# INTEGRATION OF THE PERSPECTIVE OF GENDER INTO THE ANALYSIS OF ARMED CONFLICTS AND SECURITY

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**ABSTRACT**

The integration of the perspective of gender into international security is the result of a historic and socio-political process that officially took form with Resolution 1325 and its successors on women, peace and security. In the context of armed conflict, women have become a military target due to an increasing and generalised recourse to gender violence as a weapon of war. This criminal action has unfortunately thrived because of its very invisibility, the frequency with which perpetrators escape punishment and its devastating effects. However, it is an international crime that can and should be pursued using the legal instruments provided under domestic and international law. This should be accompanied by a decisive effort to increase information, education and training on this issue, increasing the awareness of politicians, the military and public opinion in general.

**Key words:**
**Women, armed conflict, gender, international security**

## ◼ WOMEN AND ARMED CONFLICT

### ◼ Introduction

Sexual violence in the context of armed conflicts is recognised today as an international security issue. Extreme gender violence has taken place throughout history on all continents, but has now reached the scale of "feminicide". Since 2000 it has been a priority objective for the United Nations, which in Resolution 1325 declared that "peace is inextricably linked to equality between men and women".

As we will see, systematic rape, extended periods of sexual slavery, murder of victims of sexual assault, the silence and suffering of women and the impunity of the perpetrators of these crimes recur frequently in many of the armed conflicts in today's world. In this regard, Resolution 1325 and its successors have specifically addressed gender issues and security, in pursuit of two main objectives: firstly, to prevent gender violence in armed conflicts and protect women and girls from its effects; and secondly, to increase the role of women in peace processes. Despite the vagaries of this process since it was initiated by the Security Council in 2000, the combination of these two objectives is a revolutionary approach to the status of women: it recognises the unbreakable connection that must be established between gender violence and the increasing role of women in preventing and resolving conflicts, peace building and reconstruction.

### ◼ The prevalence of gender in armed conflicts

The profound changes that swept through Europe in the age of revolutions at the start of the contemporary age altered the nature of wars, as was inevitable. However, the essential factors remains the same: its brutal effect on the population, the profound changes to the economic structure of the parties in conflict, the negation of values, etc. However, in the course of the 19TH and 20th centuries, the appearance of mass armies, the professionalisation of the armed forces and the application of the industrial revolution –and subsequently technology– to conflict resulted in a progressive change in the nature of conflicts, for example, in the type of victims of wars. So, whilst in the First World War soldiers accounted for around 95% of victims, in more recent conflicts this ratio has been completely inverted, with non-combatant civilians now accounting for the vast majority of victims, being displaced, exiled, attacked, tortured, injured, killed or disappearing.

Some of the most shocking recent cases of civilian society becoming the specific objective of armed conflicts include the mutilation of civilians in Sierra Leone, torture in Guatemala, Iraq and Afghanistan, forced displacement

of people in Sudan, Angola and Liberia, anti-personnel mines in Angola and Cambodia, destruction of homes in Palestine, suicide attacks on buses in Israel, recruitment of child soldiers in Sri Lanka, Colombia and Uganda and sexual violence against women and girls and their enslavement in Paraguay, Congo, Darfur and Libya.

However, we have also seen parallel developments in international humanitarian law to defend the civilian population in armed conflicts, and women in particular, who have been afforded protection since the Geneva Convention[1].

Nevertheless, studies of the effects of armed conflicts on the civilian population find that a substantial part of wartime violence is gender-based. The changes wrought by war therefore affect not just gender relations, but also the roles played by men and women. The fact that war provokes increased violence against women by fomenting an increase in the discriminatory behaviour already present in society should not distract from the fact that wars also generate violent conduct specifically targeted at women. However, integrating the gender perspective into analysis of armed conflicts does not mean we are just treating women as victims and men as the absolute and sole perpetrators of violence. The assumption of this principle by the United Nations has resulted in the political role of women during armed conflicts being reassessed. In other words, on the one hand protective measures have been put in place, and on the other the scanty political role women have traditionally played has been reconsidered, with the need to increase their role in resolving conflicts. This will guarantee that gender will be treated as a priority question, reducing the extreme risks for women in conflict zones.

Women play an important part in family structures in all societies. When the family's men leave for combat or are arrested, disappear, die, are hidden, displaced or exiled, women take on many additional responsibilities. Not only do they have to take on much greater responsibility for caring for their own children and less-mobile relatives who are elderly or ill, they also become more involved in food production and other economic activities.

The absence of so many of their companions increases the insecurity of the women and children who have been abandoned. War brutally ruptures the community's traditional support mechanisms, leading to many women fleeing the war. ACNUR's research has confirmed that the majority of the world's displaced people and refugees are women and children.

Despite this, many women do not flee from combat or the threat of hostilities, partly because they believe that they will be afforded greater protection from

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[1] Article 27 of the Geneva Convention states "Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault".

the aggressors because they are women. However, the opposite is the truth. Women suffer seriously from the direct and indirect effects of combat, and are subject to bombardments and indiscriminate attacks on their communities. Their movements are restricted, limiting access to water supplies, food and drink and medical care. They are often placed in hazardous situations and subject to threats to their safety and that of their children. This increases the risk that they will suffer abuse, including sexual violence, which can sometimes affect a huge number of women of all ages[2].

War heightens the traditional exclusion of and discrimination against women. There have been systematic attacks on the female population of all ages throughout history and on every continent. This is a global phenomenon with devastating effects, not just on the victims, but also on the whole community. Despite this, such violence has historically been sidelined as a regrettable, and yet inevitable, consequence of war. This has been attributed to the unstoppable sexual desire of combatants, who have spent a long time without the company of women and who are removed from the usual social sanctions against rape by the very logic of war. Sometimes such social sanctions are simply ignored.

However, sexual abuse is not limited to rape; it also includes sexual slavery, enforced prostitution, enforced sterilisation, female genital mutilation, enforced pregnancies and "transactional sex" i.e. sexual favours in exchange for protection, food, documentation or money. Nevertheless, the most devastating form of sexual violence is probably the systematic rape of women, a war crime that is said to be practically invisible. In fact, until very recently this was not even regarded as a serious violation of international humanitarian law. It only began to be regarded as such from the 1990s with the genocide in Rwanda and the war in Bosnia, when sexual violence began to be treated as a war crime.

Since then, sexual violence has been considered a weapon of war. This means that extended and brutal attacks on women by armed militias are now regarded as having a military objective. Such attacks are not accidental. They aim to achieve a specific objective, such as spreading terror and displacing large populations, destroying whole communities, eliminating a race or ethnic group or rewarding troops. According to Amnesty International[3],

"The attack may be highly gendered - while men are killed, women are subjected to rape and other forms of sexual assault. Women are attacked to destroy their mental and physical integrity. They are attacked publicly to demonstrate the powerlessness of men to defend the community. And they are attacked as bearers of the next generation: their reproductive capacity is

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[2] LINDSEY, Charlotte. "Women Facing War". *International Red Cross Magazine*, n.º 839, 2000, pp. 561-580.
[3] AMNESTY INTERNATIONAL. *Lives Blown Apart. Crimes Against Women in Times of Conflict.* 2004.

either destroyed or harnessed through forcible impregnation to carry the child of the enemy. Rape as part of an attack on a community can be an element of genocide. When killings and other crimes, including rape, are committed with intent to destroy in whole or in part a national, ethnic, racial or religious group, whether in peace or war, then the crimes constitute genocide".

However, we are not only dealing with sexual violence. In general, gender-based violence –in both war and peace– is a strategy for perpetrating the patriarchal system. We can succinctly define the term "patriarchal system" as a global culture of discrimination that denies women equality with men. It is a series of social, political and religious norms that establish women as the property of men, for example, identifying female chastity with the honour of the family or even the whole community. Gender-based violence is one of the fundamental pillars of this patriarchal system in all contexts, serving to perpetuate it as the dominant system of social structure.

### ■ The Legacy of the Contemporary Age

The contributions of the contemporary period to the art of war are not limited just to the application of technology, the arms race or the "style" of total war extending global confrontations to a wider theatre of operations than ever before, harnessing all of the nation's resources in the service of the confrontation. The legacy of this period also includes violent and excluding nationalism which have poisoned whole generations over the last two-hundred years, and the ferocious colonialism and imperialism of the final decades of the 19th century, which persisted until after the Second World War, and to which the roots of most of today's wars in Africa and Asia can be traced. This is our heritage and, in Europe, is also a debt to our former colonies.

The history of war subsequent to the cataclysm of 1945 is that of a false *impasse* during the Cold War, which saw the outbreak of what were euphemistically known as "low-intensity conflicts". Over recent decades, more localised armed conflicts have increasingly become the norm, spreading their impact all over the world and affecting the civilian population in particular.

Whilst direct participation of women in armed conflicts has been relatively rare throughout history, it has not been exceptional and it is aggravated by global confrontations. Whilst Kerensky's "Battalion of Death" had 2,000 volunteer Russian female soldiers, in 1941 up to one million women enlisted in the Soviet army. The same can be said of the resistance in Yugoslavia, the partisans in Italy, the US Women's Army Corps (WAC) and the 400,000 British women in the armed forces and its war industry. Despite the reluctance of some allied countries such as France to send women to the front line, and the significant participation of the German *"Blitz Madels"* and

the Finnish *lottas* in administration and passive defence, there were a number of female participation strategies in relation to the ideological hegemony of the belligerent nations. In general, the the Pact of Steel countries were more reluctant than the allies to use women, as they did not consider the war to be sufficient justification to break the policy of sexual segregation, or "separate spheres", imposed in the bourgeois revolutions of the 19th century.

The first call to the female population was to replace men as labour as they went to the front. In rural areas, this was pretty much what had always happened. The participation of women in the war industry reached its peak in the Second World War, and *Rosie*, the nickname initially used in the USA for riveters and welders, spread to female workers in factories in general, becoming an icon in every country, although to differing degrees.

Some of the largest volunteer corps created at the time were the Finnish *lottas,* the "grey mice" in Germany and the *marinettes* in France. These groups usually carried out administrative tasks, nursing, stores, supply and provision management, driving and vehicle maintenance, communications, air surveillance and passive defence tasks. In Great Britain alone, at the end of the Second World War, there were more than four-hundred thousand women serving in the military forces, almost 10% of the total armed forces.

Since the end of the Second World War, women have been taking a much larger part in armed conflicts. Women today are taking an active part in many conflicts throughout the world; many of these are volunteers, but others are enforced.

Women have taken an active role in post-1945 conflicts, for example during the wars of national liberation, particularly in Vietnam, where hundreds of thousands of women were involved in combat between 1946 and 1975, first against the French occupation forces and then against the USA and South Vietnam. It was also true of the guerrillas in the Zimbabwe African National Liberation Army, who fought against the racist Salisbury regime in what was then Rhodesia, and which had four thousand women soldiers - 6% of its military forces. It is estimated that 30% of the armed forces of the Tamil Tigers who fought the government of Sri Lanka for decades were women[4].

It is estimated that 3% of the professional soldiers in the world are women. However, in reality, these figures cloud the situation a little by taking a global average. This practice is much more widespread in Western armies than elsewhere in the world. For example, Spain started to allow women to join its army as troops in 1988. Since then, Spain has extended and facilitated the integration of women into its Armed Forces; with women now accounting for some 12% of its military personnel, and 18% of its troops. At present, there is

[4] HERRMANN, Irène; PALMIERI, Daniel. "Between Amazons and Sabines: a historical approach to women and war". *International Review of the Red Cross*, vol. 92, n.º 877, 2010, p. 23-25.

an ongoing debate in Western armed forces about the need to restrict, or indeed expand, access for women to combat posts, although it does not seem that this will have much effect in Spain.

Other women serve in the armed forces involuntarily, such as the many women forced to perform military service, sometimes in armies that are at war, for example in the Israeli armed forces.

Women also played a significant part in 20th century guerrilla movements in Latin America. Some armed forces also enlist children, both boys and girls that are not always volunteers and are not always free to stop fighting.

There are also women supporting the combat operations of armed terrorist groups. One significant example of this is the Chechen women who call themselves *Shakhidki*, and who contribute most of the suicide bombers in the current conflict between Russia and the Chechen Republic. In the Middle East, women account for 7% of Palestinian suicide bombers and 1% of suicide bombers in Iraq. Girls are also used as suicide bombers in these conflicts.

However, although the role of women in wartime has been changing, particularly following the two world wars, increasing the number of women soldiers and their presence in the theatre of war in general, this does not mean that women are the protagonists in these wars, or that they always have active or agency roles. The majority of women do not enrol voluntarily, and nor do they attend emergency courses for workers, helpers or nurses. Many suffer the war and all its consequences, without this empowering them as the head of family or owners of their destiny for the first time in their lives. Quite the contrary occurs, a large part of the female population is objectified as a military target and/or recreation for soldiers. These women are the victims of gender-based violence and repression. The hundreds of thousands of documented rapes in theatres of war form part of "scorched earth" policies.

There were thousands of rapes during the Second World War. One of the worst cases in the 20th century was that of the Japanese "Comfort Stations", where thousands of women, many very young, were forced to serve as sexual slaves for the Imperial Japanese Army for many years. Although the real numbers will never be known, it has been estimated that around fifty thousand women were raped by Japanese troops during the Nanking massacre. These Comfort Stations proliferated throughout the entirety of the Second World War, spreading to China, Taiwan, Borneo, the Philippines, many Pacific Islands, Singapore, Malaysia, Burma and Indonesia. It has been estimated that around two-hundred thousand women were kidnapped and subjected to a brutal regime of enforced prostitution, including torture, brutal punishments, rape, sterilisation and enforced abortions. The majority were young Koreans from poor families, who endured years of brutal punishments. It is believed that at least half of these "comfort women" were killed, although to date the Japanese

Government has not revealed the true scale of this extensive system of sexual slavery or accepted responsibility for this crime[5].

Meanwhile, many Berliners have horrendous memories of the end of the war, when the Soviet army "liberated" the city. The British historian Antony Beevor calculates that around two and a half million women and girls were raped by Russian troops in the final months of the Second World War, including around one hundred thousand in Berlin alone. His research reveals some aspects of the actions of Soviet troops in European territory that contradicts the theory of the Russian hordes taking vengeance for the sins of the Nazi party. Not only did they rape hundreds of thousands of German women, but they also raped women from their own country who had been desperately awaiting liberation, including young Ukrainians and Russians who had been taken to Germany as slaves and prisoners freed from concentration camps[6]. Beevor concludes that the reaction of the Soviet authorities to evidence of mass rapes –which they clearly tolerated– was never to reinforce the discipline of Red Army soldiers, and that they never showed any sign of wanting to prevent these actions by their men[7].

At the end of the Second World War, both sides in the conflict accused the other - with some justification - of mass rape. However, neither the Tokyo nor Nuremberg Tribunals addressed the crime of sexual violence. And although the Geneva Conventions pointed in the right direction, it would be decades before we became aware of the huge risks that women face because of their gender in armed conflicts. Throughout this time, and continuing today, there have been repeated systematic flagrant violations in armed conflicts.

In Central Asia, systematic rape was a very common practice in the wars of national liberation. According to various studies, around seventy-thousand women may have been victims of sexual violence during the partition of the Indian subcontinent[8]. Many others died in order to avoid becoming victims of sexual violence, either by committing voluntary or enforced suicide – often induced by their own families–, or killed by their own families or communities in order to ensure that the honour of the community was not tainted. Furthermore, thousands of women were kidnapped and sexually abused. The official figures recognised that at least fifty-thousand Muslim women were kidnapped in India, and at least thirty-three thousand Hindus and Sikhs were kidnapped in Pakistan, during partition. After a number of inter-government

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[5] CHUNG, Haeng-Ja, "The Comfort Women: Sexual Violence and Postcolonial Memory in Korea and Japan". *American Anthropologist*, vol. 112, n.º 2, 2010, pp. 337-338. HICKS, George. *Comfort Women, Sex Slaves of the Japanese Imperial Forces*. Silkworm Books, 1995.
[6] BEEVOR, Antony. *Berlin: The Downfall, 1945*. Barcelona: Ed. Crítica, 2002.
[7] BEEVOR, Antony. Interview with Beevor at http://www.jetcero.com/?p=42 Last checked on 12 December 2011.
[8] ESCOLA DE CULTURA DE PAU. *Alerta 2010! Informe sobre conflictos, derechos humanos y construcción de paz*. Barcelona: Icaria, 2010.

agreements, around twelve thousand five hundred women in India and six thousand two hundred in Pakistan who had been taken prisoner during the conflict were "recovered"[9].

There were also shocking abuses of women in Bangladesh in 1971, by all the armed groups and in all ethnic groups. The victims belonged to different religions, social classes and ethnic groups. The exact figures will never be known, but it has been estimated that between two hundred thousand and four hundred thousand women were victims of sexual violence. The majority of these were Bengali women attacked by Pakistani soldiers in what was, according to many analysts, an organised strategy to spread terror in the population of East Pakistan[10].

Burma, in south-east Asia, has been ruled by a dictatorship since 1964. Politically isolated from the rest of the world and governed with an iron fist by a Military Junta, Burma has –together with Sierra Leone– the lowest GDP *per capita* in the world. The main purpose of the repression imposed by Burma's military regime was to suppress ethnic minorities trying to resist its rule, in particular the *Karen*, the *Shan* and the *Mon*, although this also affected the *Mien, Akha* and *Lisu*. Over the decades, this persecution resulted in a major refugee crisis in neighbouring countries. Among the many attacks on the civilian population, there has been systematic and selective rape of women and girls. There is even a group of soldiers detailed specifically to carry out the mass rape of women belonging to certain ethnic minorities. They are known by the public as the "rape battalions". They were created to terrorise, demoralise, repress and control these ethnic groups and, ultimately, to encourage them to go into exile[11]. According to ACNUR, these units operate by touring Burma's towns and selecting very young girls, who they kidnap and send to their barracks, where they are forced to parade in front of the soldiers so that they can choose which one they want to rape. And this happens every night until they decide to kill or free their victims. Surviving victims almost always know the name, rank and barracks of their attackers, and they often bump into them. There is no way of finding out how many women are suffering from the Burmese regime's rape policy, as there is obviously no way for the victims to report the assault, often leading them to suicide as the only way to escape their trauma. Another alternative is to leave, thus achieving the military objective of the systematic rape policy.

[9] BHASIN, Kamla and MENON, Ritu (1998). *Borders and Boundaries. Women in India's Partition*, New Jersey: Rutgers University Press; Butalia Urvashi (2000), "Margins", in *The Other Side of Silence: Voices from the Partition of India*. Duke University, pages 233-272.
[10] SAIKIA, Yasmin. "Beyond the Archive of Silence: Narratives of Violence of the 1971 Liberation War of Bangladesh", *History Workshop Journal*, vol. 58, n.º 1, 2004, pp. 274-286. SAIKIA, Yasmin, *Women, War and the Making of Bangladesh: Remembering 1971*. Duke University Press. Durham: 2011.
[11] Amnesty International (2004), *Stop Violence against Women*.

Latin America was also a region in conflict during the Cold War: civil wars, interstate conflicts and authoritarian political systems directly controlled by the military, in many of which attacks on women were a common practice.

A prime example of this is the civil war in Guatemala. This has been going on for over thirty years, and has resulted in at least one hundred thousand women being raped, many of them from indigenous communities. 99% of sexual crimes during the war were committed by members of Guatemala's army, civil patrols and the so-called civil self-defence patrols, paramilitary forces created by the government[12].

The establishment of the Comisión de Verdad y Justicia (Truth and Justice Commission) in Paraguay in 2003 uncovered the crimes committed during the dictatorship of General Stroessner between 1954 and 1989. During this period, thousands of people were victims of serious abuses, such as arbitrary detention, torture, disappearance, enforced exile and murder. Some of these crimes were committed in the context of Operation Condor, a coordinated plan involving the military governments of Argentina, Bolivia, Brazil, Chile, Uruguay and Paraguay to eliminate their opponents during the 1970s and 1980s. These human rights violations included violence against women, in particular subjecting girls to long periods of sexual slavery, and were used to reward the soldiers. The girls were kidnapped from their own homes and forced to serve senior officers. Following years of captivity, some were killed when they became 15 or 16 years old. The Commission's work has revealed the pressures and threats faced by women who testified.

The thousands of rapes during the war in Bosnia and the genocide in Rwanda raised the profile of sexual abuse in wartime on the public agenda, opening the way for it to be recognised fully as a war crime, based on a series of United Nations resolutions relating to gender and security. Unfortunately, increased public interest and legislative progress has not resulted in greater protection for women in areas of armed conflict or for survivors.

In Bosnia and Rwanda, systematic rape was considered an act of genocide. What happened is well known. In Bosnia, thousands of women were raped by Serbian paramilitary groups with the explicit intention that they should become pregnant with a Serbian child. Many of those who became pregnant as a result of rape were imprisoned until at least the seventh month of their pregnancy to ensure that they did not have an abortion. In Rwanda, systematic rape of thousands of women and girls, mostly *Tutsis*, was used as a biological weapon, deliberately planned to infect the enemy population with the AIDS

virus[13]. The United Nations calculates that there may have been between two hundred and fifty thousand and five hundred thousand cases of rape during the genocide. Furthermore, in Rwanda, as in many other parts of the world, strict cultural norms made the victim feel she was guilty of her own disgrace. Even today, thousands of women and girls who were raped by *Hutus*, and as a result abandoned by their parents or husbands, are subject to brutal social rejection in their communities; and this rejection spreads to the children that resulted from the rape.

The huge defects in the legal systems in both of these countries mean that the victims have not been able to gain redress[14]. This perpetuates the trauma for the victim, which is passed on to the next generation. In Bosnia, many of the victims do not want to return to the land they were expelled from, thus making the ethnic cleansing of certain regions a reality. It has been calculated that around ten thousand rapists remain free, most of which are Serbs, although some are Bosnians. In both the war in Bosnia and the conflict in Rwanda, very few people have been put on trial for rape, despite international criminal courts being established *ad hoc*. Based on testimony, victims who placed their faith in the international legal system did not, in general, find this a positive experience.

And the situation has only got worse since the 1990s. In fact, in many of the wars underway at present, sexual attacks on women are now habitual and are just one more aspect of the struggle; they have become a widespread practice that, in certain scenarios, can be regarded as being endemic. This explains the increasing concern in certain parts of the international community that led to the adoption of Resolution 1325 and its successors by the Security Council; this gave rise to what has been called the gender *securitization* process.

## ■ THE GENDER *SECURITIZATION* PROCESS

### ■ The concept of security

The classic concept of security, based on the existence, independence and territorial integrity of a state, remains dominant, but now coexists with other security paradigms that refine the classic concept to give it a broader scope –economic security, ideological security, food security and environmental security– that chimes more with contemporary reality, or which directly aspire to replace it, such as the concept of human security.

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[13] HUMAN RIGHTS WATCH. *Rwanda: Lessons Learned. Ten Years After the Genocide.* 2004.
[14] AMNESTY INTERNATIONAL. *Whose Justice? Bosnia and Herzegovina's Women Still Waiting.* 2009; NOWROJEE, Binaifer (2003), "Your Justice is Too Slow: Will the ICTR Fail Rwanda's Rape Victims?" Boston Consortium on Gender, Security and Human Rights, *Working Paper*, n.º 105.

The internationalisation of social life that has developed since the second half of the 20th century and the socio-political characteristics of the Cold War has obliged us to move beyond the territorial model of security to include ideological, political and economic dimensions which, being different in each bloc, represented a threat to security. Defence of the economic, ideological and political model is a consequence of the realisation that threats to state sovereignty and integrity are not limited to territorial aggression. The state has to protect its ideology, its political and social organisation model and its economic structure just as much as it has to defend its territory. The new threats - with their different and more complex nature - require a re-conceptualisation and reorganisation of security to include aspects that were, until recently, irrelevant. Gender is one example of this[15]. Sexual violence in the context of an armed conflict is now generally recognised as an international security problem.

From a different perspective, but also justified by attempting to explain and adapt security for the current context, the objective is not to broaden the traditional notion but to replace it. The search for a common and comprehensive security model that is multidimensional and interdependent, integrating and globalising, as proposed from various currents of thought, has led to the development of a new concept - "human security" - which regards the person as the ultimate focus of security, not the state[16]. The basic pillars of human security are: freedom from threats – dangers to life –, absence of needs – social vulnerabilities – and, as far as possible, freedom from natural disasters and their devastating social consequences. Human security combines freedom from basic needs and freedom from fear. Its components include personal security, meaning lack of violence, and community security, with the individual protected by the community. Gender security, relating mainly on women, fits naturally into this concept of security.

This refinement of the traditional security model, expanding it and even gradually replacing some of its content, incorporates gender issues. Beyond theoretical debates and the still limited viability of the second option, in practice, the concept of security has evolved as a result of the appearance of new threats and changes to perceptions of their nature. The sovereignty, independence and territorial integrity of states is no longer interpreted historically, politically and legally as it was until relatively recently. The right of a people to free determination, humanitarian interference and the responsibility to protect are principles that interfere in the application of these fundamental security categories. For example, Johan Eriksson uses the example of Turkey and the Kurds to demonstrate that a traditional approach would involve implacable

defence of Turkish sovereignty against the threat of Kurdish independence, ignoring the scale of the humanitarian crisis[17]. Kosovo and Libya are recent examples of a new and controversial security model in which defence of sovereignty is no longer an absolute; the same also applies to Syria, the paradigm of the contradictions in the system[18].

These contradictions in the system are the result of a complex combination of conflicting factors. However, there are two main elements to this: the impossibility of objectively defining in absolute and timeless terms what a security problem is; and the variable or contingent political nature of such a decision[19]. In more practical terms, the classification of an issue as a security problem authorises priority treatment and recourse to extraordinary measures to resolve it; however, these are not always legitimised, if they are the result of a decision of an arbitrary political nature. For example, defining immigration as a security question obviously has differing consequences from defining it as a social, political or humanitarian problem. Likewise, the extension of the concept of security may paradoxically generate insecurity, to the extent that issues develop into threats needing priority, special or extraordinary action when, in principle, they should not be considered as such. Crises related to energy supply may at some point be classified by politicians as a threat to security, justifying recourse to special actions or measures. Considered individually, states may use uncertainty about the concept of security to legitimise exceptional actions such as the use of military force[20].

In the international context, unlike the internal context of the state, this issue is offset, and to some extent minimised, by two circumstances. Firstly, decentralisation of political power reduces the viability of a unilateral declaration of a security issue and limits its consequences as a political act. A system based on equal sovereignty of states requires a minimum level of consensus in order for a particular issue to be regarded as a security issue, making it impossible to impose such a definition, as might occur internally in a specific country[21]. Competence to classify something as an issue of international

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[17] ERIKSSON, Johan. "Observers or Advocates? On the Political Role of Security Analysts". *Cooperation and Conflict*, N.º 34, 1999, p. 313.

[18] The opposition of Russia and China – permanent members of the Security Council – has to date hamstrung the adoption of measures by the Security Council, despite the consensus of the other members and support from the Arab League.

[19] Sweden has adopted the broad concept of security proposed by the Copenhagen School (ERIKSSON, *op. cit.*, 316).

[20] Recent examples of this practice include the fight against immigration by some states, action against drug trafficking by the USA, and the US concept of legitimate preventive defence, contrary to the legal regime for legitimate defence established in general international law. The most obvious historical example is Nazi Germany considering the Jews a threat to its existence.

[21] A government might decide that the struggle against immigration, drug trafficking or terrorism in its territory is a question of national security demanding the use of military resources. The declaration of a state of emergency in Spain in December 2010 due to the air traffic controllers' strike is an example of such a measure.

security rests with the United Nations Security Council. However, this body has restricted and unequal membership, even though it is legitimised for such purposes under the United Nations Charter. Legal regulations act in the face of the ambiguity and relativism of the concept of security to determine the competence and procedures for defining a situation as being an issue of international security. The Security Council has taken this approach in gender issues since Resolution 1325 was adopted in 2000.

■ **Gender and security**

The introduction of gender into the international security model is the result of developments in the scientific framework of international relations from a range of theoretical perspectives, including - because of its global, multidisciplinary and comprehensive scope and explanatory power - the theory of *securitization*. This theory was developed by the Copenhagen School, which defines *securitization* as the discursive process through which an inter-subjective understanding is constructed within a political community to treat something as an existential threat, enabling a call for urgent and exceptional measures to deal with the threat[22].

Once this phenomena has been accepted theoretically, security and gender can be explained from two distinct perspectives that are, to a large extent, counterbalancing. Most of the theory analyses this linkage by applying a generic axiom that increased gender equality results in less violence. Mary Caprioli argues for this approach stating that increased gender equality resulting in equal political, economic, and social power for women, will result in more peaceful foreign policy behaviour[23]. In her opinion, increased gender equality will result in reduced military action by states to resolve international disputes. The main point of this approach is that gender equality is not just a question of social justice, but also one of international security, because of its capacity to predict the international aggressiveness of states[24].

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[22] This is "an intersubjective process in the sense that it is only when the audience accepts a securitizing actor's speech act that an issue will become *securitized*". When an issue is securitized, it becomes prioritized as regards 'normal politics' and 'extraordinary means' are necessary to address the problem"). (MACKENZIE, Megan. "Securitizing Sex?", *International Feminist Journal of Politics*, vol. 12, n.º 2, 2010, p. 204).

[23] "Increased gender equality, resulting in women's equal political, economic, and social power, will result in more pacific foreign policy behavior. The inclusion of women as equal members of society will, therefore, result in fewer and less violent militarized international disputes". (CAPRIOLI, Mary. "Gendered Conflict". *Journal of Peace Research*, vol. 37, n.º 1, 2000, pp. 53-68).

[24] "Gender equality is not merely a matter of social justice but of international security in predicting state aggressiveness internationally". She develops her theory in the following theoretical publications: CAPRIOLI, Mary, "Gender Equality and State Aggression: The Impact of Domestic Gender Equality on State First Use of Force". *International Interactions*, vol. 29, n.º 3, 2003, pp. 209; CAPRIOLI, Mary and BOYER, Mark, "Gender, Violence and International Crises". *The Journal of Conflict Resolution*, vol. 45, n.º 4, 2001, pp. 503-518); CAPRIOLI,

Eric Melander offers a similar approach, but using a different perspective based on essentialist and constructivist theories. According to the first of these, it is reasonable to expect the empowerment of people who are more averse to violence to result in less internal conflict within society. Based on constructivism, gender equality can be expected to be associated with less collective violence, including fewer, less intensive and shorter conflicts[25].

The opposing, minority, position is supported from another theoretical sector, whose leading proponents include Tessler and Warriner; these authors argue that there is no connection between gender and behaviour in war and peace[26]. Samantha Godec 's theories are more radical. Having analysed Bosnia, Afghanistan, Iraq, Sudan, Somalia and Kosovo, she argues that military intervention may be counterproductive for the rights of women, and disproportionate from the perspective of international law on the use of force[27]. Laura Sjoberg offers an alternative reading along the same lines, arguing that protecting women is just a "beautiful soul narrative" that, in reality, only serves as a justification for the war[28]. Anne Oxford also criticised what she terms the Security Council's muscular interventionism, when Resolution 1325 introduced gender into the international security model created under the San Francisco Charter[29].

However, irrespective of theoretical approaches to the positive and negative aspects of the relationship between gender and security, there is an essential element that in itself justifies and legitimises this linkage: this is the struggle against sexual violence in armed conflicts, which is the main objective of Resolution 1325 and its successors.

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Mary. "Primed for Violence: The Role of Gender Inequality in Predicting Internal Conflict". *International Studies Quarterly*, vol. 49, 2005, pp. 161-178.

[25] "It seem reasonable to expect that the empowerment of people who are more averse to violence would translate into less internal armed conflict within a society". "Gender equality can be expected to be associated with less collective violence, including fewer, less intensive, and shorter internal armed conflict". (MELANDER, Eric, "Gender Equality and Intrastate Armed Conflict". *International Studies Quarterly*, vol. 49, n.º 4, 2005, p. 697).

[26] "A connection between gender and attitudes toward war and peace was found to be absent in diverse political, economic, and social environment". (TESSLER, Mark and WARRINER, Ina. "Gender, Feminism, and Attitudes toward International Conflict: Exploring Relationships with Survey Data from the Middle East". *World Politics*, vol. 49, n.º 2, 1997, p. 280).

[27] "Such a response would be counterproductive for women's rights, and disproportionate in terms of the international law governing the use of force". (GODEC, Samantha. "Between rhetoric and reality: exploring the impact of military humanitarian intervention upon sexual violence – post-conflict sex trafficking in Kosovo". *International Review of the Red Cross*, vol. 92, n.º 877, 2010, pp. 235-257).

[28] SJOBERG, Laura, "Women fighters and the beautiful soul narrative". *International Review of the Red Cross*, vol. 92, n.º 877, 2010, pp. 53-68.

[29] OXFORD, Anne. "Muscular Humanitarianism: Reading the Narratives of the New Interventionism", *European Journal of International Law*, vol. 10, n.º 4, 1999, pp. 679-711.

■ **The Resolution 1325 model**

The Security Council has the primary responsibility for the gender *securitization* process, based on its competences for peace keeping and international security; it has adopted a number of resolutions relating to women, peace and security in which it classifies gender as an international security problem.

Resolution 1325 resulted from consensus among states at the global conferences on women held in 1975 and initiatives and proposals from some countries and international bodies particularly concerned with the issue of women in armed conflicts[30]. Tryggestad argues that four main factors contributed to the Resolution being adopted: the changed international security architecture, the changing nature of conflict, the widening of the concept of security and the increasingly influential role of NGOs in international relations[31]. In the Resolution, the Security Council declares that "peace is inextricably linked to equality between women and men" and that "effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security".

Resolution 1325 is the first Security Council Resolution specifically to address gender and security[32]. It sets out two general objectives: (1) The prevention of gender violence and the protection of women and girls, and (2) Increasing the contribution of women to peace processes[33]. The combination of these two objectives represents a truly original approach to the status of women. Historically, women were considered victims, vulnerable groups or passive; this concept would have continued on the legal front, if the Resolution had only referred to gender violence in the context of armed conflict. However, by introducing the concept of increasing the participation of women in peace processes, the Resolution is the first occasion on which the Security Council has focused on women exclusively as the subject of rights in the context of

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[30] For more information on the context in which Resolution 1325 (2000) was adopted, refer to HILL, Felicity; ABOITIZ, Mikele and POEHLMAN-DOUMBOUYA, Sara. "Nongovernmental Organizations' Role in the Build-up and Implementation of Security Council Resolution 1325". *Signs*, vol. 28, n.º 4, 2003, pp. 1255-1269.
[31] "A changed international security architecture, the changing nature of conflict, and the widening of the concept of security, together with the increasingly influential role of NGO in international relations". (TRYGGESTAD, Torunn. "Trick or Threat? The UN and Implementation of Security Council Resolution 1325 on Women, Peace and Security". *Global Governance*, vol. 15, n.º 4, 2009, p. 542).
[32] BELL, Christine and O'ROURKE, Catherine. "Peace Agreements or Pieces of Paper? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements". *International and Comparative Law Quarterly*, vol. 59, n.º 4, 2010, pp. 941-980.
[33] TACHOU-SIPOWO, Alain-Guy. "The Security Council on Women in War: Between Peace-Building and Humanitarian Protection". *International Review of the Red Cross*, vol. 92, n.º 877, 2010, pp. 197-219.

conflict[34]. In addition to recognising women as active subjects or agents for peace, this objective also includes the need to obtain acceptable levels of identification within society and representation. The contrast with the reality in society is evident when women do not have a significant presence in the armed forces and in peace-keeping missions and operations[35]. In certain societies and communities, the absence of women limits the capacity of armed conflict as a potential catalyst for the transformation of gender roles and the redefinition of the traditional roles of women in conflict and in society. As Reilly explains, Resolution 1325 is important not just because it recognises the specific and disproportionate impact of conflict on women, but also because it highlights the undervalued role of women in peace processes[36].

Resolution 1325 is the source of the legal linkage between gender and security on the legal basis of the peace and security competences assigned to the Security Council in the United Nations Charter. However, recourse to this legal mechanism presents two basic sets of problems. Firstly, in terms of authority, it was issued by one of the United Nations' main bodies, but one which has a restricted and unfair composition for adopting acts with compulsory legal effect, in accordance with Article 25 of the Charter, which is imposed on the members of the Organisation without necessarily having their consent[37]; it has been attributed security competences that it has interpreted extensively, leading to a debate on the democratic deficit and legitimacy[38]. Secondly, because of its nature it has been classified as a *soft law* or merely a declaration, as it recognises a series of rights and affirms principles and sets out objectives, but has no specific mechanisms to ensure its effectiveness. Furthermore, the model created by the Resolution is considered to be discriminatory in terms of

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[34] REILLY, Niamh. "Seeking Gender Justice in Post-Conflict Transitions: Towards a Transformative Women's Human Rights Approach". *International Journal of Law in Context*, vol. 3, n.º 2, 2007, p. 166.

[35] Harris and Goldsmith argue that "the very legitimacy of these missions will be influenced by how gender relations are modelled". (HARRIS, Vandra and GOLDSMITH, Andrew. "Gendering Transnational Policing: Experiences of Australian Women in International Policing Operations". *International Peacekeeping*, vol. 17, n.º 2, 2010, pp. 292-306) .

[36] Reilly argues that "the resolution is important not only for recognising the disproportionate and gender specific impact of conflict on women but also highlighting the undervalued role of women in the prevention and resolution of conflicts and in peace-building and post-conflict reconstruction". (REILLY, *op. cit.* 166). In effect, the participation of women in negotiations offers greater guarantees of the inclusion of gender perspectives in peace agreements and the design of the post-conflict society. (SHOEMAKER, Jolynn. "Women and Wars Within Status: Internal Conflict, Women's Rights and International Security". *Civil Wars*, vol. 4, n.º 3, 2001, pp. 1-34).

[37] See WILLETT, Susan. "Introduction: Security Council Resolution 1325: Assessing the Impact on Women, Peace and Security". *International Peacekeeping*, vol. 17, n.º 2, 2010, pp. 142-158.

[38] The continuing extension of the powers of the Security Council "poses a problem in terms of a democratic deficit" according to Tachou-Sipowo, although the author argues that "this is now rectified by the near complete consensus on its responsibility to protect"). (TACHOU-SIPOWO, *op. cit.*, 206).

its principles[39], outdated[40] and excessively based on stereotypes of women[41], that are inadequate for a reality in which we have to distinguish between "women at war [participating in war] and women in war [affected by war]")[42]. From this perspective, there are two key issues: firstly, the need to consider the plurality of women's experiences in conflicts[43], and secondly, the importance of distinguishing between combatants and civilians based on "what they are doing, rather than *who* they are"[44].

Whilst there is no unanimity regarding the doctrine, the majority are critical of Resolution 1325 for a number of reasons:

a. the concept that forms the background to the Resolution is seen as representing the liberal ideology of western countries[45];

[39] Sivakumaran argues that it is discriminatory as the Security Council has only occasionally addressed "the issue of sexual violence in situations of armed conflict at a general level", i.e. also recognising sexual violence against men and boys, despite this being a serious issue, even if not as widespread as sexual violence against women and girls. (SIVAKUMARAN, Sandez. "Lost in translation: UN responses to sexual violence against men and boys in situations of armed conflict". *International Review of the Red Cross*, vol. 92, n.º 877, 2010, pp. 259-277).

[40] GARDAM, Judith and CHARLESWORTH, Hilary. "Protection of Women in Armed Conflict". *Human Rights Quarterly*, vol. 22, n.º 1, 2000, pp. 148-166; GARDAM, Judith. "Protection of Women in Armed Conflict". *Human Rights Quarterly*, vol. 22, n.º 1, 2000, n.º 1, p. 160; GARDAM, Judith. "Women and the Law of Armed Conflict: Why the Silence". *International and Comparative Law Quarterly*, vol. 46, 1997, pp. 55-80; GARDAM, Judith. "The Neglected Aspect of Women and Armed Conflict – Progressive Development of the Law". *Netherlands International Law Review*, vol, 52, 2005, pp. 197-219; BENNOUNE, Karima. "Do We Need New International Law To Protect Women in Armed Conflict", *Case Western Reserve Journal of International Law*, vol. 38, n.º 2, 2006-07, p. 372

[41] THOMPSON, Margaret, *et al.* "Feminist media coverage of women in war: You are our eyes and ears to the world". *Gender & Development*, vol. 15, n.º 3, 2007, pp. 435-450.

[42] HERRMANN and PALMIERI, *op. cit.*, 19.

[43] In effect, we have to consider "the plurality of women's experiences in war, including as female heads of households, as victims (and survivors) of sexual violence, as community leaders, and as armed combatants". (HAERI, Medina and PUECHGUIRBAL, Nadine. "From helplessness to agency: examining the plurality of women's experiences in armed conflict". *International Review of the Red Cross*, vol. 92, n.º 877, 2010, pp. 103-122). Also, NORDSTROM, Carolyn, "Women, economy, war", *International Review of the Red Cross*, vol. 92, n.º 877, 2010, pp. 161-176; KARAM, Azza. "Women in War and Peace-building". *International Feminist Journal of Politics*, vol. 3, n.º 1, 2001, pp. 2-25; DURHAM, Helen and O'BYRNE, Katie. "The dialogue of difference: gender perspectives on international humanitarian law". *International Review of the Red Cross*, vol. 92, n.º 877, 2010, p. 51.

[44] CARPENTER, Charli R. "Women, Children and Other Vulnerable Groups: Gender, Strategic Frames and the Protection of Civilians as a Transnational Issue", *International Studies Quarterly*, vol. 49, 2005, p. 296. For the capacity to perform different roles, see HOW, Nicole. "Women's participation in the Rwandan genocide: mothers or monsters?", *International Review of the Red Cross*, vol. 92, n.º 877, 2010, pp. 69-102.

[45] Many G-77 countries have criticised the Resolution because "they perceive it as being representative of a larger package of liberal ideas primarily promoted by the affluent countries of the North". (TRYGGESTAD, *op. cit*, 539-557). In a subsequent article, the author quotes a member of this group who argues that: "we (the G-77) do not have a problem with including language on gender or women. I think we all agree that women's involvement in peace building

b. the terminology used is characteristic of *soft law,* helping to underline the weakness of the commitments made by the states[46];

c. the nature of the act, not being an international treaty, does not have the legal capacity and legitimacy needed to work effectively;

d. the lack of positive and effective measures to guarantee the application of the resolution and mechanisms to enforce responsibility for non-compliance[47];

e. the lack of operating consistency and coordination in application of the Resolution, and the excessive bureaucracy and fragmentation resulting from actions[48];

f. the lack of adequate finance[49].

There are a number of potential solutions to these deficiencies; however, the most appropriate of these would require sufficient consensus to incorporate the commitments in Resolution 1325 into a legal text accepted by the states. An initial option would be to adopt an international treaty with the same content as the Resolution and its successors. A second possibility would be to modify international humanitarian law to unify the legal regime for gender violence in the context of armed conflicts. A third route would be to maintain the legal basis in the Security Council Resolutions, whilst establishing mechanisms to ensure their application. This is the main objective of the subsequent resolutions adopted in this area.

■ **The legal development of Resolution 1325**

Resolution 1325 was adopted in 2000, and was continued in Resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010). The main aims of these subsequent Resolutions were:

1. To prioritise the objective of combating sexual violence, in detriment to the proposal to increase the participation of women in the peace process[50]. This approach was mainly based on two arguments: a) the increasing use of gender violence, now almost universal, as a tactical weapon or strategy in conflicts, and b) the greater legal, objective and ethical relevance of the struggle against sexual violence in armed conflicts, to the extent that they are defined as war crimes, crimes against humanity and acts of genocide.

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is important. However, we do not want any references to a resolution coming from the Security Council"). (TRYGGESTAD, *op. cit*, 167). Similarly, see BARROW, Amy. "It's like a rubber band'. Assessing UNSCR 1325 as a gender mainstreaming process". *International Journal of Law in Context*, vol. 5, n.º 1, 2009, p. 66.

[46] SWAINE, *op. cit.*, 409.

[47] See PUECHGUIRBAL, Nadine. "Discourses on Gender, Patriarchy and Resolution 1325: A Textual Analysis of UN Documents". *International Peacekeeping*, vol. 17, n.º 2, 2010, pp. 181-182; REILLY, *op. cit.*, 167.

[48] WILLETT, *op. cit.*, 156.

[49] WILLETT, *op. cit.*, 142-143.

[50] Bell and O'Rourke argue that the exclusion of women from peace processes in itself represents a threat to peace (BELL and O'ROURKE, op. cit, 943).

With the exception of Resolution 1889, which is mostly concerned with empowering women, all of these Resolutions focus on combating sexual violence.

2. Sexual violence falls into two basic legal categories: firstly, it is a serious breach of the fundamental principles of international humanitarian law protecting the person during armed conflict and international human rights law, with international responsibility and individual criminal responsibility obliging all parties to act in accordance with international resolutions; and secondly, offering a new dimension to the problem. Since Resolutions 1820 (2008) and 1960 (2010), systematic and generalised sexual violence has been recognised as a threat to peace and international security, for which the Security Council has the main responsibility, justifying the adoption of the measures provided for in the United Nations Charter, including Chapter VII measures. This involves accepting the capacity of sexual violence, used as a tactic of war or to attack the civilian population, to aggravate a conflict and impede the establishment of peace and international security[51].

3. The Resolutions on women, peace and security have gradually perfected and maintained the commitments and obligations of the parties involved in its application, in the following categories: MemberStates, the States that send contingents, the parties to the conflict, participants in negotiations and the application of peace agreements; UN agents and bodies and the United Nations Secretary General, whose functions were increased considerably through these Resolutions. This *ad hoc* approach through the successive accumulation of tasks is not as transparent, operational or efficient as an organised and coherent model planned in advance would be, where each actor has clear functions within a global system.

4. The Resolutions on women, peace and security complete the model created in Resolution 1325, which set out National Action Plans as the main instruments of action, through the establishment of organic mechanisms or procedures to ensure the effectiveness of its provisions. There were, basically, two of these: The creation in Resolution 1888 of the Special Representative on Sexual Violence[52] and a team of experts in the subject designated by the UN Secretary General[53], and the provision by Resolution

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[51] JENKINS, Robert and GOETZ, Anne-Marie. "Addressing Sexual Violence in International Mediated Peace Negotiations". *International Peacekeeping*, vol. 17, n.º 2, 2010, pp. 261-277.
[52] The Special Representative is appointed by the Secretary General to provide coherent and strategic leadership, with the following main functions: a) to work on strengthening the UN's existing coordination mechanisms; b) to initiate actions that promote the need to act against sexual violence between states, the parties to the conflict and civil society; c) to promote cooperation between the parties involved, particularly through "United Nations Action Against Sexual Violence in Conflict". To this end, the Security Council established that the Special Representative would be supported by all the parties to this body and all other UN bodies
[53] The team of experts on sexual violence is also appointed by the Secretary General and is called upon to deal with situations that are particularly worrying on the ground and to help national authorities. Its main tasks include: a) working with national jurists and civil servants to fight impunity, b) detecting deficiencies in national responses and promoting an integrated approach to sexual violence, c) preparing recommendations to coordinate and reinforce the capacity of national

1889 of a system of global indicators to monitor the application of this Resolution, serving as a common basis for all the agents involved.

5. There is no uniform conception of the basis for the model established through the Security Council Resolutions. Resolutions 1325 and 1889 deal with women as active subjects and agents for peace, whilst Resolutions 1820, 1888 and 1960 regard women more as passive subjects or victims requiring protection. Some theorists regard this as a backward step towards seeing women in the triple perspective of "women as vulnerable, women as mothers and women as civilians" and it has been strongly criticised[54].

### ■ Scope and nature of the obligations of States

Security Council Resolutions on women, peace and security have created a complex network of obligations mainly aimed at States, and which are grouped based on their status and function in the context of conflicts.

*States* are, in general, obliged to comply with these resolutions, and have a number of specific responsibilities that we can classify into four categories.

1. Legal obligations: a) to put on trial those guilty of genocide, crimes against humanity, war crimes and other crimes against women, excluding the possibility of an amnesty set out in Resolutions 1325 and 1820[55], b) to undertake the legal and judicial reforms required to ensure access to justice, protection and dignity for victims, and the bringing to justice of those responsible for acts of sexual violence, as established in Resolution 1888 and c) to guarantee access to justice and legal protection for women recognised in Resolution 1820.

2. Commitments relating to promoting and raising awareness of gender questions: a) ensuring a general increase in the representation of women in all stages of the peace process, in accordance with Resolutions 1325 and 1889, and ensuring that the empowerment of women is taken into account in assessing the needs and post-conflict planning provided for in the latter, b) incorporating the gender perspective into all sectors pursuant to Resolution 1889, c) presenting national candidates for a central and periodically updated list to increase the number of women in UN actions and missions (a commitment established in Resolution 1325), and d) increasing financial, technical and logistical volunteer support for training activities to raise awareness of gender issues, as established in Resolution 1325.

authorities for action and d) working with UN missions and bodies and the Special Representative, particularly with regard to application of the measures required under Resolution 1820.

[54] PUERCHGUIRBAL, Nadine. "Discourses on Gender, Patriarchy and Resolution 1325: A Textual Analysis of UN Documents". *International Peacekeeping*, vol. 17, n.º 2, 2010, pp.172-187. Also: SWAINE, Aisling. "Assessing the Potential of National Actions Plans to Advance Implementation of United Nations Security Council Resolution 1325". *Yearbook of International Humanitarian Law*, vol. 12, 2009, pp. 403-433; CARPENTER, *op. cit.*, 295-334.

[55] BELL and O'ROURKE, *op. cit.*, 942-943.

3. There are two main assistance functions: a) providing general assistance to victims pursuant to Resolution 1820, and b) increasing and improving access to health and legal care, and psycho-social support and socio-economic reintegration services for victims, pursuant to Resolution 1888.

4. Educational commitments are set out in Resolution 1889, which stipulates that States must guarantee access to education.

5. *States that supply contingents* to operations and missions have to adopt preventative awareness raising measures, requiring responsibility from their personnel, if involved in such actions, and measures for the protection of civilians, the struggle against violence and the deployment of a larger number of women[56].

In addition to the general obligations, *States that are parties to conflicts,* have a number of specific additional responsibilities:

1. A basic principle established in Resolution 1325 is respect for all regulations in international humanitarian law and regulations protecting the rights of women, in particular the provisions of the Rome Statute of the International Criminal Court.

2. The adoption of specific measures to protect women from gender-based violence, as established generically in Resolution 1325, was converted through Resolutions 1820, 1888 and 1960 into an obligation to bring all acts of sexual violence to an "immediate and absolute" end and to assume specific commitments in defined time periods to combat such actions. This includes the issuing of unequivocal orders through the chain of command and the prohibition of such actions in military codes of conduct, manuals and regulations.

3. Measures to prevent acts of sexual violence and to guarantee investigation of all complaints are incorporated in order to combat the impunity that is a characteristic of such actions during armed conflicts.

4. Respect for the civilian and humanitarian nature of refugee camps and settlements is set out in Resolutions 1325 and 1889.

*Participants in peace negotiations* must: 1. consider and include the special needs of women in repatriation, settlement, rehabilitation, reintegration and reconstruction, 2. support peace initiatives from local women and local peace processes, 3. guarantee the protection of the human rights of women in political, legal and social reorganisations and 4. consider the specific needs of gender in disarmament, demobilisation and reintegration processes[57].

[56] CARTER, K. R. "Should International Relations Consider Rape a Weapon of War?", *Politics & Gender*, vol. 6, 2010, pp. 341-371.

[57] Refer to HUMPHREYS, Marcartan and WEINSTEIN, Jeremy. "Demobilization and Reintegration". *The Journal of Conflict Resolution*, vol. 51, n.º 4, 2007, pp. 531-567; KANDIYOTI, Deniz. "Between the hammer and the anvil; post-conflict reconstruction, Islam and women's rights". *Third World Quarterly*, vol. 28, n.º 3, 2007, pp. 503-517; KALUNGU-

## ◼ REFLECTIONS

### ◼ Women, military targets

Without wishing to understate the value of the commitments made by the United Nations since 2000, we have to recognise that the effectiveness of the mechanisms established has been very limited. In particular, the measures adopted for the eradication of sexual violence in wartime have been shown to be insufficient in all regards. Figures show that in many armed conflicts over the last twenty-five years, extremely brutal sexual attacks have been and continue to be committed systematically on a large part of the female population, of all ages and conditions.

This recourse to systematic rape by armies in many past and present armed conflicts is partly explained by its extreme effectiveness as an instrument of terror. Three factors have made a considerable contribution to systematic sexual aggression in recent and current wars.

Firstly, rape is a crime that is hardly ever reported in wartime. We could go so far as to say that it is *invisible*. There are many reasons for this. There are often powerful cultural, social and religious taboos against rape that mean women are afraid to report an attack. Many women feel ashamed and fear being rejected by their husbands, families and communities, if they report being raped. Women's economic and social dependence on men in many societies contributes to their silence. Women who become pregnant as a result of rape are likely to suffer the worst abuses of their rights. In addition to the trauma of the rape itself, they have the difficulty of raising a child who is the product of violence.

This invisibility also results in tremendous difficulties in quantifying the true scale of sexual violence in armed conflicts. In general, we cannot give more than estimates for these crimes, as many of the victims do not survive, and the majority never report that they have been raped. It is difficult to obtain reliable statistics, and the figures that are available are often based solely on figures for victims who seek medical help. For example, patients who go to Medecins Sans Frontieres and other health centres are seeking the medical help they need at great cost to themselves, overcoming their shame, fear, stigmatisation and many other obstacles. However, in many places, the victims do not, or cannot, say that they have been sexually assaulted, and neither can they seek help, due to a well-founded fear of being rejected by their community. The lack of reliable official statistics and the fear involved in reporting such crimes makes it difficult to assess the real scale of the problem. The statistics that

BANDA, Agnes. "Post-Conflict Programmes for Women: Lessons from the Kosovo Women's Initiative". *Gender & Development*, vol, 12, n.º 3, 2004, pp. 31-40; DURHAM, Helen; O'BYRNE, Katie. "The dialogue of difference: gender perspectives on international humanitarian law". *International Review of the Red Cross*, vol. 92, n.º 877, 2010, pp. 31-51.

are available do not clearly indicate cases of sexual violence against women and girls that might be related to armed conflict. Even when a woman has the courage to report that she has been raped or sexually assaulted, such reports are seldom investigated effectively.

However, the fact that the real scale of the problem is difficult to quantify should not present an obstacle to establishing measures to defend potential victims and survivors; this is particularly true in those places where the situation is unsustainable, where systematic rapes are well documented by the various agencies working on the ground.

Secondly, this type of violence has a dual, *devastating* effect. The terror caused by sexual abuse destroys the physical and psychological integrity of the victim. Many women who are victims of sexual violence during a war also become sexual slaves for the combatants, perpetuating the sexual violence over time, and robbing the victim of any shred of personal or sexual autonomy. However, it also has a significant collective dimension, as the intention is to humiliate the whole enemy community, not just the woman who is assaulted, as in a sense, women who are victims of sexual violence demonstrate the power that the enemy has over the enemy society.

Thirdly, the *impunity* of the perpetrators of such violence is essential to understanding the extent of this problem. This impunity also perpetuates the invisibility of the crime and inhibits the recovery of victims, multiplying the obstacles they have to face to overcome what happened to them, partly because impunity restricts the social support that victims can rely on. In fact, the element with the most impact on the continuance of sexual aggression during wartime is the absolute impunity with which women are assaulted in conflict zones, making such extreme violence a highly effective instrument of war. Many factors contribute to this. The main factors include threats and reprisals against those who report such abuses, fear of ostracism, social rejection, the existence of special national laws that stop the judging of crimes committed during wartime, amnesty laws in "peace agreements", and, in general, the lack of reporting and general indifference to the various forms of violence against women. In short, there is tacit acceptance that rape and other forms of sexual violence are inevitable in wartime. Although mistaken, this idea contributes enormously to the perpetuation of such crimes.

Faced with this situation, there are two main reasons for the extremely limited effectiveness of laws in the eradication of sexual violence in conflict zones. Firstly, the nature of war which, by creating instability and altering social, economic and political organisations and infrastructure, overturns traditional roles and worsens the disadvantaged position of women. Secondly, the multitude of conditioning factors and limits imposed by tradition, culture,

religion, the level of socio-economic development and the legal-political systems in different countries. It is not easy at present, or even possible, to equate the content of UN Resolutions with, for example, the status of women in places such as Afghanistan and Darfur.

One of the UN mechanisms - the National Action Plan - is original and valuable at a theoretical level because it acts by offering "a *comprehensive approach* to the implementation of 1325, *enhancing coordination* among the relevant actors, *raising awareness* among stakeholders, *creating ownership* among those responsible for its implementation, and instilling a culture and system of *accountability*"[58].

Despite this, there are no common standards and their authorship, method, content, scope implementation methods and financing vary enormously. However, the main problem today is that more than ten years after they were proposed, only thirty-three states have approved an action plan. Most of these are countries in which there is no real risk of armed conflict and where there is a sufficient level of democratic consolidation to exclude such a possibility and what it would imply in gender terms[59].

The lack of efficiency of these plans, due to their limited application and heterogeneous nature, was reflected in Security Council Resolution 1889 (2009). This created a set of indicators at the global level to monitor the application of Resolution 1325. In the 6 April 2010 Report by the Secretary General of the United Nations, these indicators were defined as landmarks that would help to determine the *status quo* and measure change and progress towards achieving the objectives. The preparation procedure included defining a thematic framework and a consultation process that led to the proposal of 26 indicators grouped into four categories: prevention, participation, protection and support and recovery. This was used as the basis for approving the Strategic Framework on Women, Peace and Security for 2011-2020, which aims to support national initiatives and to strengthen the basis for action to improve national and international cooperation.

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[58] "A comprehensive approach to the implementation of 1325, enhancing coordination among the relevant actors, raising awareness among stakeholders, creating ownership among those responsible for its implementation and instilling a culture and system of accountability" SWAINE, Aisling, *op. cit*, 413.

[59] The States that have approved an Action Plan include many EU members (Austria, Belgium, Denmark, Spain, Slovenia, Estonia, Finland, France, Italy, Holland, Portugal, the UK and Sweden), six other European countries (Bosnia-Herzegovina, Croatia, Iceland, Norway, Serbia and Switzerland), three American countries (Argentina, Chile and Canada), a number of African countries (Ivory Coast, the Republic of Guinea, Guinea-Bissau, Liberia, the Democratic Republic of the Congo, Rwanda, Senegal, Sierra Leona and Uganda) and the Philippines and Nepal. The USA has recently approved its Plan, and Ghana, Ireland, Jordan, Kenya and South Korea are currently preparing their Plans (as of February 2012).

However, going beyond legal instruments and the continuing and constant efforts of the UN, regional organisations, the States, NGOs and civilian and military personnel involved in the struggle against sexual violence and the parallel promotion of the human and socio-political rights of women, the resolution of these issues also demands information, education and training, and raising international public awareness, which can no longer ignore the scale and seriousness of international crimes for reasons of gender.

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