

THE STOCKHOLM FORUM ON GENDER EQUALITY

# A FEMINIST APPROACH TO JUSTICE, HUMAN RIGHTS AND PARTICIPATION IN PEACE AND SECURITY

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## OVERVIEW

Gender equality and women's rights are prerequisites for sustainable peace. How can we better understand the gendered root causes such as discrimination, economic and social injustice, patriarchy, and violent masculinities as drivers of conflict and violence to strengthen prevention? How do structural barriers lead to women's exclusion from peace processes and post-conflict reconstruction? How can the women peace and security agenda and lessons from women's experience of conflict resolution and peacebuilding be used more effectively? This conversation will cover three interlinked components of the women peace and security agenda: prevention, participation and gender justice.

## KEY TAKEAWAYS

### **Where are we? What do we do?**

After decades of advocacy by women's rights proponents, we now have some normative commitment to gender equality from states and key international bodies, as exemplified by Sweden's feminist government. However, we do not yet have broad knowledge of how to operationalise gender equality in conflict prevention or in peace, reconstruction and transitional justice policies. We now need to concentrate on building the policy mechanisms for inclusive peace negotiations, for justice processes that truly link prosecution to prevention, and for policies and programmes that address root causes of gender oppression as a driver of armed conflict.

The panel addressed these challenges by identifying structural drivers of war, possibilities for inclusive peace processes through women's effective participation, and gender equality, as well as best practices of human rights, justice, and accountability.

### **Root causes of armed conflict:**

Gender discrimination is both a cause and a consequence of armed conflicts. Systems of gender mediate towards war by privileging political solutions, values and actions deemed conventionally masculine. Meanwhile, the subordination of women prior to conflict makes armed violence more likely and its consequences more severe. Systems of gender become more polarised in times of war and we see gender-based violence, such as rape, used as a

weapon of war. In the wake of armed conflicts, gendered assumptions influence how women survivors are treated by their families, communities, and policymakers. Moreover, the international community, despite some normative commitment to gender equality, continues to reinforce inequality, as witnessed by women's systematic exclusion from peace, national reconciliation and reconstruction processes in Iraq, Syria and other war-torn countries.

In Iraq, women have been under sustained attack since the US invasion of 2003, which was followed by the gendered brutality of Al-Qaeda and then ISIS. For 15 years, women in Iraq have faced the threat of bombing from above and the threat of gender oppression on the ground. Today, Iraqi women, whether Sunni or Shia or Yazidi, whether in camps or cities, still don't have the most fundamental right to life. One major reason is that the international community changed the government and legal system of Iraq starting in 2003 but did not reform those laws that harm Iraqi women in peacetime and make women even more vulnerable to patriarchal violence during and after wartime. Iraq's penal code still allows men to kill women for reasons of so-called family honour or tribal retribution. Right now in Iraqi cities, there are hundreds of unclaimed women's corpses in morgues; their families will not collect their bodies because they killed them for reasons of so-called family honour, for example for being raped. The Organization of Women's Freedom in Iraq (OWFI) provides shelter, emergency relocation and human rights education to women facing this violence and is working to build a culture of human rights in Iraqi society.

We are told that crimes against women are private matters, but we see that they are closely linked to issues of war and peace. The rate of these crimes has grown with the wars against Iraq – because the wars have included systematic rape and other forms of violence against women and girls, first by the Shiite militias emboldened by the US occupation, then by Al-Qaeda forces, and since 2014, by ISIS fighters. Those women who are targeted with these politically-motivated rapes are later abused by their government. Having been raped by 'the enemy', women are then perceived to embody the enemy in themselves. Bosnian women experienced a similar erasure of identity. After being raped in the wars of the 1990s, their government and the international community began to define these women by the violation they had endured.

What we see in Iraq is that a government driven by sectarianism cannot resolve sectarian violence. It can only fuel sectarian injustice, especially for the women who come from an 'opposing' sect. We also see in Iraq today a strong example of the way that sectarianism and gender intersect. Yet the gendered dimension of sectarianism is rarely addressed by the international community. In fact, the international community engages with the very clerics and politicians who condone both sectarianism and violence against women, including 'honour killing'. What is the chance of a woman who has survived war-time rape seeing justice when those overseeing the prosecutions of perpetrators are tribal heads who themselves say that women should be killed if they have been raped?

The crimes faced by Iraqi women are international crimes and clearly a matter for the international community. But UN agencies and other international bodies rarely consult local women or even hear about their experiences. Even Iraqi women who are citizens of European countries, like Sweden, are made vulnerable to gender-based violence. For example, Swedish Iraqi girls have been taken back to Iraq against their will by their families and forced into marriage, a crime which the Swedish government must work to prevent.

### **Linking Prosecution to Prevention**

Prosecuting gender-based war crimes within a broader context of transitional justice that seeks to lay the foundation of a better society is one opportunity to break the mutually reinforcing dynamic between gendered violence and armed conflict. We have such an opportunity today, in prosecutions of ISIS fighters and in the creation of the emerging Crimes Against Humanity Treaty now being negotiated by states. The way forward in linking prosecution to prevention is to ensure that justice processes highlight the patriarchal purpose of gender-based persecution and torture as well as other crimes against humanity and war crimes committed against women and LGBTIQ people. For example, in Iraq, Syria and elsewhere, women were beaten and killed by ISIS extremists for working outside the home, for dressing against strict codes, for being employed professionals or serving as community leaders – in short, for being the ‘wrong’ kind of woman. Similarly, we have evidence that ISIS fighters killed LGBTIQ people for violating gender norms.

A legal strategy developed by MADRE and OWFI that prosecutes ISIS crimes, not only as murder and torture, but also as gender discrimination, can be used to chip away at ‘peacetime’ laws that also discriminate on the basis of gender. These laws include penal code provisions that condone ‘honour killing’, as well as personal status laws that treat women as the wards of men. Deploying international law to prosecute ISIS fighters for gender discrimination could serve to uproot commonly accepted patriarchal legal norms in countries worldwide. Strengthening gender equality protections in both war- and peacetime would, in turn, help disarm gender as a driver and root cause of armed conflict.

In Syria, women played important roles in independence from French colonial rule and had created movements, salons, unions, and publications. But during the 50 years of dictatorship that followed, women and men were all oppressed and women’s political work and expressions were suppressed. Women went to prison, disappeared and were tortured by the regime. When the Arab Spring arose in 2011, women and girls were at the forefront along with the elderly, children, boys and men. Everyone participated in this locally-led, popular peace movement.

But when the regime attacked the peaceful demonstrators with massive violence, the movement became militarised, and with that, it became patriarchal. Women lost their place in the movement. Their power within the revolution was taken away. It became difficult to participate. This is not only a Syrian problem. It is a global pattern. Patriarchy gives power to the military and then women are excluded, except for a token few who collaborate with patriarchy.

Since the onset of the Syrian Revolution, many hundreds of independent civil society organisations (CSOs) have been created, including many women’s groups. They are providing basic service, like water and sanitation and emergency health care. This is common for women’s groups in war zones: they begin by working to meet people’s most urgent needs. But they soon realise that to make systemic change, women need to be engaged politically – in conflict prevention, in peace negotiations and critically, in implementation of peace agreements.

The new generation of Syrian CSOs have produced dozens of reports about what is happening on the ground in Syria. But when these reports are taken to the negotiators or to the UN, they end up in a desk drawer and no one pays attention. We need to address this, to close this gap, so that policymakers are paying attention to the realities of people's lives. That's basic democratic practice and a pre-requisite for a lasting peace.

### **'Where are the feminists?'**

Too often, when women's CSOs have any platform at all in peace-making, it is only those groups who cooperate with and support their government. But these groups are often little more than an extension of the government. They lack a critical voice and do not represent anyone who is under attack by the State. The UN and the international community must consult with feminist organisations that are committed to long-term peace and social justice for all people.

It is not enough to have women in positions of power. We need to get feminists in power in order to put into place constitutions and governments that can transform inequalities, whether based on gender, class, rural and urban location, caste, sect, religion, etc. Otherwise, we end up with solutions that re-inscribe the very inequalities that are the root cause of so many wars. The Consortium on Gender, Security and Human Rights has observed this pattern in conflict areas worldwide. We see it clearly in Iraq today, where the government, in the aftermath of ISIS, is pursuing policies that will only reinforce the country's sectarian divide. We see it, too, in economic recovery programmes that deepen class and gender divides, as happens when international financial institutions direct governments emerging from war to privilege export agriculture that is controlled by men and large landowners. We must not tolerate false solutions that plant the seeds of the next war. Instead, we need feminist policies, feminist peace processes that address the root causes of conflict.

Moreover, merely being a woman is not a credential for respecting human rights or being peace-loving. We see this in the Syria negotiations and in many other examples. The Special Envoy to Syria, Steffan de Mestura, may have a gender advisor, but the negotiations do not represent the interests, rights and hopes of most Syrian women because the women in the process are there as window-dressing. Those women with an independent, feminist perspective are marginalised. The regime has women on their delegation. The opposition has also brought women in an advisory committee. But they are there only to 'check the gender box', to enable the men holding power to claim that women have been included. Women can be complicit in violating the rights of other women when they are part of processes or governments that uphold patriarchal norms through systems such as violence and sectarianism. We need to shift those dynamics by using human rights and international law. Women must come together and use those rights-based systems to make change in Syria, as the Syrian Women's Political Movement is now struggling to do under very difficult conditions. This shift can influence not only Syria, but Afghanistan, Iraq, and Sweden—in other words, the world.

In Ukraine, before 2014, people did not define themselves as being pro or anti Maidan or pro or anti Russia. But over time, the narrative became binary. The political polarisation mapped onto the gender binary: men who did not participate in the war were presented as

cowards. The train stations in Ukraine featured a re-enactment of WWI, with men heading to war being given flowers and kisses by women seeing them off. If you were to say ‘do not pick up the gun’, you would be at risk of isolation and bullying. We need a political solution that recognises the role of gender in this script and can flip the script in favour of peace. We need a fundamental shift in how the international community looks at peace processes. Today, UN structures are dominated by men, while the women who work on solutions are absent from those structures. When one or two women are invited in and—not surprisingly—cannot succeed because the structures themselves prevent them from making progress, the women are blamed for participating. Today, top-down politics, militarism, and state security are prioritised over the lives of ordinary people, over women. We need to turn this script over, which in broad terms is what the Women’s International League for Peace and Freedom has been working to do for more than 100 years.

Women in communities affected by war often say, ‘the UN comes in and tells us what the world looks like, but we are the ones who can tell the UN what our world looks like.’ Indeed, this perspective of women whose lives are on the frontlines of war and whose bodies are often the battlefields, have vital knowledge about how to prevent and resolve armed conflict. But the knowledge that is derived of women’s experience is usually missing in peace and security policymaking and peace processes. Instead, governments would have us rely on the men who are doing the fighting to produce peace. This approach contradicts both historical evidence and common sense, especially when we remember that an end to the shooting is not the same as achieving peace.

## RECOMMENDATIONS

The international community can do more by implementing the following recommendations:

- Ensure that policies are relevant and accountable to women’s experiences in war and conflict prevention by engaging with feminist organisations to hold meaningful consultations with women at the local level so that policies are truly informed by them.
- Recognise that posing the question, ‘Where are the women?’ must be complemented by asking ‘Where are the feminist women?’ and, ‘Where are the policies that can transform patriarchal structures?’
- Consult and collaborate with feminist civil society organisations that have created a theory and practice of rights-based conflict prevention, peace, reconstruction and transitional justice processes.
- Amend the draft Crimes Against Humanity Treaty to include the internationally recognised definition of gender as a social construct, in order to strengthen prosecutions of crimes committed on the basis of gender. ■

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