting the crime and accessing treatment is a challenge for many as victims need to walk for numerous kilometers (in most cases for over a day) to access medical facilities, despite their physically challenged state from the ordeal. These violent acts of gang rape, mutilation of genitalia, insertion of objects in the victim's genitals, forced rape between victims, shooting or stabbing among others, result in a need for corrective surgery and psychological treatment and support. When a victim fails to report the crime and seek medical treatment, their health deteriorates and even inhibits their ability to function normally, earn a living and participate in public life. There is also an absence of sufficient health services and trained medical personnel in the majority of countries in the GRL, to deal with the enormity of this problem. This spells a life of agony for many.

### **Ending the Silence and Agony**

It is therefore crucial for communities in the GLR to accept the severity of sexual gender based violence taking place in their contexts, understand that their current stand point on

this issue is escalating the suffering and trauma of women and girls and jeopardizing the socio-economic development of their nations, that the stigma they mitt on victims is detrimental to them also. The victims of sexual gender based violence in states of peace and conflict need also realize that their silence is a handicap that empowers the delinquent criminal and does not breed healing for them. Silence is not safe, it is breeding ground for agony and incubates impunity.

***“The birth of my words is the death of my shame”v***

## Chapter 3

# IMPUNITY: The Man above the Law



***“...I contaminated AIDS by means of money but me... I give it to you freely” rapist to victim Burundi<sup>vi</sup>***

Unless and until we identify the perpetrator of these horrific crimes, name him, why he does them and who gives him this power and authority, we are in no position to tackle the impunity that enshrouds these crimes. Notably, the majority of interventions relating to sexual gender based crimes are primarily focused on supporting the victim and attending to her needs such as health care, psycho-social support, livelihoods, self esteem building, awareness creation and sensitization etc. Governments, Civil society and judicial systems at various levels (national, regional and international) face many hurdles and at times are hesitant to arrest, persecute and punish the perpetrator of SGBV crimes committed in conflict.

### Who is this perpetrator?

So, who is this man, who has the power to break another's life? The answer begins with the knowledge that perpetrators and perpetuators of SGBV crimes in conflict fall into three categories;

- the armed and/or uniformed men: fighting as government soldiers, fighting as rebels with/without a cause, present in the conflict environment to bring/keep peace
- the men in our families and community
- the structures and institution of protection:
  - the government and its organs
  - the intervening agencies such as peacekeeping missions and their peace programmes, UN, AU, Regional Peace Missions, humanitarian agencies
  - family and community structures

### Why does he do these things?

**Problematising the male identity;** Males are the primary perpetrators of violence and most sexual crimes in times of conflict. There is need to interrogate the social, psychological and cultural forms that have led to the construction of men and what has been largely accepted as normal male behaviour which makes them susceptible to performing barbaric crimes such as rape against women. This Machismo mentality is premised on the belief that men are naturally physically, intellectually and sexually superior to women. This superiority is a form of power, which must be manifest and tends to be manifest through acts of violence<sup>vii</sup>. The psyching of males within a war situation to hype them up in preparation of battle has led to the personification of barbarism and actions far removed from the person's normal identity. For instance, reports of abducted male child soldiers reflect that often they were drugged, forced to drink alcohol, listen to gangster music to hype them up for battle. This is intended to create notions of indestructible and in total control mentalities in them which are not seasoned by reasoning and a conscious. However all this stems from the gender stereotypes and identities entrenched in the socialization process to a male about himself and his maleness and what he is made to believe about what being female is, less than him, available for him etc.

*“Traditional culture promotes men over women which compromises women's dignity and well being leading to sexual gender based violence” Godwin Buwa Uganda*

**Sexual Violence: the strategy.** Armed groups when in conflict, are struggling to establish their sphere and territory of influence. Armed combat is therefore the overall strategy devoid of extremes, one that applies force on the opponent and subjects him into a weakened state of submission and surrender. Subsequently, Sexual Gender Based Violence (SGBV) is a strategy used to instill fear, defeat resistance of communities and send a loud message to counter armed groups that they are no longer in control as they cannot protect their own. The conflict is therefore directed towards women and girls due to two primary reasons; their physical vulnerability and the position they hold in society. A woman is the community's pride and source of continuity; damaging her ability to birth or expand a community, while desecrating her body is the ultimate form of defeat armed militia groups subject their opponents. Women therefore become the battle ground and mass rape of communities used to signal overthrow of an opponent and power; even in the absence of surrender.

*“In fact, rape in war routinely serves a strategic function and acts as an integral tool for achieving particular military objectives”<sup>viii</sup>*

**The dysfunctional community:** Communities disintegrate and are dispersed in armed conflict and the new constitution of communities is found in refugee and internally displaced

camps. These camps constitute persons from different social, economic, religious, ethnic backgrounds and inevitably moral standards. The camps are also very over crowded, poorly lit, lack segregation of male and female amenities (toilets, showers) and sufficient security; making them a conducive setting for sexual abuse of children, girls and women. The vulnerability of girls and women, sexual abuse and exploitation is furthered by factors such as poverty, and a need to survive as linked to the resources (food, firewood, water and money).

According to a presentation on the World Vision research book; *Their Future is in our Hands*, people in positions of power constitutes the majority of sexual abusers in IDP and refugee camps. There is also a high rate of incest in IDP camps as the majority of CSA perpetrators are close family members, relatives and neighbors also reflecting the significance of relationship and the vulnerability of children under an adults care in coercion and manipulation of children in CSA. Teachers, who hold positions of authority and control, are others at the top of the list of abusers. Other persons of power abusing children and girls were those who had money (earned salaries or had businesses); adults and older children in the community, those in uniform and possessing guns and those demonstrating delinquent behavior i.e. gang members, drunkards and drug abusers. A position of power in conflict and any other setting therefore increases the vulnerability of a victim and promotes abuse and impunity.

**The protector turned perpetrator:** When a nation is in a state of conflict, it is the responsibility of the State to provide protection to its citizenry with a particular focus on women and girls whose vulnerability to SGBV intensifies. The nations' armed forces are therefore mandated to do so. When the magnitude of the conflict surpasses a nation's ability to provide protection to its civilian population, international and humanitarian law facilitates involvement of regional and international protection mechanisms such as provision of peace keeping troops. Sadly, these armed protection units comprise a substantial portion of sexual violence and exploitation offenders who take advantage of the chaos present in these settings, their deployment in contexts which facilitate their anonymity as they work in foreign countries and communities, absence of or dysfunctional justice and law systems, the vulnerability of girls and women and the fear of victims intimidated by the State which is represented by the armed forces and peace keepers. Peace keeping missions and State armed forces also form and play a fundamental role in the reporting and judicial mechanisms established in war, to report crime and facilitate justice. The abuse of this position of authority and power is sited in reported intimidation of victims, concealing reports made and ignoring issues and cases of SGBV and inevitably increasing the fear in victims whose belief and trust in the state diminishes.

### **Who gives this perpetrator the power to destroy lives with such impunity?**

**Failed Protection (of children, girls and Women) and Law in Conflict;** Armed conflicts in the Great Lakes Region have typically taken several decades with short bursts of peace. Inevitably, the normalcy of life is interrupted, government mechanisms and provision of social services halted, and subsequently law and order frameworks, intuitions and systems are either non existent or dysfunctional. This is endorsed by the high mobility of populations and the chaos characteristic of war; creating an environment of delinquency, shocking extremes and lack of adherence to the law where armed militia take the law into their own hands corporately and individually. It is therefore very challenging for any government to sufficiently protect their vulnerable citizens in these adhoc living conditions. The fluidity of this governance, law and order scenario also creates gaps that allow abuse of power and authority of armed forces and perpetuate the impunity on SGBV crimes to a point where even when victims report rape and sexual violations, identify a forces or peace keeper as the offender, the institutions they represent deny and shift the blame on counter armed rebel group/s.

**Flawed UN disciplinary mechanisms;** The United Nations and other regional institutions (e.g. AU) play a very vital role in moderating the extent of conflict in the Great Lakes and other regions. This is achieved by deploying armed troops to conflict zones to protect the citizens of the State in conflict and subsequently reduce the consequences of armed combat. Some of these Peace keeping troops are however perpetrators of sexual violations. The UN and similar institutions refuse to take responsibility for these crimes and their policy on correction is forwarding reports and offenders to their respective countries' judicial systems. The bureaucracy relating to this process and governments shifting responsibility back to the UN as crimes were undertaken while on UN contracts and missions translates into victims not accessing justice. Armed forces are no exception as the institutions they serve and government characteristically decline taking responsibility. The absconding from responsibility and accountability by these institutions for these crimes further endorses the impunity for sexual violence in war and post conflict settings.

**Amnesty clauses and 'forgiving' SGBV crimes in the pursuit for peace:** As mentioned earlier, civil wars in the Great Lakes Region historically take long periods of time and are very destructive both on human life and infrastructure. Subsequently, traditional, national or regionally instigated conflict resolution negotiations take place when civilians and parties to conflict are weary of the war and desire resolution at all costs. Unfortunately women are very under represented in these discussions and processes resulting in issues fundamental to them, relating to the war and requiring redress in the post conflict dispensation, being marginalized and trivialized. Sexual violence crimes, justice and restitution mechanisms are therefore not a primary issue featured in most peace protocols. There is therefore no national, formal, follow-up process established for the post conflict dispensation. Traditional reconciliation processes like the informal *Gachacha* courts of Rwanda, and the Northern Uganda Community Peace mechanisms *Mat-o-put* also opt to pardon and re-integrate perpetrators of SGBV and other crimes back to society upon their confessions of these crimes. The trivializing of SGBV violations in peace processes and absolving perpetrators from judicial processes is proving a key factor perpetuating and escalating SGBV especially in post conflict circumstances and averting justice hence the impunity on sexual based crimes is directly linked to the State's disregard to accountability, safeguarding and protecting women and girls.

**Perpetuators graduated to positions of State power;** Many former armed militia (either from the rebel group or government armed forces) holding senior government positions are also known to have raped and sexually violated numerous women and girls or perpetuated these violations. Building cases against them in post conflict period has been known to be extremely difficult as they use the resources at their disposal such as power and others to obstruct justice further explains the high corruption in institutions of justice in the GLR.

### **He is not above anyone, He is not above the aspirations of a nation**

There is a need to acknowledge that the gender stereotypes that exist in our society have led to male identities that embody perceptions and attitudes that have led to negativity in our society resulting in gender based violence. There is an urgent need to address this. We need to identify the perpetrators of sexual crimes, name them, shame them, punish them for their crimes. The state needs to identify the gaps that exist within its structures and mechanisms and address those gaps. Not doing anything about the perpetrators of sexual crimes says it is ok to rape, to abuse, to violate sexually, no harm will befall you.

*“To the perpetrators of sexual crimes we say, though you rape in the dark, will be confronting you in the light” Hon. Norbert Mao Uganda*

## **Chapter 4:**

# **The Time for Justice and Restitution**



***“The voices of women are not heard and they are never taken seriously”<sup>ix</sup>***

Numerous women are reported raped and sexually violated in every conflict that has and is taking place in the GLR with the DRC and Darfur, Sudan currently receiving heightened international attention due to the severity of the human rights abuses of this nature. In Rwanda, as many as 250,000 women were raped during the 1994 genocide while close to 5,000 women were raped in Congo Brazzaville in one offensive in the capital city in 1998. Statistics relating to the other conflicts are just as shocking yet these are conservative figures and the reality feared much worse. This reflects the impunity on SGBV as rape and sexual violations have become synonymous with war. This ought not to be the case as women are expected to be protected by the State under such circumstances. This has however not abated these ghastly crimes. There is an urgent need to put an end to this impunity, protect the girls and women in the GLR and bring to justice those who have inflicted these physical, emotional and psychological wounds and scars.

In the case of states currently enjoying peace in the region, the national legal instruments and mechanisms necessary to provide girls and women protection from sexual violence and justice and recourse, should exist. There is therefore a need for law review as penalties are often lenient on offenders. The language applied in these laws and relating to sexual violence also does not reflect the gravity of the heinous acts exhibited as they were (most often) drafted during colonial times when the extent of sexual violations was far milder than the manifestations present in this age. For instance in Uganda raping a child under 16 years old is referred to as defilement in their legal statutes. This word implies tarnishing, ruining, corrupting and does not reflect the violence, the rapture, the pain, the wounds of an act of rape exposes any child. While in Burundi, the punishment for a rape crime can be penalized from only 3 months jail sentence to a maximum of 5 years and does not reflect the cruelty of the crime which has a long-term to life time effect on the woman or girl raped.

### **Law, Order and Policy Frameworks in Conflict and Post Conflict States**

The law and legal mechanisms present in conflict or post conflict States, are however lacking or not functioning. Law and order then becomes obscured by the ruling armed group; government or rebel. As these wars characteristically last decades, sustainable judicial systems break down. The adoption of regional and international protocols, their ratification and domestication is therefore crucial as it ensures human rights violations are curbed by peace keeping missions and national armies (in the case of countries in conflict).

### **Primary Legal and Policy Instruments for the Great Lakes Region**

#### **GLR Protocol on the Prevention and Suppression of Sexual Violence (2006)**

This protocol provides for clear and progressive definitions of what sexual violence is and how it is categorised as a crime of genocide, as a crime of war, as a crime for trafficking, as a crime against humanity. It urges Member States of the ICGLR to punish any person who, with intent, knowledge, recklessness, or negligence, violates the sexual autonomy and bodily integrity of any woman or child, by committing, aiding or abetting the commission of any acts of sexual violence

#### **The AU Protocol on Women's Rights (2003)**

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa entered into force in 2005 and advances the human rights of African Women. Significant portions of the legal instrument include Article 10 which encourages states to ensure women's participation in conflict prevention, management and resolution at local, national, regional, continental and international levels. Article 11 further urges States to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction. The protocol also bestows dignity to African women and seeks to eliminate discrimination.

#### **The Great Lakes Region PACT on Security, Stability and Development**

This protocol establishes standards to address SGBV, obliges member states to punish perpetrators, incorporates preventive aspects, encourages maximum sentences among others.

#### **Guidelines and Policies for Peacekeepers and Peace Keeping Missions**

The African Union has inaugurated the **Peace and Security Council (PSC)** as standing decision-making organ for the prevention, management and resolution of conflicts with the collective security and early warning for timely and efficient response to conflict and crisis situations in Africa. Articles 14 and 20 of the PSC Protocol recognises the need to assist vulnerable persons including children and women in states that have been adversely affected

by conflict and also encourages civil society organizations including women's organizations to participate actively in the efforts aimed at promoting peace, security and stability in Africa.

#### **The UN Resolution 1325 (2000)**

Addresses women's peace and security issues and calls on States to incorporate a gender perspective in peacekeeping operations and to ensure their participation in all peace keeping processes. It also seeks to mainstream gender in the UN and protect women and girls from gender based violence and sexual violence.

#### **UN Declaration on the Elimination of Violence against Women (1993)**

Asserts that violence against women violates the rights and fundamental freedoms of a women and that violence against women is a manifestation of historically unequal power relations between men and women forcing them into a subordinate position leading to domination over and discrimination against women by men

#### **The Rome Statute**

The Rome Statute in its article 7 categorizes rape, sexual slavery, forces prostitutions, forced sterilization or any other form of sexual violence as war crimes and crimes against humanity. It also commits to persecute persons who commit these grievous crimes. It also commits to work complementarily with national criminal jurisdictions.

#### **UNHCR Sexual and Gender-Based Violence against Refugees, Returnees and Displaced Persons: Guidelines fro Prevention and Response (2003)**

The guidelines address the problem of sexual violence against refugee women and girls. It recommends the participation of refugees in designing and implementing programmes to prevent and respond to gender-based violence and offers tips on how to monitor and evaluate their effectiveness. In the event of abuse or violence against women, the guidelines detail the various responses required to help victims, including the need for legal redress and access to medical and psychosocial support.

These and several other relevant legal instruments and resolutions / decisions are designed to facilitate the access of safety and security for women. They need national level ratification and domestication. They enable accountability in the event of gross human rights violations, regional and international peace and security institutions can intervene to protect the rights of the State. In effect, regional and international legal instruments when working in synergy with national legal and judicial institutions effectively reign in perpetrators of SGBV and subsequently counter the impunity on sexual violations.

#### **Shortfalls of the Regional Instruments and Protective Mechanisms**

Though these regional and international instruments are dynamic in nature, their implementation is a challenge because they are formulated by very bureaucratic institutions which suffer from detachment between the stipulated standards and their implementation. This is closely linked to low resource allocation to facilitate execution. Policy formulation and language gaps between the regional, international protocols and national law also serve to complicate their being effected. Even legislators many times have either not heard of or seen these instruments to influence their own national legislation standards and milestones. There is therefore an urgent need to widely disseminate these instruments to legislators, the women's movement, human rights groups and women in general as there is ignorance on their content and function at national level; rendering them ineffective.

Notable too is that though guidelines for Peace Keeping troupes exist and sensitization programs implemented prior to their deployment, sexual violations by peace keepers

continue unabated. The UN therefore needs more stringent disciplinary action to increase protection of the vulnerable.

Issues relating to reparations for girl and women victims of SGBV during conflict, after the conflict are also not addressed by regional and national law and post conflict peace and development plans, yet there is a critical need to compensate these victims and survivors and empower them economically to facilitate restoring their lives to normalcy and enable them to contribute to the development of their communities and countries. Reparations can even come up as a developmental fund that that prioritises the socio economic needs of victims and survivors of sexual violence such as clinics, hospitals, schools, safe houses, seed money for projects etc.

A key factor for successful ratification and domestication of regional and international legal instruments and implementation of national law is the political will of governments. This is most often absent particularly in practice reflected in unresponsive national legal systems, laws which are characterized by corruption in the law enforcement and judiciary processes. Much of the progress on sexual violence has been through rhetorical and political appropriate speak and frameworks which are not followed by action and resources by the political leaders who stand on world stages and adopt progressive standards and norms of curbing SGBV.

# Chapter 5

## Strategic Interventions for Sustainable Justice

*“History will judge us harshly if once aware of the nature and scope of this violence, once outraged by its injustice; we do not choose to act against it”*

This chapter articulates the outcome of the seminar’s discussions, debates and conclusions. The challenge of providing women and girls an ensemble of a dignified life after the grave humans rights violations highlighted in this report is currently being achieved through various sectoral approaches and the seminar heightened civil society’s effectiveness on the SGBV agenda by facilitating a regional multi-sectoral approach and interventions. This chapter will also serve the purpose of resourcing ACORD’s Challenging Impunity on SGBV in Conflict Program with partnerships across the GLR and clearly define the organization’s entry point in challenging the institutions, policies and practices that perpetuate impunity on SGBV and contribute to the development of sustainable and accessible systems of justice and reparations for girls and women sexually violated.

Key to effective attitudes, practice, system and structural change is collaboration and partnership among organizations working in the Great Lakes Region on the causes, effects and solutions to eradicating SGBV. Analysis of the current situation nationally and regionally and moving from the known to unknown is key to formulation of a strategic and contextually responsive due process. Notably, there are some grand opportunities to revolutionise judicial systems in the region particularly on laws relating to sexual based crimes as a number of the countries in the region are currently undertaking review or reform of national law. This will facilitate legislation reviews and reinstating effective judicial systems which prioritise women’s issues and rightly magnify the need for harsh penalties for SGBV.

### Key Strategies:

- Regional partnerships and collaboration with civil society, the UN & AU Peace and Security units, parliamentary bodies & judiciary
- Multi-sectoral approach and interventions
- Advocacy for ratification and domestication of the AU & GLR protocols
- Strengthening community knowledge and social structures

### National Law Review and Effective Institutions:

Development interventions need to be informed by the understanding that SGBV crimes though escalated are not unique to conflict circumstances. Nations enjoying peace in the region are also struggling with rape, CSA and other forms of sexual violence. Regional initiative should therefore advocate and support law reform, review and fast tracking of comprehensive legislature on SGBV at national level in line with regional standards set and adopted by African Heads of States. Aspects of focus need to include an emphasis on improving the language, description and detail specifications of sexual offences (to reflect

their severity) and stiffening penalties to maximum available sentences. For synchronization of regional legal process, national law review processes should ideally draw on regional and international protocols and support from the international community to build national capacity of judges, persecutors and public defenders in legal writing, investigation and persecution of SGBV crimes. International and regional support will also facilitate creation of strong, accountable, gender sensitive institutions providing legal assistance services to girls and women seeking justice, witness protection programs to counter repercussions relating to confronting powerful and dangerous offenders and monitoring reporting and prosecution efficiency. Advocacy for the establishment of National Funds and a Regional Fund to compensate and economically empower victims and survivors of SGBV in conflict, to be instituted by governments and donors of countries emerging from conflict.

A typical case and lesson for countries in the GLR is Kenya's program whose genesis follows the enactment of the Sexual Offences Bill on 9<sup>th</sup> October 2006. The government of Kenya at the beginning of 2007, through the Attorney General established a task force comprising the key ministries of health, prisons, the police and judiciary to implement the various aspects of the Act. These include DNA testing for rape and violation victims, and facilitating prosecution of offenders; physical and psychological treatment of victims; persecution of offenders among other interventions. Though its implementation process is slow, it is progressive and the initial results of the multi-sectoral program will ideally be visible in the next five years.

Other crucial interventions include sensitization and training of national armed and police forces for added protection of children, girls and women and reduction of the adverse effects of SGBV to victims in fragile and conflict situations; institution of harsh penalties for violators is crucial to effective law enforcement. Increased access to medical and health services for victims of rape and sexual violations is also key to managing the consequences of these crimes while immediate medical treatment and testing of victims is vital for prosecution documentation.

### **Strengthening regional institutions and interventions:**

Interventions should commence with a regional review of conflict starting with the root causes of the conflicts. This is crucial as national conflicts in the region often have a spill over to neighboring countries joining the war or hosting refugees thus making it regional. The review should also look into the various cultural and community structures and support mechanisms that can be utilized for sustained protection of girls and women. This review will facilitate development of context appropriate responses to SGBV, protection and justice for women and girls sexually violated in conflict.

Advocacy for and facilitating ratification and domestication of primarily the AU Protocol (2003), the Great Lakes PACT (2006), UN Resolution 1325 (2000), and related instruments tailored towards protecting women and girls in conflict and providing justice for victims of SGBV is another fundamental activity sited. This will enhance national accountability on these crimes and demand nations emerging from conflict establish the necessary systems to ensure issues relating to women and their sexual violations are prioritised. Developing of national policies that facilitate enactment of the regional and related protocols is also crucial to implementation.

The use of conflict related researches conducted by organizations such as ACORD and others should also inform program development while undertaking a research on the perpetrators and perpetrators of SGBV is sited as a crucial initiative. Such research should also incorporate appropriate methodologies and tools necessary to identify, expose, persecute and work with perpetrators and perpetrators to attain justice and reparations for girls and women victims and survivors of SGBV. Notably, a considerable number of projects have

researched on victims of SGBV, methodologies and tools necessary to work with them, and developed the necessary responses to meet their various needs.

Further training and sensitization of peace keeping missions and other law enforcement and support agents is crucial to facilitate increased reporting of violations, their appropriate response to victims of SGBV, preservation of evidence and subsequent persecution. Advocating for review of the UN and regional institutions disciplinary policies and frameworks to ensure they are more stringent, respective institutions take responsibility for violations undertaken by their troops, perpetrators are persecuted and judicial processes are effected as efficiently as possible.

#### **Key Activities**

- Harmonization of regional and national law
- Law reform an review
- Strengthening the capacities of legal and judicial institutions at national level
- Research and documentation
- Advocacy for regional institutions and national governments accountability on SGBV and law enforcement
- Educating and building the capacities of law enforcement agents to respond to victims of SGBV

#### **Engaging our Communities, Focusing on culture:**

In response to the profound effect of culture on behavior patterns, participants assented to the need for contextually appropriate community sensitization and education programmes for the region, to facilitate eradication of the stigma meted on children, women and girls raped or sexually violated. The education and sensitization process is also elementary to sustainably curbing SGBV by impacting on socialization processes that perpetuate impunity on sexual violations while sensitizing boys, youth and men that rape or any sexual violation is totally unacceptable as any sexual encounter must be with a consenting adult. The creation of a new community knowledge culture and structures protecting the rights of women and girls will also support the attitude and practice change of communities on practices such as forced marriage, child marriage, FGM. Undoubtedly, the proposed program must work to change socialization processes as culture greatly influences the think of people and communities, and other strategic interventions even if effective will operate in a void if there is an absence of behavior change.

## Conclusion

This seminar was monumental as it enabled convening key stakeholders of women's human rights and more particularly sexual gender based violence from the Great Lakes Region and beyond; their review of Africa's conflicts and their causes, the genesis of impunity and sexual violations particularly in conflict, related consequences particularly for girls and women; the legal and judicial mechanisms, instruments and structures available to end this impunity and provide victims the recourse and justice they deserve. It has also facilitated in-depth debate, information sharing and discussions on possible strategies and interventions that can be employed to achieve sustained justice for girls and women sexually violated particularly in conflict and post conflict. Participants concluded that regional partnership for harmonization and review of law, establishment and strengthening of legal, judicial and related support institutions, and accountability is key to achieving the much needed justice for victims. The seminar was also timely as 2007 is the year dedicated to Ending Impunity on violence towards women. Participants were by no means naïve in assuming that this by any means is an easy task; quite the contrary. Given that Challenging Impunity is geared towards confronting engrained systems, structures, practices and even revered and very powerful persons perpetuating and having perpetrated these crimes, it is bound to encounter various challenges. ACORD is however committed to this cause and working in partnership and synergy with other like minded organizations to contribute not only to exposing these hidden war crimes but to also contributing to creating an environment and a culture that does not tolerate and/or allow impunity for SGBV to exist.

*“We are all part of the perpetrators of impunity; the UN, our governments, NGOs and politicians. Some of us ignore issues of SGBV, some just pay lip service to it, but, as long as we do not put action to our words, we perpetuate impunity”*

**Ruth Ochie'ng Co-Director ISIS WICCI**

# Day One

## Analysing Young People's Experiences in Conflict Summary Proceedings of the Seminar

The seminar was organized to create a platform for young people to interact with policy makers, civil society actors and other development partners to analyze the oral testimony case studies on the impact of war on girls and to make recommendations for policy and practice changes. Case studies from Burundi and Uganda were presented highlighting the findings and thematic discussions ensued based on the case studies on the four themes of youth participation in decision making, gender dimensions, conflict and human rights. The comments and discussions in the seminar were used to develop and enrich the research book on the same. Opening remarks were made by both *Ousainou Ngum*, Executive Director, ACORD and *Mary Stockdale Vernon*, Director (DCI).

### **The Burundi Study Case at a Glance: Girls Affected by Violence & Conflict Presented by Marie-Josée Kadongo ACORD Burundi**

The Burundi project targeted 400 girls who were victims of sexual crimes, those who bore children as a result of rape and child combatants. For the research, a total of 17 respondents were interviewed. Some of the findings of the research include;

- Women and young girls were sexually abused and married off to their abductors (rapists) against their will. They are suffering from the stigmatization of coming from war and having children from the conflict.
- There was an element of stereotyping as those demobilized were accused of being killers, and perceived as HIV carriers, prostitutes...etc. Whereas men were admired as being brave, women were considered as a shame for their participation in the conflict

It emerged that there are no coping strategies to help these girls integrate in the society; they live in abject poverty, feel hopeless and helpless. On children born through rape, they are considered to be a burden, discriminated against in terms of land inheritance, and their death is seen as a good thing. Their mothers want their children accepted, recognized and that they too benefit from education like other children.

### **The Uganda Study Case at a Glance: Child Mothers in the Northern Uganda Conflict Presented by Kevin Aciro Mother Daughter Project Uganda**

Northern Uganda has been in war for more than 20 years. Children have been abducted largely by the LRA and young girls particularly were used as sex slaves. The Uganda research targeted 29 child mothers from 6 of 40 IDP camps. Some of the findings include;

- All conflict returnees suffered rejection; but abductees suffered more rejection and it was worse for those who returned with children



- Assistance provided to returnees gets them acceptance within their families, but things go bad when these resources are finished.
- Formerly abducted girls are considered dangerous: they don't have legitimate position within the community, they have problems finding husbands, they don't get justice
- The girls are left to fend for their children who are suffering because they have no social acceptance as their fathers are either unknown or their whereabouts are what is unknown.

### **Gender & Sexual Violence: Dr. Asha El Karib, ACORD Sudan**

Conflict is a gendered activity. She noted that even the international community, by not committing themselves to providing necessary resources to deal with sexual violence, and not including these matters in their agenda for discussion during peace negotiations, they also contributing to this discrimination against women and girls, who are the main victims of sexual violence. Also, in many violent conflict situations security is considered a men's affair and is exclusively defined in military terms. Given the rapid proliferations of violence, terrorism acts and conflicts during the last decade, women's different skills, perspectives and leadership styles can prove extremely useful to ensure human security, by contributing to changing perceptions, building relationships and developing common understanding and vision that benefit families, communities and nations worldwide.



### **Discussant: Janah Ncube, ACORD**

Janah noted that gender inequality has become generalized and neutralized. Though women's human rights are important, they are getting lost and sidelined. For instance how come only 48 girls came out to be demobilized, i.e. 1.2% of girls and only 2.8% of women, yet over 40% of those who went into the bush were women and girls? Janah also noted that a gender analysis gives opportunity to ask questions about men too and the right questions must be asked including; How did he get away with sexual crimes? Why did he think he could rape? What is wrong with him? Why isn't he stigmatized for committing a violent crime against another human being? Why is her father/brother chasing her away from home?

It was concluded that gender based violence is a function of the need to be superior (men). Sexual violence in conflict must be addressed, specifically, because it is becoming institutionalized. The issue of impunity on sexual violence was dealt with in great detail on Day 2 of the seminar.

### **Human Rights & Legal framework: Dr. Edwin Abuya, Lecturer, Kenya**

Dr. Abuya pointed out that a legal framework exists in the international arena, but not practically implemented in reality. There are gaps at the domestic level. He cited several laws that exist that prohibit sexual crimes and promote the protection of children especially in times of conflict. He pointed out that legal and non-legal measures should be developed to be used together, its important to report violations and abuse, social and medical support to be provided to victims, strengthening rule of law through education and human rights and conducting further research

### **Discussant: Kaari Bi Murungi, Urgent Action Fund - Africa, Kenya**

She pointed out that too often, youth voices and opinions are marginalized in peace and security discourses. Yet as a group they unwittingly provide the fuel and fodder for conflicts in Africa. The fighting forces consist almost entirely of youth. Among the youth are young women and girls who are the most marginalized sub-sector of this vulnerable group. She broadly outlined issues related to sexual violence in conflict situations that affect the youth and children and which are not addressed properly in DDR processes and in transition justice mechanisms She recommended that the child mother's experiences in both the Burundi and Uganda case studies should be located under the new international standards set in the Rome Statute.



### **Youth Participation in Decision Making:**

**By Valerie Vat Kamatsiko, AmaNet World Vision Uganda**

Valerie pointed out that youth should be involved in peace processes, the dialogue, and the drawing of peace agreement. Beyond this, the post conflict programs must also include their views and priorities. Problems faced by youth include the fact that most do not choose to join armed forces or groups, once there, they get taught to violate others. Children are not formally recognized in any peace treaty and involvement of young people affected by conflict is very limited, Adult and youth relationships are poor, the latter view the former as superior which makes it difficult for true dialogue The youth do not have access to appropriate, current and relevant information.

### **Discussant: Milly Odhiambo, Cradle, Nairobi**

She noted that children need to deal with and heal from the emotional scars left by war. The youth have the right to express themselves. Therefore, we should facilitate spaces for them to engage on issues pertaining to them.

### **Children as victims and perpetrators of conflicts: By Sandra Ayoo, ACORD**

The involvement of youth in wars has created the “fear of the youth” syndrome in African societies. Few peace treaties recognize the existence of child soldiers, or make provisions for their rehabilitation and reintegration into society. Yet, since 2001, the participation of child soldiers has been reported in 21 on-going or recent armed conflicts all over the world. Motivations for their enlistment are varied and complex: some choose to join and others are pressed by social drivers such as unemployment, poverty, peer pressure although most are forced.

As pointed out above, the discussions of this seminar were intended to inform the development of the research study to be published by ACORD and DCI and those inputs are in the section two (the analysis section) of A Lost Generation: Young People and Conflict in Africa

## INDEX

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<sup>i</sup> Response to the Statement by the Special Representative of the Chairperson of the AU Commission and Head of AMIS at the Inauguration of the Committee of Enquiry to Investigate Allegations of Sexual Misconduct against Members of the AU Forces in Darfur. By Ms Winnie Byanyima, AU Director, Women, Gender and Development

<sup>ii</sup> World Health Organization report: Sexual & Gender-based Violence in the Democratic Republic of the Congo

<sup>iii</sup> UNDP HIV and Development Programme report by Peter Gordon & Kate Crehan

<sup>iv</sup> FGM-Female Genital Mutilation: A traditional practice that has been proved to endanger and complicate the life of a woman after the act and at child birth.

<sup>v</sup> A poem by Iman Woomera in the OCHA/IRIN Report: The Shame of War. Sexual Violence against Women and Girls in Conflict

<sup>vi</sup> Theresa Ntampagaza (2002); a Case of Carama and Kiyange Sites, SWAA Burundi. A Burundian woman giving the account of how the man who raped her revealed to her that he had also infected her with the HIV virus

<sup>vii</sup> For a broad discussion on Machismo see Welsh, P. (2001) *Men aren't from Mars: Unlearning machismo in Nicaragua* London: CIIR

<sup>viii</sup> A United Nations OCHA/IRIN Publication: The Shame of War

<sup>ix</sup> Testimony from A Lost Generation: Youth and Conflict in Africa

<sup>x</sup> IRIN Book; *Broken Bodies, Broken Dreams*

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## **Exposing Hidden War Crimes: Challenging Impunity for Sexual Violence in Times of Conflict A Seminar Report**

This report explores sexual violence in times of conflict and how it impacts the lives of its victims. It discusses the issue of impunity for sexual crimes in our societies and looks into why and how perpetrators of these crimes get away without being punished and/or made accountable for their crimes. Proposals for much needed interventions are made to address the needed political will to end this impunity, policy actions included the necessary legal standards, practical needs for SGBV victims and survivors to the specific institutional changes that need to be made by the UN and its organs, governments and its organs and civic society organisations that have programmes in conflict and post conflict environments.

This report is based on the discussions carried out in March 2007 by stakeholders from across the continent on challenging impunity for sexual violence in times of conflict and post conflict. It was groundbreaking in the sense that it explored ways of ending sexual violence through creating an environment in our societies, our legal systems and processes that does not tolerate sexual crimes against women and children. Participants in the seminar were men and women from Angola, Burundi, Rwanda, Uganda, Kenya, Somalia, Zimbabwe, Senegal, Sudan, Central Africa Republic and the Democratic Republic of Congo. Members of Parliaments, local government leaders from councils, young girls affected by conflict, activists and practitioners from international and regional NGOs from human rights organisations, academia from universities, law associations, youth organisations and members of the media were some of those who comprised the wide spectrum of experience and expertise.

**“We are all part of the perpetrators of impunity; the UN, our governments, NGOs and politicians. Some of us ignore issues of SGBV, some just pay lip service to it, but, as long as we do not put action to our words, we perpetuate impunity”**  
**Ruth Ochie’ng Co-Director ISIS WICCI**

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