

Security Council Open Debate on Women, Rule of Law and Transitional Justice in Conflict-Affected Situations, October 18th, 2013, Security Council Chamber

Statement by Mr. António, speaking on behalf of the African Union

On behalf of the African Union Commission, I wish to first congratulate you, Mr. President, on your country's accession to the Presidency of the Security Council for October, and to express the African Union's (AU) gratitude for the opportunity to take part in this open debate on a theme of critical importance to Africa, a continent plagued by pockets of conflicts, including a number of post- conflict situations.

Experience has shown that addressing issues of rule of law and transitional justice in those conflict and post-conflict situations has become an urgent and indispensable prerequisite for achieving sustainable peace and stability. Equally important is the need to address the gender dimension and to find ways to tackle issues of rule of law and transitional justice from a gender perspective. In that regard, I wish to join previous speakers in their recommendation of the importance and the content of the resolution 2122 (2013) adopted by the Council today. I wish to thank the Secretary-General for the report (S/2013/525) before us today. I also thank Under-Secretary-General Phumzile Mlambo-Ngcuka, Executive Director of UN Women; Ms. Navanethem Pillay, United Nations Commissioner for Human Rights; and Ms. Brigitte Balipou of the NGO Working Group on Women, Peace and Security.

The African Union reaffirms its support for the advancement of holistic justice for women in situations of conflict, post-conflict, political violence and gross human rights violations. African Union documents, such as the Constitutive Act, enshrine a commitment to the advancement of gender equality and the protection of women from gender-based and other forms of violence. Furthermore, the prevention, protection and promotion of women's rights have been aptly addressed in the 2003 Protocol to the African Charter on Human and People's Rights on the Rights of Women, the 2004 Solemn Declaration on Gender Equality in Africa, and the 2009 African Union Gender Policy, which contains provisions on mainstreaming gender equality.

The African Union takes cognizance of its member States' international commitments in respect of women's rights, most notably Security Council resolutions on women, peace and security, and thus acknowledges and supports the efforts of those African States and regional bodies that have taken concrete steps towards implementing those resolutions. Some notable examples are Liberia, which has developed an action plan and indicators for implementing resolution 1325 (2000), and the International Conference of the Great Lakes Region, which is in the process of developing a regional protocol on sexual and gender-based violence.

Despite those notable advances, much more remains to be done on the continent to ensure that justice and accountability for violations, particularly against women, are brought to bear and that redress for the victims is provided in order to ensure that crimes perpetrated against them during conflicts are never repeated.

While transitional justice mechanisms and processes are entrenched at the national level, the African Union and subregional bodies continue to play a pivotal role in influencing the adoption and implementation of transitional justice processes on the continent. Indeed, the AU organs have become increasingly involved in negotiating transition in States emerging from conflict and in fashioning approaches to address past human rights atrocities.

To that end, the African Union Commission, with the technical support of civil society partners, are leading in the development of the African Union Transitional Justice Policy Framework. The Transitional Justice Policy Framework emerged from the report by the AU Panel of the Wise entitled *Non-impunity, truth, peace, justice and reconciliation in Africa: opportunities and constraints*. The report interrogates the polarized peace-versus-justice debate that seems to be the focus of international justice discourse in Africa, while seeking to offer a middle ground and an African regional perspective that takes into account the complexities and nuances within the African context, including continental approaches to non-impunity, truth, peace, justice and reconciliation in Africa. The report of the Panel of Wise also concludes that the AU has a sound track record of pronouncements and engagement related to addressing impunity in Africa, in spite of some challenges of coherence and coordination

in implementation.

The proposed policy framework is intended to serve as a guide that is adaptable and applicable to individual countries or subregions emerging from conflicts and/or repressive rule to assist in the pursuit of accountability, sustainable peace, justice and reconciliation. The African Union Commission has therefore held several consultative meetings, with the technical support of the Centre for the Study of Violence and Reconciliation, South Africa and other stakeholders. The consultation in Lomé, for example, focused specifically on mainstreaming gender into the policy framework and was undertaken with the support of UN Women. During the meeting, specific language on women and gender considerations for the policy framework was developed.

The African Union looks forward to the adoption of the policy framework and remains convinced that this document will make a significant contribution to

“comprehensively promote justice and accountability in ways that further the equal rights of women and the right to equal participation in decision-making” (*S/2013/587, annex, p. 2*).

Let me conclude by reiterating the African Union’s appreciation for this opportunity to contribute to this open debate.