

Session 10

Human Rights and Violent Conflict

OBJECTIVES:

- To consider why some violence, even in times of war, is universally abhorrent; and what links these abhorrent acts to violations of human rights.
- To explore why rape is considered a war crime and is never justified, regardless of the aims of a violent conflict.
- To discuss women's roles in violent conflict and women's (human) right to be part of peace negotiations and post-conflict decision making.

In This Session:

Where wars are increasingly fought in cities and towns, and civilians are regularly caught in the cross-fire, atrocities against civilians have become an expected, if not acceptable, by-product of violent conflict. When wars are fought by irregulars, unofficial combatants who may include children and forced labor or even slaves, the usual "laws of war" are ignored. It is in these sorts of conflicts that the most hideous acts of violence take place – acts that physically and mentally scar victims and perpetrators alike for life. In this session, we will discuss what actions in war are abhorrent and why, despite their taking place amidst violence and chaos. What makes some violence legitimate in war, and some violence illegitimate? How would one argue that an act of war is a human rights violation?

The first reading selection is about a UN report on civilians living through the conflict in Iraq. In the excerpt, the UN High Commissioner for Human Rights describes the actions of the warring parties as human rights violations and war crimes.

Among the types of violence in war that is a violation of human rights is rape. While women have always suffered enormously in war as direct and indirect victims of violence, it is only in the last few decades that rape as a tool of war has received widespread condemnation and criminalization from the international community. In this session, we will read about the ability to prosecute rape and other gender-based crimes as crime against humanity in the International Criminal Court (ICC). We will read a statement by the UN's Under Secretary General on Sexual Violence in Conflict in which she discusses how rape is used as a weapon of war, and therefore should not be viewed simply as a women's issue, but a broader peace and security issue.

The final reading selection is from the UN's "2004 Ten Stories Project," the UN's annual dissemination of ten stories "that have important implications. . . ." The article describes how the media often portrays women as powerless victims of war, while the real story is more complex. Although women are victims of conflict, they are also frequently at the forefront of negotiating the resolutions to conflict.⁴² In this session, we will discuss whether participation in peace negotiating and rebuilding is a human right, and whether women have an equal right to participate in post-conflict decision-making.

Reading Assignments:

UN Report on the Protection of Civilians in the Non International Conflict in Iraq

The report,⁴³ compiled by the UN Assistance Mission for Iraq (UNAMI) and the UN Human Rights Office (OHCHR), is based on direct monitoring activities as well as a variety of sources, including civilian victims and witnesses, of events between 5 June and 5 July, 2014.

The report notes that children have been disproportionately affected by the conflict: "In all conflict-affected areas, child casualties due to indiscriminate or systematic attacks by armed groups and by Government shelling on populated areas have been on the rise," it states.

"Credible information on recruitment and use of children as soldiers was also received."

In response to this report, UN High Commissioner for Human Rights Navi Pillay said she was particularly concerned about the protection and welfare of members of vulnerable groups who remain in areas affected by the armed conflict, especially women, female-headed households, children, people with disabilities, the elderly, and members of minority groups. "Every day we receive accounts of a terrible litany of human rights violations being committed in Iraq against ordinary Iraqi children, women and men, who have been deprived of their security, their livelihoods, their homes, education, healthcare and other basic services," she said. "The deliberate or indiscriminate targeting of civilians, the killing of civilians, the use of civilians as shields, the hindering of access for civilians to humanitarian assistance may amount to war crimes or crimes against humanity," she added.⁴⁴

42 The UN Security Council formally recognized the crucial role women should and do play in peace-building by passing Resolution 1325 in 2000, which puts pressure on Member States to support women's participation in creating sustainable peace. We will discuss the specifics of Resolution 1325 in Session 13 as part of a larger discussion about international instruments that address sexual violence in times of war.

43 For the full text of the report, go to http://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_POC%20Report_FINAL_18July2014A.pdf

44 Excerpted from <http://www.un.org/apps/news/story.asp?NewsID=48301&Kw1=Navi+Pillay&Kw2=&Kw3=#.VeS2ypriuM8>

War and civil unrest also increase violence against women and girls

A 1996 UNICEF report claims, “War and civil unrest also contribute to violence in the home, according to recent studies. Death, upheaval and poverty increase tensions within the family and the likelihood of violence against girls and women. Men who feel that they have lost the ability to protect their women may compensate by exercising violent control over them at home.”

To see the full report, go to: <http://www.unicef.org/sowc96pk/sexviol.htm>

Team Exercise:

On the board or a large sheet of paper, write down the following list:

- Child Soldiers
- Slavery
- Ethnic Cleansing
- Suicide Bombing

Ask the group to consider these practices of war, as well as others they might want to add that they believe are not justified by war. Divide the group into teams, with each team assigned a different topic from the board. If the group adds additional topics, assign teams to those topics as well.

Ask each team to discuss what about the activity makes it universally abhorrent. Ask the teams to consider cultural norms, traditions, religious teachings, and laws.

When the teams reconvene, ask a volunteer from each team to report back to the group on her team’s discussion.

Questions for Group Discussion:

- What arguments would you make to demonstrate that enlisting Child Soldiers is a human rights violation?
- What arguments would you make to demonstrate that Slavery is a human rights violation?
- What arguments would you make to demonstrate that Ethnic Cleansing is a human rights violation?
- What arguments would you make to demonstrate that Suicide Bombing is a human rights violation?
- What types of arguments do you find the most persuasive? Why?

Reading Assignments:

The International Criminal Court's (ICC) Policy Paper on Sexual and Gender-Based Crimes, June 2014

Excerpt

Over the past few decades, the international community has taken many concrete steps in response to increasing calls to recognize sexual and gender-based crimes as serious crimes nationally and internationally. The statutes of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) both included rape as a crime against humanity. At the Rome Conference,⁴⁵ states agreed upon explicit provisions in the Statute of the ICC, recognizing various forms of sexual and gender-based crimes as amongst the most serious crimes of concern to the international community. The Statute is the first instrument in international law to include an expansive list of sexual and gender-based crimes as war crimes relating to both international and non-international armed conflict. It also expands the list of sexual and gender-based crimes as crimes against humanity to include not only rape, but other forms of sexual violence, as well as persecution on the basis of gender. Sexual and gender-based crimes committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group may also constitute acts of genocide.⁴⁶

Sexual Violence in Conflict

Zainab Hawa Bangura

Excerpts

The use of sexual violence in conflict is an issue that has finally received the recognition it deserves, and I am proud to be part of the movement to end this crime. . . Unfortunately, the shame of these abuses is not endured by the perpetrator; rather it is borne by the survivors of these attacks. It is the victims and their families, not the attacker, who must deal with the devastating and long lasting consequences of this crime, which can include sexually transmitted diseases, damage to reproductive organs and health, depression, unwanted pregnancies, and social stigmatization.

Girls and women suffer disproportionately from this crime and this is not by accident; when you attack a mother, a wife, a sister or a daughter you are attacking the very fabric of society. By assaulting girls and women you wreak havoc on society, weaken the resistance of an opposing side, and ensure that communities will struggle to recover from the devastating repercussions of sexual violence long after the conflict has ended. . . .

45 The UN Conference of Plenipotentiaries on the Establishment of an International Criminal Court, known as the "Rome Conference," took place in July 1998 in Rome, Italy. More than 160 governments participated in the conference, many with sizable delegations. At its conclusion, 120 nations voted in favor of adopting the Rome Statute of the International Criminal Court. Only seven nations voted against the treaty (including the United States, Israel, China, Iraq, Qatar), while 21 countries abstained.

46 <http://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes--June-2014.pdf>, p. 9.

The effect and use of sexual violence in each country is unique. In Syria, the threat of sexual violence was a major contributor to displacement as families fled in an attempt to get girls and women safe. Unfortunately, this had the unintended consequence of early and enforced marriages as parents married their daughters off to older men in an attempt to keep them safe. In turn this led to trafficking of girls and women.

[We] must be the voice of the voiceless and ensure that these women and girls are not just statistics referred to in media reports, but human beings whose rights are being trampled and lives cut short by this atrocity.

During the 68th UN General Assembly 135 countries endorsed the Declaration of Commitment to End Sexual Violence in Conflict.⁴⁷ . . . [The] international community has finally stood up to say that wartime rape is not a women's issue, it is a peace and security issue and deserves to be treated as the war crime that it is.⁴⁸

Questions for Group Discussion:

- Why did the delegates to the 1998 Rome Conference consider that some sexual and gender-based crimes in times of war constitute genocide?
- How do sexual crimes against women erode communities differently than other acts of violence?
- How do you think that women's increasing roles in war, as journalists, technicians, medical personnel, and even soldiers, will change the nature or degree of sexual violence in war, if at all?
- While resolving conflict through war is still acceptable to many nations across the globe, almost all governments condemn rape as a weapon of war. What is the distinction between harming an enemy and raping an enemy? What is it about rape as a weapon of war that sinks below conscionable behavior in practically every society?

Reading Assignment:

Women as Peacemakers: From Victims to Re-Builders of Society

From the United Nations "Ten Stories Project"

While the plight of women in war often gets close media attention, what is often overlooked is the vital role played by women in negotiating peace and in rebuilding societies.

47 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244849/A_DECLARATION_OF_COMMITMENT_TO_END_SEXUAL_VIOLENCE_IN_CONFLICT__TO_PRINT....pdf

48 Posted by the Department for International Development, GOV.UK, <https://dfid.blog.gov.uk/2013/11/12/sexual-violence-in-conflict/>. **Zainab Hawa Bangura** is UN Special Representative of the Secretary-General on Sexual Violence in Conflict, at the level of Under-Secretary-General. She made this statement on November 12, 2013. Ms. Bangura was previously Sierra Leone's Minister of Health and Sanitation and Minister of Foreign Affairs.

The recent commemoration of the 10th anniversary of the Rwanda genocide brought renewed focus on one of the many troubling aspects of those events: the deep trauma faced by Rwandan women who had survived the massacres after suffering indescribable humiliation, violence and sexual abuse. But today, as Rwanda moves gradually towards democracy, a lesser-known story is emerging: the vital role played by former victims in the efforts to build a new society.

In the September 2003 parliamentary elections in Rwanda, women secured 49% of seats in the legislature – the highest number of women parliamentarians anywhere in the world, overtaking Sweden with 45% and way above the world average of 15%. In May 2003, Rwandans ratified a new constitution allotting 30% of decision-making positions to women, a step inspired by [CEDAW]. However, the election results went beyond the prescribed quota, an outcome for which Rwandan women lobbied heavily. As the country undergoes a period of reconstruction, women are playing an ever more active role. With a cadre of women parliamentarians assuming leadership responsibilities, this praiseworthy development will need to be accompanied by sustained measures to promote democracy at all levels.

While too often reporting of women in conflict situations shows them as powerless victims, the reality, often glossed over, is that in post conflict situations women are in the forefront when it comes to negotiating and building peace. As Secretary-General Kofi Annan has pointed out, “Women, who know the price of conflict so well, are also better equipped than men to prevent or resolve it. For generations, women have served as peace educators, both in their families and in their societies. They have proved instrumental in building bridges rather than walls.” There are many stories that remain to be told about women from all walks of life who are making a quantum leap from lives in the private sphere to leading the way in reshaping their societies. Between 2000 and 2002, elections were held in 23 countries in sub-Saharan Africa, with increases in the number of women parliamentarians in 14 of them. In most cases, significant increases have been achieved through the use of quotas.

At the peak of the crisis in Liberia, women of the Mano River region (Liberia, Guinea and Sierra Leone) came together to form the Mano River Women’s Peace Network (MARWOPNET). So powerful was MARWOPNET’s voice that it was invited to the ECOWAS⁴⁹-sponsored peace talks on Liberia in Akosombo, Ghana, and later was invited to be one of the signatories to the peace agreement. Now upon their return to Liberia, many of them will run for political office.

Women as torchbearers of peace are making a difference in hot spots of every region of the world. Palestinian and Israeli women have joined forces and work together as advocates for peace. In Nepal, women who were victims of violence are seeking representation in peace talks between the government and Maoist rebels. Women’s Peace Caravans

49 ECOWAS is the Economic Community of West African States, a regional group of sixteen countries, founded in 1975.

venture into the most treacherous conflict-ridden interiors of Colombia to protest against the civil war and negotiate with the guerillas. Throwing themselves into peace processes with enormous courage and determination, women in politics, through their often unseen and unsung work, are bringing peace to many troubled countries.⁵⁰

Questions for Group Discussion:

- Do women have a human right to participate in combat roles in war? Why or why not?
- What does “equal rights for women and men” mean during violent conflict and war?
- During times of war, do women need special (legal or other) protections or waivers because they can bear children? Should all women be treated the same, even though not all can or will bear children because of age, physical capacity, or their own inclination?
- What experience, skills, and perspective do women bring to peace negotiations and post-conflict decision-making?
- Is it a human right for women to participate in peace negotiations and post-conflict decision-making? Why or why not?

50 Reprinted from the 2004 United Nations “Ten Stories Project” <http://www.un.org/events/tenstories/06/story.asp?storyID=700>