

# LISTEN TO THE WOMEN: HUMAN RIGHTS IN CONFLICT SITUATIONS—OPENING REMARKS

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I want to give a big thank you to the sponsors of the Symposium, Women Confronting ISIS: States' Strategies and Local Responsibilities<sup>1</sup>, CUNY Law School, MADRE, and the Women's International League for Peace and Freedom (WILPF). Together, they have sought to bring us women's voices from Iraq and Syria. These are voices that are rarely heard in our media, and yet, are badly needed if we are to confront the Islamic State in Syria and the Levant (ISIL) effectively and to find ways to protect and promote women's human rights there.

I am pleased and humbled to be opening this important conversation. It is vital for us to hear and learn from our sisters from the region and to others who have worked long and hard on these issues. This is feminist methodology—to listen first to the women most affected, to those on the ground addressing local issues—in order to make sure our actions are guided by their realities and perspectives.

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1. For more information or to watch the Women Confronting ISIS: Local Strategies and States' Responsibilities Symposium, see [https://www.youtube.com/playlist?list=PLT44QC1WZO5DRb\\_e0DZJPBR0TthwsiAV](https://www.youtube.com/playlist?list=PLT44QC1WZO5DRb_e0DZJPBR0TthwsiAV)

We are now twenty years since the adoption of the Beijing Platform for Action<sup>2</sup> at the Fourth U.N. World Conference on Women, with its clarion call for respect for women's rights as full and universal human rights and its ground breaking chapter outlining strategies related to "Women in Armed Conflict."<sup>3</sup>

It is also fifteen years since the U.N. Security Council adopted Resolution 1325 on Women Peace and Security,<sup>4</sup> with its promises that women would be incorporated into peacekeeping efforts. This was followed up by several resolutions on violence in conflict,<sup>5</sup> including the appointment of a U.N. Special Representative of the Secretary-General on Sexual Violence in Conflict.

We live in a much more fragmented and violent time than when these measures were adopted, but it is those breakthroughs in recognizing gender based violence and women's human rights—especially rape and other gender based persecutions as war crimes and crimes against humanity—that must frame our conversations and fuel our hopes for change today.

We must ask and reflect on how so many atrocities and violations of women and girls could continue—seemingly unabated and unpunished—even after two decades of global attention to exposing them. And these are atrocities committed not only under ISIL,<sup>6</sup> but throughout the region and indeed the world.

With ISIL, we see a particularly violent situation where women face trafficking, sexual slavery, forced marriage, and other rights abuses in terrible and often fatal ways.<sup>7</sup> However,

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2. Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, U.N. Doc. A/CONF.177/20, annex I–II (Oct. 17, 1995) [hereinafter *Beijing Platform for Action*].

3. *Id.* at ¶ 142(c).

4. S.C. Res. 1325 (Oct. 31, 2000).

5. *See e.g.*, S.C. Res. 1820 (June 19, 2008); S.C. Res. 1888 (Sept. 30, 2009); S.C. Res. 1889 (Oct. 5, 2009); S.C. Res. 1960 (Dec. 16, 2010); S.C. Res. 2106 (June 24, 2013); S.C. Res. 2122 (Oct. 18, 2013).

6. The Islamic State of Iraq and the Levant (ISIL); also known as the Islamic State of Iraq and Syria (ISIS) and the Islamic State (IS).

7. *See e.g.*, U.N. Assistance Mission for Iraq (UNAMI)/Office of the High Comm'r for Human Rights (OHCHR), Rep. on the Protection of Civilians in Armed Conflict in Iraq: July 6–September 10, 2014 (Aug. 18, 2014), [http://www.ohchr.org/Documents/Countries/IQ/UNAMI\\_OHCHR\\_POC\\_Report\\_FINAL\\_6July\\_10September2014.pdf](http://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_POC_Report_FINAL_6July_10September2014.pdf); Lisa Davis, MADRE &

these crimes are on a continuum of violence that women experience daily—at home, on the street, at the hands of state and non-state actors. It is a story of abuse, mutilation, suppression, humiliation, torture, and death that is all too common, and runs just beneath the surface of all our societies—it is the fault line of patriarchy that is always there, even when it is not erupting most violently.

In ISIL, we confront the distillation and exaggeration of gender-based violence that accompanies most of the conservative and fundamentalist political and military forces and backlash that women face in the world today. ISIL did not come out of nowhere and facing it cannot be approached as an isolated problem.

As a white, U.S. feminist, I come here to learn and discern how we can support women in Iraq and Syria in this struggle, and still not play into the Western trope of rescue and saving women from “backward men and practices.” It is crucial that we counter those representations and attempts to use “women” as a cover up for militarism and vengeance against any who claim to challenge “The West.” The recent jump in the numbers of people in the United States who now support U.S. military action against ISIL based on this so-called “clash of civilizations” is frightening.

As a global women’s community, we must insist that an international human rights response is needed, not a “Western” military force. This includes prioritizing peace and diplomatic solutions while also seeking accountability for crimes against humanity and support for local progressive forces, as well as providing humanitarian aid.

We must acknowledge the historical legacy of colonialism and imperialism, as well as the more recent U.S. war in Iraq, as the backdrop for abuses and contradictions that women face in the region today. But at the same time, we must also not fall into the trap of allowing that recognition to paralyze us or cover up what often masquerades as an excuse for the perpetuation of patriarchal abuses of women in the name of “culture and tradition.”

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Women’s Int’l League for Peace & Freedom (WILPF), *The Threat of ISIL and the Situation of Women in Iraq*, ¶ 3, U.N. Doc. A/HRC/S-22/NGO/13 (Sept. 1, 2014).

As Pregs Govendar of South Africa has so clearly stated: “Patriarchy is a globally shared culture that expresses itself differently in local contexts.”<sup>8</sup> Most abuse and backlash against women’s and human rights lays claim to “culture” or “religion” or “national sovereignty” as their excuse. And this includes in the United States, which is rife with the violence of our culture wars, domestic gun culture, and militarism based on our so called “national exceptionalism.”

We must find solidarity across all manner of borders and boundaries that seek to divide us, to quiet and conquer us—sectarian, nationalistic, racial, religious, etc.—if we are to defeat the rise in fundamentalisms of all types globally. The “clash of civilizations” rhetoric is created and defended by political forces that benefit from those divisions and use them to perpetuate misogyny and domination externally and within their own borders.

Defending the human rights of all women, indeed of all people, is not only an act of solidarity but also the way toward the liberation of us all from such deeply ingrained patriarchal bonds—to counter not only ISIL, but the fault lines of our societies in all their variety.

The panelists who will speak at this Symposium will discuss more concretely how do we do this in the current contradictory context of Iraq and Syria. But it needs to be rooted in a gender-sensitive feminist human rights approach that starts with the rights of women on the ground.

The human rights abuses and humanitarian needs of women and girls fleeing ISIL and other militias in the region are not separate from their ongoing lives and needs in Iraq and Syria.<sup>9</sup> Nor are they separate from the deterioration of human rights more generally in these countries over the past few decades.

We have seen in many conflicts that the abuses and lack of rights that women experience in war and captivity are often reflections of the social norms and lack of human rights that are embedded in their “normal lives.” And both must change

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8. Pregs Govender, *When ‘Traditional Values’ Are a Stick to Beat Women*, FEMINIST.COM (Feb. 28, 2010), [http://www.feminist.com/resources/art\\_speech/inter/whentrad.html](http://www.feminist.com/resources/art_speech/inter/whentrad.html).

9. See, e.g., Lisa Davis, *Iraqi Women Confronting ISIL: Protecting Human Rights in the Context of Conflict*, 22 SW. J. INT’L L. 27 (2016).

for rights to prevail. For example, in Iraq, identification documents for women are dependent on male relatives.<sup>10</sup> This constrains and controls women's lives in many ways. When they are fleeing violence in the family or in a crisis situation, it further denies them access to public services including housing, employment, health care and schooling for their children.

We know from other wars from Bangladesh to Rwanda to Bosnia, the violation of women sexually is linked to the effort to control women's sexuality in the family, and those taboos are then used to terrorize the community and further isolate women.

The panelists will tell you in more detail how the social and economic conditions of women in the broader society underlie and reinforce the abuses they face in conflict. And they will show what that means for "Prevention," "Protection," and "Prosecution and Reintegration"—the basic responsibilities of a human rights approach.

Women are made more vulnerable in such conflicts—they are victims but they are also survivors and the key actors to creating the possibilities for change. A gendered human rights approach means supporting women's efforts to realize their rights through various local strategies and demanding that States assume their responsibilities for human rights.

The human rights framework has expanded with regard to women and gender these past twenty years, so we have international instruments and standards to use in these struggles. Women can and are speaking up now and do not need to wait fifty years to tell what happened to them, as the "comfort women" from WWII in Asia did.<sup>11</sup>

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10. The International Women's Human Rights Clinic (IWHR) at CUNY School of Law, MADRE, The Organization of Women's Freedom in Iraq (OWFI) et al., *Seeking Accountability and Demanding Change: A Report on Women's Rights Violations in Iraq* 12 (Sept. 28, 2015), [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRQ/INT\\_CCPR\\_CSS\\_IRQ\\_21863\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRQ/INT_CCPR_CSS_IRQ_21863_E.pdf).

11. Pamela Constable, *70 Years Later, A Korean 'Comfort Woman' Demands Apology from Japan*, WASH. POST (Apr. 22, 2015), [https://www.washingtonpost.com/local/70-years-later-a-korean-comfort-woman-demands-apology-from-japan/2015/04/22/d1cf8794-e7ab-11e4-9767-6276fc9b0ada\\_story.html](https://www.washingtonpost.com/local/70-years-later-a-korean-comfort-woman-demands-apology-from-japan/2015/04/22/d1cf8794-e7ab-11e4-9767-6276fc9b0ada_story.html); For more information on the situation of "Comfort Women," see Rhonda Copelon, *Gender Crimes as War Crimes: Integrating Crimes against Women into International Criminal Law*, 46 MCGILL L. J. 217 (2000).

But for women from Iraq and Syria to use these human rights instruments, they must be given access to those processes and they must be heard—from the local refugee camps, to the national governments, to the U.N. Human Rights and Security Councils.

The virulent patriarchal practices of ISIL do and must concern us all—both as a crisis for our sisters caught in it and as a reflection of how far backlash against human rights and women has already gone in this century. It is a reflection of the challenges we face as global women's and human rights movements today.

This is the challenge this event seeks to address. It will help us understand better how to support those living in this situation and how to respond to it more effectively in terms of addressing the United Nations, the United States, the European Union and other governments and their policies. This is about solidarity in practice.