

Gender Based Violence Against Women in the IGAD Region: A Critical Analysis Executive Summary

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Violence Against Women (VAW) is a term used to express brutality against women and girls in its different forms; this can be physical, sexual or psychological. Such violence is unacceptable, whether perpetrated by the State and its agents or by family members or strangers, in the public or private sphere, in peacetime or in times of conflict. Violence against women and girls continues unabated in every continent, country and culture. It takes a devastating toll on women's lives, on their families, and on a society as a whole. Most societies prohibit such violence – yet the reality is that too often, it is covered up or tacitly condoned.



While violence against women may differ across social, economic, and cultural environments, one thing is certain – the issue remains a disturbing reality worldwide and a barrier to gender equality and peace. In the IGAD region the issue of violence against women is so pervasive, and it is further impacted by the long year's civil war in most of the region's countries which has caused undue pain and suffering for women and girls. With more than 10 million internally displaced persons living in camps, women and girls continue to be raped and sexually mutilated, exposed to HIV/AIDS, and forced into sexual slavery by both armed rebels and government military and yet, most of the perpetrators of these crimes go unpunished.

The most common type of violence against women reported so far and prevalent in the IGAD countries and most of Africa irrespective of the different cultures is female genital mutilation/Cutting or FGM/C. Domestic violence comprises many forms of violence perpetrated against women. It could be battery or physical abuse, marital rape, verbal abuse and domination and deprivation of fulfilling a woman's desire and interest. Early marriage is yet another form of VAW prevalent in many of the IGAD countries. It usually results in early childbearing with severe consequences for the health of young mothers and their babies. Forced Marriage/Abduction is practiced in many of the IGAD countries and is very much linked to early marriage and abductions.

Rape is also a common feature almost everywhere in the world; the only difference is in its degree of prevalence. In the IGAD region, rape is not one of the major types of violence that happens on a large scale. But unfortunately with the change of times

and the ever increasing occurrence of wars in the region, the rules of war has changed, which has fashioned rape as a political tool to weaken the opponent.

All evidence suggests that all forms of VAW occur in all cultures and countries and in all classes of societies. This is due to the fact that gender-based violence evolves in part from women's subordinate status in society, where many cultures have beliefs, norms, and social institutions that legitimize and therefore perpetuate violence against women. This is especially relevant to this part of Africa (IGAD region) whose countries share almost the same culture with regards to the status and treatment of women, irrespective of the different religions or ethnic backgrounds.

During armed conflicts, women are susceptible to marginalization, poverty and suffering, with existing inequalities and patterns of discrimination tending to be exacerbated. Recent conflicts have highlighted the systematic and specific targeting of women for sexual violence. Rape, sexual assault, forced prostitution, sexual slavery, forced pregnancy and other forms of sexual violence are used as a method of warfare. In some conflicts, there has been a notable increase in HIV/AIDS infection along the corridors of armed conflict.

Causes of violence against women can be attributed to many reasons relevant to status of women in IGAD countries. Discrimination, which denies women equality with men in all areas of life, comes at the top. Violence is both rooted in discrimination and serves to reinforce it, preventing women from exercising their rights and freedoms on a basis of equality with men.

Another cause of VAW which is shared by all IGAD countries is the fact that poverty and marginalization are wide spread among women and both are causal factors leading to violence against women, and also consequences of violence. VAW is used in many societies of the IGAD countries to maintain the prestige of the family and the society demonstrating the role of the male protector that legalize the subordination and the gender-based violence in the name of keeping the order and decency

The next steps in understanding causes will be towards using newly developed knowledge to focus on promoting action and accountability for ending such violence structures that enforce women's isolation. Acts or threats of violence whether occurring within the home or in the community- or perpetuated or condoned by those in power, instill fear and insecurity in women's lives and are therefore obstacles to the achievement of equality, development and peace.

The fear of violence, including harassment, is a constraint on the mobility of women and limits their access to resources and basic activities. It affects women's everyday lives, affecting their ability to participate in development projects, to exercise democracy and to engage fully in society. It limits women's choices directly by destroying their health, disrupting their lives, constricting the scope of their activities and indirectly eroding their self-confidence and self-esteem. It is a barrier to cultivation of respect for human rights and the achievement of sustainable human development

The cultures of the IGAD countries share the characteristic of overlooking or at least tolerating a certain amount of violence against women. Men are seen as having a right to discipline their wives as they see appropriate, this includes the deep conviction of these societies on the right of a husband to beat or physically intimidate his wife.

Even women of these countries often view a certain amount of physical abuse as justified under certain conditions, such as: not obeying the husband, talking back, refusing sex, not having food ready on time, failing to care for the children or home, questioning the man about money or girlfriends or going somewhere without his permission

In order to identify the gap between political commitment and adequate resources to address interventions to combat VAW, it is important to note that interventions will not be effective until the level of resources matches the scale of the problem efforts. The VAW legal concerns addressed by the IGAD countries were highlighted in order to examine the gaps in legislations concerning VAW. Selected instruments of law, policy and practice on violence against women, International treaties, African instruments that address VAW, International policy instruments, General Assembly resolutions, Security Council resolution, Commission on Human Rights resolution, United Nations treaty bodies, and Inter-Parliamentary Union instruments were listed.

The Legal Context in the IGAD countries was based on customary laws, Islamic Jurisprudence and Customary Law, Sharia laws and International Covenant on Civil and Political Rights to be part of the domestic law. Although some provisions might point to condemning the act of VAW, there is no stress on applying the rules. The post-conflict states in the region should apply the instruments that insure the prevention, punishment and eradication of violence against women and take steps to implement them into various domestic laws. The peace agreements must make some provision for according particular attention to the issue of the rehabilitation of vulnerable groups of war victims such as children, women, the elderly and the disabled.

UN Security Council Resolution 1325 on Women, Peace and Security, adopted in 2000, recognized the important role of women in the prevention and resolution of conflicts and in peace-building. The Security Council stressed the importance of women's equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase women's role in decision-making with regard to conflict prevention and resolution. Although women to some extent have been included in recent peace processes, all too often, women are still excluded or marginalized from formal efforts to negotiate and implement Peace

Agreements. Barriers include a lack of institutional infrastructure to consult women.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (PRWA), article 3, provides for the protection of women against violence including 'the protection of every woman's right to respect for her dignity and protection from all forms of violence, particularly sexual and verbal violence'. Article 4

requires appropriate measures to prohibit all forms of violence against women, including unwanted or forced sex, whether this occurs in public or private. In addition to measures for the punishment of perpetrators, there are also requirements for the rehabilitation of women victims and reparation for violence. The linkage between eradication of violence against women and peace-building is confirmed in article 4 (d), which requires states parties to 'actively promote peace education' with a view to eradicating 'beliefs, practices and stereotypes which legitimize and exacerbate the persistence and tolerance of violence against women' ((29) pp37). Unfortunately, only one country among IGAD countries (Djibouti) has ratified (PRWA).

States' obligations to respect, protect, fulfill and promote human rights with regard to violence against women encompasses the responsibility to prevent, investigate and prosecute all forms of, and protect women from, such violence and to hold perpetrators accountable. States are responsible under international law for human rights violations and acts of violence against women perpetrated by the State or any of its agents. Such responsibility arises not only from State actions, but also from omissions and failure to take positive measures to protect and promote rights.

Women have challenged states to address abuses against women that occur in the private sphere, such as domestic violence and female genital mutilation. Grassroots organizations contributed to the sensitization of the international community to violence against civilians during armed conflicts and in their aftermath bringing critical views and standpoints for discussion, and being able to shed light on numerous problems that otherwise might be unseen. They have achieved dramatic changes in the landscape of laws, policies and practices. They have brought the violations, which are characteristically hidden from scrutiny; into the public arena. They have established that violence against women demands a response from governments, communities and individuals. Above all, they have challenged the image of women as passive victims of violence.

Despite of hardship, poverty and repression, women are leading the struggle to prevent violence against them. Initiatives by local women NGOs to address and prevent violence against women have proliferated throughout the IGAD countries and was mostly supported by UNIFEM in the recent years. Their activities are ranging from community awareness raising, lobbying for legislation, to direct service provision and legal aid to victims.

Accountability for violent crimes against women should never be negotiable within a peace process. As part of peace-building, prosecution of those accused of rape and war crimes and crimes against humanity must be provided for in either international, national or hybrid tribunals. Such tribunals must have jurisdiction over relevant offences.

It is in this serious background that the 5th Minister Meeting of Gender/Women's Affairs of IGAD Members States held on 24-25, November, 2006, discussed and expressed their concerns regarding the problem of Violence Against Women and reiterated the need to hold a Regional Conference with the appropriate authorities, UN Agencies, NGO's and other entities working at grass root in order to create coordination and bring better impact in eradicating Violence Against Women

including traditional harmful practices with a view to develop specific policy on Violence Against Women in the IGAD Conflict Prevention Resolution Management Strategy.

Violence against women must be addressed in a comprehensive manner that recognizes women's right to live in dignity, free from discrimination and violence. Thus, eradicating violence against women requires a strong commitment to ending gender inequality, which is the source and breeding ground for violence against women and hinders many attempts to stop that violence.

This could be possible via adopting prevention (awareness rising, training research and indicator development), protection (ratification of international treaties, set treat reporting mechanisms, reform national laws, end impunity of perpetrators and establish Human Rights bodies) and empowerment strategies (economic empowerment and empowerments through participation in decision making).

We need to remove existing barriers to women's empowerment, and this starts with underscoring the critical need to create and maintain a political and social environment where violence against women is not tolerated, and gender equality is realized.