

**Bringing Security Home: Combating Violence against Women in the OSCE region.
A Compilation of Good Practices**

Symposium on Violence Against Women

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Note: During her presentation, Special Rapporteur Yakin Ertürk spoke freely. This document contains background information on several of her views, some of which were discussed at the Symposium. This paper, however, does not reflect her exact presentation.

Introduction

The violence against women agenda is relatively new both within the international gender equality framework as well as the human rights movement. It was only 16 years ago here in Vienna at the Human Rights Conference that the international community finally acknowledged VAW as a human rights violation and a public policy issue. The same year, the General Assembly of the United Nations adopted the Declaration on the Elimination of Violence against Women, which provides the main normative framework on the problem. The following year, in 1994, the Commission on Human Rights (now the Human Rights Council) created the post of the Special Rapporteur on violence against women, its causes and consequences (SRVAW) to monitor state response to the problem in all parts of the world.

I am the second person to be privileged to hold this very important mandate. I address you today in my final days as the SRVAW. On 3 June 2009 I presented my final reports to the Human Rights Council and had a very fruitful dialogue with member states and civil society alike. In August a new Rapporteur will be appointed to the post.

I am happy to acknowledge that in the 15 years since the inception of the SRVAW post, the phenomenon of violence against women has gained visibility worldwide and has become a major agenda item within the work of the United Nations, regional entities and individual countries.¹ The Secretary General's UNITE campaign, which aims to eliminate

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¹ The VAW mandate by recognizing violence against women as a human rights issue has had a transformative impact on both the theory and practice of the human rights discourse and consequently has contributed to furthering the norms inherent in the Universal Declaration of Human Rights. In this respect I would like to make reference to a study I initiated which takes stock of the achievements of the mandate of and looks at the further potentials of the mandate and the challenges confronting it. See “15 Years of the United Nations Special Rapporteur on Violence Against Women, its Causes and Consequences (1994-2009)” (A/HRC/11/6/Add.5)

VAW by 2015, has created a renewed commitment to consolidate the work towards this goal. While the launching of the UNITE campaign is important in itself, its eventual success and added value is dependent on the political, institutional and financial support that will be committed its implementation at national and international levels.

Expanding the Boundaries of the VAW Agenda

The recognition, in the 1990's, that violence against women is not a faith or a private matter was further reinforced by the reactions to the atrocities in Rwanda and former Yugoslavia, where sexual violence and rape were used extensively as part of war strategy, resulting in defining these as crimes against humanity punishable in the international tribunals.² Among the most significant recent developments with respect to the gender agenda are the Security Council Resolutions 1325 (2000) and 1820 (2008).³ These have broadened the agenda to include the security sector and brought new actors into the dialogue, such as the OSCE, NATO and other security sector entities. I must also refer to yet another promising initiative that is underway within the Council of Europe towards the creation of a treaty on VAW. While there are some controversies among member states as to the scope of the treaty, when adopted it will be the only binding instrument addressing VAW specifically, the implication of which will certainly be relevant for all stakeholders well beyond the European region. Therefore, anything less than a comprehensive document covering all manifestations of violence in public and private spheres of life will be a lost opportunity.

Also noteworthy is the recent ratification of CEDAW by Qatar, without reservations, bringing the number of States parties to the Convention to 186. While CEDAW has the highest number of ratifications along with CRC, it is among the least implemented convention. As a result, women's realities on the ground however stands in stark contrast with the gains made in standard setting. The prevalence of VAW, the most concrete indicator of this situation, continues to be a serious problem in all countries as patriarchy⁴ -whether in its traditional form or the more discrete and seemingly gender neutral form- prevails in shaping the parameters of the dominant societal values, institutions and practices. The challenge now is to bridge the existing gap between the principles contained in the international human rights instruments and their implementation.

During the six years of my tenure as a Special Rapporteur, I have undertaken 17 country visits, six of which are in the OSCE region. With the exception of a few most of the

² Reports of mass rapes and their implications for international peace and security were well acknowledged in the creation of the ad hoc international criminal tribunals for former Yugoslavia (ICTY) and Rwanda (ICTR).

³ In this regard, SC Resolution 1620 on violence against children during armed conflict must also be acknowledged.

⁴ Patriarchy, whether in traditional or more discrete / subtle forms, continues to determine gender relations in all societies. My 2007 annual report to the Human Rights Council is devoted to the intersections of culture and VAW (A/HRC/4/34), which addresses how culture based discourses in fact serve to sustain and reproduce patriarchal values, institutions and gender hierarchies.

countries I visited have or continue to experience some form of conflict.⁵ Violence, under conditions of conflict and/or occupation is, no doubt, indiscriminate of sex, age, color and creed; as was evident, for instance in the sexualized attacks on Iraqi male prisoners in Abu Ghraib or attacks on gay men in many conflict zones. However, evidence shows that women (and girls) are the primary victims of violence in war and in peace simply because they are women and there is an intimate connection between women's subordination and the continuum of violence they encounter within and outside their homes.

Unlike the systematic nature in which violence is used to discipline and control women, violence against men, is either random or circumstantial and often linked to the contestation of power among men themselves within class or ethnic hierarchies for control over land, wealth, status, power, etc.. Therefore, while men experience violence by and large as a result of differential access to power at any given time, women experience violence because of systematic denial of autonomous power, which explains their continued invisibility as actors and as victims in public life. Patriarchy subordinates women and hegemonic masculinity subordinates men of marginal groups and those adhering to alternative male identities. In this respect, there is a link between VAW and violence against subordinate masculinities.⁶

VAW During and After Armed Conflict

What happens to women in war is intimately linked to what happens to women in peace. However, during and after armed conflict, VAW becomes even more complex and distorted.

Under most conflict situations, causes and consequences of VAW become particularly difficult to tackle as interventions are most often limited to humanitarian services that aim to meet emergency needs. The particularities of how women experience armed conflict is rarely factored into relief, reconstruction or security programmes. As a matter of fact, until recently, the word "women" did not appear in the literature on the history of war and peace. Consequently, data on rape and other forms of sexual violence is notoriously lacking, although there is ample evidence of its existence.

Nature of conflicts are diverse and how and why they are transformed into war varies from case to case, but what is common to all conflict situations is the increasing

⁵ Countries visited include: in 2004: El Salvador, Guatemala, Occupied Palestinian Territory, Darfur – Sudan; in 2005: Russian Federation (including Chechnya), Iran, Mexico, Afghanistan; in 2006: Turkey, Sweden, the Netherlands; in 2007: Algeria, Ghana, Democratic Republic of Congo; in 2008: Saudi Arabia, Tajikistan, Moldova.

⁶This link may offer a ground for the convergence of interests among women and men in forging an alliance for a joint action towards achieving a non-violent and egalitarian society. For a discussion on masculinities, see: R. Connell. 2000. "Arms and the man: using the new research on masculinity to understand violence and promote peace in the contemporary world." In I. Breines, R. Connell, I. Eide (eds.). *Male roles, masculinities and violence*. UNESCO Publishing: 21-34; Y. Ertürk. 2004. "Considering the Role of Men in Gender Agenda Setting: Conceptual and Policy Issues." In *Feminist Review*. Issue 78: 3-22.

militarization of the society at large and intensification of pressure and control over women.

Militarism is not only about military institutions but rather a generalized dominance of militaristic values, which are imbued with a masculine image that favours violence and rigid notions of manhood and womanhood.⁷ However, military masculinity is also a fragile one, requiring constant reinforcement, which is provided particularly in two ways: (i) reliance on weapons for self-assertion and (ii) the traditional role of women to breed and raise “good soldiers”. Such militarized environments empower both public and private patriarchy, while on the one hand, reinforcing sexist and oppressive state agendas –with distorted military budgets and, on the other hand, obscuring gender relations.

Armed conflict is the ultimate expression of militarism. It exemplifies the hierarchy of interests and power which operate within the framework of deadly weapons and hard masculine behaviour, which also provokes a violent response by those men who do not necessarily engage in violence in their “normal” life or by women who may themselves have to participate as combatants to protect their family, community or for other reasons. While all lives are shattered during war, fighting among men carries the possibilities of multiple forms of violence for women both within and beyond group boundaries.

Inter-group confrontations:

When fighting breaks out between enemy groups women become the war zone. Rape, sexualized torture, prostitution, sexual slavery and forced marriages are used as war strategy for sexual gratification and/or reward for the soldiers, which in turn provide attractive opportunities for criminal networks that engage in trafficking in women for sexual exploitation to intensify their operations in conflict zones.

Women are also sexually violated by the enemy as a way to dishonour communities. This is the cheapest and easiest way to destabilize and destroy entire societies, with a long lasting effect. As will be recalled, in the war during the disintegration of former Yugoslavia, rape and impregnation of Bosnian women were used as a method of ethnic cleansing.

During a Security Council debate, retired Major General Patrick Cammart, former Commander of MONUC, in the Democratic Republic of Congo (DRC), said “... it has probably become more dangerous to be a woman than a soldier in an armed conflict.” The extreme sexual violence used during the armed conflicts in DRC has eroded all protective social mechanisms, unleashing the exercise of brutal fantasies on women’s

⁷ Understanding and cataloguing how masculinities and femininities are constructed, sustained and changed under changing circumstances would necessarily help challenge biological essentialism that tends to associate manhood with a natural tendency towards violence and womanhood towards peace. Biological essentialism cannot be sustained by evidence, although male identity construction and male preoccupations may entail closer encounter with aggression and violence and statistically men have higher rates of violent behaviour, not all men engage in such behaviour. See: I. Skjelsbaek. 2001. “Is Femininity Inherently Peaceful?” in I. Skjelsbaek and D. Smith (Eds). *Gender, Peace and Conflict*. London: Sage: 47-67.

bodies simply because it was possible to do so.⁸ Foreign armed groups engaged in such acts to destroy entire communities and the Congolese militia, soldiers and the national police to punish opposition Congolese groups. Such violence is also increasingly becoming a normal feature of civilian life. Men in the war in the DRC have also been a target of sexual assaults, however, these incidents are less likely to be reported or recorded, since sexual violence against men is a direct threat on manhood; it is received with greater stigma.

In all recent armed conflicts, sexual slavery or the prostituting of women for sexual services to soldiers has become widely documented. In some conflicts this type of violence occurs because of a general break down in law and order, in others, however, it is used as a strategy by or with the consent of officials to push civilian population out of a territory, instill terror or to humiliate and torture them. The perpetrators include official armies as well as those controlled by civilian armed groups and regrettably humanitarian aid workers and UN peace keeping forces have also been involved. A recent study on security forces and sexual violence found that the degree of ethnic fractionalization may exasperate the nature and intensity sexual violence as government agents may be more inclined to abuse individuals from opposition ethnic groups.⁹

Intra-group tensions:

Violence against women also increases within the group itself. For instance, where masculinity becomes severely damaged under detention, at check points, in refugee camps or in one's own home during raids, VAW becomes a compensatory response. The legitimized and unrestrained use of violence in combat and the normalization of violence at home reinforce each other.

In the case of the Occupied Palestinian Territories (OPT), where a permanent state of conflict prevails due to over 60 years of occupation, enactment of masculinity is challenged daily and men are deprived of the sources of their socially constructed male identity, the ability to support and defend their land and families. Ironically, it is the Palestinian women who pay the price. As articulated by Nahla Abdo, they "are placed in a double jeopardy, having to face both the patriarchal-national 'self' and the foreign oppressive 'other'".¹⁰ In the course of the Palestinian / Israeli conflict, the reproductive role of women has become a major tactic within the Palestinian communities changing the conflict into a war of demographics trapping women into what has been characterized in the literature as a "military womb" and reducing their life choices.¹¹

⁸ See my mission report on DRC to the Human Rights Council in 2008 (A/HRC/7/ 6/Add.4).

⁹ See: C. K. Butler, T. Luch, N. J. Mitchell. 2007. "Security Forces and Sexual Violence: A Cross-National Analysis of a Principle-Agent Argument." In *Journal of Peace Research*. Vol. 44, No. : 669-687.

¹⁰ See, N. Abdo and R. Lentin (eds.), 2002. *Women and the Politics of Military Confrontation*. New York, Berghahn Books: 152.

¹¹ See my mission report on the OPT to the Commission on Human Rights in 2005 (E/CN.4/2005/72/Add.4).

Displacement and dispossession caused by conflict and war alters everyday life in a fundamental way; it challenges group boundaries, manipulates identities and destroys community sanctions, making women and girls subject to rigid patriarchal control and vulnerable to domestic violence, incest, among other forms of abuse. During my visit to Chechnya, I received many testimonies of domestic abuse as well as acts of violence and intimidation committed by Chechen authorities against women accused of not conducting themselves in accordance with societal and religious norms.¹² As it may be recalled, in 2005 the media reported on how a young Chechen woman accused of being unfaithful with a Russian man was detained by the Chechen authorities, tortured and ridiculed in public. As a result of the severe abuse, the woman suffered a miscarriage.

In Tajikistan, the challenges of the post independence economic transition and the changing sex ratio due to the civil war as well as male migration because of extreme poverty, have resulted in revitalizing practices such early, unregistered and polygamous marriages (coupled with erosion of livelihoods), whereby, not only increasing women's vulnerability to abuse but also undermining the emancipative gains women made during the Soviet era.¹³

Inter-connectedness of VAW within and outside the home / in peace and in war

There is an intimate link between the transgressions on women within their own group and that by the enemy. As these acts become reinforced through impunity, they become normalized into everyday life persisting long after the fighting is over. In the environment of impunity the war on women in peace and in conflict brings high returns for the perpetrators with minimal cost and gives the message to others that it is okay to rape and abuse women. A woman I spoke to in the DRC said: "Before the conflict thieves would come to our home and steal whatever there is of value, now they first rape all the women and girls in the house then take our valuables".

The signing of a peace agreement following a devastating conflict is rightfully received with enthusiasm by the international community as signifying a return to peace and stability. Attention and efforts shift from emergency needs to strengthening state institutions and maintenance of stability. Generous funds are allocated for disarmament, reintegration, reconstruction and rehabilitation, however, little attention is paid to women's agency and victimization during the conflict, the fundamental ways in which conflict has altered society and how it has distorted gender relations and the extent to which the grievances that initially led to the conflict are resolved.

In Guatemala, after 36 years of a brutal civil war, a fairly good Peace Accord -with provisions specifically designed to protect the rights of women and indigenous peoples- was signed in 1996. Despite its achievements, inadequate implementation has precluded women and indigenous groups' benefiting from its provisions and contributed to the atmosphere of insecurity and violence that still characterizes Guatemalan society. The

¹² See my mission report to the Russian Federation to the Commission on Human Rights in 2006 (E/CN.4/2006/61/Add.2).

¹³ See my mission report on Tajikistan to the Human Rights Council in 2009 (A/HRC/11/6/Add.2)

problems of socio-economic inequality and exclusion that sparked the civil war remain unresolved, leaving women, particularly those of indigenous descent, at risk of violence due to the compounded discrimination they face based on sex, ethnicity and class. Furthermore, the absence of a rule of law fosters a continuum of violent acts against women, including murder, rape, domestic violence, sexual harassment and commercial sexual exploitation.¹⁴

Similarly, in Afghanistan, although women played a role in the Constitutional Loya Jirga and won a near 25 % representation in the parliament in the last election, their situation remains dramatic and severe violence against them all-pervasive. The traditional patriarchal gender order remains unchallenged. Protective social mechanisms and rule of law is lacking and poverty and insecurity continue to prevail in the country. VAW is tolerated and perpetrators enjoy impunity because the law enforcement and justice systems are generally dysfunctional and are biased against women or many of the known war criminals have gained access to “respectable” positions today due to amnesty and reintegration policies.¹⁵

In many of the post-conflict countries I visited, I found stability to be extremely fragile and justice grossly sacrificed. War time violence is often generalized into every day life with women at its centre. In El Salvador, however, while sharing many of the post-conflict syndromes, there are a number of promising advances women are making. The specificities of their experience can further our understanding of the diversities of the gendered dimensions of war and peace and how gender intersects with other process to result in positive or negative outcomes for women.

Women in the El Salvadoran civil war comprised 30% of the combatants but they were largely left out in the peace process and the return to peace left the *machismo* culture largely intact. However, since the opposition group (FMLN) acquired a legitimate political space in the post-conflict period, this enabled the women in their ranks to participate in the political party structures, the parliament, trade unions and the like. Furthermore, women’s non-traditional experience in the conflict as well as their frustration and anger with the discriminatory treatment in the reintegration programmes gave them a new sense of feminist consciousness which has created a climate to challenge discriminatory practices within the FMLN itself, as well as within the wider society, resulting in considerable gender equality achievements particularly at the legislative level, notwithstanding the continuing resistance from the conservative forces in the Salvadorian society.¹⁶

¹⁴ See my mission report on Guatemala to the Commission on Human Rights in 2005 (E/CN.4/2005/72/Add.3).

¹⁵ See my mission report on Afghanistan to the Commission on Human Rights in 2006 (E/CN.4/2006/61/Add.5).

¹⁶ See my mission report on El Salvadore to the Commission on human Rights in 2005 (E/CN.4/2005/72/Add.2)

In the Guatemala case, on the other hand, despite the fact that the peace agreement contained a number of significant provisions on women's rights,¹⁷ due to the lack of implementation and the highly fragmented nature of the opposition commitments have not been translated into action. Indigenous women continue to be excluded and marginalized and the multiple forms of assault and atrocities they were subjected to during the war have not been addressed sufficiently.

Moving Forward

The reality on the ground with respect to good practices in responding to VAW in conflict and post-conflict situations is generally not too encouraging. However, much has been achieved in the past two decades in acknowledging the gendered aspects of conflict¹⁸ and the specific ways in which women and other marginalized groups experience conflict. Today, there is a comprehensive international gender regime and rape during war is defined as a crime that is punishable by international tribunals,¹⁹ although failure to prosecute such crimes is still generally the rule. The Security Council resolutions pertaining to women, peace and security provide additional guidance to states and stakeholders in the security sector in responding to violence against women in a more effective way.

Women themselves have been organizing for years for alternative peace initiatives as well as to deliver services to victims of violence at great risk to their own lives. These initiatives provide a supportive base for developing more consolidated and effective strategies. However, there are no easy recipes, intervention strategies need to be guided by a careful assessment of the dynamics of each conflict situation and the distinct experience of different groups and backed by political determination and sufficient resources. Comparative analysis of conflict and post-conflict situations can also reveal insight into what works and what does not.

In this respect, I would like to suggest that four factors in particular should be examined with diligence in designing peace and re-construction programmes in the post-conflict phase:

¹⁷ The Guatemalan peace accord was signed 6 years after the Salvadorian one, and benefited from: (i) lessons learned from the El Salvador experience; (ii) the impact of the UN conferences of the 1990's which created an international momentum around women's human rights; (iii) the involvement of civil society, including women's groups.

¹⁸ The failure of the conventional international legal framework to prohibit crimes against women in times of war has been extensively addressed by feminists. The 1907 Hague Convention refers to the issue only in the context of family honour. The Geneva Convention, while referring to rape and other forms of sexual violence does so with a patriarchal and protectionist language. For a critique of the gendered aspects of international justice see for example, M. Walsh. 2007. *Gendering International Justice.* In D. Pankhurst (Ed.), *Gendered Peace: Women's Struggles for Post-War Justice and Reconciliation.* New York: Routledge: 31-63; H. Charlesworth and C. Chinkin. 2000. *The Boundaries of International Law. A Feminist Analysis.* Manchester: Manchester University Press. .

¹⁹ Reports of mass rapes and their implications for international peace and security were well acknowledged in the creation of the ad hoc International Criminal Tribunals for former Yugoslavia (ICTY) and Rwanda (ICTR).

- 1) The nature of the gender order prior to, during and/or after the conflict.
- 2) The causes and nature of the conflict.
- 3) The prevailing international order – the extent to which there is a supportive international civil society and committed diplomacy with respect to gender issues.
- 4) The position of oppositional interests in the post-conflict period.

Some lessons learned from the cases discussed above:

(i) The voice of oppositional sides in the conflict must gain legitimate space in peace to clear the ground for an enabling environment where women's rights issues can be addressed and prioritized. There is need for caution that women's interests are not merely co-opted into ethnic/class interests.

(ii) Involvement of women and inclusion of women's rights in peace agreements in themselves are essential but not sufficient, there is need for political determination to enforce the gender equality provisions but, most importantly, there is need for a strong gender and human rights consciousness and strategic alliances in civil society to demand compliance of the state and the international community with the requirements of the peace agreements.

(iii) VAW must be treated as a continuum – without singling out certain acts as more important - and as part and parcel of the overall status of women, which requires simultaneously providing immediate specialized assistance for victims, such as rehabilitation and health and social services, addressing the root causes of gender inequality and supporting women's political, social and economic empowerment.²⁰ In this respect, development and re-construction programmes need to identify both practical and strategic objectives that expand women's capabilities and their options while responding to immediate needs. The current international guidelines and resources for gender based violence (GBV) often limit funding sources and program options. For example, while domestic violence is the most commonly encountered form of GBV in all conflict situations, emergency programming cannot address it.

(iv) Women are not only victims of conflicts but they are also active agents in coping with the atrocities, protecting their families, identifying and helping victims of violence and also at times engaging as combatants. Local women's groups and other civil society actors actively responding to the problems on the ground often struggle with little funds and are overwhelmed by the scope and scale of the problems they encounter. Most often these women themselves are victims of violence and are trying to re-build their lives and extend help to others in dire need. Supporting local and collective initiatives through innovative funding modalities and development programmes can contribute towards a long-term preventive approach.

²⁰ See my thematic report on the Political Economy of Women's Rights submitted to the Human Rights Council in 2009 (A/HRC/11/6).

(v) In identifying strategic alliances for building peace the concept of multiple masculinities provides an opportunity as some men also have a stake in ending GBV and establishing an egalitarian and democratic society.²¹

(vi) Budgets, that get distorted during conflict to finance mainly the security sector, are rarely revised to ensure that sufficient resources are allocated for the justice sector, particularly for reparation, and empowerment programmes in the post-conflict phase. In this respect, gender budgeting, which has emerged as an effective but under-utilized tool, can be used to guide the allocation of national, bilateral and multilateral resources.

(vii) Ending impunity and ensuring that crimes against women are given equal and adequate attention in criminal proceedings and reparation programmes. Stability without human security and justice simply does not work!

(viii) Last but not least, the struggle to combat violence must go beyond a humanitarian and welfare approach which perceives women as victims that need to be protected. While all civilians need to be protected during conflict it must be borne in mind that women do not experience violence because they are vulnerable weak beings but because of a gender biased system of values and institutions that privilege male domination of women in public and private life and violence is used as a tool to sustain asymmetric gender relations. Understood as such, VAW is inherently a human rights, development and security issue.

²¹ For a discussing on why men have a stake in changing patriarchal gender relations see: Y. Ertürk.2004. "Considering the role of men in gender agenda setting: conceptual and policy issues." In *Feminist Review*. 78: 3-21. [The following quotation from James Baldwin' an African-American civil rights advocate and scholar, who was writing in the 1950s about race relations has great relevance for gender relations as well. He said; "it is only when a man is able to surrender a dream or a privilege he has long cherished or a privilege he has long possessed – that he is set free – he has set himself free for higher dreams and for greater privilege" (1961. *Nobody knows my name*. New York. Dell Publishing)].