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Women in Armed Opposition Groups Speak on War, Protection and Obligations under International Humanitarian and Human Rights Law



Report of a workshop organized in Geneva
by Geneva Call and the Program for the Study
of International Organization(s)
August 26 - 29, 2004

by
Dr. Dyan Mazurana

**WOMEN IN ARMED OPPOSITION GROUPS
SPEAK ON WAR, PROTECTION AND OBLIGATIONS UNDER
INTERNATIONAL HUMANITARIAN
AND HUMAN RIGHTS LAW**

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EXECUTIVE SUMMARY

We know that the role of women as actors in armed conflict has traditionally been neglected and undervalued. Has their potential in the promotion of international humanitarian law (IHL) and international human rights law (IHR) within armed opposition groups also been overlooked? Additionally, we recognize that in a number of ways women and girls experience and respond to armed conflict differently than men and boys. Would these differences make women within armed opposition groups potentially more receptive to supporting and promoting IHL and IHR? In seeking to learn more about the experiences of women and girls within armed opposition groups and to answer questions about their potential roles in promoting IHL and IHR, a unique workshop was held in August 2004, in Geneva, Switzerland, organized by Geneva Call and the Program for the Study of International Organization(s) of the Graduate Institute of International Studies.¹

During the four day workshop, 32 women from 18 armed opposition groups met with a small group of peace and human rights activists, humanitarian actors, and scholars.² The 32 women were members of armed opposition groups currently in armed conflict in

¹ The report was authored by Dyan Mazurana, PhD, Director of the Youth and Community Program, Feinstein International Famine Center, Tufts University, USA. The meeting was held from August 26-August 29th in Geneva, Switzerland.

² Representatives from the following organizations were present: Association of War Affected Women, Sri Lanka; Center for Humanitarian Dialogue, Switzerland; the Center for Peacebuilding, Swiss Peace Foundation, Switzerland; Conciliation Resources, United Kingdom; Department of Criminology, University of Ottawa, Canada; Geneva Centre for the Democratic Control of Armed Forces, Switzerland; Feinstein International Famine Center, Tufts University, United States; Royal Ministry of Foreign Affairs of Norway; the Suzanne Mubarak Women's International Peace Movement; Swiss Foundation for Landmine Victims Aid, Switzerland; United Nations Institute for Disarmament Research; Women and War, International Committee of the Red Cross, Switzerland; Women Peacemakers Program, the International Fellowship of Reconciliation, the Netherlands.

Aceh/Indonesia, Burundi, Nagaland/India, Kurdistan/Iraq, Iran, the Philippines, Somalia, Sri Lanka, Sudan, and Turkey, as well as women who were members of armed opposition groups that had recently been engaged in armed conflicts in Colombia, El Salvador, Equator, Guatemala, Kosovo, and Northern Ireland.

This report covers the key protection and obligations for women and girls in armed opposition groups under IHL and IHR. Drawing on the voices of the 32 women present from 18 armed opposition groups as well as previous relevant studies, the report then investigates the ways in which women and girls enter into armed opposition groups and their active participation within the groups. It documents and analyzes the ways women experience empowerment in armed opposition groups, and the ways they are disempowered. It examines the reasons girls under 18 years of age enter into armed opposition groups, their roles, and the threats to their rights and physical and mental integrity from forces both outside and within their armed group. The report then moves to cover key disarmament, demobilization, and reintegration (DDR) issues raised by the women participants. It concludes with an investigation into the potential gains and obstacles facing women and girls within armed groups and those wishing to work with them in promoting and enforcing IHL and IHR within armed opposition groups. Each section is followed by key lessons learned from discussions with women in armed opposition groups.

This report draws upon the information, insights, and recommendations that came out over the course of the workshop by participants within the four working groups. The first

working group dealt with issues regarding women and girls in armed opposition groups, their roles as leaders, their agency, and the challenges they face in trying to implement IHL or IHR. The second working group investigated the roles and experiences of women and girls within armed opposition as victims, perpetrators, and resisters of violence. The third working group focused on women and girls in disarmament, demobilization, and reintegration (DDR) programs. The fourth working group focused on the specific roles and experiences of girls within the various armed opposition groups. The report also draws upon recent relevant secondary research to further contextualize and illuminate the issues raised by the women participants.

EXECUTIVE LESSONS LEARNED

On women and girls within armed opposition groups:

1. Women and girls within armed opposition groups consider themselves, and are considered by their groups, as fighters and full members of the group. They stressed that terminology and concepts applied to them must be able to encompass their full membership within the group and their armed opposition to the state.
2. Nearly all the women joined armed opposition groups to try to shield themselves from further violations of their physical and mental integrity by state actors. The failure of the state to uphold its protective obligations under IHL and IHR, among other laws, was a primary motivator in girls and women entering armed opposition groups. All but one woman indicated that the option to join the group was her last option.
3. Nearly all the women entered into the armed groups as girls. This suggests that (certain) girls and boys are both targeted by and at heightened risk of lack of protection by the state, perhaps more so than adults or the elderly.
4. Sexual violence against girls and women by state actors was a driving force in pushing girls and women into armed opposition groups. In some cases, it was the primary motivating factor in some girls and women choosing to take up arms against the state. Thus sexual violence by state actors against civilian

females is anything but secondary and was shown to be a key factor within the perpetuation (and potentially escalation) of the conflict.

5. Women and girls play central roles and hold diverse, key positions within armed opposition groups. Governments, international, multilateral, and nongovernmental organizations should recognize women's central leadership positions within armed groups and engage with women leaders in efforts to promote and uphold IHL and IHR.

On women's leadership and agency within armed opposition groups:

6. Women are leaders within armed opposition groups and their needs and interests may vary from those of male fighters. However, women's voices and priorities continue to be marginalized within peace processes, at times by their own armed groups.
7. While none of the women joined the armed opposition group with a women's rights agenda in mind, today, half of the women are working within their groups to include some women's rights in their political platforms.
8. Women in armed opposition groups are treated on a more equal footing with males where women and men have the same experiences. When women have different experiences, such as relating to sexual and reproductive functions and child-rearing, they are at a disadvantage within the group which normalizes men's experiences.
9. Women leaders within armed opposition forces face challenges to their authority from subordinate male fighters on the basis of their sex. Their hold over non-professional and ill trained fighters is tenuous. Consequently, women within armed opposition groups most likely would face difficulties, in some cases gender-specific, in trying to promote or enforce IHL or IHR within their forces. Thus, strategies for working with women regarding IHL and IHR would need to pay attention to and factor in these challenges.
10. Women within armed opposition forces may be more inclined than their male counterparts to view sexual assault against female civilians and members of their own forces and killing of children and civilians as unnecessary and abusive and seeks ways to address or prevent it.

On girls associated with fighting forces:

11. Girls and boys are primary members of armed opposition groups. In a number of cases, they enter the armed group because the state has failed to

protect them. Indeed, many enter into the groups seeking defense from violations by state actors.

12. Armed opposition groups encourage girls to join telling them it will be safer within the group than if they remain a civilian. None of the women from armed opposition groups saw the presence of children in their groups as a violation of IHL or IHR. On the contrary, many saw it as the best alternative for children trying to escape abusive state actors. Thus, significant work remains to be carried out in terms of enhancing states' obligations of protection of its children as well as the obligations of armed opposition groups not to use or recruit children within their forces.
13. Girls also enter armed opposition groups to escape violent or repressive relations or institutions within the larger society, including forced and arranged marriages and abusive households. In these cases, again failing the protection of the state, girls seek sanctuary among armed groups to escape violations and repression within their own families and cultures.
14. Girls serve a variety of roles within armed opposition groups, including as fighters. Young girls are being trained as fighters, including being trained and commanded by women. Women should not be seen as inherently more concerned about the security and rights of girls in their armed opposition groups.
15. Armed opposition groups say they offer security to girls by relegating some of them to roles that limit their exposure to direct fighting. This is not an effective form of security for the girls as they will be treated "as if they were fighters" if captured by government forces. However, most of the women in the armed opposition groups felt that limiting their roles was a sufficient form of security for the girls.
16. There is little security for girls within armed opposition groups. They are at high risk for sexual exploitation and abuse from the males of the group. Single young girls appear to be at the highest risk. Little is done within some of the armed opposition groups to address these factors.
17. Girls in some armed opposition groups are turning to alcohol and drugs as a coping mechanism to enable them to function in violent, male-dominated environments. In other cases, girls are being forced to take drugs and alcohol to deaden them to the horrors of fighting and killing.
18. Women within armed opposition groups can provide important information about girls within their groups, although this should complement and not serve as a substitute to talking with the girls themselves. Information is vital and should include an on-going analysis of the roles and experiences of girls in armed opposition groups, and their

physical and mental needs to inform policy and practice to promote and enforce the protection and rights of girls.

On disarmament, demobilization, and reintegration of women and girls in armed opposition groups:

19. There is a need to gather gender-disaggregated data to develop more accurate understandings of the roles and experiences of women and girls associated with fighting forces during the conflict so as to better inform peace negotiations and DDR policies and programs.
20. Women and girls continue to be marginalized and excluded in DDR programs. This is due, in part, to the fact that they are not present during peace negotiations when parameters for DDR are set. When they are marginalized, women and girls participate in DDR in much lower numbers than their actual force numbers, leaving most of them to spontaneously reintegrate with no assistance.
21. Narrow definitions of “fighters” continue to cause problems for women and girls within fighting forces and are blocking women’s and girls’ entrance into DDR programs.
22. Many demobilization camps continue to fail to meet the needs of women and girls associated with fighting forces. Physical security and the ability for them to care for their children while in a camp or center is a paramount incentive/disincentive for women and girls entering a camp and must be enhanced.
23. In reintegration, the women prioritized more equitable economic, political, and justice systems, and a psychosocial healing of individuals and communities. None felt these priorities had been adequately achieved and most believed the state disengaged from reintegration once the armed opposition had demobilized.
24. Women and men community and religious leaders within the communities that “hosted” fighting forces may be good sources to help identify girls associated with fighting forces.
25. Demobilization should be the end to a military process for girls. They should be separated from adult fighters as soon as possible. One should strive to ensure that demobilization of girls is demilitarized.
26. Civilian organizations and staff should work with and provide appropriate services for demobilized girls. Entrance into DDR programs should incorporate military entry points but should expand beyond to include

health care centers, churches, mosques, and civil society organizations assisting victims of sexual violence.

27. One should ensure that at demobilization girls are given clear information about what the DDR process is about, their rights within it, their options, and the next steps in the program.

On challenges to implementing an IHL and IHR agenda within armed opposition groups:

28. Most women had no working knowledge of IHL or IHR. Most were not aware that IHL, in particular, was applicable to women and girls.
29. Most women were unaware of their own obligations under IHL. Violations against civilians or enemy fighters by themselves or their forces were not seen or understood in the context of violations of IHL or IHR.
30. Some women saw little relevance in IHL or IHR because their own rights had been violated by state actors whom were never held accountable.
31. Knowledge about IHL and IHR is insufficient to produce change in attitudes and behavior among armed opposition fighters. There needs to be more systematic work on how to enact attitudinal and behavioural changes on the ground.
32. There needs to be development or strengthening of external and internal monitoring, reporting, and enforcement mechanisms to hold violators of IHL and IHR within armed groups accountable. Without accountability mechanisms, declarations and signed statements are often meaningless.
33. The women did not speak of violations by themselves or their groups against civilian populations or enemy fighters with any reference to their obligations under IHL or IHR. The women's concern for violations against civilians was primarily strategic, in terms of undermining a support or supply base, and not reflective of an understanding of obligations under IHL or IHR.
34. Working with armed opposition groups regarding the support and promotion of IHL and IHR has important gender dimensions. If women within armed opposition groups are identified as potential

change agents, consideration must be given to the constraints they face as women within these groups.

35. Women in armed groups' willingness to interact with international actors involved in IHL and IHR was centered around their desire to have their struggles seen as legitimate. This included a strong desire for more active and meaningful roles in peace processes and negotiations. Given the roles women and girls play in keeping alive the conflict, they clearly have a stake in ending conflict.

LIST OF ACRONYMS

ANC	African National Congress, South Africa
CNDD-FDD	Conseil National pour la Défense de la Démocratie – Forces de Défense de la Démocratie, (National Council for the Defense of Democracy - Defense Forces for of Democracy) Burundi
DDR	Disarmament, Demobilization, and Reintegration
EGP	Ejército Guerrilleros de los Pobres, (Guerrilla Army of the Poor) Guatemala
FAL	Fuerzas Armadas de Liberacion, (Armed Forces of Liberation) El Salvador
FARC	Fuerzas Armadas Revolucionarias de Colombia, (Revolutionary Armed Forces of Colombia) Colombia
GAM	Free Aceh Movement, Aceh, Indonesia
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
INLA	Irish National Liberation Army, Northern Ireland
IHR	International Human Rights Law
KLA	Kosovo Liberation Army (also known as UCK)
KONGRA-GEL	People's Congress of Kurdistan (formerly known as PKK), Turkey and Iraqi Kurdistan
LTTE	Liberation Tigers of Tamil Eelam, Sri Lanka
M19	April 19 Movement, Colombia
MEK	People's Mujahideen of Iran
MILF	Moro Islamic Liberation Front, Philippines
NPA	New People's Army, Philippines
NSCN	National-Socialist Council of Nagalim, Nagaland State, India
PKK	Kurdish People's Working Party (now know as KONGRA-GEL), Turkey and Iraqi Kurdistan
PUK	Patriotic Union of Kurdistan, Iraq
RRA	Rahanweyn Resistance Army, Somalia
SNF	Somali National Front
SPLM/A	Sudanese People's Liberation Movement/Army
UCK	Kosovo Liberation Army (also known as KLA)
UN	United Nations
UNDPKO	United Nations Department of Peacekeeping
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women

INTRODUCTION

Is it possible for armed opposition groups to have agendas and practices compatible with international humanitarian (IHL) and human rights law (IHR)?³ And if so, which members of the group would be best positioned to advocate for and support these agendas and practices? We know that the role of women as actors in armed conflict has traditionally been neglected and undervalued. Has their potential in the promotion of IHL and IHR within armed opposition groups also been overlooked? Additionally, we know that in a number of ways women and girls experience and respond to armed conflict differently than men and boys. Would these differences make women within armed opposition groups potentially more receptive to supporting and promoting IHL and IHR?

Workshop Overview

In seeking to learn more about the experiences of women and girls within armed opposition groups and to answer questions about their potential roles in promoting IHL and IHR, a unique workshop was held in August 2004, in Geneva, Switzerland, organized by Geneva Call and the Program for the Study of International Organization(s)

³ This report was authored by Dyan Mazurana, Director of Youth and Community Program, Feinstein International Famine Center, Tufts University, USA. The report received expert input from Letitia Anderson, Shelley Anderson, Cate Buchanan, Khristopher Carlson, Myriam Denov, Visaka Dharmadasa, Angela Raven-Roberts, Cordula Reimann, and Florence Tercier Holst-Roness. Important contributions were made by the rapporteurs for the workshop, Farah Milhar Ahamed, Flore-Anne Bourgeois, Vera Chrobok, Navitri Ismaya Putri Guillaume, Vivianne Guye-Bergeret, Sophie Huber, Sophie Quinchard, and Ann-Kristin Sjöberg. Input and technical editing were undertaken by Elisabeth Reusse-Decrey, Daniel Warner, and Julie Dabo.

of the Graduate Institute of International Studies.⁴ During the four day workshop, 32 women from 18 armed opposition groups met with a small group of peace and human rights activists, humanitarian actors, and scholars.⁵ The 32 women were members of armed opposition groups currently in armed conflict in Aceh/Indonesia, Burundi, Nagaland/India, Kurdistan/Iraq, Iran, the Philippines, Somalia, Sri Lanka, Sudan, and Turkey, as well as women who were members of armed opposition groups that had recently been engaged in armed conflicts in Colombia, El Salvador, Equator, Guatemala, Kosovo, and Northern Ireland.

The central aim of the meeting was to learn from the women what their interest and potential was regarding their active promotion and support of IHL and IHR. This was done in an effort to design more appropriate and effective approaches to respecting and ensuring respect of IHL and IHR during armed conflict. To facilitate and guide discussion, there were four working groups where participants engaged in dialogue around a particular theme.⁶

⁴ The meeting was held from August 26-August 29th in Geneva, Switzerland, with the financial support of Geneva Call; Geneva Centre for the Democratic Control of Armed Forces – DCAF; Program for the Study of International Organization(s) of the Graduate Institute of international Studies - PSIO-GIIS; Royal Ministry of Foreign Affairs of Norway; Swiss Agency for Development and Cooperation – SDC; Swiss Campaign to Ban Landmines; United Nations Development Fund for Women (UNIFEM).

⁵ Representatives from the following organizations were present: Association of War Affected Women, Sri Lanka; Center for Humanitarian Dialogue, Switzerland; the Center for Peacebuilding, Swiss Peace Foundation, Switzerland; Conciliation Resources, United Kingdom; Department of Criminology, University of Ottawa, Canada; Geneva Centre for the Democratic Control of Armed Forces, Switzerland; Feinstein International Famine Center, Tufts University, United States; Royal Ministry of Foreign Affairs of Norway; the Suzanne Mubarak Women's International Peace Movement; Swiss Foundation for Landmine Victims Aid, Switzerland; United Nations Institute for Disarmament Research; Women and War, International Committee of the Red Cross, Switzerland; Women Peacemakers Program, the International Fellowship of Reconciliation, the Netherlands;

⁶ All women members of armed opposition groups participated in two of the thematic workshop groups.

- The first working group dealt with issues regarding women and girls in armed opposition groups, their roles as leaders, their agency, and the challenges they face in trying to implement IHL or IHR. Participants discussed what factors led them to enter an armed opposition group, and how those factors differed for men, women, boys, and girls. They also discussed what the women felt were the challenges and benefits of their participation in an armed opposition group. The group engaged in dialogue regarding how women become leaders in these forces, and what, if any, training they received, including IHL and IHR awareness. There was debate regarding women and girls as those who had their rights violated, as well as their roles as violators. Some women denied or downplayed women's roles as violators, emphasizing it was not in their cultures or nature to harm others, while other women emphasized that during war women can be just as violent and abusive violators as males. The women then talked about their own understanding of IHL and IHR and the benefits and challenges to supporting and promoting it within their armed opposition groups.
- The second working group investigated the roles and experiences of women and girls within armed opposition as victims, perpetrators, and resisters of violence. The participants talked about what factors led them into an armed opposition group. All the women recounted stories of their own or their family members' victimization at the hands of state agents; the women highlighted sexual violence and violations throughout their narratives. They then discussed how, if at all, their roles as women and mothers influenced their behavior as fighters. Nearly all

had made difficult decisions concerning what to do about entering the armed group and relations with their children, husband, and their family. Regarding how motherhood influenced their behavior, there was debate among those who said they tried to avoid killing children or other innocents or felt badly when their forces killed children or innocents; others who denied that women would or could do such things; and others who said they had to perform their duties regardless of who was hurt or killed. Only a handful of examples came out regarding women as resisters to violence, all of which illustrated how difficult it is for women to resist or prevent violence being carried out by other members of their forces. The participants also talked about the fact that most felt they had no choice but to join the armed opposition, with several wishing they had other options. They then discussed what they knew about IHL and IHR and if women were positioned within their forces in ways that might enable them to promote these laws as well as how international actors might best work with them in these undertakings.

- The third working group focused on women and girls in disarmament, demobilization, and reintegration (DDR) programs. The group began its discussions by exploring what DDR meant to the different women within the armed opposition groups and what they or their forces experiences of DDR have been. In depth dialogue occurred around the various components of each of the phases in DDR and how women and girls experienced them differently than men and boys and the reasons behind those differences. The participants then moved

to discuss their experiences of the shortcomings of DDR and made suggestions on how DDR could be improved for women and girls.

- The fourth working group focused on the specific roles and experiences of girls within the various armed opposition groups. All 18 groups said there were girls present in their forces, following which there was talk about the reasons girls entered into the groups and what roles the girls played. Throughout the dialogue, issues of violations of these girls by government forces and the armed opposition groups surfaced. Within these discussions, the women participants highlighted the ways in which their armed opposition groups tried to shield the girls from violence as well as the ways in which their own groups perpetrated violence against these girls. The group talked about the ways in which girls' experiences differed from those of women, men, and boys, all of which put them at greater risk. They suggested ways in which girls might be assisted in exiting the fighting forces and what their needs might be.

Report Overview

This report draws upon the information, insights, and recommendations that came out over the course of the workshop by participants within the four working groups. It also draws upon secondary research to further contextualize and illuminate the issues raised by the women participants. Because there was overlap within the four working groups,

sections within the report are more reflective of the themes and information that came out of the workshop rather than those that offered an initial framework to begin discussions.

This report covers the key protection and obligations for women and girls in armed opposition groups under IHL and IHR. Drawing on the voices of the 32 women present from 18 armed opposition groups as well as previous relevant studies, the report then investigates the ways in which women and girls enter into armed opposition groups and their active participation within the groups. It documents and analyzes the ways women experience empowerment in armed opposition groups, and the ways they are disempowered. It examines the reasons girls under 18 years of age enter into armed opposition groups, their roles, and the threats to their rights and physical and mental integrity from forces both outside and within their armed group. The report then moves to cover key DDR issues raised by the women participants. It concludes with an investigation into the potential gains and obstacles facing women and girls within armed groups and those wishing to work with them in promoting and enforcing humanitarian and human rights law within armed opposition groups. Each section is followed by key lessons learned from discussions with women in armed opposition groups.

Terminology

Within IHL, members of armed opposition groups fighting in non-international armed conflicts may not be referred to as combatants. Only the state has the right to bestow “combatant status” on internal armed groups, and with the exception of Nigeria and the

conflict in Biafra, no state has exercised this right in regards to armed opposition groups. It is up to the state to grant such a title for purposes of dealing with prisoners of war and the like, but for reasons often pertaining to the desire not to legitimize the activities of armed opposition groups or to bestow upon them the special status granted by the Geneva Conventions to combatants, states do not do extend combatant status to members of internal armed opposition groups. In addition, there is no legal term within IHL to describe armed opposition fighters in non-international conflicts, and the legal language for combatants is exclusively reserved for combatants in international conflict. Thus, by default, the consensus among experts of IHL seems to be that armed opposition fighters in non-international conflicts are exactly that, “fighters.”

In keeping within the framework given by IHL regarding combatants, within this report we use the term fighter to describe members of armed opposition groups. Legal experts have described a fighter more broadly as,

"A member of the armed forces of a party to a conflict or one otherwise taking part directly in the hostilities. The definition would include, for instance, someone who is attacking an opponent, conducting sabotage, delivering ammunition, or serving as a spotter for artillery. Fighters are not entitled to the special protections under the law of non-international armed conflict that civilians enjoy.... The nature of the cause the insurgents are fighting for, and the extent to which it is just or not, is completely irrelevant to the question of discrimination in non-international armed conflict" (Schmitt 2004, np).

During the Geneva Call⁷ meeting, the women participants from the 18 armed opposition groups requested the use of particular terminology within the present report. First, they agreed that the term “armed opposition group,” used by most international law experts

⁷ The meeting was co-organized by Geneva Call and the Program for the Study of International Organization(s) of the Graduate Institute of International Studies/Geneva. In the interest of brevity, it will be referred to as the Geneva Call meeting.

most accurately described their armed movements. They specifically rejected the term “non-state actors” which they found inaccurate and incapable of encompassing their political opposition to the government.

All the women stated that they were fighters, even if they were not front lines fighters, and were considered fighters by their groups. However, they stated that “freedom fighters” was a more accurate reflection of how they saw themselves and the goals they were trying to achieve in the conflict with the government.

Regarding girls, they requested the use of the term girls “associated with armed opposition groups” in referring to girls within the fighting force. Such terminology is in line with what most international experts working with girls and boys in fighting forces use to designate a wider and more inclusive scope of activities that enable those groups to survive and function. For girls and boys, this definition builds on the definition of child soldier found in the *Cape Town Principles* as

...any person under 18 years of age who is part of any kind of regular or irregular armed force in any capacity, including but not limited to cooks, porters, messengers, and those accompanying such groups, other than purely as family members. Girls recruited for sexual purposes and forced marriage are included in this definition. It does not, therefore, only refer to a child who is carrying or has carried arms (United Nations Children’s Fund [UNICEF] 1997, 1).

I. THE PROTECTION AND OBLIGATIONS OF WOMEN AND GIRLS UNDER INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAWS

“War is always violent and so there is no truth when people say they do not violate rights.”

-- Ecuadorian participant (Alfaro Vive Carajo)

The Rights and Obligations of Women and Girls in Armed Opposition Groups under IHL

Women and girls are entitled to the full protection of IHL -- the law of armed conflict -- on the same basis as men and boys and incur the same obligations. While the legal provisions may be clear, their application in practice is often difficult. Additionally, while IHL addresses the needs of women, be they civilians, combatants, fighters, refugees or internally displaced, it is not adequately implemented and enforced (see Gardam and Jarvis 2001; ICRC 2001; United Nations [UN] 2002).

The principal instruments of IHL relevant to non-international armed conflict include the protection and guarantees of Common Article 3 to the Four Geneva Conventions of 1949, Additional Protocol II of 1977 (where the state has ratified), and norms of customary international law. Like men, women engaged in armed conflict and women civilians are afforded all of these protections without adverse discrimination on the basis of their sex. While the majority of protection under IHL law is limited to situations of inter-state

conflict, Additional Protocol II applies to situations of non-international armed conflict, supplementing the general principle enshrined in Common Article 3 to the Four Geneva Conventions, which prohibits

...violence to life and person, in particular murder of all kinds, mutilation, torture, cruel treatment and the taking of hostages, outrages upon personal dignity, in particular humiliating and degrading treatment and the passing of sentences and carrying out of executions without previous judgment carried out by a regularly constituted court, affording judicial guarantees.

Particularly important for women and girls are the provisions relating to the maintenance and restoration of family ties, and special provisions that require women to be treated with all consideration due to their sex, including protection from sexual violence as well as the prohibition on the use of child soldiers. Additionally, female prisoners of war, internees, and detainees are to be treated with all regard due to their sex and are to be held under the immediate supervision of female guards and be provided with accommodation and sanitary facilities separate from males. Specific protection is provided for pregnant women and mothers of young children, in particular, regarding access to medical care and physical safety. Prohibition of rape and forced prostitution and any form of indecent assault are encompassed in IHL. These prohibitions are considered as grave breaches of the Geneva Conventions.

The Rights and Obligations of Women and Girls in Armed Opposition Groups under IHR

In addition to the provisions under IHL, IHR also protects the right to life, freedom from torture and other inhuman and degrading treatment, and freedom from slavery. These

rights are found within the *International Convention on the Elimination of All Forms of Racial Discrimination*, the *International Covenants on Civil and Political Rights and Economic, Social and Cultural rights*, the *Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment*, and the *Convention on the Rights of the Child*. For example, the *Covenant on Civil and Political Rights* recognizes the rights to life, freedom from arbitrary arrest, slavery, and torture. The *Covenant on Economic, Social, and Cultural Rights* recognizes the rights to food, clothing, shelter, health, and education. All these instruments apply to women and girls on the basis of non-discrimination.

Further protection is provided by the *Optional Protocol to the Convention on the Rights of the Child* on the sale of children, child prostitution and child pornography and the *Optional Protocol to the Convention on the Rights of the Child* on the involvement of children in armed conflict, which seeks to limit the use of children in armed conflict, including through setting 18 years of age as the minimum age for combat participation. Other key instruments include the *Convention on the Elimination of all Forms of Discrimination Against Women*, the *African Charter on the Rights and Welfare of the Child*, the *Rome Statute* of the International Criminal Court, and the International Labour Organization's *Worst Forms of Child Labour Convention 182*.

Whereas humanitarian and human rights protection exists in international law, their application and enforcement on the ground in situations of armed conflict is often limited; these laws must be better understood, respected, and enforced.

II. WOMEN AND GIRLS WITHIN ARMED OPPOSITION GROUPS

“Women are the thermometer for the group—they feel the heat.”

– Colombian participant (M19)

While the victimization of women and girls during war is often focused on by the international media, women and girls are active agents: they make choices, possess critical perspectives of their situations, and organize collectively in response to those situations (see ICRC 2001; Rehn and Sirleaf 2002; United Nations [UN] 2002). Previous studies have shown that women and girls can support violence perpetrated by others and perpetrate violence themselves. Women and girls have joined armed opposition groups because the state fails to protect them or their families or because the state actively targeted them. They also join armed opposition groups because they are committed to the group’s political, religious, or economic goals. This has involved taking up arms in liberation movements, resistance to occupation, or in struggles aimed at a transformation in relations of inequality on race, ethnic, religious, or class lines (see Jacobs, Jacobson and Marchbank 2000; Lorentzen and Turpin 1998; Luciak 2001; Sajor1998). Within some armed groups, women and girls occupy important roles, such as commanders, frontline fighters, spies, messengers, porters, recruiters, and political strategists (see Cock 1993; Enloe 1993, 2000; Mazurana et al. 2002).

Entering Into Fighting Forces

Recent studies have found that from 1990 to the present, women and girls have been members of fighting forces in at least 57 countries (McKay and Mazurana 2004).⁸ Women and girls join armed forces and groups for a variety of reasons, including protection; disillusionment with the current regime; a desire for promises of positive change by opposition groups, including gender equality; self-enrichment; revenge; or political or economic gain (see, for example, Lorentzen and Turpin 1998; Meintjes et al. 2001; Turshen and Twagiramariya 1998). Not all join willingly. In 28 of these countries, at least some women and girls were abducted by fighting forces and held against their will (McKay and Mazurana 2004).⁹ While all the women representing the 18 armed opposition groups present during the Geneva Call meeting reported that girls in their groups “join,” several acknowledged that their troops abduct and forcibly conscript girls and boys.

⁸ The following is a list of where women and girls were present in fighting forces worldwide from the years 1990-2004. In every case listed below, girls were or are present in the named fighting forces. For coding, G = present in government forces; P/M = present in paramilitary or militia forces; O = present in armed opposition forces. Women and girls were members of fighting forces in the following countries in Africa: Angola (G, O); Burundi (G, P/M, O); Democratic Republic of Congo (G, P/M, O); Eritrea (G, O); Ethiopia (G, O); Ivory Coast (O); Liberia (G, P/M, O); Libya (G); Mozambique (G, P/M, O); Rwanda (G, P/M, O); Sierra Leone (G, P/M, O); Somalia (P/M, O); South Africa (G, O); Sudan (P/M, O); Uganda (G, P/M, O); and Zimbabwe (P/M). They were present in the Americas in: Bolivia (G); Canada (G); Colombia (G, P/M, O); Cuba (G); El Salvador (G, P/M, O); Guatemala (G, P/M, O); Honduras (G, O); Mexico (O); Nicaragua (O); Peru (G, P/M, O); and the United States (G, P/M). In Asia, they have been present in: Australia (G); Bangladesh (G); Cambodia (G, P/M, O); China (G); East Timor (P/M, O); India (P/M, O); Indonesia (O); Japan (P/M); Democratic Peoples Republic of Korea (G, P/M); Myanmar (G, O); Nepal (O); Philippines (O); Sri Lanka (O); and Uzbekistan (O). In Europe girls and women were members of forces in: Belgium (G); Bosnia-Herzegovina (G, O); Denmark (G, P/M); France (G, P/M); Ireland (G, O); Macedonia (O); Netherlands (G); Norway (G, P/M); Spain (G, P/M); Sweden (P/M); United Kingdom (G); and the Federal Republic of Yugoslavia (P/M, O). In the Middle East women and girls are present in: Iran (O); Iraq (G, P/M, O); Israel (G, O); Lebanon (G, P/M, O); and Turkey (O). As cited in McKay and Mazurana 2004.

⁹ For information on abduction of children into fighting forces see individual country cases documented by Human Rights Watch at www.hrw.org/campagins/crp/index.

All of the 32 women associated with the 18 armed opposition groups at the meeting began their discussion of joining an armed opposition group by talking about the particular histories and political developments and struggles within their countries. Thus, they all situated themselves first within the broader historical, political, economic, military, and cultural context of the larger conflicts in their country and region. They then explained the goals of their armed opposition groups. It was only after setting this context that the women talked about what was the trigger that caused them as individuals to join.

Significantly, almost all of the women said they joined the armed opposition group as a means to shield themselves from murder, torture, and or abuse by state actors. Indeed, while most are now in agreement with the ideological and political goals of the force they serve in, the majority joined when they believed there was no other form of defense against violations by government or militia forces. In all but one case, the trigger for the women to join was a personal or community experience of significant physical violence. Notably, even though some of the women at the meeting rose through the ranks to hold positions of leadership today, nearly all joined as girls.¹⁰

Under IHL and IHR, protection of individuals is the primary responsibility of the state. This means it is the state's obligation to protect individual's and communities' right to life, physical and mental integrity, freedom from arbitrary arrest and detention, and freedom from torture or other cruel, inhuman or degrading punishment. It also means the

¹⁰ Here girls are defined as females under 18 years of age, in correspondence with the Optional Protocol on the Rights of the Child on the involvement of children in armed conflict, which seeks to limit the use of children in armed conflict, including setting 18 years of age as the minimum age for combat participation.

state is bound to protect individuals' political and civil rights. Thus, the state fails to uphold its protective role when the state itself breaches its own legal responsibility by violating the rights of particular individuals and communities. When the state fails to protect individuals and community from violations by its own forces, it is complicit in driving people to join groups that (appear to) offer a defense from such abuses.

The failure of the state to protect the 32 women at the conference was apparent throughout their narratives. Before actually joining the armed opposition group, some of the women reported that, as girls, they were detained under accusation by government forces that they or their family members were part of the opposition. While in detention, they were beaten, sexually assaulted, and tortured by government police, military, or militia forces. Detention lasted from days to months. In some cases the women said they or others were carved or tattooed as a means to identify them to their families and communities as victims of sexual assault. Some of these women were then rejected and divorced by their husbands. Some women claimed that governments intentionally used troops known to have HIV/AIDS to rape women to infect them. Others witnessed the execution of their brothers, sisters, or parents by government forces and were told while in detention they would be executed next. In most of these cases, when the women were released from detention, they went immediately in search of the armed opposition group seeking to join them; they reasoned that this was now their only means of self preservation.

Other women said that as girls they experienced repeated government aerial bombardment of their classrooms while attending school or the churches where they sought refuge. Some were among those who survived massacres and extra-judicial killings of those who spoke out against the government. Others recalled witnessing government forces or militias massacre civilians, followed in some cases with the mutilation of the bodies of the dead. Some women spoke of witnessing government or militia forces murder their husbands and children, burn their homes and villages, and physically and sexually assault and humiliate them and their neighbors. For those who had experienced sexual assault by government forces, they explained that part of their rationale for joining the armed resistance movement was to regain their dignity and strike back against those who had attacked them. They reported that many of the women and girls who joined their armed opposition group were similarly motivated. Indeed, one of the women reported that approximately 80 percent of the women in her armed opposition group had previously been raped by government armed forces.

In cases such as these, it is clear that the failure of the state to protect its own citizens--indeed the deliberate targeting and abuse by state actors against certain members of its citizenry--was the primary reason most of the women had entered the armed opposition groups. Notably, the fact that most had entered as girls indicates the failure of state to protect its children from murder, torture, sexual assault, illegal detention, and abuse at the hands of its own agents. When the state is complicit in such violations of IHL and IHR--so that its own children take up arms to defend themselves against it--it falls to multilateral and regional political organizations to intervene through diplomatic efforts.

This includes, but is not limited to, the use of denunciation, persuasion, confidential interventions, and sanctions, all of which were advocated by the women fighters present at the Geneva Call meeting. Where diplomatic efforts fail, economic and military sanctions should be applied, with due consideration to minimizing negative effects on children (see Machel 2001). Children and youth joining armed groups as a means of defense from the state also indicates that local, regional, and international peace and human rights movements are not strong enough to offer the necessary support and protection to give some individuals viable options to choose a nonviolent response.

Those participants at the Geneva Call meeting who joined the armed opposition groups as adult women were often more highly educated and included university professors, scientists, business owners, and agronomists. Most of these women rose quickly through the ranks, some holding senior command positions or acting as political officers. One woman joined as a child because she was brought up in the armed group in which her parents were members. Some were brought up in a nationalist tradition with parents who were already involved in a political or ideological struggle. All the women present at the meeting stressed that they had chosen to take up arms only as a last resort.

Family members of the women and girls were largely unhappy when they learned that their daughters, sisters, and wives had joined an armed opposition group. A Burundian women senior commander and spokesperson (CNDD-FDD) recounted,

“It wasn’t easy for me because I was married with children. The women in my environment could not understand how you leave your family and go into the bush. Neither my mother nor my husband approved of it, so I joined the organization without telling anyone. From the beginning when I went away

people said I had just abandoned the family but today when they see what I have achieved people changed their minds. It was very difficult to leave children, but if I did not leave I would have been killed anyway.”

In nearly all cases, once a girl or women joined the armed opposition group, it was impossible to leave. Some exceptions were made for pregnant women or those with young children, as in Nagaland.

Most of the 32 women present were married or widows. In almost all cases where the husband was alive, he was a member of the same armed opposition group. Nearly all the women said it was a rule within their group that if a woman member married a man who was not within the group the man had to join the group or, in fewer cases, the woman had to leave. In some cases, women who were married when they joined the group later forced their husbands to join. For example, a participant from Burundi explained that in 1993, the national army took control of the state and began to murder anyone considered an ally of the recently elected (and quickly assassinated) President. Many people fled into the forests to hide. She continued,

“I had voted for the president that was killed after his victory... I was staying in Burundi, but ran away with my husband and my baby after the destruction of our house [by army forces]. Fifteen of my relatives were killed. The army was following us. There was a massacre in the village in which we were hiding and we decided we could not stay there. In 1996, I took the decision to join the armed group. My husband did not want to join. After some time, a year, he decided to join too. He was probably convinced by a provocative letter that I sent him, telling him I would have to come kill him if he did not join, because he could get me into difficulties.”

In other cases, women reported that they could only marry a man within the armed group; this was particularly true for women within armed opposition groups that did not allow any of their members to leave.

Political ideologies were the dominant reason the women gave for maintaining their activity within an armed opposition group. Most were opposed to exclusionary political and economic policies and practices put into place by their governments. In most all cases, these policies and practices were enforced by state sanctioned violence. In some instances, the women's ethnic and religious identities were attacked, with the banning of their languages, dress, and history, while simultaneously trying to enforce the dominant group's religion and identity on them, as noted in Aceh, Guatemala, India, Iran, Iraq, Northern Ireland, Kosovo, South Sudan, and Turkey.

Indeed, while nearly all initially joined the armed groups for defense against government violations, many came to identify with the political goals of the group. In particular, these goals included more equitable distribution of power and economic resources, an end to extra-judicial killings and illegal detentions, freedom from state-sponsored violence, objective justice systems, accountable and accessible state security forces, and improved access to education and jobs. In some cases, the groups are fighting for national liberation or self-rule, as in Aceh, Nagaland, the Philippines, and Sri Lanka. In other instances they fight, in part, to maintain control over their lands and natural resources, as in Ecuador, El Salvador, Guatemala, and South Sudan.

Several of the women also explicitly linked their fight to the fight for women's rights and equality for women in political, economic, and military spheres. While none joined the armed groups specifically to fight for women's rights or equality for women, some later came to believe that these goals should be part of the larger goals of equality and justice within the movement. As a participant from South Sudan (SPLA) explained,

“One reason people go to war is because of social difficulties in the patriarchal systems. The movement talked of justice for all and that joining them in their fight was a way to abolish unequal systems... Women are fighting for justice. This is where women felt they could get their rights.”

Importantly, all the women acknowledged some disparities (although this varied widely) within their armed opposition movements regarding male power. For some groups, this disparity was linked to religious tenants that held that men and women were not equal and that women played a supportive role, and the women in the group accepted this, most notably in the Philippines (NPA and MILF) and Aceh (GAM). Other groups with religious ideologies rejected such tenants, as in Iran (MEK) and Iraq (PUK). Other women continued to push for the rights of women within their movements, as in Burundi (CNDD-FDD), Iran (MEK), Iraq (PUK), South Sudan (SPLA), and Sri Lanka (LTTE). Women whose groups were fighting for survival and resource control with very little political agenda had no women's rights agenda, as in Somalia (SNF and RRA).

Roles and Contributions

Armed opposition groups could not function without women's and girls' labor and contributions, whether voluntary or coerced. Previous studies have documented that within armed opposition groups, women and, to a lesser extent girls, serve as top military

and political strategists, senior intelligence officers, and leaders of battalions and fighting units. Women and girls are also communications and medical officers. They are frontline fighters, carry out suicide missions, and train others in the use of weapons and tactics. Girls also carry out much of the labor that is required for the functioning of the forces, including looting, cooking, and serving as porters, as well as providing sexual services. In most cases, the women and girls perform a number of roles in addition to their primary role within the armed group (see Cock 1993; Coalition 2004; Luciak 2001; Human Rights Watch 2004; Mazurana and Carlson forthcoming; Mazurana et al. 2002).

Importantly, while officials within multilateral organizations and government militaries may have a limited understanding of the centrality of women and girls roles in armed groups—and thus consistently bar their entry into peace negotiations and DDR programs—the armed groups themselves do not (see, for example, Anderlini 2000; Mazurana, Raven-Roberts and Parpart 2004; UN 2002). According to all the women present at the Geneva Call meeting, they are considered by their groups and self-identify as fighters or “freedom fighters.”

As members of armed opposition groups, the 32 women performed a variety of roles within their groups. Some women are or were commanders of battalions, fighting units, or heads of military operations, as in Aceh (GAM), Burundi (CNDD-FDD), Ecuador, the Philippines (NPA), and South Sudan (SPLA). Some are or were primarily fighters, such as in Aceh (GAM), Colombia (M19), Guatemala (EGP), Kosovo (KLA), Somalia (SNF and RA), Sri Lanka (LTTE), and Turkey (KONGRA-GEL formerly PKK). Others are or

were negotiators and spokespersons for national and international dialogues and negotiations, such as in Burundi (CNDD-FDD), El Salvador (FAL), and the Philippines (NPA). Several women serve as high ranking member of the movement's political wing, as in El Salvador (FAL), Iran (MEK), Iraq (PUK), Nagaland (NSCN), and Turkey (KONGRA-GEL formerly PKK). Some women are senior intelligence and communication officers, Aceh (GAM), Burundi (CNDD-FDD), Colombia (M19), and Nagaland (NSCN). Others are part of medical teams, as in the Philippines (MILF).

Recent studies have shown that women also play key roles in transitions to post-conflict and reintegration of ex-combatants and fighters (see, for example, Meintjes et al. 2001; Pampell and Martinez 2004; Rehn and Sirleaf 2002; UN 2002). During transition periods, several women present at the Geneva Call meeting played important roles in peace negotiations (Colombia and El Salvador) and reintegration of ex-fighters (Colombia and Guatemala). Some are currently members of the political wings of the opposition group that now has seats in the government, as in Guatemala.

LESSONS LEARNED

- *Women and girls within armed opposition groups consider themselves, and are considered by their groups, as fighters and full members of the group. They clearly articulate that terminology and concepts applied to them must encompass their full membership within the group and their armed opposition to the state.*
- *Nearly all the women joined armed opposition groups to try to shield themselves from further violations of their physical and mental integrity by state actors. Thus, the failure of the state to uphold its protective obligations under IHL and IHR, among other laws, was a primary motivator in girls and women entering armed opposition groups. All but one woman indicated that the option to join the group was her last option.*

- *Nearly all the women entered into the armed groups as girls. This suggests that (certain) girls and boys are both targeted by and at heightened risk of lack of protection by the state, perhaps more so than adults or the elderly.*
- *Sexual violence against girls and women by state actors was a driving force in pushing girls and women into armed opposition groups. In some cases, it was the primary motivating factor in some girls and women choosing to take up arms against the state. Thus sexual violence by state actors against civilian females is anything but secondary and was shown to be a key factor within the perpetuation (and potentially escalation) of the conflict.*
- *Women and girls play central roles and hold diverse, key positions within armed opposition groups. Governments, international, multilateral, and nongovernmental organizations like Geneva Call should recognize women's central leadership positions within armed groups and engage with women leaders in efforts to promote and uphold IHL and IHR.*

III. WOMEN'S LEADERSHIP AND AGENCY WITHIN ARMED OPPOSITION GROUPS

“Women want to see results because of all their sacrifices.”

-- Sudanese participant (SPLA)

Women and girls may gain from the change in gender relations that result from armed conflict and their participation in armed groups. Previous studies reveal that women and girls may acquire new status, skills, and power that result from taking on new responsibilities. These changes can challenge existing norms about their roles in society. In some conflicts, the need for fighters and the loss of men through exile, fighting, or death has meant that women and girls step in to functions from which they were previously barred. At such points, norms about women's and girls' roles and participation in decision-making in armed groups, the household, civil society, the formal

economy, and about their rights to own land or goods may be altered, sometimes, though not always, to their benefit (see, for example, Cockburn 2002; Morton et al. 2000; Newberry and Baldwin 2000; Sorenson 1998; United Nations 2002; Walsh 2000).

Women's Empowerment

The majority of the 32 women associated with the 18 armed opposition groups currently hold, or held, leadership positions. In this sense, they are not necessarily representative of women or girls within the fighting forces they come from. All reported that women hold some leadership positions within their armed groups. Women's leadership differed by group, for example, in Iran (MEK), women hold 50 percent of leadership positions, while in Aceh (GAM) and the Philippines (NPA) women leaders are restricted to women and girl units.

The majority of the women at the Geneva Call meeting stated that they gained self-confidence, a greater level of empowerment, and a sense of freedom through their participation in the armed opposition group. Most women stated that their armed opposition group's fight was for justice and equality. For about half of the women, this had come to include women's equality. For these women, while they acknowledged tough challenges due to patriarchal cultures, traditions, and structures, they argued that they were pushing their movements to challenge traditional gender roles that limited women's rights within their societies. Several noted that their movement had better equality between men and women than the society at large, as in Burundi (CNDD-FDD),

Iraq (PUK), Nagaland (NSCN), Sri Lanka (LTTE), and Turkey (KONGRA-GEL formerly PKK). A commander from Burundi (CNDD-FDD) stated that through her participation in the armed group,

“I can express myself and I can stand up. We women formed a league and engaged in negotiation within our own movement for more rights for women as part of our political agenda.”

In a few instances, the women clearly linked the group’s liberation with the liberation of women in their country. For example, within the Kurdish armed movements in Turkey (KONGRA-GEL formerly PKK), some women advocate that women’s freedom is an essential component to Kurdish freedom.

However, as past research has shown, the rights of women are not specifically addressed in the goals of armed opposition groups or during negotiations (see for example Anderlini 2000; Enloe 2000; Luciak 2001; Turshen and Twagiramariya 1998). A participant from El Salvador (FAL) in the Geneva Call meeting recalled that during the fight women did not realize that a women’s agenda was not included in the political agenda. Instead, the focus was on fighting for a regime change. However, some women from El Salvador attended the 1985 world conference on women in Kenya, Nairobi, and came back to the movement saying that in other countries women are struggling for women’s rights. Building on what they learned, some El Salvadorian women fighters (FAL) analyzed the peace process from the women’s view point. They then developed a women’s table to be included during the peace accord implementation, although in the end the results for women fell short of what they hoped to accomplish (see also Pampell and Martinez 2004; Luciak 2001).

Likewise, according to a participant from Burundi, the meeting of Burundian women fighters (CNDD-FDD) with former women fighters from South Africa (ANC) to learn how the ANC women put women's rights on the agenda was pivotal for the Burundian women in their push for quotas within their armed group's political wing, now at 30 percent (see Bazilli 1991 regarding South African women's strategies). Women within armed opposition groups in Iran (MEK) also spoke of their work to develop quotas regarding the representation of women in leadership positions, now at 50 percent. However, any gains have to be continuously defended, as illustrated by a participant from Guatemala (EPG) who said bluntly, "When the war was finished, the ground that had been gained by women was lost" (see also Luciak 2001).

Importantly, some women at the Geneva Call meeting contended that they were included in recent peace negotiations as a token to please the donors supporting the process who had insisted on women's representation. They reported that they actually had no right to express their opinion outside of the platform. Currently, women from Somalia (SNF and RRA) and South Sudan (SPLA) say women's issues are marginalized within the ongoing peace negotiations and women themselves are absent from (as in Somalia) or silenced in the discussions.

Notably, according to testimony by the women at the Geneva Call meeting, armed opposition groups with political and ideological agendas that do not incorporate religiously-justified subordination of women and that have relatively well developed

military and political units offer more space and opportunity for women to articulate a women's and girls' rights agenda (cf. Nivat 2001; Rashid 2000; Sahgal and Yuval-Davis 1992). In cases in which the armed group is fighting for its survival against numerous other forces, there is almost no space for such agendas. For example, according to participants from two different armed opposition groups in Somalia (SNF and RRA), their groups are under constant threat of starvation and attack and there is no energy by the women to talk of women's rights. With no one else advocating women's rights or contribution to the peace process, the Somali participants confirmed that women and the rights of women had been completely left out of the most recent peace negotiations.

Some armed opposition groups break down traditional gender barriers that would hinder the effective functioning of their forces (see Goldstein 2001). For example, according to a woman political officer from Sri Lanka (LTTE), in northern Jaffna women were relegated to the private sphere, while a woman from the Philippines (NPA) said that traditionally, women would not be allowed to talk to men unrelated to them, to travel, or leave the house. Within these armed opposition groups, such restrictions were removed. For example, in the LTTE now, men cook and clean in their camps and women do the same in their camps. "Women do not need to serve men," the Sri Lankan political officer (LTTE) said.

In a number of cases, women and girls' involvement in the armed group offered them more opportunity than they had elsewhere to develop and take on leadership roles (see Cock 1993; Goldstein 2001; Luciak 2001). A Colombian participant (M19), who as a

fighter had responsibility for urban operations and worked at the headquarters in rural areas, explained that it was in the movement that she gained her self-esteem and had the double benefit of professional and personal development. In the case of Burundi (CNDD-FDD), women are able to hold political and military leadership positions within the armed opposition group. This is in contrast to the current government political system which has few women in the political arena and whose state military, police, and security forces are similarly lacking women. Burundian women within the armed opposition movement (CNDD-FDD) have succeeded in having one of the demands of the armed opposition group that women should be allowed into the reformed state security forces. Indeed, it was a woman from the CNDD-FDD who became the first *Administratrice Communale* in Burundi.

Challenges Facing Women

Women leaders face a number of challenges within armed opposition groups. Among the primary challenges women confront is a lack of respect for their authority, with a number of women at the Geneva Call meeting saying that at times they faced insubordination and hostility from troops refusing to follow their orders. In some instances, front-line male fighters refused to follow orders from or fight under women commanders coming from diplomatic or political branches.

A number of the women at the Geneva Call meeting spoke of the sacrifices they had made during their time in the armed opposition groups. The women had had their formal

education stopped or interrupted, and left professional careers. This was an important point for several of the women who had sacrificed their education for the fight and were now missing it. Several went underground, cut off contact with family members, and did not have children while in the forces. “We cannot enjoy a family or even our parents,” one fighter from Sri Lanka (LTTE) stated.

Another primary challenge noted by the women at the Geneva Call meeting was the fact that armed opposition groups are dominated by men and the experiences of men are taken as “normal” with reluctance to address the different experiences of women. Among the clearest disparities are in regard to feminine hygiene, pregnancy, and children.

In relation to male soldiers being treated as “the norm,” women often complained that no feminine hygiene supplies were available and that they had to go asking for necessary supplies among female members of civilian populations. When no supplies were available, they had to make due with leaves for menstrual care. A number of women said that this kind of treatment was not only unsanitary but humiliating.

Regarding pregnancy, in El Salvador (FAL), some male fighters from the front were upset about women getting pregnant and becoming what the men termed “dead weight.” Consequently, because it was difficult to replace lost fighters women had to take contraception so as not to become pregnant. There was then a debate among the commanders and fighters that women should have the right to become pregnant while they were a fighter and in doing so they would be taken to a safer place. The women won

the debate, but some of the men were displeased when this became policy, as they did not think women had a right to get pregnant. In other cases, pregnant women were removed from the forces, as in Nagaland (NSCN), while in others, women had to organize to have pregnant women removed from the front lines—their male colleagues arguing that pregnancy was not a right for women and should give them no special privileges, as mentioned in Burundi. Some reported that contraceptive was forced on women and girls currently in combat which they considered a violation of women's rights.

Another challenge the women at the Geneva Call meeting highlighted was that many had to leave their children behind or refrain from having any children at all. Some had taken children to refugee camps in neighboring countries before joining the fight. “My 50 years of life has been nothing but war. I focused on education because I believed I could help my people that way but ended up joining the fight,” said a senior commander from South Sudan (SPLA). She had been a university professor before joining the armed opposition in 1983 due to the imposition of Sharia law and violence by government forces and militias. Believing that her children should not have a life within the armed group, she took her young children to live with a non-relative in the refugee camp of a neighboring country before joining the SPLA. She has been in the force for the last 21 years. Likewise, the woman from Guatemala took her children into Mexico when she joined the EPG.

Fighters' relations with children born into the fighting forces varied. For example, in Burundi (CNDD-FDD), women had to give their children to families away from the area

where they are fighting. In the Philippines (MILF), the girls and the boys within the armed opposition group were separated as well as men from women, and the role of the mothers was to prepare their children for fighting.

The combination of masculine constructs around pregnancy and children as incapacitating and lack of formal education also limited women's opportunities to become officers within several of the armed opposition groups. One women commander from South Sudan (SPLA) explained,

“You cannot go into officer training if you get pregnant or if you do not have primary school education and this eliminates so many women. Women lack education access. We have beautiful ideas about equality and opportunity but need a special push for women. You cannot appoint a county commissioner who cannot write. [Our political wing] means good but it has not done enough to support women.”

Another woman leader from Iran (MEK) stated,

“When women wanted to become leaders it was a problem in the beginning because women did not have as much experience as men. So when women wanted to come to leadership positions they had to do more education than men to come to a leadership position.”

Women also mentioned encountering challenges regarding how men expected them to treat other females within the armed group. As one women commander from South Sudan (SPLA) explained,

“Women move up the ladder and there is pressure to perform and blame. Any problem to do with women was thrown on women's shoulders. If a woman was not treated well it becomes your responsibility.”

Another issue the women raised was sexual assault of women and girls. While sexual assault against men and boys also occurs, this was not raised by any of the participants.

A number of women noted that some men in their forces had sexually assaulted civilians and, less often, women and girls within their own armed opposition groups. A few women voiced the opinion that it was impossible to stop rape and sexual assault against civilians during armed conflict. Others said that their forces have strict rules punishing such offences, although penalties were usually much harsher for assaults against members of their own force than civilians.

For example, participants from Burundi (CNDD-FDD), Guatemala (EPG), Nagaland (NSCN), and South Sudan (SPLA) said any man convicted of rape against a woman or girl within their forces would be executed, and such executions have occurred. However, as a participant pointed out, such harsh penalties often served as a barrier for girls and women bringing such charges forward because: 1) charges were usually against more senior men; 2) the men would be literally fighting for their lives and so would relentlessly go after their accuser, and; 3) the girl or women could face various forms of retaliation within the force, regardless of the outcome.

Rape of civilians by members in the armed groups was rarely punished. In some cases, the women made distinctions between what they termed “opportunistic rape” (rape when the opportunity presented itself because the female had no form of protection or resistance) and rape used as a means to terrorize a community. Several women noted their groups had internal codes that prohibited rape against civilians since they had to depend on civilian populations for their supplies and survival. All the women noted that rape was being used by government forces as a war tactic against women in their

community. There was a heightened awareness and general consensus among the women that during armed conflict with the government, if they as women were caught they were at a high risk of sexual abuse or rape by government forces.

In some armed opposition groups, women organized meetings with women leaders to work together to overcome challenges, as mentioned by participants from El Salvador (FAL), Iran (Muhajadeen), Iraq (MEK), Guatemala (EGP), South Sudan (SPLA), Sri Lanka (LTTE), and Turkey (KONGRA-GEL formerly PKK).

LESSONS LEARNED

- *Women are leaders within armed opposition groups and their needs and interests may vary from those of male fighters. However, women's voices and priorities continue to be marginalized within peace processes, at times by their own armed groups.*
- *While none of the women joined the armed opposition group with a women's rights agenda in mind, today, half of the women are working within their groups to include some women's rights in their political platforms.*
- *Women in armed opposition groups are treated on a more equal footing with males where women and men have the same experiences. When women have different experiences, such as relating to sexual and reproductive functions and child-rearing, they are at a disadvantage within the group which normalizes men's experiences.*
- *Women leaders within armed opposition forces face challenges to their authority from subordinate male fighters on the basis of their sex. Their hold over non-professional and ill trained fighters is tenuous. Consequently, women within armed opposition groups most likely would face difficulties, in some cases gender-specific, in trying to promote or enforce IHL or IHR within their forces. Thus, strategies for working with women regarding IHL and IHR would need to pay attention to and factor in these challenges.*
- *Women within armed opposition forces may be more inclined than their male counterparts to view sexual assault against female civilians and members of*

their own forces and killing of children and civilians as unnecessary and abusive and seeks ways to address or prevent it.

IV. GIRLS ASSOCIATED WITH ARMED OPPOSITION GROUPS

Previous research finds that worldwide, between the years 1990-2004, girls under the age of 18 were present in fighting forces in 57 countries. In 39 of those countries they participated in armed conflict (see McKay and Mazurana 2004). As of November 2004, girls associated with armed opposition, government, and militia forces are fighting in at least 14 countries (see McKay and Mazurana, 2004).¹¹

Girls Entry into Armed Opposition Groups

Those same earlier studies find that in all 57 countries where they were present, girls were actively recruited into the fighting forces. In 28 of these countries, girls were also abducted and gang-pressed into fighting forces (see McKay and Mazurana 2004, Table 3, with the addition of Ivory Coast). Previous studies show that girls “join” armed opposition and militia forces for a variety of reasons, including security for themselves and their families where the state has failed to protect them; in response to local or state violence; to escape abusive or repressive families; as a means to provide for their basic needs; or because they believe in the political, economic, or religious goals espoused by the group (see Brett 2002; Coalition 2004; Human Rights Watch/Children’s Rights 2004; Mazurana et al. 2002).

¹¹ This includes Burundi*, Democratic Republic of Congo*, Ivory Coast, Liberia*, Sudan, Uganda, Colombia, India, Indonesia, Myanmar, Nepal, Sri Lanka*, Palestine, Israel, where (*) references countries in which some girls are undergoing DDR or there is a tentative ceasefire holding.

Girls are or were members in nearly all of the 18 armed opposition groups present at the Geneva Call meeting. There were no girls in attendance at the Geneva meeting. However, the women talked about girls within the armed opposition groups they belong to. In some of the groups, women participants reported that girls were abducted, but insisted that in most cases girls “joined.” Notably, the idea of girls freely joining such groups is so highly contested--given their lack of alternatives for protection and basic needs of food, shelter, and clothing—that many international child protection organizations reject the claim that any child joins of their own free will (see, for example, Coalition 2004). Nonetheless, according to the women at the Geneva Call meeting, girls joined the 18 armed opposition groups primarily for reasons of defense from the state—in that way they replicated the cycle that had seen the women themselves join as girls seeking security from state forces.

In addition to self preservation, the women gave specific examples of other reasons why girls had joined their particular armed opposition groups. Some girls joined to seek revenge, challenge systems of social inequality, and to fight for justice. Some were seeking autonomy from their families or were escaping abusive and oppressive families. In contrast, some girls whose family members were already part of the fighting forces joined to please their parents or families. For example, in one case, the mutilation of the women participant’s husband by government forces caused her to encourage her own children to join to fight in place of their father. Some girls joined in the aftermath of sexual violence by government of militia forces to fight back as a means to uphold their

dignity and show they are not weak. Girls also joined to escape failed or abusive marriages or unwanted, arranged marriages. In such cases, lacking the ability to divorce or refuse an arranged marriage, the armed opposition group was seen as the one place a girl could go where the husband or family could not take her back. Other girls were orphans who joined looking for a social unit to belong to and to help defend and provide for them.

In addition to girls who joined or were abducted, several of the women at the Geneva Call meeting had their children with them in the armed opposition group. In some cases, they felt this was the best way to keep girls and boys safe from state forces. In other cases, they were unwilling to surrender and thus kept the children with them to prevent their own capture—they feared if their children were captured by government forces they would be used as bait to lure them in. Examples were also given of girls who had initially become intimates of male armed opposition group fighters and eventually joined themselves.

Protection and Violation of the Rights of Girls in Armed Opposition Groups

Previous reports have highlighted a number of key areas in which fighting forces have grossly violated the international humanitarian and human rights of girls and boys in civilian populations as well as state fighting forces and armed opposition groups. States are often in breach of fulfilling their obligation to children's rights to protection, education, health, family, and so on. At the same time, when the state fails to protect its

children and actively violates their rights, and civil society groups and international governments and multilateral organizations fail to intervene with the state on their behalf, children's options for receiving protection become extremely limited. To illustrate, in the cases of 31 of the 32 women, they had been individually targeted by the state and its forces and suffered serious violations of their physical and mental integrity. Thus, they made the choice to join armed opposition groups when no other form of defense seemed viable. Indeed, most referred to joining as their "last resort."

Earlier research finds that violations also include those carried out by armed opposition groups against children within their own forces. This includes forcing girls and boys to murder their family members and neighbors and other children within the community or the fighting forces; forced participation in cannibalism and ritualistic killings; forcing the children to commit torture as well as being sexually and physically tortured; enforced sexual servitude; rape; forcing them to carry out dismemberment and amputations of civilians or other children within the force; and forced ingestion of psychotropic drugs to encourage even more violent behavior (see for example, HRW 2003, 1999; HRW Children Rights 2004, 1997; HRW/Africa/Children Rights Project 1997, 1994a, 1994b). Several earlier studies point to the fact that in some of the armed opposition groups, the more violent and obedient the child, the more that child was rewarded by adult commanders within the group (see, for example, Denov and Maclure forthcoming; Denov and Maclure in press).

Given the fact that protection of children by the state is often lacking, during the Geneva Call meeting the women discussed what their armed opposition groups are doing to provide security and limit violations of the rights of girls' and boys' within their own forces by both state actors and members of their own armed opposition groups.

During armed conflict with the government, all of the 18 groups allowed girls and boys to join. Some reported high concentrations of girls and boys in their forces. It has been well documented that a number of the 18 armed opposition groups present at the meeting have also engaged in forced abductions of girls and boys for the purposes of using them for combat and other violations of their rights under IHL and IHR (see Coalition 2004).

Some women said their armed groups would prevent girls and boys from taking up arms to fight until they were 15 or 18 years old, as a means of shielding them. Others, however, said that they allowed children to fight if the children wanted, including 10 year old children. A few of the women at the meeting were in charge of armed units that contained girls.

Several of the women argued that it was safer for the girls to be within the armed opposition group than among the civilian populations being targeted by government forces. Consequently, they said they encouraged girls into the forces as a means of enhancing their security. For example, a participant from Burundi (CNDD-FDD) explained,

“We know you should not use children. But we have child soldiers that come for protection or that have lost their parents and need to survive. Some come because they want to be soldiers. We accept them in the movement.”

A participant from Somalia (SNF) responded that,

“Some children do not have a choice; it can be a way to survive. There is no food, no education. Boys can join at ten, girls at fifteen.”

Several of the armed opposition groups at the meeting said they trained girls and boys to fight, most often with small arms and light weapons. They argued that although the children were fighters, they did not put them in the front lines, as a strategy to keep them from being killed (although none argued this was a particularly effective strategy).

According to a participant,

“Boys and girls can carry arms, but they do not fight. However, if they choose to go to the frontline, they are allowed to do so, we cannot stop them. The youngest fighters are around ten, they are both girls and boys.”

Others said they only used children as porters, messengers, and for camp duties and did not allow them to fight, under the pretense that this kept them safer. However, the women agreed that if captured by government forces or militias, the children would receive the same harsh treatment as if they were an active fighter.

The women participants highlighted several additional key issues regarding threats to girls' safety within the armed opposition groups.¹² The women argued that the issues discussed below regarding protection of girls were not being adequately addressed by their groups. Importantly, girls face different threats within different armed groups (see also Coalition 2004; HRW/Children's Rights 2004; McKay and Mazurana 2004).

¹² There are a series of reports that detail the threats to girls and boys safety within fighting forces that were not highlighted during the conference, see, for example, Coalition 2004; Cohn and Goodwin-Gill 1994; Denvo and Maclure forthcoming; International Labor Organization 2003; Machel 2001; McKay and Mazurana 2004).

Several groups reported issues regarding what they termed “forced marriages,” which encompassed a number of violations of girls’ rights. In some cases, families were giving young girls (including under age 12) to male commanders as favors for their family receiving additional security. Some families literally sell their young girls to males within the armed opposition groups for money. In other instances, girls were being abducted by male members of the armed group. Some male commanders were abducting numerous young girls and had as many as ten captive “wives.” In other examples, girls submitted to sexual exploitation by male members of the armed groups to access resources (see also Lieby 2003). In some cases, these girls eventually joined the group where the sexual exploitation usually intensified and was coupled with more physical abuse since once joining the group they could not leave.

Married women and girls are reportedly more respected and suffered fewer abuses than single girls within several of the armed opposition groups. The women noted that it is easier for a girl to join an armed opposition group than a woman because a girl does not have the restrictions of a husband who has to give permission or children whom she would have to leave behind. In some armed groups, men and boys continually pressure single girls for sexual engagements. Once the girls consent, pressure mounts from other males to be sexually active with them too. Girls can thus end up being passed around among a number of men, increasing their risk of sexual and reproductive health problems. The women said that single girls are also at a greater risk for sexual abuse, particularly while they or their perpetrators are under the influence of drugs and alcohol.

Importantly, several women said that a number of the girls enter the armed group swearing they will not marry. However, they quickly realize that they need to marry a male within the group to defend themselves. Some armed groups that report lower levels of sexual abuse and harassment have restrictions on age of marriage (Sri Lanka) or length of time in the armed opposition group before a girl can marry (Nagaland). How this relates to girls' security within the armed opposition group was unclear.

Several of the groups discussed drug and alcohol problems among the girls in the armed groups. Girls became addicted to drugs and alcohol primarily for two reasons. The first was that they are under pressure to be "one of the guys" and so participate in the heavy drinking and drug use undertaken by some of their male colleagues. The second reason is that they drink heavily or take drugs to enable them to fight, sometimes by force. A women participant from Somalia (SNF) recounted,

"When the war started, the warlords were afraid that since the girls and boys do not have experiences [of fighting battles] they might get scared and get chased away very easily. Therefore the warlords gave these girls and boys tablets. Before the fight they would take tablets and get drunk to have the courage to fight... Then they kill others easily, they even killed each other."

The need for treatment of girls for substance addictions were most often noted by participants from Somalia, South Sudan, Sri Lanka, and, to a lesser extent, the Philippines (see also Denov and Maclure in press).

The women reported that girls are more likely than others to be forced to perform menial labour often traditionally assigned to women. Even if they join to fight, they often are tasked to cook or be the house wives or cleaning girls for male commanders. When they

do not go to the front lines, they are not promoted. In these cases, the only way to gain promotion is often through sexual relations with a male commander. If the girl refuses, there are few other ways to get promoted. At the same time, in their interactions with adult men in the group, girls are often not treated as reasonable or reliable given their young age and supposed lack of maturity. The women say the men listen more to women whom they deem credible. Given these facts, the women report that girls have a harder time speaking out about abuses.

Another issue is that girls are often disconnected from their family and lack support networks within the armed group. In several of the armed groups, there are no formal structures to help in their guidance or to provide support or assistance with abuse or even coping strategies.

Finally, for most of the 18 armed opposition groups, once a girl joins she cannot leave. If she tries to leave, she would most likely be captured, brought back, and punished. Given these factors, it is hardly surprising that the women reported that girls associated with armed opposition groups are generally in poorer health, suffer more abuses, are more stressed, and have a harder time coping than adult women.

LESSONS LEARNED

- ***Girls and boys are primary members of armed opposition groups. In a number of cases, they enter the armed group because the state has failed to protect them. Indeed, many enter into the groups seeking defense from violations by state actors.***

- *Armed opposition groups encourage girls to join telling them it will be safer within the group than if they remain a civilian. None of the 32 women from armed opposition groups saw the presence of children in their groups as a violation of IHL or IHR. On the contrary, many saw it as the best alternative for children trying to escape abusive state actors. Thus, significant work remains to be carried out in terms of enhancing states' obligations of protection of its children as well as the obligations of armed opposition groups not to use or recruit children within their forces.*
- *Girls also enter armed opposition groups to escape violent or repressive relations or institutions within the larger society, including forced and arranged marriages and abusive households. In these cases, again failing the protection of the state, girls seek sanctuary among armed groups to escape violations and repression within their own families and cultures.*
- *Girls serve a variety of roles within armed opposition groups, including fighters. Young girls are being trained as fighters, including being trained and commanded by women. Women should not be seen as inherently more concerned about the security and rights of girls in their armed opposition groups.*
- *Armed opposition groups say they offer security to girls by relegating some of them to roles that limit their exposure to direct fighting. This is not an effective form of security for the girls as they will be treated "as if they were fighters" if captured by government forces. However, most of the 32 women in the armed opposition groups felt that limiting their roles was a sufficient form of security for the girls.*
- *There is little security for girls within armed opposition groups. They are at high risk for sexual exploitation and abuse from the males of the group. Single young girls appear to be at the highest risk. Little is done within some of the armed opposition groups to address these factors.*
- *Girls in some armed opposition groups are turning to alcohol and drugs as a coping mechanism to enable them to function in violent, male-dominated environments. In other cases, girls are being forced to take drugs and alcohol to deaden them to the horrors of fighting and killing. In all these cases, at a minimum, girls may become drug or alcohol dependent and will need special rehabilitation programs upon their removal from the armed groups.*
- *Women within armed opposition groups can provide important information about girls within their groups, although this should complement and not serve as a substitute to talking with the girls themselves. Information is vital and should include an on-going analysis of the roles and experiences of girls in armed opposition groups, and their physical and mental needs to inform policy and practice to promote and enforce the protection and rights of girls.*

- *The willingness of the factions to commit to end recruitment and release children, particularly girls, should be seen as a litmus test of the seriousness of the parties to engage in genuine negotiations to ending the conflict.*

V. DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION (DDR) OF WOMEN AND GIRLS IN ARMED OPPOSITION GROUPS

Previous studies find that women frequently gain political ground during times of war either through taking part or preparing for combat, or in movements working for peace. However, during formal peace processes women are often overlooked for leadership positions during the talks, as well as in reconstruction and rehabilitation activities, political parties, and other transitional processes (see Meintjes et al. 2001; Sorenson 1998; UN 2002). Such exclusion and marginalization have also been noticeable in the realm of DDR and have proven to have a detrimental impact that carries over into the post-conflict period (see Fredrikke 2002; Hale 2001; Mazurana and Carlson 2004; McKay and Mazurana 2004; UNICEF-Sierra Leone 2003; UNIFEM 2004).

DDR: Where Are the Women and Girls?

International policymakers consider DDR to be one of the most important steps in the peace process. DDR can be broken down into three separate elements: disarmament,¹³ demobilization,¹⁴ and reintegration,¹⁵ although these phases overlap.

¹³ Formal disarmament is defined as the “collection, control and disposal of all weapons including small arms, explosives, light and heavy weapons of both fighters and civilians. It includes the development of responsible arms management programs” (UN 2000, 15). Formal disarmament processes usually occur following formal peace accords. Disarmament entails the surrender, registration, and destruction of

Earlier publications reveal that neglect of the many and complex roles that women and girls play during war and peace leads to less informed and effective DDR policies and programs that do not fully extend to the community level and may not contribute to sustainable peace. There remains a lack of recognition of the particular needs and concerns of women and girls associated with fighting forces in DDR and other post-conflict plans and programs. As a result, they are excluded or overlooked by policy makers and programmers (see Farr 2003; International Alert 2003; UN 2002; UNICEF-Sierra Leone 2003; UNIFEM 2004). In other cases, because the programs are not aware of their concerns, women and girls associated with fighting forces may avoid DDR programming to escape potential stigmatization and marginalization (see Barth 2002; McKay and Mazurana 2004; Machel 2001).

Women associated with the 18 armed opposition groups at the Geneva Call meeting came from a range of different conflict situations and, consequently, DDR programs in their countries are in very different stages of implementation. In some cases, DDR was carried

weapons and ammunition. At times, material goods or cash payments are made in an effort to provide incentives for turning over of weapons. Disarmament also necessitates the secure storage of weapons and ammunition while awaiting disposal or destruction. And it involves the transport of ex-fighters from opposition groups, government forces, or civil defense militias to encampment areas and discharge centers.

¹⁴ Demobilization is “the process by which armed forces (government and/or opposition or factional forces) either downsize or completely disband, as part of a broader transformation from war to peace” (United Nations Department of Peacekeeping [UNDPKO] 1999, 15). There are numerous phases of the demobilization process, including the “assembly, quartering, disarmament, administration and discharge” (UNDPKO 1999, 15).

¹⁵ Reintegration programs “are assistance measures provided to former fighters that would increase the potential for their and their family’s economic and social reintegration into civil society” (UNDPKO 1999, 15). Social reintegration includes the sensitizing of communities to assist in reconciliation and in helping to integrate ex-fighters back into communities. Such sensitization and community support is a necessary measure to help build confidence in ex-fighters’ decisions to disarm and demobilize and to ensure sustainable peace. Family reunification, especially for girls and boys, also plays an important role in social reintegration.

out years ago, as in Colombia, Ecuador, El Salvador, Guatemala, and Kosovo. Thus participants from these countries were able to provide detailed information on successes and failures of their DDR processes. In other countries, DDR is currently on hold or in the planning process, such as in Burundi and South Sudan, or is pending stalled peace talks, as in Sri Lanka. In a number of countries, DDR is not an issue because fighting continues with little hope for near-term peace, most notably in Aceh, the Philippines, and Somalia.

A participant from Kurdistan (KONGRA-GEL formerly PKK) stressed that “what is needed is a concrete analysis of what members in each group need and want,” and that requires that those planning DDR programs pay attention to the voices of women and girls (see also UNIFEM 2004). A participant from the Philippines (MILF) agreed that context specific analysis and discussions with women and men leaders within armed opposition groups in planning DDR was crucial,

“People from the outside cannot come in and tell us what to do. Something that is imposed from outside does not have the strength of sustainability.”

Participants also stressed that women are largely excluded from official peace negotiations. It is clear that women’s priorities and perspectives on DDR suffer the same fate given that disarmament parameters are often addressed during peace negotiations. Without negotiators who have women’s and girls’ rights and needs on their minds, there was widespread agreement that women and girls associated with fighting forces lose out (exceptions were Latin American participants who had women on the negotiating and

planning teams). It then follows that women and girls are systematically overlooked in the planning and implementation of DDR, with most not benefiting from the programs.

All the women present agreed that their experiences during conflict as fighters had significantly shaped their experiences and perspectives in post-conflict periods. In general, most of the women saw the concept of DDR positively and believe it as a necessary and useful tool in transitioning into a post-conflict situation. Nonetheless, the planning and implementation of DDR programs was viewed critically and seen as problematic, particularly the reintegration phase.

Overall, the women expressed little to no confidence in the peace agreements. Unless changes are made, the capacity and efforts of governments to establish this trust appears to be very low given such talks male-only, exclusionary format. One major concern is that the objectives of governments and those of armed opposition groups differ. As viewed by the women in the armed opposition groups, the primary objective of the governments was to end a military conflict and to break the power structures of the armed opposition groups; whereas the women believed they were fighting for a just and equal peace.

For those women whose countries had undergone DDR, they argued that once the armed groups had dissolved, there is a lack of engagement in economic and political reforms (which often are the underlying roots of conflict) and in providing ex-fighters with reintegration assistance. A former fighter from Guatemala (EGP) stated that,

“In Guatemala, disarmament and demobilization worked: fighters gave up arms and they were sent to camps. The process was monitored by the United Nations. There was no special focus on women within the process, although 40 percent of armed groups were women. Disarmament and demobilization was a complex process, but after all it was positive.

But reintegration was not planned well. The objective of the government was to stop fighting, they didn't think about the next step. Reintegration, although it was part of the peace process, was not implemented by the state, but by the movement. In fact, there was no real political desire on part of the government to make it work. Once disarmament and demobilization finished, the state stepped back. There was some support from the international community. There was no cash compensation, the support came in terms of food and housing.

An information campaign would have been crucial to raise awareness of the goals of the DDR program among the population as a whole. There was a lot of discrimination towards ex-fighters. They were not hired in the public sector. There is a need to assess the level of acceptance or hostility among the civilian population towards ex-fighters and to find ways to address it.”

A participant from El Salvador (FAL) agreed that disarmament and demobilization are much easier to carry out than reintegration,

“In El Salvador, the peace agreement was signed 12 years ago. Signing a peace agreement only ends a military conflict, it doesn't solve the root causes of conflict, which are economic, social, and political problems. There is no real peace if there is still polarization between the two sides. Only former military leaders got good positions after war, they became civil servants, mayors, and so on. Young fighters did not find work. Disabled fighters were neglected. Overall, disarmament and demobilization worked, reintegration did not work.”

For those still engaged in conflict, the women fighters emphasized the need for an increased engagement by other governments and multilateral organizations to pressure and work with their governments to move the society towards a more secure and egalitarian environment. International organizations could also support this process by undertaking studies to identify, map, and assess viable reintegration and livelihood strategies for ex-fighters and war affected communities.

DDR: Who Benefits? Who Decides?

Rigid divisions regarding who is a fighter and who is not, with an exclusion of others believed to primarily participate in non-combat position presents a number of problems. The recent success of Liberia's DDR in attracting women and girls has been attributed, in part, to a broader definition of "women and girls associated with fighting forces," thus helping to facilitate their entry into programming (see UNIFEM 2004). Yet, the success of Liberia is the exception, not the rule. To illustrate, in the current (now stalled) DDR process in Burundi, a woman fighter (CNDD-FDD) explained,

"There is a problem of defining who is a fighter and who is not. In our group, we have two types of fighters: political and military. They all have abandoned their activities to join the movement. But the DDR process only applies to those who have been military fighters. This is a big problem for our group. Dividing the group creates discontent. They have all lived together and they do not understand why only military fighters receive assistance. Nearly all the fighters are without education. But without qualifications, it is not possible to become a civil servant in the administration or take on other good positions. Their only option often is to return to agriculture. The fighters refuse to return to agriculture, which is seen as degrading to them. They require training and jobs, and this includes the women and girls."

Such definitions are also affected by communities' experiences of the fighters and (mis)perceptions regarding what males and females do within armed conflict. According to a fighter from South Sudan (SPLA),

"Fighters are not known and recognized in society after wartime. Sacrifices are not valued in the same way for men and women."

Earlier work has found that one of the main obstacles for women's and girls' participation in DDR is that national and international male policy makers and officials too often do not recognize women and girls as integral members of fighting forces (see

Barth 2002; Enloe 1993, 2000; Lieby 2003; UNICEF-Sierra Leone 2003). Women and girls associated with fighting forces are frequently categorized as “camp followers” and “dependents” by military, government, and aid officials, who would rather not be responsible for them. Thus, they are categorized in a way that makes it appear that these females are not really part of the fighting forces (see Enloe 2000; McKay and Mazurana 2004). This was also occurring in the countries the 32 women came from. A women commander (CNDD-FDD) explained the current exclusion of women from Burundi’s DDR process:

“Experts from the United Nations and the government who came to evaluate the DDR process said that women with children are not considered fighters. They are not to be included in DDR. In order to benefit from the program, these women have to send their children to foster families or relatives in the villages. This way they remain a ‘fighter’ and can join DDR and receive benefits. If they decide to keep their child, they have the status of a civilian and are excluded.... DDR processes are very strict. Money plays a huge role. The more fighters, the higher the costs, so they are trying to narrow who can get in. The criteria should be widened, especially because it discriminates against women and girl fighters... Some of the women have been living in these sites for nearly two years without their children waiting for DDR.”

At the same time, early demobilization before resources are secured for those associated with fighting forces are a concern for women. For example, currently, women in South Sudan are suspicious that they are the first to be cut from the forces and will thus be marginalized when new political and military positions become available. As explained by a women fighter (SPLA),

“When the DDR program was initiated in South Sudan, we woman fighters got together and asked ourselves ‘Why are we disarmed and demobilized?’ We are afraid that we would have to go back to the kitchen and give up our positions. We are afraid that we do not count as much as we did before when we were fighters. I am wondering what we are demobilized from when war is still ongoing? In regards to reintegration, it is difficult to return to the communities after demobilization and be a civilian. We women fighters are wondering what our fate

will be, we do not want go home and to sit around with nothing productive and meaningful to do.”

A woman participant from Burundi (CNDD-FDD) said that women and girls were being marginalized in the process leading up to the DDR process (which is currently stalled),

“The progress of the DDR process is doubtful, it is not moving as expected. A United Nations peacekeeping force was supposed to be deployed, but this has not yet happened. As time goes by, women and girls are feeling they have been abandoned. However, women are not involved in the DDR policy or process, and thus cannot represent women’s needs. The result is that there are very poor conditions for women in the cantonment camp; there is no balanced nutrition, no clothes for women, no toiletries, no feminine hygiene supplies. So the women are treated like men. And although the women are treated as men, the women’s contingent of the group is excluded from DDR. There were expectations that women would be integrated with the police force or the military, but this is not happening. The movement tried to put pressure on the relevant actors to integrate women, but the government refused. The army and the police have no principle of equality of the sexes. As a consequence, little space is given to woman fighters either during cantonment or in job options in the revised security sector.”

The Burundian speaker and her colleagues at the assembly camp believe that the slow response is actually a strategy of the government (which publicly opposes women in the new security forces) to try to get the women and girls to leave the DDR camps and thus have no claims on DDR benefits or potential integration into the new security forces.

Women Fighters Explain Why DDR Fails and What is Needed

People associated with fighting forces are wary of entering DDR for a number of reasons.

A woman commander from South Sudan (SPLA) explained,

“People are afraid to disarm. They are afraid of what might happen to them in case peace fails and they are left without guns. They would only be ready to disarm if they are certain that the peace can be trusted. At the current stage, it is too early to disarm SPLM/A soldiers, the situation is too tense. Only those should

be disarmed and demobilized who are not actively involved in combat. For example those who are in minor support functions or stay with some of the men in the group for sexual and protection reasons. These women are often young... For them, a DDR program might be effective. The problem is that these women and girls are the last ones to be targeted by DDR programs.”

Women present at the Geneva Call meeting currently engaged in fighting were reluctant to disarm. Even among those whose groups had entered into peace agreements, a number of the women did not want to disarm, as in Guatemala (EPG), Ireland (INLA), and Kosovo (UCK formerly KLA). According to a woman from Guatemala (EPG),

“Disarmament and demobilization equals defeat. DDR is negative because we were forced to disarm. I was fighting for a cause in order to win. When the war ended, the problems remained, they were not solved.”

Reintegration was seen as particularly challenging due to competing perspectives over what kind of society they should be reintegrated into. A woman fighter from Ecuador explained that reintegration programs are in many cases trying to convince people to reintegrate back into situations of exploitation, poverty, and injustice. She argued that,

“The problem with reintegration is that many people join an armed opposition group for a cause. But the causes of conflict are not tackled in reintegration. Reasons for conflict have a lot to do with violence, poverty, injustice, and inequality. DDR processes are very weak. People who participated in DDR do not trust the peace and are always ready to fight again. The reintegration process is incomplete, the basic necessities are not being met. The government never completed its engagement. Today, there is an ongoing cycle of violence.”

The superficial nature of most DDR programs was widely criticized. In particular, nearly all the women present felt that distributions of small amounts of money as incentive to disarm and part of reintegration did little to help their situation. As one woman explained,

“War often takes many years, people have nothing, they lost everything, they have no home, no education, no assets. What will \$100 do? Such small amount does little to help them and will not change their situation. We have to think of

other ways. A small amount of money does not have an impact when you have to start from zero. Money alone cannot sustain you. People need education and training, especially women and children. Otherwise, they will never be able to obtain good positions. After peace, women want to become leaders in their communities and government. Thus, the reintegration should focus on education and job skills and not small amounts of money. What is needed is capacity-building so women and girls can work to empower themselves.”

Women were also critical of demobilization programs that required numerous forms of transport, long periods within cantonment or demobilization sites, and did not allow women to care for their children. They pointed out that men were at an advantage to afford transport as well as have their wives look after the children for months or in some cases years spent at assembly or demobilization sites, options that women often lacked.

Importantly, and often overlooked, women from several countries stressed the need for community-wide disarmament, as in Burundi, the Philippines, and South Sudan (see also Anderlini 2004; International Alert 2003; UNIFEM 2004). In these countries either the government or the armed opposition group had liberally distributed weapons to community members. This had resulted, in part, in an increase in murder, theft, and violence using arms as well as more civilians arming to try and to protect themselves and their families from the increased violence. Several participants also noted the value of parallel disarmament initiatives such as weapons for development schemes pioneered by the United Nations Development Program (UNDP) which are increasingly a feature of DDR programs. Additionally, many women commented on the need to prioritize security sector reform to move towards more accountable use of force by the state (see also Anderlini 2004).

Priority Issues for Women

Issues of economic, political, and legal justice, and healing fighters and their communities physically and psychosocially were paramount among the participants. Economics was of primary concern to the women, and included access to training and education for eventual employment in government and civil society jobs that could enable them to be active members of the citizenry and support themselves. For those countries where fighting between the armed opposition group and the government had stopped, few in the movement were doing well economically. For example, a participant from Colombia (M19) recalled,

“A big effort was made to support the disabled with health care and psychological help. Five years later, university courses were offered for ex-fighters. In the political scene, ex-fighters now play important roles, they hold positions in Congress, ministries, etc. However, these positions were mainly given to military leaders. The average fighter did not benefit much from economic reintegration and many are still unemployed and poor.”

A women from Kosovo (KLA) said,

“Reintegration is not working. The majority of fighters have not reintegrated although after war the fighters were ready for it. Both men and women were not targeted sufficiently by DDR programs.... Fighters with disabilities were not targeted, yet disabled people should be provided with support and they require special attention. Ex-fighters mostly had to find work on their own, without any support. Many of us wanted to join the new armed forces but there were not enough positions.”

Land reform and reform in inheritance laws that bar women from owning land were also seen as key issues that would have to be addressed before successful economic reintegration could occur, as in the Philippines and South Sudan.

Justice was also a priority for the women present, although this took on many forms, including accountability, redress, and the fight against impunity (see also McKay 2000).

A participant from El Salvador (FAL) explained,

“During the war in El Salvador, there were around 57,000 deaths, which had a big impact on our society. After the peace agreement, the government issued an amnesty law. This is not a good idea. Now there will never be justice for the crimes that have been committed. Reconciliation is not possible because there is impunity, there is no justice for crimes. There is not even a symbolic justice.”

Psychosocial healing was a priority for a number of women, primarily those who are no longer engaged in armed conflict with the government. This included coping with a loss of identity and lost years of education and alternative career development. For those women in armed opposition groups preparing to disarm, there were also concerns about rejection and stigma within their communities since the women had broken traditional gender barriers by becoming members of an armed group. Several recounted stories of women fighters abandoned by their fighter soldier husbands for younger and perceivably more feminine women who had no experience as soldiers. In other cases, women and girls may have changed during their time in the armed group, making it difficult for them to meet the expected community demands regarding traditional behavior.

Demilitarization was stressed as a key factor in moving societies towards a real and lasting peace. According to a woman fighter still fighting in the Philippines, for reintegration, demilitarization is a necessary, psychological process,

“When you struggle for so long, you cannot easily give up your weapon and surrender. This would mean giving up the struggle, the movement, and identity.”

Most participants agreed that psychosocial programs that had been undertaken had fallen well short of what was needed to ensure successful reintegration. According to an El Salvadorian participant (FAL),

“Psychosocial recovery was not a part of the peace agreement. It is mainly the job of NGOs to create support groups that address psychosocial effects, for example self-help groups. Psychosocial support should be included in the peace agreement and this has to be planned ahead. Trauma and rehabilitation processes are important. It is difficult for NGOs to find money for them. If international agencies are helping to rebuild the country’s health systems, psychosocial recovery should be integrated into the national healthcare system as a public policy.”

Finally, all the participants agreed it was important for women to learn from the experiences of other women in armed opposition groups about DDR policies and programs that could work for them and the pitfalls to avoid. The women confirmed that there is no information targeting the particular context-specific needs of armed groups as they approached DDR during peace negotiations.¹⁶ This is an area where the women felt donors supporting peace processes can be useful, inquiring into the information needs of the armed group(s) at the table and assisting in providing data and analysis to better inform negotiations.

In summary, the women’s comments demonstrate that successful DDR cannot focus on individuals, but must focus on developing and strengthening livelihoods of communities. This means the focus must be on the long term, in building up credit and education systems, including accelerated education, job training, and access to social services and health care, including reproductive care; in other words, building and supporting

¹⁶ In 2005, the Centre for Humanitarian Dialogue will be undertaking a feasibility study to assess the needs of armed groups entering into this phase of peace negotiations. For more information contact cateb@hdcentre

livelihoods. It is important to design such programs and institutions in ways that do not privilege ex-fighters over the rest of the civilian population, but rather reward and benefit the community for helping with the reintegration of its members.

Disarmament, Demobilization, and Reintegration of Girls

Significantly, earlier studies find that most girls associated with armed opposition groups never enter an official DDR program. If they leave the armed group, most attempt to spontaneously reintegrate back into their communities or to settle within a new community (Legrand 1999; Lieby 2003; Machel 2001; McKay and Mazurana 2004). For those girls who attempt to enter into DDR programs, they face challenges and barriers in addition to those already mentioned for adult women, several of which were highlighted at the Geneva Call meeting.

The first has to do with entering into DDR. UNICEF and other leading child protection agencies have long advocated ending programs that use weapons as a ticket into DDR for children. Even when policy has been set to prohibit this, the practice continues on the ground and prevents girls in particular from entrance (see, for example, Denov and Maclure forthcoming; Mazurana and Carlson 2004). As demonstrated by the story of a Somali participant at the Geneva Call meeting, when weapons are required to enter into DDR, men often gather up the old weapons from the girls and take them in for the cash reward (see also Women's Commission for Refugee Women and Children [Women's Commission] 2002).

Girls are also excluded from DDR on the basis that they are not “real fighters,” that they are not integral to fighting forces, that they are only wives or dependents. Information about what the programs are and how to enter them often do not reach the girls themselves. At times, commanders use the girls to go in and collect money or material benefits and have them bring those items back to the commander. In some cases when girls present themselves to disarmament sites, officials turn them away (see, for example, Mazurana and Carlson 2004; McKay and Mazurana 2004; Women’s Commission 2002).

The women participants stressed that good communication with armed opposition groups regarding formal and informal DDR programs for children are paramount. This may mean expanding *both* areas where information about such programs is transmitted (such as market places and other areas frequented by women and girls) and the entry points for women and girls to get into the programs, including health care clinics, churches or mosques, and women’s associations.

Advocacy for the release and hand over of children has to be linked to programs of protection and educational and economic assistance, otherwise children quickly rejoin fighting forces. In conflicts that are ongoing or regional in scope, DDR programs fail to keep children from rejoining fighting forces when alternative forms of protection, education, and financial help are not readily available. A UNICEF-led DDR program in South Sudan that processed over 6,000 children associated with the fighting force during 2001 is a case in point. A South Sudanese women commander (SPLA) at the Geneva

Call meeting told why most of those children were back in the armed force within a few weeks:

“DDR for children was done. The children were taken to a camp by UNICEF and received food and shelter, but they didn’t understand what they should be doing there. When they returned to their families, there were no schools, no alternatives. This is why most went back to their commanders. They were disarmed, and then left with nothing to do. It is important to engage them in something. Otherwise, people think disarmament is not a good thing.

Those children that were able to go to school had many problems with other children in school that had not been fighting. There were threats, fights, and so on. Again, it is not enough to disarm and reintegrate them in their communities. Their minds have to be demilitarized. The same holds for women. They have the minds of fighters and are always ready to take up arms again, even when they are reintegrated. DDR has to recognize the need to disarm the mind.”

Overwhelmingly, studies find that girls prioritize access to education and training in skills that will enable them to economically support themselves (see Lieby 2003; McKay and Mazurana 2004; UNICEF-Sierra Leone 1003; Women’s Commission 2001, 2002). The women present at the Geneva Call meeting also stressed education, and also encouraged child protection officers within the programs to help girls make informed choices about what options were available to them.

Finally, it is crucial that humanitarian and child protection agencies *de-militarize* their approaches to getting children associated with fighting forces into health, training, and reintegration programs. Working with the military and having military entry points for children is necessary but not sufficient. The women participants agreed that there needs to be smarter thinking and planning around the ways in which children, and especially girls, spontaneously reintegrate and their needs for education and health care as potential entry points into assistance programs.

LESSONS LEARNED

- *There is a need to gather gender-disaggregated data to develop more accurate understandings of the roles and experiences of women and girls associated with fighting forces during the conflict so as to better inform peace negotiations and DDR policies and programs.*
- *Women and girls continue to be marginalized and excluded in DDR programs. This is due, in part, to the fact that they are not present during peace negotiations when parameters for DDR are set. When they are marginalized, women and girls participate in DDR in much lower numbers than their actual force numbers, leaving most of them to spontaneously reintegrate with no assistance.*
- *Narrow definitions of “fighters” continue to cause problems for women and girls within fighting forces and are blocking women’s and girls’ entrance into DDR programs.*
- *Many demobilization camps continue to fail to meet the needs of women and girls associated with fighting forces. Physical security and the ability for them to care for their children while in a camp or center is a paramount incentive/disincentive for women and girls entering a camp and must be enhanced.*
- *Effective communication strategies regarding what DDR is, who qualifies, and where a person should go should be enhanced to reach the largest number of persons associated with fighting forces. To better reach women and girls, it is important to provide information over radio, in market places on market days, and through women’s and religious organizations.*
- *Centers for young mothers with children and children associated with fighting forces should be established early in the DDR process and staffed with adult female staff trained in child protection issues.*
- *It is necessary to require and provide mandatory health screening, including reproductive and sexual health, for all women and girls who enter into the demobilisation camps. It’s important to provide all necessary products for women and girls to maintain their health and sanitation during menstruation.*
- *Reintegration is the most difficult and complex part of DDR. None of the women felt that reintegration of former fighters had been successful in their countries.*
- *In reintegration, the women prioritized more equitable economic, political, and justice systems, and a psychosocial healing of individuals and communities.*

None felt these priorities had been adequately achieved and most believed the state disengaged from reintegration once the armed opposition had demobilized.

LESSONS LEARNED FOR DDR FOR GIRLS

- *Most girls are left out of official DDR processes and attempt to spontaneously reintegrate.*
- *Women and men community and religious leaders within the communities that “hosted” fighting forces may be good sources to help identify girls associated with fighting forces.*
- *Requirements of weapon possession and functional knowledge as a “ticket” into DDR blocks the entry of many girls and young women and should be avoided as a requirement for children and youth in all future DDR programs. It is necessary to work to ensure clarity and consistency in not requiring children to produce weapons or perform weapons tests to enter programs.*
- *Demobilization should be the end to a military process for girls. They should be separated from adult fighters as soon as possible. Male ex-fighters should not be allowed access to girls, therefore centers for children should be located apart from centers for adults and should have monitoring mechanisms in place. Visitation by male ex-fighters should occur only at the request of the girl and under supervision of a social worker at the center.*
- *One should ensure that demobilization of girls is demilitarized. Civilian organizations and staff should work with and provide appropriate services for demobilized girls. Entrance into DDR programs should incorporate military entry points but should expand beyond to include health care centers, churches and mosques, and civil society organizations assisting victims of sexual violence.*
- *One should strive to ensure that at demobilization girls are given clear information about what the DDR process is about, their rights within it, their options, and the next steps in the program.*

VI. CHALLENGES TO IMPLEMENTING AN INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW AGENDA WITHIN ARMED OPPOSITION GROUPS: DO INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW MATTER?

“The problem with international organizations and these legal agreements is that they quickly become only words and there is no monitoring or enforcement.”

-- Iranian participant (MEK)

Knowledge of IHL and IHR

While both state actors and armed opposition groups are, without question, bound to the rules of IHL most members within armed opposition groups are not aware of the provisions of such laws. Most of the women associated with armed opposition groups present at the Geneva Call meeting were aware of the basic terminology of IHL and IHR, such as “rights,” but were unclear regarding particular protections for civilians and fighters. There was a common understanding that IHL and IHR were linked to the right to life, not attacking civilians indiscriminately, not killing children, and treating the enemy with some respect. In a few cases, such as in Iran (MEK), the Philippines (MILF), and Sri Lanka (LTTE), some members had received basic training from the ICRC on basic IHL. Others had called upon the ICRC to help negotiate the release of captured members of their forces, as in South Sudan (SPLA). Some groups had publicly declared their respect for IHL, but did not display evidence that they understood protection or obligations under IHL.

Significantly, nearly all women associated with armed opposition groups at the Geneva Call meeting were unaware that either IHL or IHR was relevant to women and girls. To illustrate, during the meeting several working groups of women recommended that “the Geneva Conventions should be expanded to include women.” For the few women who had a better understanding of IHL and IHR, they felt there was little to no enforcement of such rights on the ground; the fact that their colleagues were unaware that such protection existed, particularly regarding women and girls, further underscored their point.

Obstacles in Working with Armed Opposition Groups

There are significant obstacles to working with armed opposition groups to uphold, let alone promote, IHL and IHR. In other meetings, international legal experts, as well as Geneva Call, have identified the top challenges as follows:

- 1) States often deny the applicability of IHL out of reluctance to acknowledge that a situation of violence amounts to an internal armed conflict, and an unwillingness to grant ‘legitimacy’ to the armed group by recognizing them as a party to the conflict;
- 2) The frequent ‘internationalization’ of many contemporary internal armed conflicts creates confusion with respect to the legal qualifications and therefore the body of rules applicable to the conflict;
- 3) Armed groups often lack sufficient incentive to abide by IHL, given that implementation of their obligations under this law is usually of little help to them in avoiding punishment under domestic law for their mere participation in the conflict;
- 4) The asymmetrical nature of the relationship and methods of warfare between state armed forces and armed groups;
- 5) Increased prevalence of involvement of private security companies in situations of armed conflict;
- 6) Dilemmas posed by conflict in failed states (ICRC 2003, 20).

To try to enhance the cooperation of armed opposition groups, some international legal experts have recommended that,

“Better accountability by armed groups for international humanitarian law might be achieved by granting them an opportunity to express their consent to be bound by the rules, something not provided for in existing [international humanitarian law]. The express consent would provide evidence of willingness to comply and could make a tremendous impact in terms of dissemination” (ICRC 2003, 21).

Geneva Call’s experience has also shown that to offer the possibility to armed groups to voluntarily respect IHL gives an important opportunity for positive results.

To date, however, there is little data on the impact (positive or negative) of dissemination of knowledge and then changes in attitudes and behavior regarding IHL and IHR within groups who have expressed consent to comply to IHL and IHR. Significantly, for example, while some of the women participants had basic knowledge of IHL, this did not necessarily translate into changes in attitudes or behavior. Thus, knowledge about IHL does not correlate with attitudinal and behavioral changes on the ground.

Past experience has shown that having armed groups make declarations or sign agreements that lack enforcement or monitoring are potentially dangerous because international attention may shift away from realities on the ground in face in high level rhetoric (see, for example, Becker 2003; Goldsworthy and Faulkner 2003). To illustrate, armed opposition groups have made similar declarations and signed agreements in regards to stopping their use of child soldiers but have not held to those agreements. Indeed, advocates within child protection have repeatedly seen armed opposition groups attend high-profile meetings with senior government and United Nations officials whereupon their groups agree to stop the abuse of children within their region,

particularly to end the use of child soldiers. Various pledges and papers are signed. While those who brokered these agreements herald the accomplishment, in none of these cases did the groups actually stop the use of child soldiers, and in several cases actually increased their recruitment and abduction of children as fighters (Becker 2003).

Nonetheless, there are those who believe that special agreements between state actors and armed opposition groups to adhere to specific aspects of IHL and unilateral declarations by armed opposition groups could be positive steps towards compliance. In the light of any declarations made by armed opposition groups regarding their commitment to comply with IHL and IHR, a verification mechanism must be created and in place to supervise such compliance.¹⁷ International legal experts have suggested the creation of an International Humanitarian Law Commission or the ICRC as potential verification bodies (ICRC 2003). Regardless of what body takes the lead, “taken in tandem with measures to ensure *verification*...the issue of *enforcement* or *compliance* is the qualifying factor that judges the success or failure of any” agreement, declaration, or binding instrument (Goldsworthy and Faulkner 2003, np, emphasis in original). At the least, all external international parties active during the negotiation of ceasefire agreements should press the conflicting parties to make a commitment to the adherence to IHL foundational to any agreement.

¹⁷ For example, the mechanism proposed by Geneva Call (the Deed of Commitment by which armed groups renounce to use antipersonnel mines) includes measures for monitoring and verification.

Challenges Regarding Women within Armed Opposition Groups as Active Promoters of IHL and IHR

Within the overall discussion above, there are significant challenges regarding drawing on women associated with armed opposition groups as supporters and promoters of IHL and IHR.

First, most women do not hold positions of power or authority in armed opposition groups. They operate in an environment in which they may not question orders and any refusal to obey can be severely punished. Most of them are involved with armed groups that they cannot leave, under any circumstance.

Some women at the Geneva Call meeting acknowledged that under orders or to stay alive they had committed abuses. “In order to survive, I had to violate human rights,” one woman fighter explained. A woman commander from South Sudan (SPLA) stated,

“Fighting is fighting. We do not choose who to kill, the target... I am commanding a group but I have a commander too. I must listen to him, even if I feel sorry for what I have done. Women act as soldiers because they are soldiers.”

A Filipino woman fighter saw the paradox in fighting as a means to address injustice and abuse, “In fighting for our human rights, we often end up destroying human rights.”

There were long discussions among the women about differences between men and women within their armed groups regarding the respect of rights. Several women believed that, as a group, women were less likely to commit serious rights violations

against civilians. Some argued that because they were females and could give life, women valued life and children more and so would take more care not to kill unnecessarily, particularly regarding the killing of children. Some said that they believed they were different from their male counterparts because when under orders or threat they had to kill or harm others, they felt bad and thought about it, while (in their perception) the males seemed not to reflect upon it. Several said that because women were not in many of the top leadership positions, they had less opportunity to order troops to engage in behavior that violated rights. None spoke of their obligation under IHL regarding treatment of civilian populations or enemy fighters.

A number of women commanders at the Geneva Call meeting acknowledged that they did not intervene when their troops violated the humanitarian and human rights of civilians and government forces. They explained that this was primarily because to do so would have undermined their already tenuous control over fighting forces that are not professional or well disciplined and, which at times, resisted orders by female commanders. Some women said they had resigned themselves to the fact that their troops would loot villages and assault civilians. In other instances, women commanders said such violations would be taken up with higher authorities within the armed group, reasoning that by abusing civilians they undermined their support and supply base.¹⁸ Again, none of the women framed these discussions in an awareness of their obligations under IHL.

¹⁸ It is important to note that reporting violations by members of armed groups against civilian populations was motivated by a fear of undercutting vital civilian support of the armed group, not out of a concern that civilians' rights under IHL or IHR were violated.

Importantly, according to the women present, one of the primary motivators of the behavior of the armed group towards civilians was the extent to which they relied on civilian populations to (more or less) willingly supply them with food, shelter, medicine and information. The more the armed group relied on the charity and generosity of the population for support, the more likely they were to curb violations against civilians by their forces. Thus, this is probably one motivational factor for armed groups to better uphold IHL and IHR regarding civilian populations and, consequently, may be an entry point for humanitarian agencies looking to work with armed groups regarding promoting and upholding these laws.

In a few cases, accounts were given of women fighters challenging more senior male fighters to stop violence against civilian populations. However, given the perceived and real risk to themselves, such interventions appeared rare, and none appear to have been done on the basis of the fighters understanding of or respect for IHL. Several of the armed opposition groups who lived among civilian populations, such as in Aceh (GAM), the Philippines (NPA), and Sri Lanka (LTTE) denied that they abuse the rights of those populations, though reports by international groups contradict those claims.

At the same time, as noted above, all the women present gave numerous examples of the violations of their rights and the rights of their communities by government forces. All wanted an end to fighting and a just peace. One woman commander noted that,

“What I know is all armed opposition groups do what they are doing because they have failed negotiations--but they are looking for a means of negotiation. Increasingly, they are lumped together as terrorist groups. This isolates them and infuriates them and makes them [more violent].”

The women stressed that there was a need for increased pressure by governments and multilaterals to moving the warring parties to ceasefires. At the same time, they called for increased presence of international monitors on the ground to ensure ceasefires and to halt violations by all parties while conflict mediation and peace negotiations occurred. In fact, increased international monitoring and enforcement on the ground was suggested by nearly all women present at the Geneva Call meeting, with a number noting that currently even during ceasefires, their forces are attacked and their villages are burnt. The women stressed that, “If you want to have a humanitarian agenda, there has to be an alternative” to our experiences of government and militia violence and injustice against our families and communities.

In the strategies to raise awareness among armed opposition groups about IHL and IHR, the women suggested dissemination of this information to the diasporas, who often funded the groups and shaped ideologies. The women also suggested that dissemination of information regarding IHL and IHR to armed opposition groups should be undertaken, in part, by ex-fighters, since they trusted them to a greater extent than other NGOs or civil society groups.

Women in Armed Opposition Groups' Views on Benefits in Supporting and Enforcing IHL and IHR

The women agreed that governments', multilateral bodies', and nongovernmental organizations' recognition of them as a legitimate opposition force was the primary motivational factor and benefit for attempting to uphold IHL and IHR. The women were unanimous in their aspiration to be recognized as legitimate actors with legitimate grievances (see also ICRC 2003).

Their place as legitimate actors included a role for them during the peace negotiations. There is concern that at the end of the armed conflict, men within the movement will take the power for themselves and exclude the women. "They now want to leave us behind, especially in the peace process", said one woman commander whose group is about to sign a peace accord with the government. She noted that a number of women had been in the armed forces so long that at this point they wanted to stay in the reformed military as they had few other viable economic options. However, she noted that the lack of transparency in drawing up the guidelines for the new army, police, and security forces strongly suggested that women were going to be marginalized. The Somali participants stated that women within their movement had been completely excluded from the peace talks.

Throughout the meeting, the women stressed that they have a right to sit at negotiation and peace tables and to be present at international meetings with international bodies (see

also UN 2002). Indeed, recognizing the key roles women and girls play in becoming involved in and keeping alive armed conflict, including the motivations for their roles, illustrates that many of them are clearly invested in the outcomes of peace negotiations and processes. Thus, recognition of their struggle could be a means to pressure armed opposition groups to uphold key aspects of IHL and IHR. Likewise, helping to ensure representation of women at the peace tables may be an area in which governments, multilateral agencies, and nongovernmental organizations could gain a foothold among women leaders within armed opposition groups in promoting and enforcing IHL and IHR.

Several of the women present at the meeting suggested formalizing and strengthening internal codes of conduct or disciplinary codes to incorporate IHL and IHR provisions. Currently, according to the women participants, most of the 18 armed opposition groups present do not have formal codes of conduct for fighters, although there was knowledge of informal or religious codes of conduct. By working with groups such as the ICRC or Geneva Call, the development and dissemination of formal codes of conduct that incorporate IHL and IHR could lead to greater awareness within the armed opposition groups about such laws and provisions.

In their reports and statements, international human rights organizations such as Amnesty International and Human Rights Watch often recommend that leaders within armed opposition groups ensure that their forces are trained in and understand relevant IHL and IHR for both fighters and civilians. International experts seem to concur that the ICRC is

best positioned to undertake such a training role with regards to IHL, given its proven record of establishing contact with armed opposition groups and its legal bases for action during non-international armed conflict (ICRC 2003). The women participants in the Geneva Call meeting also called for training opportunities within their armed opposition groups, beginning with leaders and moving down through the military and political hierarchy of the groups.

During the Geneva Call meeting, several of the women participants' working groups suggested improved dissemination, education, and technical training on these issues. In particular, women suggested radio education campaigns with clear, simple messages regarding what are the key IHL and IHR laws relevant to fighting forces. They said that most members in armed opposition forces had some access to radio. Such programs would have to be carried out by an organization known for its neutrality, such as the ICRC, since government's often use radio to try to coax out members of the armed opposition or to condemn them.¹⁹

However, training and awareness without structures within the group to hold violators accountable and defend those who refuse to participate in abuses when ordered are insufficient. Indeed, while some women called for prompt punishment of members of the armed opposition and or government forces who violate IHL and IHR in their mistreatment of civilians or "enemy" fighters, there seemed to be no way within the groups themselves to fairly and reliably enforce monitoring and punishment. In the

¹⁹ In Colombia, for example, Geneva Call has a weekly radio program to sensitize the population and the armed groups on the negative consequences from using antipersonnel mines.

absence of actual punishment, the women suggested denunciation, although they were unclear as to how this would occur and to what effect.

Suggestions from other international experts for possible incentives for armed opposition groups include:

- 1) Potential reciprocal respect by state actors, including proper treatment of detained members of the group;
- 2) Increased effectiveness and cohesiveness of the armed group itself ;
- 3) Enhanced legitimacy as a political actor;
- 4) Saved lives and preservation of the dignity of civilians;
- 5) Greater probability of dialogue with the state;
- 6) Facilitation of aid or assistance to conflict-affected areas through agreed upon “humanitarian corridors” (ICRC 2003, 23).

At the same time as incentives are offered, penalties for non-compliance with IHL for both state and armed opposition groups should also be applied and enforced. Most notable are sanctions against states and armed opposition groups, including cutting off their supply lines and financial support, restricting travel of their leaders and members, weapons and arms embargoes (see also Machel 2001).

LESSONS LEARNED

- *Most women had no working knowledge of IHL or IHR. Most were not aware that IHL, in particular, was applicable to women and girls.*
- *Most women were unaware of their own obligations under IHL. Violations against civilians or enemy fighters by themselves or their forces were not seen or understood in the context of violations of IHL or IHR.*
- *Some women saw little relevance in IHL or IHR because their own rights had been violated by state actors whom were never held accountable.*

- *Knowledge about IHL and IHR is insufficient to produce change in attitudes and behavior. There needs to be more systematic work on how to enact attitudinal and behavioural changes on the ground.*
- *There needs to be development or strengthening of external and internal monitoring, reporting, and enforcement mechanisms to hold violators of IHL and IHR within armed groups accountable. Without accountability mechanisms, declarations and signed statements are often meaningless.*
- *Working with armed opposition groups regarding the support and promotion of IHL and IHR has important gender dimensions. If women within armed opposition groups are identified as potential change agents, consideration must be given to the constraints they face as women within these groups.*
- *There was disagreement among the women regarding women's roles as violators of IHL and IHR, with some arguing that the women are not really responsible since they are following orders while others said they are participating in violations or not stopping violations by subordinates.*
- *The women do not speak of violations against civilian populations or enemy fighters with any reference to their obligations under IHL or IHR. Thus, they appear unaware of these obligations.*
- *Concern for violations against civilians was primarily strategic, in terms of undermining a support or supply base, and not reflective of an understanding of obligations under IHL or IHR.*
- *To raise awareness of IHL and IHR within armed opposition groups, the women suggested using the diasporas, the radio, and ex-fighters to carry the messages forward.*
- *The women suggested incorporating the basics of IHL and IHR into their own internal codes of conduct and receiving this information from a neutral organization, such as the ICRC.*
- *Women's willingness to interact with international actors concerned with IHL and IHR was centered around their desire to have their struggles seen as legitimate. This included a strong desire for more active and meaningful roles in peace processes and negotiations. Given the roles women and girls play in keeping alive the conflict, they clearly have a stake in ending conflict.*

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ABOUT GENEVA CALL

Geneva Call is an impartial, international humanitarian NGO formed under Swiss law, launched in March 2000 with the objective to engage armed Non-State Actors (NSAs) worldwide to adhere to a total ban on AP mines and other humanitarian norms. To facilitate this process, Geneva Call provides a mechanism whereby NSAs, who are not eligible to enter into formal treaty processes, can commit themselves to the mine ban norm by signing a "Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action". They also consider that their commitment is a first step or part of a broader commitment in principle to the ideal of humanitarian norms. The custodian of these Deeds is the Government of the Republic and Canton of Geneva.

To date, 26 NSAs have signed the Deed of Commitment, have stopped using landmines and support mine clearance and victim assistance programs in areas under their control.

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