

When women's human rights defenders face political non-state actors

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Extract

There is a slow process within human rights organisations that started twenty years ago: it aims at fully incorporating women's rights within their mandate. Hence, domestic violence, committed by non- state actors, is now taken into account. But there is one area that urgently needs to be addressed: when the perpetrators of violations are political non-state actors that attack women's human rights defenders. Focusing on state accountability and due diligence alone have perilous effects on women's human rights and on their defenders.

Introduction

This conference marks the beginning of a new era: for the first time human rights and women's rights organisations are coming together to define the concept of women human rights defenders and to devise specific strategies in their defence. This paper will focus on one specific aspect of the defence of women human rights defenders: when the perpetrators are political non-state actors.

This conference is an opportunity to look into a vacuum, which has further marginalized women human rights defenders. Traditionally, human rights organisations have focused on state accountability. There is no doubt that this is crucial, and should not be weakened in the process of taking into account responsibility of new actors. Traditionally too, when human rights organisations could not ignore crimes committed by non-state actors, they would use the concept of 'due diligence' and focus on state accountability to ensure the protection of all citizens. This is the way in which they have been addressed domestic violence and the responsibility of families in honour killings, for instance. However, there are instances when states are unable to ensure the protection of citizens and when the responsibility of non-state actors cannot be subsumed under state accountability. This is especially the case in situations of armed conflicts.

The world has changed since the inception of human rights organisations half a century ago. Wars are no longer waged only between two armies of two nations. Most armed conflicts in the world today take place between two non-state actors, or one state and one non-state actor, struggling for control over the state apparatus. It involves non-regular armies or armed forces. Frequently, the population is caught hostage between these forces, whether they are taking side or not. Terror over the population has become a weapon of war. This is why, instead of 'civil war', the new concept of 'war against civilians' has been coined in Algeria, during the conflict that culminated in the 1990's between the state and the Islamic Armed Groups (Groupes Islamiques Armes or GIA). And women are on the front line, as first targets of terrorist violence.

In Afghanistan, at the time of the Soviet occupation as well as in Algeria in the 1990's, the exclusive focus on state accountability has led to situations where victims of state repression were supported by human rights organisations, while victims of non-state actors were ignored. This had several consequences that I will examine, using concrete examples from Algeria. Similar situations have occurred, over the past twenty years, in other countries where the same kind of political non-state actors were at work, such as in Afghanistan, Palestine, and Iraq. The conceptual problems I raise here are applicable to many of these situations where political non-state actors, such as fundamentalist armed forces, have a double identity — both as victims of state repression and as perpetrators of violations of human rights in general, and of women's human rights in particular.

Persecution of women and women human rights defenders

In Algeria in the 1990's, estimates are that there were about 150,000 to 200,000 victims of the war against civilians, many of them at the hands of fundamentalist armed groups. During this period, women have been threatened, disappeared, killed, tortured, mutilated, raped, burnt, and forced into domestic and sexual slavery in military guerrilla camps by the GIA. While most men were attacked by fundamentalists because of their defence of rights, women were attacked both as defenders of rights and as women per se.

Women faced femicide: fundamentalist armed groups would announce in advance which category of citizens would be targeted, by way of official "communiqués" as well as by posters pinned at the doors of mosques where people gather in huge crowds for Friday prayers. Those persecuted included the "intellectuals", "artists", "journalists", "foreigners", until eventually the announcement targeted "women" as a category to be persecuted, too.

One can decide to avoid being a journalist or an artist, but one can hardly avoid being a woman. And being a woman was enough reason to be attacked by fundamentalist armed groups. Women were attacked regardless of their social status, profession, faith, dress code, etc. Women were killed for stepping outside their houses; and they were also killed, kidnapped or raped while inside their houses. There was no safe haven for women. They were attacked just because they were women who put in practice, against fundamentalists' orders, their basic rights. This explains why among women victims, one can find side by side, women wearing veils or head scarves and women unveiled, conservative women who could live under a fundamentalist regime and women totally opposed to it.

Invisibility of victims of non-state actors

The almost exclusive focus on state accountability can be seen in the annual reports of major human rights organisations. At the peak of the killings and massacres by fundamentalist armed groups, these reports still devoted as an average eight times more pages to victims of state repression than

to victims of non-state actors. Human rights organisations documented violations by the state, but victims of fundamentalist non-state actors were almost invisible.

There were many women among the victims of fundamentalist armed groups, while fewer of them were victims of state repression. As a consequence, on one hand, very few women were supported by human rights organisations, and on the other hand, the predominantly male victims of state repression benefited from their full support. This created an imbalance between men and women victims of human rights violations and of defenders. It also made both women victims and women defenders invisible. Moreover, many women defenders were denied the status of victims. Thus the question is: are some victims 'less victims' than others, depending on who violates their rights?

In the rare instances when a handful of those that have suffered in the hands of fundamentalist armed groups were supported by human rights organisations, it was as victims, hardly as defenders. Women human rights defenders have been largely ignored for the reasons that they were generally not victims of the state, and their persecution by fundamentalist non-state actors as a consequence of exercising their fundamental rights was not seen as a human rights violation against defenders.

For example, Katya Bengana was a young student, age 17, who consciously defied the fundamentalists' orders in defence of women's human rights: the right to freedom of belief and the right to freedom of movement. She decided that she will not cover her head despite orders of fundamentalists that women should be veiled. She also decided to go to school despite fundamentalists' orders that no one should go to a state school - since state schools, like any other state-run facility, was claimed to be a seat of non-belief or blasphemy ('kofr'), i.e. liable of death penalty, according to fundamentalists' version of Islam.

When she made these decisions, she told her parents that her life was at risk, but that she had to defend women's rights. She was assassinated. During a ceremony that took place in Algiers organised by RAFD (Rassemblement Algérien des Femmes pour la Démocracie/ Algerian Assembly of Women for Democracy) and attended by all Algerian women's organisations in her memory, her father made a very moving public statement acknowledging his daughter as a women's human rights defender. Katya remains as a one of the rare cases of women victims taken up by a major human rights organisation. But while she was acknowledged as a victim, she was not recognised as a human rights defender.

During these terrible years, all women who, against fundamentalists' orders, decided to exercise their rights and send their children to state schools, to go out of their houses, to go to work, and to leave their houses unveiled were not just victims of barbarity, but were defenders of human rights. They should be recognized and honoured as women human rights defenders by the international human rights community.

Ten years ago, the Algiers-based women organisation RAFD, set up an award for women who resist fundamentalism: the "Women Resisters Against Fundamentalism and Oblivion Award". On March 8 every year, RAFD nominates awardees and honours women defenders, in many instances posthumously. This award should be known the world over and the women it honours in Algeria should also be honoured by all women human rights defenders and the international human rights community.

A dangerous continuum of violations

Another consequence of the exclusive focus on state responsibility by human rights organisations is that political non-state actors are presented exclusively as victims of state repression, while their

responsibility as perpetrators is underplayed. It is undeniable that their basic human rights should be defended, including their right to fair trial, right against arbitrary detention and torture, etc. However, it should also be equally clear that they should be prosecuted as perpetrators, and the rights of their victims should be defended as well.

This is not what happened in the case of Algeria. During a full decade of killings and massacres by the GIA, human rights organisations have persistently invited the representatives and /or defenders of fundamentalists to their functions. At every single function on violence in Algeria either the lawyer of fundamentalists, benignly introduced as 'a human rights lawyer', or other supporters were invited to speak as representatives of 'victims'. The victims of fundamentalists were just not there.

Numerous reports on violence in Algeria, produced by different human rights organisations, were drawn exclusively from information given by supporters of fundamentalists in the guise of human rights defenders. Our attempts, as women's rights defenders, to organise interaction between victims of violence by non-state actors and international investigation teams that came to Algeria were ignored. The teams were satisfied with reporting on victims of state repression only. When meetings actually took place between women victims of fundamentalist armed groups and the investigation teams, the information gathered on these occasions were not reflected in the unethical one-sided reports that were made public.

During the Human Rights Defenders Summit in Paris in 1998, the major international human rights organisations planned the launching of 300 white balloons from the Human Rights Square, each of them carrying the name of a person who disappeared in Algeria. The leaflet distributed to international participants at the Summit clearly specified that those being remembered were those who disappeared in the hands of the State (i.e. the police or army). Despite personally alerting the Secretary General of one of the organisers and requesting that the leaflet be modified to include all those who were disappeared, be they at the hands of the state or at the hands of non- state actors, no changes were made in the leaflet or the ceremony.

Moreover, when three victims of fundamentalists' attacks held a banner during the ceremony that simply said "all disappeared", they were verbally attacked and pushed aside by the organisers as troublemakers. One of these victims is a mother whose son, aged 19 was shot dead at their door step in place of his father, a targeted journalist who had fled Algeria the day before.

The 'Families of Disappeared', an organisation, which gathers exclusively the families of those who disappeared at the hands of the state, were officially invited to the Summit and given full visibility. Failing to be recognized and protected by human rights organisations, the families of those who disappeared at the hands of fundamentalist non-state actors had to set up a different organisation for their defence: 'Families of Victims'. This organisation was not invited to the Summit.

This division of victims is one of the worst consequences of the exclusive focus on the state. It induces a sort of 'privatisation' of rights: the rights of one category of victims being defended only by people who suffer the same abuses from the same perpetrators; while the rights of another category of victims is to be defended only by those victimised by the same abusers. As if it were not, and should not be, everybody's concern when people —whoever they are — are tortured, killed or their human rights violated.

Fundamentalist armed groups were given visibility and support and they were also given a political platform to express their views in their capacity as victims. As a result, fundamentalists have become acceptable partners. By extension, their ideology, presented by 'moderates' as minority rights or right to difference, is now seen as acceptable, too. This blatantly ignores the political extreme right nature of the Islamic fundamentalist movement, which aims at suppressing democracy — whether by

armed struggle or by the vote — in order to replace it with a theocracy. In the very words of Ali Belhadj of the Islamic Salvation Front (FIS), announcing in 1990 (i.e. long before the elections took place) that, if his party were to win there will not be any more elections in Algeria ever: “if we have the law of God, why should we need the law of the people? One should kill these unbelievers (kofr)”.

So, in the process, fundamentalists have mastered the art of co-opting and manipulating human rights concepts and values. In the name of their human rights, they propagated their views and prompted the international community to witness in silence the curtailing of human rights in general and of women’s rights in particular.

I want to draw your attention to this dangerous continuum of violations by fundamentalist non-state actors as illustrated in the case of Algeria: Firstly, fundamentalists are identified as victims, because they are victimized by the state, but their double identity both as victims and as perpetrators is not acknowledged. Secondly, as victims they are granted support that is denied to their victims. As an example, fundamentalists, including war criminals, received full support in their request for political asylum in Europe, while those they persecuted were denied asylum because they were not victims of the state. Thirdly, they are given a platform, which they use to air their views and to become the preferred interlocutors on violence in Algeria and on religious rights.

The Politics of human rights

The argument repeatedly put forward by human rights organisations over the past twenty years, is that their mandate is to denounce human rights violations, and that they are a-political.

However, how can human rights be protected when political forces come to power that openly want to reduce, in the name of religious rights, the rights of people from other religions or of no religion, and women’s human rights? This gives rise to a hierarchy of rights, where women’s rights come last, after religious rights, after minority rights.

How can human rights be protected when political forces come to power that aim at terminating democracy, i.e., the laws of the people, which are by definition changeable according to people’s will, and replace it by theocracy, i.e., the law of God (fundamentalist version), which is by definition unchangeable, a-historical ?

How can one claim that human rights will be safe if a rather undemocratic and corrupt regime is replaced by much worse: a fascist-like, Taliban-like regime?

How can the consequences of repeated disregard by human rights organisations of violations by non-state actors be ignored, when we now have several experiences that this lapse has been instrumental in bringing down states that indeed did not keep up with human rights standards, and subsequently, in inevitably bringing to power regimes that have done away with whatever human rights was left by the previous state?

The consequences of exposing only the state and allowing fundamentalist non-state actors to become so powerful to take over the country can be seen in Iraq today. In the name of democracy, Iraqi women, who were once more free and more educated than other women in the Middle East, are now terrorized under the boot of religious parties that replaced the previous authoritarian government. A similar situation would have occurred in Algeria a decade ago, had women not so strongly objected to human rights organisations’ focus on state accountability only. Women rightly feared that this will further destabilize the present state and subsequently bring to power a theocratic state that would be much more dangerously regressive for women’s rights.

This is where the focus on state accountability, leading to such an imbalance in reporting on crimes committed by non-state actors and to discrimination between victims of the state and victims of non-state actors, plays into politics. The systematic disregard of a category of victims and the systematic highlighting of perpetrators as victims alone is a political stand. Denouncing this hidden political position is not easy.

The three founding members of a major human rights organisation in Algeria experienced this difficulty in a very drastic manner. In the mid-1990's, they wrote a personal letter to the Secretary General of their organisation, asking why the numerous reports they sent on crimes and violations committed by non-state actors were never used in annual reports and campaigns. They explained how painful it was for them, as founding members, to see that Algerian people were now more and more hostile to an organisation they once revered as their defender, in view of its one-sided reports. This letter did not receive any answers, but the founding members were immediately expelled from their organisation.

As for all the women human rights defenders who protested against these one-sided human rights reports, they were branded 'supporters of the state', regardless of the fact that many of them were victims of state repression - and of non-state actors as well.

Direct responsibility by non-state actors

By exposing the shortcomings of an exclusive focus on state responsibility, my conclusion is certainly not that one should ignore violations committed by states in such circumstances. State accountability is still a priority for women human rights defenders.

I simply demand that the complexity of situations that involve political non-state actors not be over simplified. In today's political realities, responsibility of non-state actors must be addressed directly, not through due diligence, which would amount to reverting to state accountability.

The abuse of the 'due diligence' argument, where states are made accountable for violence by non-state actors, catches the state in a double bind: if it does not protect citizens from fundamentalist violence, it is accused of tolerating this violence; but if it fights fundamentalists, it is accused of violating their human rights.

Europe and North America are presently experiencing fundamentalist violence through the bombings of several capital cities. Despite logistical means that far exceed those of many of our countries, European governments have shown their inability to stop this form of violence without committing various violations of human rights against the perpetrators of the bombings and their political movements.

While due diligence is still very useful in some cases, in others it is counter productive and leads to exonerating perpetrators from their responsibilities in crimes and violations. One has to acknowledge the fact that the world has changed, that political non-state actors are more and more numerous, more and more powerful. The concepts designed to defend human rights in the past need to be revisited and new strategies to be devised to account for new realities. Adequate new legal instruments need to be developed towards direct accountability by non-state actors. The help of UN Special Rapporteurs will be valuable in exploring this new terrain.

As women human rights defenders, we need to highlight the fact that bringing down undemocratic regimes, wittingly or unwittingly, in the name of human rights, and allowing their replacement by forces that will further erase human rights and specifically women's rights- this cannot be seen as a

healthy process for the protection of human rights. We need to question the present strategies and to find new ones that will actually enhance human rights and women's rights.

We should subsequently make sure that the defence of fundamentalist non-state actors actually remains within the limits of strict defence of their basic human rights: it should not expand into offering them a political platform.

As women human rights defenders, we have to question the hierarchy of victims and defenders that have resulted from the over emphasis on state accountability. We have to redress the imbalance in the defence of the rights of victims of non-state actors versus the rights of victims of state repression. We have to give visibility to those who have hardly been acknowledged.

As women's human rights defenders, we have to address the question of conflicting rights: we should not accept a hierarchy of rights that would put women's rights last.

P.S.

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