



**Africa Legal Aid (AFLA) and the International Criminal Tribunal for Rwanda ICTR)
Adopting a Holistic Approach to Gender Justice
6-7 March, 2009
Dakar**

Day 1

Opening Ceremony:

The Forum opened with a Video tribute: *From Human Rights to International Criminal Law: Honoring the Late Laity Kama, First President of the International Criminal Tribunal for Rwanda.*

AFLA's Executive Director, *Evelyn A. Ankumah* informed S.E. Maitre Abdoulaye Wade President of Senegal and the audience that Dakar was especially chosen as the venue for *Gender Justice Forum II*, because of Senegal's leadership in Africa, and in Francophone Africa in particular. She said AFLA is intensifying its efforts to reach out to Francophone Africa and could use the goodwill and support of this very important African country. She concluded that the Gender Justice Forum will increase the capacity of Women's groups particularly those in conflict and post conflict regions to address Gender Justice and create effective partnerships for change. Significantly, it will highlight contribution of much needed African perspectives to international criminal justice. She thanked the President of Senegal, S.E. Maitre Abdoulaye Wade, for having accepted AFLA's invitation to participate, and for his support and goodwill.

U.N. Assistant Secretary General and Registrar, International Criminal Tribunal for Rwanda (ICTR) H. E. Adama Dieng began his presentation on the importance of having magistrates of quality, magistrates who have courage and universal respect; magistrates who jealously preserve freedom of speech, all qualities he believed were being displayed at the ICTR. Mr. Dieng articulated a vivid concept of what can most succinctly be described as promoting a culture of 'truth sans frontiers.'

The conference was officially opened by S.E. Maitre Abdoulaye Wade, President of the Republic of Senegal. The president's speech was a rousing eulogy to the paramount

importance of protecting women from all types of sexual crimes. He commented on the effect time's passage has had on the nature and amount of sexual offences perpetrated against women and while he acknowledged that combating this scourge would not be an easy task it was one his government was prepared to undertake.

1st Session

Prospective: A Holistic Approach to Gender Justice and Recent Developments within the ICTR.

As Chair of the session H.E. Judge Fatoumata Diarra of the International Criminal Court began by highlighting the following as talking and thinking points for all participants:

- ❖ The reality that women's rights are still subject to marginalization and lesser emphasis.
- ❖ Women still remain the first targets of prejudice.
- ❖ In many instances rape remains systematic.
- ❖ Female genital mutilation still occurs.
- ❖ Activists cannot fight alone.
- ❖ Governments have a duty to react.
- ❖ The role of sanction in achieving dissuasion.
- ❖ Available avenues for incorporating dynamic jurisprudence from tribunals such as the ICTR.
- ❖ Promoting mechanisms which would help to fight discriminatory laws.

H. E. Judge Byron, President of the International Criminal Tribunal for Rwanda gave the Keynote address. In his address Judge Byron said that he uses Judge Laity's jurisprudence as Judge Laity contributed greatly to defining and redefining the meaning of the crime of genocide; and to developing the pretrial and post- trial process.

Judge Byron pointed out the importance of environment and flexibility within that environment to give meaning justice. He explained that the ICTR recognises rape as an act of genocide, torture, persecution and a grave breach of the Geneva Convention. Judge Byron drew the participants' attention to the *Akayesu*¹ case as this was the first time rape and sexual violence were defined (see also Art. 5, ICTR Statute). In the statute, rape is defined therein as any act of a physical invasion of a sexual nature under coercive circumstances, however this definition is criticised for lack of specificity. Sexual violence is therein defined as any act of a sexual nature under coercive nature. Further given that at the ICTR, genocide includes 'causing serious bodily or mental harm', sexual violence is found to be a step in the destruction of an ethnic group.

Judge Byron implored the participants to consider what remaining effect the ICTR jurisprudence and indeed those of other tribunals would be after they closed. He posited that

¹ Case citation.

in order to complete the legacy of the ICTR, its jurisprudence must be given effect at the national level, specifically in the context of accepting and adopting a broader definition of rape.

H. E. Hassan B. Jallow, U.N. Under-Secretary General and Prosecutor, International Criminal Tribunal for Rwanda spoke on Lessons from Prosecutions. Under-Secretary General Jallow advised that given the large number of women who were subjected to sexual violence, the record of conviction was low. He attributed the low conviction rate to several factors, including:

1. A recalcitrance of accused persons to plead guilty to rape or sexual violence rather than plead guilty to genocide and get a life sentence, and
2. The time-sensitive nature of rape/sexual offences i.e. these must be promptly attended to as with time witnesses and victims get lost and victims wish to put the violence behind them and do not want to reopen them at a later date.

In closing his remarks, Under-Secretary Jallow recommended that

1. Prosecution of rape and sexual offences must be fast tracked if conviction rate is to reflect the reality of past offences.
2. There must be a marked sensitivity in assigning investigators.
3. Investigators must be appropriately trained.
4. Current court process in this context can be discouraging to witnesses and to victims. There is therefore a need to make it friendlier while respecting due process for the accused.
5. A Best Practices Manual should be compiled and be made widely available.

For his part Assistant Secretary General and Registrar Dieng, had the following to add to Jallow's comments in the context of Rwanda:

1. Women want to move on and this cannot be ignored when formulating process and mechanisms for punishing rape and sexual offence perpetrators.
2. The fairly widely held belief that it is humiliating to admit to being raped, this not only affects conviction rates, it hampers a proper measure of the extent of the problem.
3. HIV exposure and infection adds a painful layer to the consequences of rape/sexual violence.
4. The paradox created by the fact that a system is now effectively designed to provide care for detainees who are perpetrators, while victims do not get the benefit of this system.
5. The importance of a "Witness and Victims Support System" which would do the following:
 - a. Recommend protection measures,
 - b. Provide physical & psychological care, and
 - c. Design and oversee short and medium plans for witness protection.

Further, in taking care of witnesses the following is paramount:

1. Protection of anonymity e.g. assigned aliases and voice modified statements.
2. Psychological support which is responsive to the trauma suffered.
3. Gender advisor position, which would be the initial contact point that would oversee referrals to care professionals and formulate policy to better protect witnesses and victims.
4. Medical assistance, preferably offered within an autonomous structure.

Dieng was of course emphatic that all these safety nets should be planned and carried out within the context of protecting due process of the accused.

As Chair of the session, H.E. Judge Fatoumata Diarra closed the session by raising the following evaluative statements.

1. The ICTR should motivate us all as jurists, civil society, members of government etc. to broaden the local/national definition of rape and sexual offences.
2. Prosecutors should display ownership of mistakes.
3. Reparations should be an action item in a holistic approach.
4. Witnesses need to also be thought of as victims not just witnesses.

Comments/Question and Answer:

Comment 1:

“It is important for us to recognize the importance of extending the definition of rape/sexual offences, for example in Senegal a victim needs a medical examination/certificate to confirm rape where this is not available the victim is lost. Senegal would do better to deepen the scope of its investigations and to recognize other ways of establishing this crime. I therefore think that ICTR jurisprudence can be inspirational in the local context. One way to domesticate ICTR law is for civil society to file amicus briefs.”

Question 1:

“Given that the ICTR was created after a war, are the lessons of the ICTR translatable to peaceful context?”

Comment 2:

The Solicitor General of Liberia, Cllr. Tiawan S. Gongloe advised the conference that above and beyond medical certificates, there is a request for DNA evidence in Liberia. He did however point out that in Liberia the definition of rape is ahead of the curve, as it is gender neutral and recognises other methods of invasion beyond what is seen in most countries.

Comment 3:

A Senegalese magistrate said that as far as he saw there was no difference between international and national law, in terms of definition. As far as he could see the real

revolution is recognizing that rape/sexual violence is a form of genocide. He did not share the previous speaker's suggestion to consider a victim as a witness.

Comment 4:

Professor Shadrack B. O. Gutto, Director, Centre for African Renaissance Studies (CARS), University of South Africa (UNISA) and Member of the Governing Council of Africa Legal Aid (AFLA) had the following two comments:

1. Given the context of ICTR there is a tendency to heighten the level of response which is not the case during peacetime. Even so, there is clearly a need to improve local systems.
2. 'Africa must claim the legacy of ICTR but must keep in mind that it was created by the Security Council.'
3. Prof. Gutto wished to echo the Honourable President's sentiment about the need to create an African court which has continent wide jurisdiction.

Comment 5:

This comment maker advocated strengthening existing courts, e.g. implementing the Statute rather than regionalizing justice.

Responses from the panel:

Response 1

Discussion is important in itself, however this must accompany efforts to legislate broadly as is the case in Liberia.

With regards to how Africa is benefiting from ICTR jurisprudence, the issue is under active consideration, however in the end the Security Council will make the decision to close the tribunal, but it is not for Africa to wait for the Security Council, Africa can and should take action in the here and now.

Response 2:

H.E. Jallow: At the ICTR everything that is relevant is admissible, unlike within the national context. In the ICTR a medical certificate is not dispositive; judges also give weight to the testimony of the victim. In contrast national systems tend to be complicated and perhaps discriminatory in its approach e.g. a murderer can be convicted without a body, so one must wonder why the difference in the context of rape.

Session 2

Theme: Delivering Social, Economic and Cultural Rights through National Legal Frameworks

Professor Amsatow Sow Sidibe, Director, Institute of Human Rights and Peace, University Cheikh Anta Diop of Senegal brought the conferences attention to the fact that the 8th March is International Women's Day. Professor Sidibe highlighted the importance of an enabling context and the need to combat the ignorance of gender notions. Culturally Senegal is very

diverse in terms of both beliefs and religion. Given that when we talk of justice we talk of formal justice, it is important to remember that gender justice in Senegal is still in the making. From an institutional level the environment must be made conducive and orders must be put in place which guarantee human rights and women's rights. From a practical point of view there has been an incessant struggle since Beijing to have women participate in government, to combat sexual stereotypes, to combat the hegemony of men over women, and the sharing of power within private and public spaces is an issue. In Senegal hegemony of men over women takes the form of:

- ❖ forced marriage,
- ❖ poorest are always women,
- ❖ different pay for the same work,
- ❖ private role is work heavy,
- ❖ no right to property
- ❖ violation of women's integrity
- ❖ lower education access for women
- ❖ Link between women's suffering during conflict and economic consequences etc.

Given these apparent challenges, Sidibe expounded the necessity to measure the level of justiciability of issues and rights affecting women. In her view the question is to know whether the 3 generation of human rights are justiciable before the various jurisdictions, i.e. can women defend their rights in a meaningful way given the already prevalent obstacles in enforcing the different generation of rights.

A further concern is to assess the justiciability of women's rights within the context of access to justice, however this is not without many constraints, e.g. in many cases violence is considered normal, a sign of love or a man's right which invariably contributes to under-reporting violence against women.

Sidibe also called for a review of the mechanisms for enforcing rights, police she says are products of society and therefore mirror societies recalcitrance to interfere and this contributes to a culture of impunity. In her view the true impetus to protect women is lacking and more often than not women are viewed as objects of justice and not subjects.

Sidibe echoed a view expressed by other participants over the complexity of procedures being a deterrent for reporting, the definition of crimes, token reparations and the negative consequences of adopting a justiciability approach as opposed to a rights-based approach. Systems in place need to be made to appreciate that when a woman asks for justiciability they are not asking for charity they are asking to have their rights enforced.

In closing Sidibe encourages judges to always keep in mind the four principles of human rights, namely:

1. universality
2. non-discrimination
3. indivisibility

4. Interdependence between human rights, democracy development and peace.

Strategy formulation should center on education, literacy and the fight against poverty.

Professor Gutto began by saying how Professor Sidibe's comments had continent wide applicability. In his view the relationship between national and international law when it comes to serious violation of human rights is that the national is the starting point as it is more accessible; if this is not strengthened than the international cannot be adequately supported. Therefore, Gutto posited, in going forward it is a requirement that the national remedies must first be exhausted.

Comments/Questions and Answer

Comment/Question 1

The Liberian Solicitor General expressed dissatisfaction with ratification, saying that it is not enough without enabling legislation at the national level. The Solicitor General asked who should pay for reparations.

Responses

Response 1.

In answering the Solicitor General's question about who should pay the reparations, Sidibe said that obviously it is the perpetrator but the possibility of society paying in cases where the perpetrator could not is something that could be explored. Sidibe concurred that ratification was a step in the right direction but there was still some ways to go.

Response 2.

Professor Gutto said that defining rape law is one of the fundamental problems; he said that professors have a stake as the custodians of curriculums; curriculums need review and unless and until law trainers undertake such a review they remain part of the problem.

Session 3

Transitional Gender Justice

Chaired by: H.E. Serge Brammertz, Prosecutor, United Nations International Criminal Tribunal for the Former Yugoslavia (UN-ICTY)

Dr. Jeremy Levitt, Associate Dean of International Programs Florida Agricultural and Mechanical University College of Law began from the viewpoint that there is a pathological onslaught of violence against women. He invited the participants to think on whether there is any inequality more gross than gender. The reality he said is that women and girls suffer more violence because they are female. To begin with, some questions posed by Dr. Levitt included:

1. Are peace agreements (given who makes them and who benefits from them) another form of male hegemony?

2. How is it that war lords and rebels get government power and amnesty, is this not another form of functional and structured violence against women?

The undeniable truth, according to Dr. Levitt is that power sharing usually happens at the national level where women's representation is minimal if it even exists.

Given the reality on the ground Dr. Levitt put forth recommendations in adopting a holistic approach to gender justice:

1. Peace agreements must conform with international human rights,
2. Women's transitional justice needs and protections must be enshrined in peace agreements,
3. Women's access to courts must also be enshrined in peace agreements, for too often do peace agreements trade rights for peace.
4. The international community must stop demanding African states to adhere to the rule of law when they themselves ignore it when structuring peace.
5. Women should be present at negotiating tables for peace agreements.

Carine Bapita from the Democratic Republic of Congo addressed the conference on victims' participation. Her plea was for help, she wished to encourage and highlight the need for the creation of a database of lawyers who are willing to be pro-deo attorneys, among whom the victims can seek help.

Following Bapita was Choice Damiso, Chairperson of the Zimbabwean Women lawyers Association and Legal Counsel to the Parliament of Zimbabwe, addressed the conference at a time her nation was facing great unrest, violence and instability. She addressed the conference in her capacity as a member of the civil society. Her presentation was in the form of demands from the civil society of Zimbabwe. These demands included:

1. No amnesty for perpetrators,
2. No extinguishing of civil claims against perpetrators,
3. No guarantee of job security for perpetrators,
4. Comprehensive reparations
5. Credible truth seeking,
6. Independent reform of police, army and paramilitary organs,
7. Gender equality in transitional justice mechanisms.

Day 2

Session 1

Support for Women at Risk

Chaired by: H.E. Judge Andresia Vaz, Former Vice President, ICTR, Judge, Appeals Chamber of the ICTR.

Manzima Gilberte of SOFEPADI, Democratic Republic of Congo addressed the conference on her experiences from the DRC. Gilberte informed the participants that rape is still very widespread in DRC and it is additionally overwhelming because there does not appear to

be spaces where women are safe, i.e. women are raped in the performance of their daily duties. This is a place where legal aid is extremely limited. According to Gilberte the victims greatly outnumber the cases submitted, which in turn greatly outnumber the number of cases for which there has been judgment. In her experience the causes are:

1. Legal fees are prohibitive.
2. Sentences are not enforced,
3. The duration of process is prohibitive,
4. Married women tend not to report given social reprisal.
5. Corruption.
6. The magistracy is overburdened.
7. Activists are afforded little protection, for example in December 2008 a woman activist was attacked in her house and shot in her leg.

Similarly Cllr. Tiawan S. Gongloe, Solicitor General of Liberia spoke on experiences from Liberia. Gongloe began by pointing out that the government of Liberia does not have a program in place to support women at risk. In Liberia violence against women is one of the lasting legacies of the war as women were raped by both rebels and the military.

Gongloe then took the participants through the factors that influence the prevalence of rape in Liberia:

1. Some cultural practices allow for the 'engagement' of children before birth, resulting in children being married off at a very early stage.
2. Conflict i.e. rape was used as weapon of war.
3. The considerable abuse of fiduciary relationship, e.g. police, guardians, teachers, pastors etc.
4. Traditional practices of tribal ordeal, for example:
 - a. Bride price cannot be returned,
 - b. Husbands of women who have extra-marital relationships are allowed to collect money from the women's suitors.

Liberian authorities have been facing a marked crisis in the rate of violence against women since 2002. At the national level there are three ministries who work to improve the situation of women and girls, i.e. Ministry of Family and Social Affairs which houses a department for the promotion of gender, Ministry of Justice and the Ministry of Health.

The Solicitor General enumerated the following challenges facing gender justice:

1. appropriate dissemination of legal documentation on gender based violence,
2. insufficient harmonizing of activities
3. lack of enhancement of legal assistance
4. insufficient creation of public awareness and denouncing perpetrators
5. The insufficient availability of training to sensitise magistrates.
6. The lack of platforms to talk about violence against women.
7. Insufficient birth control education especially given that abortion is illegal.

Comments/Questions and Answers

Comment 1:

Justice Dow from the High Court of Botswana, noted a need to 1) create a strategy to deal with the two spheres of violence against women i.e. the in the public and within the home and 2) to identify where the breakdown is, in contexts where there is a beautiful law but with failure in application. She also commented on the importance of data collection and research which would allow for an understanding of the nature and extent of the problem at the national level.

Comment 2:

“Gender justice should mean mechanisms to protect women.”

Comment 3:

“Sierra Leone needs to borrow from Liberia as prosecutions are few and far between.”

Recommendation 1:

‘Failure to investigate and prosecute should be a criminal offence, i.e. tantamount to a dereliction of duty.’

Comment 4:

‘A big challenge in francophone countries are that laws are promulgated in French while there is a high rate of illiteracy.’

Recommendation 2:

- ❖ Give good laws effects.
- ❖ Combat culture of impunity.

Recommendation 3:

Judge Dow recommended that AFLA should set up a gender litigation network which would, 1) identify precedential cases, 2) file amicus briefs and 3) attend cases discussing violence against women.

Session 2

Strengthening National Legal Systems to Combat Gender Based Crimes and Violence against Women.

Chaired by: Judge Dunstan Mlambo, Supreme Court of Appeal, South Africa, President, South Africa Legal Aid Board, Member, Governing Council of Africa Legal Aid (AFLA)

Judge Demba Kandji, Director, Criminal Department, Ministry of Justice Senegal shared lessons from Senegal. Judge Kandji began by pointing out that in Senegal 43% of sexual violence cases do not have positive results. There are failures for several reasons, but the question is where? That is, is the failure during investigations, prosecutions, medical examinations or at the judge level? In Judge Kandji’s view the issue is cross cutting.

In a bid to root out the problem areas Judge Kandji was part of an initiative that called ministries and civil societies for a retreat, during which they identified some causes and produced recommendations. These recommendations included:

1. reforming criminal procedure legislation and processes,
2. allowing women's associations to take legal actions both in initiating and taking over from the prosecutor,
3. Evidentiary concerns/expectation should be brought in line with practical concerns.
4. Capacity building for judges, police and prosecutors.

Robert Turyahebwa, Dean Faculty of Law, Universite Laique Adentiste de Kigali of Rwanda shared lessons from Rwanda. Mr. Turyahebwa started off by pointing out that before 1994 Rwanda had no judiciary, however they have since adopted a new constitution that has a 30% requirement of women in decision making and to date 56 out of the 80 parliamentarians are women. Mr. Turyahebwa also advised of the following advances in Rwanda:

1. There is a police unit dedicated to combating violence against women, with a toll-free number.
2. There are active campaigns to sensitise the public,
3. The judicial system has been reformed such that international law is more binding than national laws,
4. National courts are being strengthened, and
5. There is a recognized need to work together with international tribunals.

For his part Mr. Turyahebwa had the following recommendations to share with the participants:

1. More participation of women in combating violence against women.
2. More education of women
3. Sharing of expertise from women to women across borders.

The Honourable Salih Mahmoud Osman, Member of the Sudanese Parliament shared lessons from Sudan. He advised the conference that he was present as both a member of parliament and as a victim of violence. He urged all those present to recognize that what was happening in Sudan was genocide. He went on to describe the prevalent culture of impunity that left perpetrators beyond the reach of international justice. Osman painted a grim picture as he itemized the following list of realities:

1. Violence against women occurs in front of family members both men and women,
2. The penal code does not include genocide or crime against humanity,
3. Procedural barriers to filing a case are considerable,
4. In incidences of rape, there is a need for male witnesses, medical reports are not recognized and women's testimonies are not sufficient,
5. Of the cases that are filed convictions are rare, and
6. Since 1881 when Sharia Law was reintroduced this has had a negative impact on the plight of women.

Sabo Fatouma Zara, Commission Nationale des Droits De l'Homme Et des Libertes Fondamentales of Niger shared lessons from Niger. Zara informed participants that in Niger men are heads of the family, consequently women cannot decide on the number of children they wish to have. Further in the case of rape there is both a marital rape exception and an adult woman rape exception. Zara confirmed that violence against women takes many forms in Niger not just rape, for example:

1. divorcing the woman without any formality leaving her with no right to marital assets,
2. women who are confined to the house and cannot leave not even to go to the hospital, they are only allowed to leave the house at night under supervision,
3. women are not considered full people,
4. women who are victims of rape are deemed unclean and therefore unfit for marriage,

However, Zara also confirmed that the Constitution of Niger has a bill of rights wherein, rape, slavery, FGM and sexual harassment are prohibited. He advised the conference that civil society was actively working to eradicate all forms of violence against women and to promote behavioural change.

Zara's recommendations included:

1. the creation of legal frameworks to fight violence against women
2. promotion of behavioural change
3. instituting microfinance initiatives to empower women
4. Solution strategy formulation should be a result of consultative process at grass roots level.

Gloria Bayoh, Women and Children's Rights Officer, Human Rights Commission of Sierra Leone shared lessons from Sierra Leone. Bayoh listed challenges facing women in Sierra Leone as including the following:

1. 24.2% of women are illiterate,
2. an extensive record of discrimination against women
3. women must not talk where men are talking
4. discrimination is sometimes enshrined in laws
5. the war was rife with violence against women/rape
6. after war the numbers were seen to escalate and they are overwhelming
7. Condemnation of FGM opens up activists to violence.

Bayoh highlighted the following structure in place to combat violence against women:

1. signing and ratifying CEDAW
2. Creation of a Ministry of Gender in 1996, which has resulted inter alia the development of 2 mainstreaming policies (2001).
3. formation of a Family Support Unit within the police
4. formation of a dedicated court
5. enactment of gender statutes (2007):
 - a. Domestic Violence Act

- b. Registration of Customary Marriages Act
 - c. Child Rights Act
6. Developing of a Gender Strategic Plan.

Sharing lessons from Uganda was Justice Ibanda Nahamya of the Uganda War Crimes Court. Justice Nahamya said that Uganda has great laws where everyone enjoys a free will to enter into marriage. Currently Uganda is domesticating the Rome Statute, the impetus for which was created by the LRA and the army's wanton rape and acts of violence against women spanning almost 23 years. Uganda has a class of defilement called aggravated defilement which is where the perpetrator is a fiduciary, has HIV/AIDS or where the victim is 14 years and below. Justice Nahamya also confirmed to the participants that there is a war crimes division of the High Court.

Session 3

Final Plenary: Conclusions and Recommendations- Towards a Gendered International Justice System

Chaired by: Judge Unity Dow, High Court of Botswana, Member, Governing Council of Africa Legal Aid (AFLA).

Shelby Quast, Director, partners for Gender Justice started by saying that gender justice serves the need of society in giving them meaningful interaction with the law. She pointed out that an effort to foment gender justice will:

1. harness collective wisdom,
2. advocate for change,
3. build bridges to connect efforts,
4. use websites/internet to share information
5. continue judicial education
6. See donor's supporting local models.

Dr. Pinkie Mekgwe, Gender Expert from CODESRIA made several recommendations:

1. there should be a concerted move to include diversity of disciplines to deepen the discussion
2. gender research fellowships should be made available
3. a robust research network should be created and maintained
4. Learning material on gender should be kept current.

Judge Henriette Tall, Member, Association des Juristes Senegalaises (AJS) of Senegal spoke on the importance of education, given that a significant barrier to change and progress is that women often do not know about their rights. Consequently her recommendation included the following:

1. dissemination of law in national languages
2. public awareness campaigns

3. fighting against poverty which leaves girls at home and exposing them to various manner of harm,
4. equal access to education for both genders,
5. gender equality enforced in the home by parents
6. training
7. Women should be brought on board on peacemaking processes.

Evelyn Ankumah, Executive Director of Africa Legal Aid, observed that Gender does not exist in a vacuum, and expressed the view that unsettling North/South issues of International Justice should form part of the Gender Justice Agenda. She endorsed the views of the previous speakers on the panel and highlighted that much work had already been done which will be carried forward in AFLA's on-going Gender Justice Campaign. She however observed that there was a need to expand the list of Gender Crimes, emphasizing the African perspective.

Closing Remarks

The two day conference was closed by H. E. Cheikh Tidiane Gadio, Minister of Foreign Affairs, Senegal. H.E. expressed his heartfelt congratulations for a job well done by the organizers and the participants. He recognized and concurred with the many challenges articulated over the conference period. Specifically he highlighted the grim reality that Africa marginalizes women and this exclusion of women is detrimental to Africa. He paid tribute to his wife saying that she makes him a better man. He finished by joining those who had spoken before him in paying tribute to Laity Kama.

Conclusion

The conference brought together diverse actors, from an even more diverse stage. Shared challenges and possible avenues for individual and collective advancement were identified. The Forum recommended that in order to attain a Gender sensitive international justice system, there is need for law reform and review of evidential rules and procedures; developing best practices manuals; enhancing support and protection of victims and witnesses; mainstreaming legal aid in administration of justice; administering a database of lawyers to assist in cross boarder efforts; promoting reparations; integrating socio-economic components like health care in the administration of justice; ensuring women participation in legislative drafting processes; formulating inclusive activist plans; domesticating international developments through National Strategic Plans on Domestic Violence; train stakeholders including the police and the prosecutors; criminalize negligence and failure to prosecute rape crimes; address contemporary forms of slavery, and establish a gender violence litigation network (AFLA undertakes to lead this effort). Significantly, it was observed that gender justice is a society challenge and therefore any efforts towards achieving it should reflect an all inclusive character. A call was made for increased activism for enactment of International Criminal Court implementing legislation, and effective utilization of the new African Court on Human and Peoples' Rights, It was suggested that a

protocol be formulated, giving the African Court, a criminal law mandate to become the African Criminal Court, of Justice, and Human Rights.