

INCLUSIVE ELECTORAL POLICIES FOR DISPLACED WOMEN

6TH ANNUAL CONTINENTAL FORUM OF EMBS

INTRODUCTION²

- Women are the majority in many African countries
- Meaning women are the largest electorate
- Women are also the largest number of migrants whether forced or otherwise

YET

- Women's participation in decision-making spaces continues to dwindle
- Enormous challenges to women's participation
- Enormous challenges to participation by displaced persons
- So what of women who are also displaced?

REALITIES OF DISPLACED WOMEN

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- Before flight – in situations of conflict
 - Vulnerability as primary care givers
 - Vulnerability to gender-based violence
 - Patriarchal norms and structures (incl culture and traditions) that are exacerbated in situations of conflict where protections are not enforceable
- During displacement
 - Fetching water/firewood/grass thatch
 - Inter-community conflicts
 - Conflicts with host communities
 - Patriarchal norms and structures (incl culture and traditions)

REALITIES OF DISPLACED WOMEN

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- During durable solutions
 - Return

The people in the camp tell us that we will not be able to participate in the upcoming elections. [...] This is one of the reasons that convince people not to return yet. And those here shout that we should have stayed in the refugee camp. They threaten us, telling us that even if we have returned, we won't be able to vote.³¹

- Justice
- Resettlement
- integration challenges with host communities

In most of the settlements visited, competition over natural resources has resulted in incidents in which Ugandans chase away refugees fetching resources. As a 30-year old refugee woman in Maaji refugee settlement told IRRI: “They chased me when I had already cut grass, but they did not allow us to take what we had already cut. The man was just scaring us so that we would run.”⁶⁰ A young refugee woman living in Palabek refugee settlement, where IRRI documented many incidents, said: “In December 2018, we had gone to pick firewood and a Ugandan man came towards us with a panga. I think his intention was to harm us, we were two women. We ran away back to the camp and the man was never arrested.”⁶¹

RIGHT TO SEEK AND OBTAIN ASYLUM

- OAU Convention + African Human Rights Charter + Children's Rights Charter
- Historically granting asylum was a brag factor – hallmark of Pan-Africanism and support for the liberation struggle
- Over the years, fragility & instability, economic hardship, exponential growth in number of Africans moving, now seen as threat/burden
- Yes stress factors are clear, but more recently this right has become & continues in practice, to act as a exclusionary / blocking right & have the effect of excluding other rights especially civil and political
- I posit not. The ACHPR indicates an entitlement to the enjoyment of rights & freedoms irrespective of status

HUMAN RIGHTS CHARTER⁶

ARTICLE 1

The Member States of the Organisation of African Unity, parties to the present Charter shall recognise the rights, duties and freedoms enshrined in the Charter and shall undertake to adopt legislative or other measures to give effect to them.

ARTICLE 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.

ARTICLE 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of the country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

MAPUTO PROTOCOL⁷

Article 9

Right to Participation in the Political and Decision-Making Process

1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:
 - a) women participate without any discrimination in all elections;
 - b) women are represented equally at all levels with men in all electoral processes;
 - c) women are equal partners with men at all levels of development and implementation of State policies and development programmes .

2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

MAPUTO PROTOCOL⁸

Article 10

Right to Peace

1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.

2. States Parties shall take all appropriate measures to ensure the increased participation of women:

a) in programmes of education for peace and a culture of peace;

b) in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;

- in the local, national, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;
- in all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees and displaced persons, in particular, women;
- in all aspects of planning, formulation and implementation of post conflict reconstruction and rehabilitation.

3. States Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular.

OTHER STATE COMMITMENTS (AU TREATIES)⁹

- ACDEG - State Parties shall adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalized and vulnerable social groups.
- Right to seek and obtain asylum (OAU Convention, African Charter, Children's Charter)
- Non-refoulement / prohibition on mass expulsion

OTHER STATE COMMITMENTS¹⁰ (AU TREATIES)

- Non-discrimination (several)
- Protection and access to humanitarian assistance
- Refugee Status Determination and equality therein (OAU Convention, Maputo Protocol, Children's Charter)
- Other core C&P rights & freedoms – expression, information, belief, property, access to justice/fair trial, liberty, security of person, association, assembly, development and other socio-econ rights (African Charter, national constitutions)
- Voluntary repatriation
- Travel documentation

CONCLUSION

- It would seem that with more of a normative framework, less protection and less of the ability of refugees to live lives of dignity and rights
- As a value proposition – Pan Africanism, African Values, Regional integration, commitments to women, Agenda 2063 and SDGs, we should not leave displaced Women behind
- Conflicts continue to occur and re-occur, shouldn't the Pan-Africanism of the 21st century be about rethinking Asylum in Africa in the light of regional integration and related free movement agreements?
- Shouldn't women be allowed the ability to participate in decisions that ultimately impact so adversely on their lives? No matter what their status?