

Promoting Gender Justice in Conflict Zones

By Ann Farmer

*W*hen Letitia Anderson, the advocacy and women's rights specialist for UN Action (the United Nations Action Against Sexual Violence in Conflict), traveled to the Democratic Republic of Congo earlier this year, she sat down with a group of women living in a sweltering, makeshift camp in the eastern part of the nation to learn about their situations.

Since 1998, local and foreign militias, the Congolese army, and UN forces have engaged in a violent conflict that persists in the eastern part of the Congo abutting Rwanda. Thousands of villagers chased from their homes have sought refuge in the Mugunga camps for internally displaced persons. Some of the women living there told Anderson of how they were forced to leave the camp to gather firewood to cook meals despite the dangers lurking outside.

"They told me stories of going out beyond the camp perimeters to get firewood and being attacked by militia on the periphery of camp and raped," says Anderson, explaining that collecting firewood is a traditional task for

the African women—one which the men would scoff at doing. "In addition," she says, "when they were out collecting firewood, their children were left alone and vulnerable in the camps and were often preyed upon by others in the camp. So there was a double sense of insecurity that was traumatizing these women."

Sexual Violence in Conflict

Sexual- and gender-based violence against women and girls is a common and age-old war tactic. As reported on the Web site of UN Action, up to 500,000 women were raped during the Rwanda genocide, and at least 64,000 were raped during the Sierra Leone Civil War. More than 40,000 were raped during the Bosnian War. And, more recently, 4,500 women were raped in a single province of the Congo in a single month. Most of the time, these crimes are treated with impunity.

Lately, though, many determined organizations such as UN Action, UNIFEM (United Nations Development

Fund for Women), and Partners for Gender Justice are uniting various legal and nongovernmental organizations (NGOs) to try to put an end to sexual violence in conflict and bring justice to the victims of these crimes. They are effectively bringing worldwide attention to the severity of the situation and the need to better address it as a security issue. They also are encouraging the victims to engage in the prosecution of these crimes.

And they are attempting to raise awareness among the judiciaries of post-conflict nations of the longstanding bias and discrimination in their laws and judicial systems that often prevent women from receiving justice.

UN Action, for instance, unites 12 UN organizations around the issue of sexual violence. These include UNIFEM, UNICEM, the UN Department of Peacekeeping Operations, and the UN Department of Political Affairs. "What we do is coordination," Anderson says. "At the field and headquarters level, we do a lot of advocacy to amplify the stories and statistics around sexual violence. But we also disseminate the message that sexual violence is not just a gender issue or a women's issue—it is one of the great global security challenges of our time."

Anderson's foray into this area began while attending law school in Australia. Studying feminist legal theory, human rights, and international law, she focused her law thesis on the International Criminal Court (ICC) and ad hoc war crimes tribunals. After a short stint as a corporate lawyer, she worked as a policy and legal advisor to the International Committee of the Red Cross, coauthoring the guidance manual sent to all States Parties to the Geneva Conventions: *Addressing the Needs of Women Affected by Armed Conflict*. As a program associate with UNIFEM's Governance, Peace and Security Section, she helped train UN Security Council members on Resolution 1325, which addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace.

UN Action's Web site tells of the extreme degradation and brutality that women often experience during war. "In the case of the Congo," Anderson says, "some of these stories were of gang rapes, rapes with objects, rapes that result in traumatic fistulas that take years to recover from if women ever recover completely, and rapes that are aimed to destroy the reproductive capacity of women and girls."

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She explains that the brutal character and widespread nature of the assaults point to rape's use as a strategy and tactic of the war. "Often women and girls are targeted as symbols of the community's ability to procreate and survive. So that capacity is destroyed. Or they're targeted because they know it will result in the women's stigmatization or rejection by their family, which then shreds the social fabric."

Condemning Rape as a War Crime

While rape has traditionally been viewed as an inevitable byproduct of conflict requiring a Band-Aid type of solution, Anderson says UN Action is trying to reframe it in terms that say, "This is not inevitable. This is actually an action that is commanded or condoned and can be condemned. And we have to work on prevention." UN Action's work lent momentum to the UN Security Council's adoption last year of Resolution 1820, which, for the first time, said that sexual

violence is part of the security agenda, thereby deserving and demanding a security response.

In the case of the displaced women and girls being raped outside the Mugunga camps, Anderson says, "What we're trying to do is to empower peacekeepers to provide a better response to providing and enabling a secure environment where by women can safely gather firewood or water or go into the market, and that children, especially girls, can get safely to school. Then the community life can continue. We see that if they can't do this, then the legacy of the conflict is that much greater and that much more enduring."

UNIFEM is another organization working to ensure that sexual violence in conflict is seen as a war crime. As its chief advisor for Governance, Peace and Security, Anne Marie Goetz works on the prevention of sexual- and gender-based violence as a method of warfare and focuses on advocacy and programming to support women's participation in the peace process, including the building of gender-sensitive reforms. These efforts include ensuring that post-conflict transitional mechanisms are set up to address the atrocities experienced by women during the war, "whether it's in truth and reconciliation processes," Goetz says, "or whether it's in war crimes tribunals of whatever kind post-conflict."

Goetz points out that sexual violence in conflict wasn't even prosecuted as a war crime until the 1990s, when prosecutors on the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia began prosecuting crimes of rape and sexual violence. She says, during the Nuremberg trials, the only time sexual violence was noted as a war crime was when the French prosecutor reviewed medical information on sexual violence toward women in camps. "He looked at it," Goetz says, "and then he talked to the tribunal and he said, 'I hope you'll forgive me if I spare

STOP RAPE NOW

Go to <http://stoprapenow.org> to join the UN Action campaign against sexual violence in conflict.

Visit www.facebook.com/UNAction to join the growing Facebook campaign in support of Security Council Resolution 1820: Women, Peace, and Security.

FREE THE SLAVES

Free the Slaves estimates that there are 27 million slaves in the world today. And this nonprofit organization is determined to end that outrage.

"I said, 'Wow, I don't want to live in a world with slavery. That's not okay,'" says Peggy Callahan, a former TV producer, explaining how she felt after reading the Pulitzer Prize-nominated *Disposable People: New Slavery in the Global Economy*, written by Kevin Bales, Ph.D. Callahan subsequently cofounded Free the Slaves with Bales and Jolene Smith in 2000.

The group takes a manifold approach to its mission to end slavery within 25 years: They continue their research. They align with grassroots groups that break down doors to liberate people. They raise public awareness by recording and sharing the stories of former slaves. And they advocate for policy changes at the governmental level.

Nearly every country formally bans slavery. The Universal Declaration of Human Rights recognizes freedom from slavery as an international human right. But corruption and inept laws allow forms of slavery to continue. "There is a direct correlation between the amount of slavery and the rule of law," Callahan says. "If the rule of law is not enforced, there's more slavery and more violence."

Smith describes an entire village in India that was born into slavery, bonded to the same wealthy landowner, and forced to work as stone-breakers, breaking rock into sand. "Some were bonded for as little as \$20," says Smith, explaining that these slaves' parents and grandparents also were born into slavery to the same bondholder. She adds that although the families were working 16-hour days, "nothing they can do will ever repay the debt unless there is a windfall."

Free the Slaves got some local grassroots organizers to approach the slaves and instigate their flight to freedom by first simply asking questions: So how do you like your job? Oh, you don't get paid? Did you know that's illegal? Did you know that another village just walked away?

Sometimes, when villagers begin asserting their rights, the landowners will burn down their shanties and destroy their possessions. So Free the Slaves also makes sure that the slaves have a refuge to turn to (often with other freed slaves) and are able to quickly make some kind of income. Local lawyers help the former slaves register for back wages, to which, according to international law, they are entitled. "They are really the heroes here," Smith says. "They put themselves at risk every day."

For more information, go to www.freetheslaves.net.

you the atrocious details.' And that was the end. Sexual violence doesn't even figure in the 40-volume records for the Nuremberg trials. It simply wasn't considered. A lot of our work is just making sure that this is seen as a war crime. I think we've nailed that one," she adds, referring to the Rome Statute of the International Criminal Court, which acknowledges sexual assault as a war crime and a crime against humanity.

Mechanisms for Justice

UNIFEM has supported women's access to transitional justice mechanisms in Peru, Sierra Leone, and Rwanda, and is currently working in Colombia, Liberia, and Morocco. Mainly the organization tries to ensure that women have access to Truth and Reconciliation Commissions (TRCs) or to the national equivalent. For instance, in Rwanda, there never was a TRC, but trials took place at local courts.

The organization also concerns itself with protecting the women who testify, which Goetz says has been a problem in some contexts. "For instance, in the early stages of the TRC in Liberia," Goetz says, "women felt their identities were not sufficiently protected when giving testimony and felt discouraged from coming forward. This was subsequently corrected."

In Sierra Leone, UNIFEM invested in trauma counseling for the women as they prepared to testify in detail about what happened to them. "That work contributed to a very gender-sensitive TRC report and some very strong recommendations regarding reparations for women victims of these crimes," Goetz says.

In northern Uganda, where there's also been horrific sexual violence, UNIFEM has invested financial and technical assistance to set up legal aid centers for women to help them develop their legal cases as they take them to criminal courts. This has proved quite challenging. During the peace talks, it was highly recommended that, because of the massive

number of human rights abuses, these cases go through a traditional justice mechanism rather than the criminal courts. This traditional tribunal, called mato oput, is made up of community elders whose main function is to deal with common disputes in the area, such as those stemming from cattle rustling. "They shouldn't be trying crimes of rape,"

Following equality training, judges in Uganda, Tanzania, and Kenya overruled decisions that required victims to marry their rapists.

says Goetz, who notes that there's no guarantee of an effective hearing or of the correct application of human rights standards. "So our concern has been to make sure that first of all sexual violence is treated very, very seriously by these mechanisms and not swept underneath the carpet as a matter to be resolved through domestic horse trading."

Jebbeh Forster is a lawyer from Sierra Leone working for UNIFEM in Uganda on legal and judicial matters of consequence to women. For instance, she says domestic violence against women has escalated in this post-conflict phase. "A lot of the men return home and they are not able to have a sustainable income," Forster says. "A lot are depressed. A lot turn to alcohol. At 2 or 3 o'clock in the afternoon, they are drinking. They are drunk and they get violent." She says the police "treat domestic violence as a family issue—not something to get involved in."

The legal clinic has helped to arrange police training on how to deal with issues of domestic violence,

Forster says, and teaches them that it's their job to protect women.

While Forster says she hasn't seen any dramatic changes yet, she feels there is more heightened awareness of the issue. The clinic is also trying to help women with issues concerning their inheritance rights, which they are often denied under customary law even though the constitution of Uganda gives women equal rights. "What we are trying to do is help them understand what their rights are," she says.

Partners for Gender Justice

Another organization that is promoting gender justice in post-conflict zones is Partners for Gender Justice, a project of the International Legal Assistance Consortium USA (ILAC USA). It unites a number of stakeholders, including UNIFEM; Femmes Africa Solidarité; Women in Law and Development in Africa; Brandeis University's International Center for Ethics, Justice, and Public Life; the International Association of Women Judges; and others.

"One of the founding members, ILAC, is the biggest consortium of NGOs and legal experts in the world. It represents three-and-a-half million lawyers, judges, and prosecutors, and includes the ABA," says Shelby Quast, the executive director of Partners for Gender Justice and the director general of ILAC USA.

Quast, who worked as a general counsel for a legal firm doing international transactional work before joining ILAC, defines gender justice as women's (and men's) authentic access to justice and participation in the justice sector. And she says those organizations affiliated with Partners for Gender Justice bring their resources, tools, and expertise to the task of identifying discrimination in the judiciaries of primarily post-conflict nations to help judicial representatives find ways to address and remedy the discrimination and inequality in their judicial systems.

To date, Partners for Gender

Justice has held five conferences.

The latest, which took place last year, involved representatives from 24 African judiciaries and was hosted by the Judicial Service of Ghana. Quast says it came together in the manner that the partnership is intended.

For instance, the International Association of Women Judges identified judges in Uganda, Tanzania, and Kenya who already had participated in equality training and were making groundbreaking decisions in their courts, such as overruling decisions that required victims to marry their rapists. These judges came to Accra and shared their experience and judicial reasoning with other judges and magistrates in Africa with little experience on gender issues. Brandeis University arranged for the documentary, *What Judges Need to Know about Rape and Justice in Senegal*, to be produced and shown. UNIFEM brought training books from India to Accra, and so on.

"It was extraordinary to see individuals put aside the power structure and share their personal experiences of discrimination and how it affects their everyday decisions," says Quast, describing how judges shared suggestions on how to work more creatively within the rule of law. For example, when one judge said there was no law in his country outlawing rape, another judge responded, "Well, you don't really need a law on rape if you have a law on assault."

Quast says one male judge from Kenya who originally was reluctant to participate in the conference grabbed her by the arm afterward and said, "This absolutely changed my life." Referring to how he's ruled at times using customs that discriminate against women, he added, "I'm embarrassed about that," Quast recalls. "And he said, 'Really, that has no place in the law.'" ❁

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PARTNERS FOR GENDER JUSTICE

For more information on Partners for Gender Justice, e-mail ILACUSA@aol.com.

UNIFEM

For more information on UNIFEM's work concerning gender equality and women's empowerment, go to http://unifem.org/gender_issues.