

A Feminist Perspective in Countering Terrorism- Does it really matter?

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“Men do most of the killing –
women do most of the dying.”

- *Theresa Wolfwood, Resistance is
Creative: False Options and Real Hope
(2001)*

Introduction

The “War on Terror” declared by the US government has affected and continues to affect women in so many aspects. Women have become the silent victims.¹ Feminist theorists and human rights defenders raise concern on the many ways that women are affected by conflict and other security threats.² The United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has noted that the comprehensive programs in counter-terrorism have unjustifiably and disproportionately penalized individuals on the basis of gender.³ The apparent impacts on women’s rights are joined by the many unexamined but nevertheless equally forceful indirect impacts, such as the effects of detention policies on women.⁴ A careful examination of counter-terrorism campaigns outside

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¹ Navier (2011).

² Edwards and Ferstman (2010) p. 11.

³ U.N. Doc. A/64/211 23 (Aug. 3, 2009).

⁴ Center for Human Rights and Global Justice (2011) p.9.

the current "War on Terror," reveals that such national security efforts also have a complex — but often unexplored — relationship to gender.⁵

The question in focus in this paper is whether or not an inclusion of a feminist perspective in counter-terrorism policies and enforcement is significant to help alleviate the impacts of terrorism on women's rights in the international level. This paper argues that a feminist viewpoint is beneficial in order to achieve a balance between the protection of the rights of women and the enforcement of counter-terrorism laws. In addition, this paper also asserts that even in this so-called 'age of terror',⁶ the upholding of women's rights is equally important as any other human rights and should not be ignored by democracies in the fight to defeat or resist terrorism.

September 11, 2001 (9/11), the "War on Terror" and Human Rights

The response to the events of the 9/11⁷ attacks in New York, USA, and other subsequent terror attacks, has caused a major test to the defense and protection of human rights.

Under the George W. Bush administration, the US government, right after the 9/11 attack, proclaimed that the "War on Terror" is a "just war" and therefore military operations are implemented for a "just cause".⁸ The grant of power to go to war by the US Congress is like a 'blank check' to the president to attack anyone involved in the 9/11 events — anywhere, in any country, without regard to US long-term foreign policy, economic and national security interests, and without time limit.⁹ Militarization as a counter-terrorism strategy is justified by the idea that

⁵ Ibid.

⁶ Ignatieff (2005).

⁷ The attacks of 11 September 2001 will hereinafter largely be referred to as '9/11'.

⁸ Crawford (2003) p. 5; "Our nation's cause has always been larger than our nation's defense. We fight, as we always fight, for a just peace—a peace that favors human liberty. . . . Building this just peace is America's opportunity, and America's duty." — George W. Bush (2002).

⁹ Lee (2001).

the fight against terrorism is a “war on terror” and in engaging in this, law enforcement agencies have been given unparalleled authority.¹⁰

In the campaign to wage war against terrorism, the US government through its USA PATRIOT Act of 2001,¹¹ broadly expands surveillance and investigative powers of law enforcement authorities. It gives authorization to a sweeping search and surveillance to domestic law enforcements and foreign intelligence agencies and eliminates the checks and balances, in the name of national security, that previously gave courts the opportunity to ensure that those powers were not abused. Oppositions to this counter-terrorism legislation argue that the broad provisions of this law with regard to human rights abrogation can be used to silence and repress legitimate groups criticizing US government policies, which may result to a higher frequency of human rights abuse on innocent civilians.

In the international plane, only a few weeks after the 9/11 attacks, the United Nations Security Council unanimously adopted Security Council Resolution 1373.¹² This Resolution was passed under the authority vested on the Council provided by Chapter VII of the United Nations Charter and therefore is binding to all member states. The resolution favored the exchange of intelligence on terrorist organizations or groups between member states in order to combat international terrorism. It also aimed for national legislative reforms such as a law ensuring that terrorist acts are established as serious criminal acts and that the seriousness of such acts is duly manifested in the sentences imposed. It also established the UN SC Counter-Terrorism Council (CTC) to monitor state compliance with its provisions. Nevertheless, SC Res. 1373 failed to come up with a specific definition for “terrorism” which raised concern on the possibility of authoritarian governments to label non-violent acts by legitimate government oppositionists as terrorist acts and thus give rise to human rights violations.¹³

¹⁰ For example. USA Patriot Act, Public Law No.107-56, ss 201-25; Anti-Terrorism, Crime and Security Act (ATCSA) 2001; Terrorism Act 2006, ss 21-33. ; Pillar (2011).

¹¹ USA PATRIOT Act, An Act of Congress signed into law by US Pres. George W. Bush on October 26, 2001.

¹² UNSC Res 1373 (2001) UN Doc S/RES/1373.

¹³ Flynn (2007)p.376.

Notwithstanding the issues surrounding SC Resolution 1373 and USA PATRIOT, states have resorted to almost the same measures to address the emerging problem of international and domestic terrorism on the ground of national security. Most of these measures comprise international regional agreements and domestic legislations of anti-terrorist statutes which are mostly enforced through military actions and intelligence. An illustration of this are the Asian governments which have moved to enact new or strengthen existing anti-terrorist and national security laws, together with Asian organizations such as the Asia-Pacific Economic Cooperation forum (APEC), the Association of South-East Asian Nations (ASEAN), the ASEAN Plus Three (APT) grouping and the ASEAN Regional Forum (ARF) have grounded regional plans and promised to implement regional measures to the growing challenges of terrorism.¹⁴

The 9/11 event also has its political ramifications such as the considerable loss of respect to human rights, people's freedom and democratic ideals within many states. Pre-emptive measures are used — that in order to fight terrorism adequately it is important to take measures that restrain human rights.¹⁵ The evident disregard for legal due process and international humanitarian law, and the use of torture against suspected terrorists have discredited a lot of democratic states to be guardians of human rights. This is especially true with the US for it has always been the symbol of democratic values and human rights advocacy. In addition, the established principles of international law in settling disputes through peaceful negotiations and proceedings are deferred under the “war on terror”.

It is alleged that the 9/11 event is the turning point in global politics, for 9/11 will always be invoked by governments and states as justification to the aggressive measures implemented against terrorists or even towards innocent men, women and children.¹⁶ Some countries have emulated the US methods of prosecution on their own anti-terrorism campaign as a license to engage in their own “war of terrorism” against domestic opponents of different kinds. An example of this are the Aceh

¹⁴ Foot (2005) p.414.

¹⁵ Ashworth (2007) p.208.

¹⁶ Terror Counter-Terror: Women Speak Out (2003).

separatists of Indonesia who are being equated with terrorists and local and foreign human rights groups which are labeled as separatist sympathizers.¹⁷

Truly, the “war on terror” fuelled the system of militarization and its processes in most democratic states that even ordinary citizens were convinced to believe that violence is the only answer to violence. Many (specially human rights advocates) viewed the strategies used by the military for fighting terrorism is in no way different from the suicide bombings of the so-called terrorists, for both sow terror and fear in the hearts and minds of the people. It is evident that militarism and terrorism can be seen as the same in its apathy towards human life. This reality has caught the attention of human rights activists and organizations around the world due to the countless reports of violations on human rights. Hence, it can be observed that the present counter-terror policies and practice are not “just”; a contradiction on how it purports to be.¹⁸

The Issue of Women’s Rights in Counter-Terrorism

Women’s Rights are Human Rights

Activists at the 1993 United Nations World Conference on Human Rights in Vienna proclaimed that women’s rights must be understood as human rights. It must be understood that gender based abuses are human rights abuses which understanding must lead to the transformation of the prevailing concepts of human rights.¹⁹ A significant number of the world’s population are routinely subject to torture, terrorism and even murder simply because they are female and are vulnerable.²⁰

The Universal Declaration of Human Rights adopted in 1948²¹ signifies a global vision to define and respect human rights. Although not much is said about women, Article 2 speaks of “the rights and freedoms

¹⁷ Foot (2005) p.423.

¹⁸ Crawford (2003) p.5.

¹⁹ Women’s Rights as Human Rights: International Feminist Perspective (1995) p.3.

²⁰ Ibid.

²¹ Universal Declaration of Human Rights, adopted 10 December 1948, G.A. Res- 217A (III), U.N. Doc. A/810 (1948).

set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”²² The interpretation of human rights varies and evolves in response to global developments. Human rights is not a stagnant concept but instead develops as people consider their aspirations and needs in relation to it through the passage of time.²³ Moreover, Hilary Charlesworth points out that those traditional human rights formulations are based on a “normative” male model and are applied to women as an afterthought, if at all.²⁴ It is in this moral fiber that feminists put a different understanding on human rights violations with the inclusion of women rights abuses. The life experiences of women under specific issues must be included in the traditional approaches to examine human rights.²⁵ This is to appreciate women more visibly as an individual and to alter the perception and manner of implementing human rights within states for the advancement of women’s dignity as a person.

Feminist and human rights activist scholar, Charlotte Bunch, observed that one effective practical approach linking women’s rights to human rights is transforming the human rights concept from a feminist perspective. This approach will take greater account of women’s lives by looking first at the violations and then probe on how the human rights concept can change to be more responsive to women. An example of this is the experience of the women of Plaza de Mayo, Argentina.²⁶ Decades ago there was no human rights concept of enforced disappearance as a human rights violation but the mothers, grandmothers, and sisters of the victims did not wait for an official declaration but instead stood up to demand state accountability for these violations.²⁷

For the past decades, women’s groups have focused on addressing women’s civil and political rights.²⁸ They have observed and criticized the

²² Bunch (1990) p.487.

²³ International Law (2010) p.26-27.

²⁴ Women’s Rights as Human Rights: International Feminist Perspective (1995) p.2.

²⁵ Bunch (1990) p.487.

²⁶ Trigona (2010).

²⁷ Bunch (1990) p.497.

²⁸ Women’s Rights as Human Rights: International Feminist Perspective (1995) p.2.

consequences in every major conflict in the world, especially those on violations of women's right to life and liberty. Concerns of violence against women such as the sexual torture of women political prisoners, rape of women in custody, lack of maternal and medical health care for pregnant women detainees as well as the human rights abuse of their children²⁹ are just a piecemeal of the whole picture of the struggle of women's rights advocates to include these issues in the global policy agenda. Indeed, ignoring these experiences of women and feminist perspectives has kept society further away from the common solutions so badly needed in many of these problem areas.

Universal norms of human rights have a role to play in developing new rights aimed at protecting women from any forms of violence and abuse. The universal norms such as principles of universality and equality, as well as the concept of proportionality, are absorbed into the domestic legal setting thus, moving towards a development of a more flexible and gendered human rights jurisprudence.³⁰

The assertions that "violence against women is a human rights issue" and "women's rights are human rights" are worthy of recognition³¹, for it is in this acknowledgement women's protection from domination and violence can be at least realized under the current "war on terror".

Women's Rights under the Global "War on Terror"

It is said that any counter-terrorism measure by itself is gender specific such as military interrogations of female family members, instead of terrorism suspects.

Over the last decade of the "war on terror", the way women experience counter-terrorism has been invisible to policymakers. States' counter-terrorism efforts deeply involve and affect women and more often than not, they are caught in between terrorism and counter-terrorism.

²⁹ Bunch (1990) p.493.

³⁰ Benhabib (2008) p.98.

³¹ Chapman (1990) pp. 54-57; Bunch (1990) pp. 486-487.

*Accounts of Women's Rights
Violations under the Global
"War on Terror"
Particularly on
Interrogation, Detention and
Prosecution – "I am
somebody's mother."*

In the US, the United Nation Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism reported that "women (and children) not suspected of terrorism-related offences are unlawfully detained and ill-treated to either gain information about male family members or to compel male terrorism suspects to provide information or confessions." It is also alleged that US military have been involved in arresting, transferring, and detaining females, including family members of terrorism suspects, where women were subjected to sexual abuse and other gender-specific forms of torture and cruel, inhuman, or degrading treatment.³²

The mother, sister, and father of the "Herald Square Bomber"³³ were taken into custody by Immigration and Customs Enforcement (ICE) the day after he was sentenced. His mother and sister spent the next eleven days in detention. His sister noted: "The conditions were really bad... We didn't have any privacy and had to take showers in front of everyone else. They separated us for two days. My mom was crying and crying, yelling 'Don't go, don't take her.' She didn't sleep the entire night." After their release, they both discovered that their bank account had been seized and passports confiscated. Her father was also detained for the next six months placing mother and daughter in desperate financial problem. The seizure of their identity cards meant that mother and daughter could not travel by plane to see the father while he was being held in the Communications Management Unit (CMU) in Terre Haute, Indiana. They also cannot enter Federal buildings, so when the mother attends court proceedings to support families in similar situations, she must wait outside.³⁴

³² Report of the Special Rapporteur, supra note 2, p.31.

³³ Rashbaum (2007).

³⁴ Center for Human Rights and Global Justice (2011) pp.87-88.

In the Philippines, military men abducted two female university students in 2006 while doing community research in a small village north of the capital. They were suspected to be members of the communist insurgency group, New People's Army. According to witness's accounts, the two women were held captive in a military camp, gang-raped by soldiers, tied to bed poles to avoid escaping, stripped naked, ordered to sing and dance in front of the soldiers, hanged upside down and tortured. One of them is pregnant during that time. Until now they are still missing.³⁵ Their mothers together with women human rights defenders continue their call for justice and accountability from the high rank military perpetrators in the streets since their daughters went missing.³⁶

In Iraq, a divorced mother of seven and an accountant in Baghdad was detained by the U.S. Government forces in Iraq from January to July, 2004 and released without charge. She narrated, "They put me in a room and they put my son in a cage in front of me." A soldier said to her: "Confess that you know terrorists or I will send you to a place where they will rape you. They will do things to you that you could never imagine."³⁷ In addition, reports of sexual abuse have been documented to females (mothers, wives and young women) who are detained without charge, of which several of them became pregnant, in US detention facilities including Abu Ghraib.³⁸ US-trained Iraqi forces are also reported to torture female suspected terrorists.³⁹

Female family members of individuals detained and/or disappeared may suffer direct government reprisal and risks to their liberty and security. As noted by the United Nation Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism: "Female family members of disappeared persons are exposed to similar risks to liberty and security because... it is they who are most often at the forefront of the struggle to resolve the

³⁵ Center for Women's Resources.

³⁶ Aquino (2013).

³⁷ Center for Human Rights and Global Justice (2011) p.87.

³⁸ Harding (2004).

³⁹ Moore and Gold (2005).

disappearances of members of their family, making them susceptible to intimidation, persecution and reprisals.”⁴⁰

In Syria, a wife of a Guantanamo detainee was arrested by Syrian State Security on July 31, 2008, and held *incommunicado* detention without charge or trial until mid-July 2009, likely because of her efforts to communicate with an international organization about the conditions of her husband’s confinement. She was arrested again on January 2, 2010 apparently by state security. In Pakistan, Pakistani authorities have arrested a wife who believes her husband is detained in Pakistan together with her two children due to her advocacy on behalf of her husband and other disappeared individuals. The same happened to female family members of detainees in Saudi Arabia, of whom the majority are arrested following the 9/11 attack.⁴¹

The deplorable plight of women in these real lives experiences and in the given circumstances is just the tip of the iceberg. However, women need not be apprehended or live in a war-torn area to be incarcerated and tortured. A significant number of the world population are routinely subject to torture, terrorism and even murder simply because they are female and vulnerable.⁴² It is important to illustrate the human rights violations experienced by women under the “war on terror”, for it is only in these we can deem consider the importance and urgency to include a feminist perspective in counter-terrorism policies and measures of implementation.

The Significance of Feminist Perspectives in Counter-Terrorism

Defining Feminism

Feminism is both an intellectual commitment and a political movement that seeks justice for women and the end of prejudice in all forms... motivated by the quest for social justice; feminist inquiry provides a wide range of perspectives on social, cultural, economic, and political phenomena.⁴³ Its concepts overlap with those of *women's rights*.

⁴⁰ Center for Human Rights and Global Justice (2011) p.89.

⁴¹ Ibid.

⁴² Women’s Rights as Human Rights, p.3.

⁴³ Haslanger (2011).

Feminism is mainly focused on women's issues. However, feminism seeks gender equality and that some feminists argue that *men's liberation* is a necessary part of feminism, that men are also harmed by sexism and gender roles.⁴⁴

The purpose of legal feminism is to "... make sense of the many ways gender shapes law, to reveal the many ways that law, as a consequence harms women, and to try to change the law so that women are helped."⁴⁵ A feminist perspective begins with a feminist analysis on the recognition that each of us views societal concepts and institutions from a different lens depending on our consciousness and our place in society.

Women should be identified as a group having a responsibility to achieve peace. Women's movements around the globe have long been concerned on the struggles against violence in different degrees in the society, and at present look into the militarization process brought by the "war on terror". In this "war" the use of force is seen as inevitable. In this global order that we live in whereby global interaction on every level is escalating there also escalates overwhelming scenarios of injustices. A gendered way of thinking, particularly a feminist one, may not permit us to comprehend the circumstances brought by the "war" or even to provide a lasting solution to the present chaos. Instead, such a way of thinking might give some possibilities to resolve the situation in another manner, such as further development of intelligence strategies and bring the perpetrators to justice or the possibility that the US could end the offensive bombings and instead work out with international arm manufacturers to cut off all arm supplies to the Taliban.⁴⁶

Feminist Perspectives in Counter—Terrorism Policies and Implementation

At this point, there is no doubt that feminist perspectives are significant and tenable and thus, should be included in counter terrorism policies and implementation measures owing to the following grounds:

⁴⁴ The American Heritage Dictionary of the English Language (2006).

⁴⁵ Naffine (2002)p.72

⁴⁶ Knop (1993).

First, women's identities are multi-faceted. On certain issues they may choose to participate in international law in ways that reflect their identity as part of an ethnic, linguistic, or religious group, rather than the united front of gender.⁴⁷ The diverse array of women's experiences within the society and within the state implies that a special approach and strategy towards rights protection is appropriate. A woman is a mother, a wife, a sister, a partner, a professional, a citizen who demands specific rights fitted to her needs as a part of a structure called state.

Second, women's voices should be equally represented because all voices should be represented. Women are also a part of the so-called human kind. The right to a representative democracy as related to self-determination – whereby the meaning of the term self-determination has come to mean the *free choice of one's own acts* without external compulsion.⁴⁸

Third, women's experiences are ethically superior and can therefore provide a standard for judging the world. Men look on the immediate and present, while women look in the future.⁴⁹ Women look at the “war on terror” with long lasting implications for future generations, a future that their children's children will inherit, therefore a call for a proper response to this war is necessary today.⁵⁰

Fourth, women's view on peace building is to seek non-violent solutions to conflicts in every level of the society. The opposition to military mobilization and the refusal to call to war is not in a way a part of their concern. Their concern is on the impact of the results the war may bring to them and to the world. Women believe that aggressive measures that will further create acts of terror or that do focus on the roots of hatred do not increase security. Instead, such measures lead to more insecurity. It is already a terror to live in a society where basic women's rights are not respected, what more in a world that is war-torn and everyday living is already a struggle for life.

⁴⁷ Knop (1993) p.297-298.

⁴⁸ Ibid at p.300

⁴⁹ Ibid.

⁵⁰ September 11, 2001: Feminist Perspectives (2002) p.56; Lee (2001).

The United Nation Security Council Resolution 1325 on Women, Peace and Security reinforced the value of women's participation in the prevention and resolution of conflicts and in peace building. It is said to be a landmark document in the struggle for gender equality in all aspects of peace making, peacekeeping, and post-conflict recovery. However, implementation of this resolution has struggled over the intervening years. The gender discourse has been drowned by hegemonic masculinity, militarism, and war.⁵¹ Moreover, the language of this document that relate to peace operations and highlights recurrent definitions of women as vulnerable individuals instead of women who have a chance of empowerment makes it much more of a stereotype document. This removes women's agency and maintains them in a subordinated position as victims and results in viewing women not as actors in the community as well as agents of change in post-conflict areas.⁵² Hence, a women's perspective is necessary in policy making to at least contribute on the real issues women need and delineate the roles women intend to play as an empowered member of a state.

Fifth, there is a worldwide trend toward a more holistic approach to counter-terrorism that relies on soft measures such as development and diplomacy alongside the hard measures of militarization. The campaigns of non-government human rights organizations and feminist women human rights defenders have contributed greatly in the call that counter-terrorism measures should work more without ignoring the possibility of a more lenient strategy thereby decreasing the effects of war on women.

Sixth, the increase human rights clamor to emphasize the significance of women's rights to national security and counter terrorism measures because of the number of human rights abuses from torture to detention and disappearances, which remains to be unacknowledged and unaddressed which continues for more than ten years already. The impacts of hard core military interrogations, apprehensions, detentions, torture and sexual abuse against detained women are largely out of the radar of policymakers, but are lived everyday all over the world by these women.

Lastly, a feminist perspective will ensure that governments will fully address the rights of the victims in the "war on terror." Adopting

⁵¹ Willett (2010) p.142-143.

⁵² Puechguirbal (2010) p.172.

such an approach makes it clear that counter-terrorism measures will not sideline women's rights by focusing and prioritizing partnerships that may be good for the counter terrorism strategy but disastrous for women's rights. The states' responsibility to protect will come into play such that the renewal of women's faith in the rule of law will help build confidence and thereby empower women instead of feeling victimized by the whole system.

Conclusion

In conclusion, on the question as to whether or not an inclusion of a feminist perspective in counter-terrorism policies and enforcement is significant to help alleviate the impacts of terrorism on women's rights in the international level, this paper answers in the affirmative. A feminist viewpoint is beneficial to provide possibilities of achieving the balance between the protection of the rights of women and in the enforcement of counter-terrorism laws. Moreover, even in this so-called 'age of terror',⁵³ the upholding of women's rights is equally important as any other human rights and should not be ignored by democracies in the fight to defeat or resist terrorism.

For the women whose rights are affected by the "war on terror", the inclusion of feminist perspectives in the implementation of counter terrorism policies may mean the difference between a victim and an empowered woman,⁵⁴ or the difference between life and death.

⁵³ Ignatieff (2005).

⁵⁴ Women's Rights as Human Rights: International Feminist Perspective (1995) p.8.