

WOMEN'S HUMAN RIGHTS Human Rights Developments

Fifty years after the Universal Declaration on Human Rights promised respect for human rights to all people, women's human rights activists have forced governments to acknowledge the pervasive nature of violations of women's rights and their own duty to stop them. Despite the unprecedented visibility of the women's rights movement and governments' articulation of policies supporting women's rights, many governments failed to reform laws that overtly discriminated against women and practices that denied women's rights. Women's rights advocates countered these failings with activism.

There were some milestones in 1999 that reflected women's struggle to bring human rights protections to bear in their own lives. In 1999 the International Criminal Tribunal for Rwanda convicted Jean-Paul Akayesu of sexual violence in Rwanda's 1994 genocide, showing that there can be justice for women raped in conflict. In three African countries, Nigeria, Uganda, and Malawi, women's rights activists pushed their governments to prove their commitment to women's rights by granting women property and inheritance rights. In Mexico, women workers successfully petitioned a body established by the North American Free Trade Agreement (NAFTA) to recognize and remedy workplace sex discrimination. In these and other cases, change occurred as a direct consequence of women's activism: its development locally and strength internationally.

Yet in 1999 women still saw their ability to enjoy basic human rights challenged at every turn. Governments both proclaimed their commitment to women's rights and pursued policies that undermined them. At least fourteen countries that have sworn to combat sex discrimination by ratifying the Convention on the Elimination of All Forms of Discrimination Against Women continued to deny women full citizenship—Algeria, the Bahamas, Cyprus, Egypt, Fiji, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Maldives, Morocco, Republic of Korea, Turkey, and

Tunisia—and reserved the right to do so when they ratified. Other governments openly challenged the notion that universal human rights extend to women. Taliban authorities in Afghanistan, for example, confined women to their homes, cut off their access to education and health care, and beat them on the streets.

Progress in 1999 resulted directly from increasing visibility and strength of the international women's rights movement during the decade. Years ago women's rights activists in communities around the world began challenging the notion that human rights protections did not apply to the violence and discrimination in their lives. Women embraced the universality of human rights as a guarantee of respect for their dignity and the equality that, as human beings, they, too, should enjoy. Women's rights activists captured the attention of the international community at the 1993 U.N. World Conference on Human Rights and won recognition that women's rights are human rights. At the 1995 U.N. Conference on Women in Beijing, governments agreed that respect for women's rights must be the cornerstone of efforts to improve women's political, economic, and social status. Despite this change in the rhetorical climate, in 1999 women were frustrated in their efforts to make the structures of government live up to the Universal Declaration. Implementation of women's rights remained slow and inconsistent, reflecting the unwillingness of international actors to change the structures that accommodate and encourage daily abuses of women's rights.

Even the claim on human rights protections that women did assert remained tenuous. Universality was under siege in 1999 when it came to extending human rights protections to women. Governments did little to remedy violence and discrimination against women, two significant indicators of women's secondary status in societies around the world. Governments in countries such as Pakistan, Russia, and Peru did little to counter high levels of violence against women and failed to remove the barriers that block women victims' access to justice and needed services. The fact of impunity for violence against women in peacetime only reinforced the longstanding problem of impunity for such acts in times of conflict or civil unrest. Ethnic Chinese women in Indonesia saw their reports of rape during and after May 1999 riots denied by government officials. In Algeria, authorities used reports of violence against women by armed extremists to discredit these groups but did little for women survivors of kidnapping and rape. Many governments refused to recognize, let alone remedy, discriminatory laws and practices that have cemented women's inequality. Morocco and Guatemala, among others, did not repeal legislation that robs women of their right to make basic decisions about their lives—whom to marry, whether to have children, when to work outside the home, and whether to seek divorce.

Signs of progress recorded in 1999 thus remained isolated incidents rather than indices of meaningful change. For example, the single conviction for sexual violence in Rwanda set a precedent but changed little for thousands of women awaiting justice from *ad hoc* U.N. tribunals in Rwanda and Bosnia. The slow progress of governments in responding to violence against women was tragically evident in Indonesia. Rather than setting up a credible investigation to determine what happened and guaranteeing the security of rape victims who came forward, the government denied not only its own involvement but also that rapes had occurred.

Gains for women's rights occurred in an isolated fashion in part because they came primarily where the cost was least; that is, women's rights were respected only when no competing interests dictated otherwise. Governments and other international actors showed their willingness to abandon women's rights when other pressures came to bear. This was particularly evident in 1999 with the economic downturn in parts of Asia and Eastern Europe. In countries facing economic crises, women workers were forced out of the workforce or, in some instances, tracked into low-skill, low-paying jobs. Adverse socioeconomic conditions in many regions also increased the likelihood that women and girls would be lured into forced prostitution, involuntary marriage, or other forms of forced labor. In Russia and other countries of the former Soviet Union, for example, women were barred from job opportunities simply because of their sex. The lack of local opportunities enhanced the appeal of even dubious job offers from other countries.

Governments also acted inconsistently to ensure accountability for violence against women in conflict or refugee situations. For example, governments turned in a mixed record in the Rome negotiations to establish an international criminal court, on the one hand specifying that crimes against women be handled by the court and, on the other, limiting the power of the prosecutor to hold perpetrators accountable. Moreover, the precedents of the former Yugoslavia and Rwanda did not translate into international condemnation of sexual violence against women in other conflicts such as in Sierra Leone, where women reported being raped and sexually assaulted as civil war raged, or in Tanzania, where refugee women seeking shelter instead experienced high rates of assault.

The following section provides an overview of the state of women's human rights in 1999. Our investigations and monitoring during the year showed that violence and discrimination against women as committed and tolerated by the states remained the norm in countries in which we worked. Reports

FROM ACTIVISTS AND PRESS IN OTHER COUNTRIES CONFIRMED THE PATTERN OF ABUSE OF WOMEN'S RIGHTS AND UNDERScoreD THE NEED FOR URGENT ATTENTION TO AND REMEDY OF THE PROBLEMS.

Violence Against Women

IN 1999 VIOLENCE AGAINST WOMEN REMAINED ONE OF THE MOST INTRACTABLE VIOLATIONS OF WOMEN'S HUMAN RIGHTS. IN VARIOUS FORMS IT PERSISTED IN TIMES OF PEACE AS WELL AS IN TIMES OF CONFLICT. THE PERPETRATORS WERE AS LIKELY TO BE PRIVATE ACTORS AS PUBLIC OFFICIALS. WOMEN WERE BEATEN IN THEIR HOMES BY INTIMATE PARTNERS; RAPED AND OTHERWISE SEXUALLY ASSAULTED DURING TIMES OF INTERNAL CONFLICT BY SOLDIERS; SEXUALLY ASSAULTED BY LAW ENFORCEMENT PERSONNEL WHILE IN THEIR CUSTODY; RAPED IN REFUGEE CAMPS BY OTHER REFUGEES, LOCAL POLICE, OR THE MILITARY; AND TARGETED FOR SEXUAL VIOLENCE BASED ON THEIR LOW SOCIAL STATUS.

SEVERAL YEARS OF WORK BY WOMEN'S HUMAN RIGHTS MOVEMENTS PRODUCED GAINS IN GOVERNMENT ACTIONS TO DETER VIOLENCE AGAINST WOMEN IN A HANDFUL OF COUNTRIES IN 1999. FOR EXAMPLE, TAIWAN'S LEGISLATURE CONSIDERED A BILL THAT WOULD FULLY CRIMINALIZE RAPE AND SEXUAL ABUSE. CURRENTLY, RAPE IS NOT AUTOMATICALLY CONSIDERED A CRIMINAL OFFENSE, AND THE STATE DOES NOT BRING CRIMINAL CHARGES IN EVERY RAPE CASE. ALTHOUGH THE CRIMINAL CODE MAKES RAPE ILLEGAL, THE STATE WILL NOT PROCEED WITH THE INVESTIGATION OF A RAPE CASE WITHOUT THE CONSENT OF THE VICTIM, MANY OF WHOM SETTLE FOR MONETARY COMPENSATION OUT OF COURT RATHER THAN PRESS CRIMINAL CHARGES. THE BILL WOULD REMOVE THE OPTION OF AN OUT-OF-COURT SETTLEMENT AND WOULD REQUIRE THE POLICE AUTOMATICALLY TO FILE CRIMINAL CHARGES IN ANY RAPE OR SEXUAL ABUSE CASE THAT COMES TO THEIR ATTENTION. IN ANOTHER STEP FORWARD, EGYPT'S SUPREME ADMINISTRATION COURT UPHELD A GOVERNMENTAL BAN ON THE GENITAL CUTTING OF GIRLS AND WOMEN IN LATE DECEMBER 1997. THE 1996 GOVERNMENTAL BAN HAD BEEN CHALLENGED BY CONSERVATIVES WHO CLAIMED THAT GENITAL CUTTING WAS A LEGITIMATE RELIGIOUS AND CULTURAL PRACTICE WITH WHICH THE STATE SHOULD NOT INTERFERE. THE GOVERNMENT BEGAN PUBLIC EDUCATION PROGRAMS IN EARLY 1999 ABOUT THE HEALTH RISKS OF GENITAL CUTTING AND ANNOUNCED ITS INTENT TO IMPOSE PENALTIES ON DOCTORS, MIDWIVES, AND BARBERS WHO VIOLATED THE BAN.

NEVERTHELESS, MANY GOVERNMENT ACTIONS IN RESPONSE TO VIOLENCE AGAINST WOMEN WERE INADEQUATE. HUMAN RIGHTS WATCH INVESTIGATIONS REVEALED THAT, WHILE SOME GOVERNMENTS FOCUSED LEGISLATIVE ATTENTION ON DOMESTIC AND SEXUAL VIOLENCE, SUCH REFORM WAS UNDERMINED BY STRUCTURAL BARRIERS TO WOMEN'S MEANINGFUL ACCESS TO LEGAL REDRESS AND PROTECTION FROM FURTHER VIOLENCE. DOMESTIC VIOLENCE VICTIMS FACED NEARLY INSURMOUNTABLE OBSTACLES WHEN ATTEMPTING TO REPORT ASSAULT. IN COUNTRIES FROM BOSNIA TO PERU, SOUTH AFRICA TO RUSSIA, AUTHORITIES TREATED DOMESTIC VIOLENCE AS A LESSER OFFENSE BECAUSE IT TOOK PLACE BETWEEN INTIMATE PARTNERS, AND DISCOURAGED WOMEN FROM REPORTING ASSAULTS. WOMEN IN DIFFERENT COUNTRIES TOLD HUMAN RIGHTS WATCH THAT, INSTEAD OF HELPING VICTIMS TO FILE COMPLAINTS, POLICE ROUTINELY ACCUSED THEM OF BEING BAD SPOUSES, IMPLYING THAT THEIR BEHAVIOR SOMEHOW WARRANTED THE ABUSE. IN PERU, FOR EXAMPLE, DOMESTIC VIOLENCE VICTIMS REPORTED THAT POLICE PEPPERED THEM WITH QUESTIONS ABOUT WHAT THEY "HAD DONE" TO THEIR HUSBANDS TO PROVOKE A PHYSICAL ATTACK. IN POST-CONFLICT BOSNIA, WE FOUND THAT, ROUTINELY, POLICE FLATLY REFUSED TO INTERVENE IN DOMESTIC VIOLENCE DISPUTES.

SEXUAL VIOLENCE VICTIMS FACED SOME OF THE SAME OBSTACLES, INCLUDING ACUTE BIAS IN THE LEGAL SYSTEM. HUMAN RIGHTS WATCH MONITORED FOUR COUNTRIES—PERU, RUSSIA, SOUTH AFRICA, AND PAKISTAN—WHERE WOMEN VICTIMS OF SEXUAL VIOLENCE UNDERGO A FORENSIC EXAM IN ORDER TO GATHER EVIDENCE SUPPORTING THEIR RAPE CLAIMS. THESE EXAMS ARE ESSENTIAL TO THE CASE'S PROCEEDING SUCCESSFULLY THROUGH THE LEGAL SYSTEM. HOWEVER, THESE FORENSIC EXAMS, WHILE REQUIRED BY LAW, WERE RARELY CONDUCTED IN A WAY TO GATHER COMPLETE AND COMPELLING EVIDENCE OF SEXUAL ASSAULT. IN PAKISTAN, FOR EXAMPLE, THE FORENSIC EXAM CONCENTRATED ALMOST EXCLUSIVELY ON DETERMINING THE STATE OF THE VICTIM'S HYMEN—A TREND REPORTED IN OTHER COUNTRIES AS WELL. ELSEWHERE, AS IN SOUTH AFRICA, FORENSIC DOCTORS WERE POORLY TRAINED AND DID NOT COMPLETE EXAMS THAT WERE CONSISTENT WITH VICTIMS' INJURIES.

GOVERNMENTS WERE ALSO REMISS IN PREVENTING AND CONDEMNING OTHER FORMS OF VIOLENCE AGAINST WOMEN, SUCH AS VIOLENCE IN CONFLICT AND POST-CONFLICT SITUATIONS AND VIOLENCE IN STATE CUSTODY. INTERNAL CIVIL STRIFE OFTEN PROVIDED THE CONTEXT IN WHICH WOMEN WERE TARGETED FOR SEXUAL ASSAULT, AS WELL AS ONE OF THE REASONS THEY FLED THEIR HOMELANDS FOR REFUGEES CAMPS, WHERE THEY AGAIN WERE TARGETS OF SEXUAL VIOLENCE.

IN 1999 HUMAN RIGHTS WATCH INVESTIGATED PRIVATE ACTOR VIOLENCE AGAINST WOMEN IN INDIA AND INDONESIA; WARTIME VIOLENCE AND POST-CONFLICT ABUSE IN ALGERIA, BOSNIA, SIERRA LEONE, AND TANZANIA; AND CUSTODIAL ABUSE IN THE UNITED STATES.

Violence by private actors

DE JURE DISCRIMINATION, AS WELL AS CUSTOMARY PRACTICES, OFTEN KEPT WOMEN IN A SUBORDINATE STATUS IN THEIR COMMUNITIES. THIS UNEQUAL STATUS MADE THEM TARGETS FOR SEXUAL AND DOMESTIC VIOLENCE. THE FAILURE OF JUDICIAL SYSTEMS TO INVESTIGATE THOROUGHLY AND CONDEMN ACTS OF DOMESTIC AND SEXUAL VIOLENCE AGAINST WOMEN FURTHER DIMINISHED AND ENTRENCHED WOMEN'S SECOND-CLASS STATUS THROUGH IMPUNITY.

IN 1997 HUMAN RIGHTS WATCH CONDUCTED A SERIES OF INVESTIGATIONS INTO THE STATE'S RESPONSE TO VIOLENCE AGAINST WOMEN IN PAKISTAN, PERU, RUSSIA, AND SOUTH AFRICA, WHERE WE FOUND THAT WOMEN'S COMPLAINTS OF DOMESTIC AND SEXUAL VIOLENCE WERE OFTEN MET WITH LEGAL INDIFFERENCE AND PROCEDURAL AND ATTITUDINAL OBSTACLES. A YEAR LATER, LITTLE HAD CHANGED.

MORE OFTEN THAN NOT, IT WAS GOVERNMENT AGENTS, IN THE FORM OF LOCAL POLICE, WHO WERE THE FIRST AND MOST PERSISTENT OBSTACLE TO JUSTICE FOR RAPE AND DOMESTIC VIOLENCE COMPLAINTS. OUR WORK IN DIFFERENT COUNTRIES SHOWED THAT POLICE EXERCISED UNLAWFUL AND ARBITRARY AUTHORITY REGARDING THE TYPES OF COMPLAINTS THEY ACCEPTED, AND ACTIVELY DISCOURAGED WOMEN FROM FILING COMPLAINTS—A PATTERN REPORTED BY WOMEN'S ADVOCATES IN OTHER COUNTRIES. FOR EXAMPLE, IN PERU POLICE ROUTINELY REFUSED TO PROCESS VICTIMS' COMPLAINTS, CONDUCTED SHODDY INVESTIGATIONS, FAILED TO OFFER VICTIMS PROTECTIVE ORDERS, FAILED TO REMOVE VIOLENT MEN FROM THE HOME, AND BLAMED VICTIMS FOR THE VIOLENCE.

ON INTERNATIONAL WOMEN'S DAY, MARCH 8, PAKISTAN'S PRIME MINISTER NAUWAZ SHARIF REAFFIRMED HIS GOVERNMENT'S COMMITMENT TO WOMEN'S HUMAN RIGHTS YET FAILED TO BACK THIS UP WITH PROGRESS TOWARD PREVENTING WIDESPREAD VIOLENCE AGAINST WOMEN. PAKISTANI POLICE STILL FAILED TO INVESTIGATE AN ALARMING AND FATAL FORM OF VIOLENCE AGAINST WOMEN: BRIDE BURNING. AN AUGUST 1999 REPORT ON BRIDE BURNING BY THE NONGOVERNMENTAL PROGRESSIVE WOMEN'S ASSOCIATION (PWA) FOUND THAT THE GOVERNMENT'S RESPONSE TO THIS COMMON TYPE OF VIOLENCE AGAINST WOMEN REMAINED NEGLIGENT. PWA FOUND THAT PAKISTANI WOMEN, PARTICULARLY YOUNG BRIDES, WERE STILL BEING BURNED IN "ACCIDENTAL FIRES," USUALLY FROM STOVES AND MOST OFTEN SET BY THEIR HUSBANDS OR IN-LAWS. THE HUMAN RIGHTS COMMISSION OF PAKISTAN (HRC) REPORTED THAT IN 1997 IN THE LAHORE NEWSPAPERS ALONE, REPORTS OF STOVE BURNINGS AVERAGED MORE THAN FOUR A WEEK; THREE OF EVERY FOUR (75 PERCENT) WOMEN VICTIMS OF STOVE BURNINGS DIED.

THE PATTERN OF BIAS AGAINST DOMESTIC VIOLENCE VICTIMS EXTENDED TO THE JUDICIARY IN THE COUNTRIES WE RESEARCHED. WOMEN VICTIMS OF DOMESTIC VIOLENCE WHO WERE ABLE TO PERSUADE THE POLICE TO ACCEPT THEIR CASES FOR INVESTIGATION WERE LATER HAMPERED BY JUDICIAL SYSTEMS THAT VALUED FAMILY UNITY OVER THE SAFETY OF WOMEN VICTIMS OF DOMESTIC VIOLENCE. FOR EXAMPLE, IN PERU JUDGES OFTEN REFERRED MARRIED DOMESTIC VIOLENCE VICTIMS AND THEIR BATTERERS TO

counseling before charges could be laid against the accused, with the alleged batterer remaining in the home.

Rape victims in these countries fared just as poorly. They faced many of the same obstacles as victims of domestic violence. Police acted as gatekeepers and allowed their own stereotypes and biases about women's behavior or dress to jeopardize the investigation of cases. Often, women's complaints were met by disbelief and disregard for their privacy and security. Police skepticism toward rape cases compromised official investigations, effectively denying women's equality under the law. In one rape case documented by Human Rights Watch in Russia, police gave the defendant the victim's address and notified him that she had reported a rape. In Russia, in the rare instances when police did register reports, victims were subject to intrusions into their privacy during the course of the investigation, including psychological exams and interviews with the victims' friends and family.

Forensic doctors were another obstacle to justice for sexual violence in countries including Peru, South Africa, and Pakistan. According to the South African Department of Justice, the country has one of the highest rates of reported rape in the world. There was a rise from 105.3 per 100,000 in 1994 to 119.5 per 100,000 in 1996. District surgeons, those responsible for performing forensic exams on sexual assault victims, were often poorly trained in the collection of evidence in rape cases, reluctant to appear in court to affirm their findings, or unavailable for the timely examination of rape victims, and they unfairly vetted and prejudged victims, choosing to do thorough examinations only on those whom they deemed likely to be persuasive in court. In fact, a parliamentary subcommittee identified district surgeons as being among the biggest stumbling blocks to the successful prosecution and conviction of rapists. The South African government did begin to address this problem and released procedural guidelines for the treatment of sexual violence victims in 1998—guidelines aimed at health care professionals, prosecutors of rape, social welfare agencies, and others. Activists expressed hope that government officials would ensure that these far-reaching guidelines would be widely distributed and implemented.

Women's second-class status rendered them vulnerable to rape by intimate partners at home and by strangers on the street. In many countries, sexual violence against women carried no real probability of punishment or penalty, sending the message that these types of crimes were of no importance to the state. This acceptance of sexual violence against women was reflected and magnified elsewhere in times of national or regional unrest or civil strife, when women were targeted for rape as a continuation of the impunity for rape and sexual violence during times of peace. Sexual violence was perpetrated against women in times of conflict as a deliberate political policy of warring factions.

Whether civil unrest was directed at those groups believed to be financially better off or not a trusted part of the social fabric—as was the case of the violence directed at Indonesia's ethnic Chinese—or at those perceived as vastly inferior and challenging the social hierarchy—as was the case of violence directed at lower castes in India—the women of these distinct groups suffered the same fate: sexual assault.

In Indonesia, frustration about the economic crisis and political authoritarianism devolved into widespread civil unrest that ultimately removed President Soeharto from power. Just as much of the violence and looting were directed at the ethnic Chinese population, so were ethnic Chinese women reportedly singled out for rape and sexual assault.

The allegations of rape were turned into a political football rather than investigated seriously. Indonesian authorities used the rape allegations to further impugn the reputation of ethnic Chinese. Then they used the allegations to call into question the credibility of nongovernmental organizations. The Indonesian government's skepticism was based in part on the fact that no victims had come forward to the police. However, nongovernmental organizations working with rape victims noted that many were too ashamed to come forward, had fled the country, or were afraid of reporting the rape as police were widely believed to have been involved in the riots and the rapes themselves.

As of this writing and largely thanks to the efforts of Indonesian women's advocates, President Habibie had appointed a fact-finding commission to investigate the violence. Meanwhile, women's rights advocates continued to work with rape survivors, providing counseling, monitoring the government's response, and gathering evidence on the rape charges.

In some instances, socially determined characteristics such as caste affiliation rendered women more vulnerable to rape. In India, despite protective legislation, attacks against members of the lower castes continued to go unpunished. Sexual abuse and other forms of violence by high-caste men against lower-caste women have historically been a means of maintaining socio-economic divisions in India. Upper-caste men, landlords, and the police have physically and sexually abused Dalit ("untouchable") women to suppress movements to demand payment of minimum wages, settle sharecropping disputes, or reclaim lost land. Cases of such abuse were documented by Human Rights Watch in 1998. (See section on India.)

Dalit women were targeted on the basis of both their sex and their caste. They are thought to be available for sexual abuse, and their occupations in agriculture or as prostitutes put them in frequent contact with men who can rape them with impunity. While women all over India found the criminal justice system unsympathetic to sexual assault, Dalit women also confronted officials who were hostile to their low caste status.

Wartime violence and post-conflict abuse

Historically, women have been targeted for sexual violence during times of conflict—both civil and international. Soldiers raped and otherwise sexually abused women from the opposing side as a method of war: in this sense rape functioned to demoralize and punish the enemy. Another contributing factor to women's being targeted for sexual violence during times of conflict was the socialized attitudes that men held about women: women (like other objects) were spoils of war and therefore sexually available to them in times of conflict. Moreover, soldiers did not fear being punished for engaging in sexual violence toward a part of the civilian population that, even in times of peace, held an unequal or diminished status vis-à-vis men.

For example, women in Sierra Leone were victims of sexual violence during the armed conflict which intensified between February and June 1998 when the Armed Forces Revolutionary Council (AFRC) and the United Revolutionary Front (URF), an armed rebel coalition that was opposed to President Ahmed Tejan Kabbah's government, increased attacks against civilians. The attacks included rape and enslavement of women and girls for sex and labor by the AFRC/URF rebels.

In Algeria, armed Islamist factions, nominally headed by the Armed Islamic Group, a secretive coalition of Islamist militants and armed groups known as the GIA, have made attacks against women an integral part of a campaign against a secularist government that canceled legislative elections in 1992. In 1998, the GIA continued to engage in a punitive campaign against those whom they perceived as having turned their back on Islam by failing to join in the holy war against the Algerian state. Within this context, the GIA abducted and sexually assaulted women, considering them spoils of war. The GIA intimidated, raped, mutilated, and killed women for opposing their views, for defying their rules (regarding dress, work, and education), and for being married to "infidels" (members of government security forces).

In conflict situations women are among the first to become internal or international refugees. With refugee families living under debilitating

financial and social stress, the incidence of domestic violence risks escalation. Moreover, female refugees face an increased risk of sexual violence by other refugees, because of close living quarters, poor security, or the existence of combatants among the civilians.

Ethnic conflict in Africa's Great Lakes Region precipitated massive internal and external displacement of people during 1999. Conflict in Burundi, Rwanda, and the Democratic Republic of the Congo (formerly Zaire) precipitated a massive exodus of people into Tanzanian refugee camps, where women refugees faced domestic violence in their homes and sexual violence in the camps and in areas around the camps. Burundian women, for example, were raped by other refugees, Tanzanians from nearby communities, and police officers. Additionally, according to refugee women representatives in the camps, almost every married Burundian refugee woman had experienced domestic violence since becoming a refugee.

Often the host countries for refugee women and the agencies that operated refugee camps were wholly ill-equipped to investigate and respond to incidents of domestic and sexual violence against refugee women. Our research found that the Tanzanian government's and international humanitarian agencies' representatives, in responding to the refugee crisis in Tanzania, failed to investigate and punish instances of sexual and domestic violence, creating an atmosphere of impunity. The office of the United Nations High Commissioner for Refugees (UNHCR) failed to implement existing policy guidelines on preventing sexual violence against refugee women. UNHCR field staff in Tanzania did not follow up to ensure that cases were properly tried in court and that women had access to legal redress. Moreover, some UNHCR staff did not view domestic violence as a crime. Consequently, they referred victims of domestic violence and their batterers to counseling rather than to the judicial system. At the time of this writing, UNHCR had no policy guidelines on responding to and preventing domestic violence against refugee women.

Lack of justice for victims of sexual and domestic violence in Tanzanian camps was further compounded by deficiencies in a dual legal system operating in the camps: the traditional Burundian and the Tanzanian criminal justice systems. The Burundian system was composed of male refugee leaders, who had no legal training and limited enforcement powers. Even for serious assault cases, they could impose only a minuscule fine. Many Tanzanian government officials did not view domestic violence as a crime and were reluctant to refer cases to court. They often offered counseling services that focused on reconciling the two parties, ignoring the victims' need for justice.

Resolution of conflict did not always bring an end to violence against women. Women in Bosnia, for example, reported that demobilized soldiers manifested their frustration with reintegration into civilian life through domestic violence. Because post-conflict societies such as Bosnia and Rwanda were rebuilding their countries in almost every way, including the economic and judicial systems, often violence against women was either ignored or relegated to low-priority status compared with other pressing problems. Thus in Bosnia, human rights reports from the Organization for Security and Cooperation in Europe (OSCE) all year contained cases of violence committed against female returnees throughout the country. Women were targeted for evictions, physical assault, and rape throughout the Federation of Bosnia-Herzegovina and Republika Srpska. One officer of the International Police Task Force observed to Human Rights Watch that women were disproportionately targeted for ethnic violence because they were considered "softer targets," that is, much less likely to fight or be able to defend themselves.

As in the refugee camps in Tanzania, domestic violence in Bosnia increased dramatically after the war. According to experts participating in an OSCE conference on women's rights in Bosnia, police still treated domestic violence as "a private family matter" and refused to intervene. Although reforms proposed to the Bosnian criminal code and criminal procedure code explicitly criminalized domestic violence, local activists feared that the law would not effectively protect women without extensive training for police and law enforcement officials.

Custodial violence

Women who suffered sexual and other physical abuse in custody at the hands of government agents were perhaps the most invisible and the most vulnerable, as their abusers held positions of authority and public trust. Governments as diverse as the United States and India repeatedly turned a blind eye to the abuses that those acting under cover of authority were committing. In India, attacks on Dalit women during massacres, police raids, and caste clashes were on the rise in 1999. As untouchables, Dalit women constituted the majority of prostitutes and landless workers and thus came into frequent contact with law enforcement officials. In Tamil Nadu, for example, women were the primary targets during a February 26 police raid on Dalit villages in the aftermath of clashes between Dalit and middle-caste communities. Police also engaged in instances of "hostage-taking" wherein women were arrested and tortured as a means of punishing their absconding male relatives and forcing them to surrender.

In the United States, sexual and other abuse of women in custody continued to be a serious problem for women incarcerated in local jails, state and federal prisons, and immigration detention centers. Moreover, in many instances, no adequate and transparent mechanisms existed through which victims of assault could safely and confidentially report abuse and seek an investigation without fear of significant retaliation. A January 1999 Department of Justice's Bureau of Justice Statistics report showed that more than 79,000 women were incarcerated in federal and state prisons, an increase of 6.1 percent over the previous year, compared with an increase of 4.7 percent for men. Women in custody faced abuse at the hands of prison guards, most of whom were men, who subjected the women to verbal harassment, unwarranted visual surveillance, abusive pat frisks, and sexual assault. Fifteen U.S. states do not have criminal laws prohibiting sexual abuse of women in prison. Moreover, Human Rights Watch found that in most states, guards were not trained about their duty to refrain from sexual contact with prisoners.

The vulnerability of women prisoners to sexual abuse and the failure of prison officials to intervene effectively was demonstrated in a civil suit filed by three women incarcerated in the Federal Corrections Institution in Dublin, California, which was settled in March 1999. The women plaintiffs had been placed in punitive segregation in the men's detention center, where guards allegedly allowed male inmates into their cells at night to assault them sexually. When the women filed complaints, all three were beaten and raped, allegedly by guards, in apparent retaliation. As part of a landmark settlement, the Federal Bureau of Prisons agreed to refrain from housing any women inmates in the men's detention center, to create a confidential mechanism for reporting sexual assault, and to review the staff training program for prison guards.

In Michigan state, women incarcerated in state prisons continued to report sexual abuse and retaliatory behavior by guards against women who reported the abuse. In particular, women who were plaintiffs in the civil rights suit jointly litigated by private lawyers and the Department of Justice reported severe retaliation by prison guards. Despite the litigation and reports of sexual abuse and retaliation, Michigan claimed that it had a "zero tolerance" policy toward sexual abuse and denied that the women had suffered retaliation because of their participation in the suit.

In direct contravention of international prohibitions against detention of asylum seekers absent compelling circumstances, the U.S. continued routinely to detain asylum seekers in Immigration and Naturalization Service detention facilities, prisons, and local jails pending the outcome of their

ASYLUM PROCEEDINGS. NON-CRIMINAL ASYLUM SEEKERS DETAINED IN LOCAL JAILS AND PRISONS WERE PLACED WITH THE GENERAL INMATE POPULATION, A VIOLATION OF THE UNITED NATIONS STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS. IN THIS CONTEXT, WOMEN ASYLUM SEEKERS WERE SUBJECTED TO THE SAME ABUSES THAT HUMAN RIGHTS WATCH DOCUMENTED IN STATE PRISONS, INCLUDING PRIVACY VIOLATIONS, ABUSIVE PAT FRISKS, AND SEXUAL ASSAULTS.

Discrimination

IN 1999 DISCRIMINATORY PRACTICES, TOLERATED AND EVEN ENCOURAGED BY STATES, CONTINUED UNABATED AROUND THE GLOBE. DESPITE COMMITMENTS MADE UNDER THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) AND "NATIONAL PLATFORMS FOR ACTION" TO IMPLEMENT THE 1995 FOURTH WORLD CONFERENCE ON WOMEN PLATFORM FOR ACTION ADOPTED IN BEIJING, MANY STATES CONTINUED TO ENFORCE DISCRIMINATORY LAWS AND TO TOLERATE DISCRIMINATORY PRACTICES UNDER CUSTOMARY LAW.

ALTHOUGH INTERNATIONAL ATTENTION FOCUSED LARGELY ON THE REPRESSIVE POLICIES ENFORCED BY AFGHANISTAN'S TALIBAN, SERIOUS AND SYSTEMATIC DISCRIMINATION PERSISTED IN MANY REGIONS. FOR EXAMPLE, GUATEMALA'S CIVIL CODE DENIED WOMEN THE RIGHT TO ADMINISTER MARITAL PROPERTY, ALLOWED HUSBANDS TO PREVENT THEIR WIVES FROM WORKING OUTSIDE THE HOME, AND LIMITED WOMEN'S EXERCISE OF GUARDIANSHIP OVER CHILDREN. A 1994 CHALLENGE TO THESE LAWS BY MARIA EUGENIA MORALES DE SIERRA, REPRESENTED BY THE CENTER FOR JUSTICE AND INTERNATIONAL LAW, WAS FINALLY ACCEPTED FOR REVIEW ON MARCH 6, 1999 BY THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. AT THE TIME OF THIS WRITING, THE COMMISSION HAD YET TO ISSUE A DECISION ON THE MERITS OF THE CASE.

IN PAKISTAN, CONCERN ABOUT ESCALATING DISCRIMINATION AGAINST WOMEN INCREASED WITH THE ELECTION OF MUHAMMAD RAFIQ TARAR AS PRESIDENT IN JANUARY 1999. WHILE SERVING AS A JUDGE, PRESIDENT TARAR CALLED A RAPE VICTIM A LIAR AND OPENLY OPPOSED LAWS GIVING WOMEN THE RIGHT TO DIVORCE AND SEEK CUSTODY OF THEIR CHILDREN. WOMEN'S RIGHTS ACTIVISTS FEARED THAT TARAR'S ELECTION WAS INDICATIVE OF A MORE CONSERVATIVE MOOD IN THE COUNTRY, LIKELY TO HAVE NEGATIVE CONSEQUENCES FOR WOMEN'S RIGHTS IN PAKISTAN. IN A MOVE THAT SEEMED TO CONFIRM THESE FEARS, THE PRIME MINISTER INTRODUCED A CONSTITUTIONAL AMENDMENT IN AUGUST THAT WOULD REPLACE BRITISH COMMON LAW WITH RELIGIOUS LAWS BASED ON THE KORAN AND SUNNAT. LOCAL ACTIVISTS FEARED THAT ABSENT A SPECIFIC GUARANTEE OF WOMEN'S EQUALITY, THE AMENDMENT WOULD BE USED TO JUSTIFY A ROLLBACK IN WOMEN'S RIGHTS. AS OF THIS WRITING, THE AMENDMENT WAS STILL BEING DEBATED.

ON A MORE POSITIVE NOTE, A NEW UGANDAN LAW PASSED IN JULY GRANTED WOMEN EQUAL SAY IN DECISIONS ABOUT FAMILY PROPERTY. THE NEW LAND LAW RECOGNIZES WOMEN'S RIGHT TO OWN PROPERTY AND FORBIDS ONE SPOUSE FROM DISPENSING OF PROPERTY UNILATERALLY. AND, IN INDIA, THE MUMBAI (BOMBAY) HIGH COURT IN AUGUST 1999 RECOGNIZED WOMEN'S EQUAL RIGHT TO THE MARITAL HOME WHEN IT RESTRAINED A MAN FROM ENTERING OR CLAIMING HIS FAMILY HOME AFTER HE WAS FOUND GUILTY OF ABUSING HIS WIFE AND CHILDREN. WOMEN ACTIVISTS HAILED THE RULING AS A SIGNIFICANT DEPARTURE FROM PAST PRACTICE IN WHICH WOMEN SEPARATED FROM HUSBANDS WERE EXPELLED FROM THE MARITAL HOME, REGARDLESS OF CIRCUMSTANCES.

State-sponsored discrimination

IN MANY COUNTRIES, STATUTORY RESTRICTIONS CURTAILED WOMEN'S FREEDOM OF MOVEMENT, PREVENTED WOMEN FROM INHERITING PROPERTY, LIMITED THEIR ABILITY TO DIVORCE, RESTRICTED THEIR ACCESS TO EDUCATION, AND BARRED THEM FROM THE WORKPLACE. GUARANTEES OF EQUAL PROTECTION UNDER LAW, DUE PROCESS, AND EQUAL RIGHTS AND EQUAL OPPORTUNITIES FOR ALL CITIZENS DID NOT PROTECT WOMEN FROM DISCRIMINATION. IN MANY CASES, THIS DISCRIMINATION WAS ENCOURAGED AND ENFORCED BY STATE ACTORS.

DESPITE CONSTITUTIONAL GUARANTEES OF EQUALITY, THE MOROCCAN FAMILY CODE CONTINUED TO SUBJECT WOMEN TO DISCRIMINATORY TREATMENT IN 1999. UNDER THE FAMILY LAW, WOMEN'S AUTONOMY REMAINED SUBJECT TO MALE GUARDIANSHIP AND AUTHORITY. DISCRIMINATORY LAWS GOVERNING THE DISSOLUTION OF MARRIAGE, FOR EXAMPLE, SEVERELY RESTRICTED WOMEN'S ACCESS TO DIVORCE, EVEN IN CASES OF DOMESTIC VIOLENCE. MAGISTRATES' HOSTILITY TO DIVORCE PROCEEDINGS INITIATED BY WOMEN SEVERELY CURTAILED WOMEN'S ABILITY TO EXERCISE THEIR RIGHTS UNDER LAW. BATTERED WOMEN FILING FOR DIVORCE LIVED IN FEAR OF RETALIATION WITHOUT HOPE OF STATE INTERVENTION OR PREVENTION OF FURTHER VIOLENCE.

THE OPPOSITION'S VICTORY IN NOVEMBER 1997 ELECTIONS AND THE NEW GOVERNMENT'S PLEDGE TO ADDRESS THE PLIGHT OF MOROCCAN WOMEN RAISED HOPES AMONG ACTIVISTS FOR A MORE EGALITARIAN REFORM OF THE FAMILY CODE. AT THIS WRITING, HOWEVER, THE NEW GOVERNMENT HAD TAKEN NO SIGNIFICANT STEPS TO ELIMINATE DISCRIMINATION AGAINST WOMEN IN LAW OR IN PRACTICE.

PERHAPS THE YEAR'S MOST GLARING ATTACKS ON WOMEN'S HUMAN RIGHTS WERE SEEN IN AFGHANISTAN, WHERE THE TALIBAN STRIPPED WOMEN OF THEIR RIGHTS TO WORK, TRAVEL, AND ATTEND SCHOOL. THE TALIBAN FURTHER BARRED WOMEN FROM OBTAINING HEALTH CARE UNLESS THEY WERE ACCOMPANIED BY A MALE FAMILY MEMBER, THE TREATING DOCTOR WAS A WOMAN, AND THE MEDICAL FACILITY MAINTAINED SEGREGATED SERVICES FOR WOMEN. THESE POLICIES DRASTICALLY LIMITED WOMEN'S ACCESS TO HEALTH CARE EVEN IN EMERGENCY SITUATIONS WITH DEADLY RESULTS: FOR EXAMPLE, WOMEN TURNED AWAY FROM DOCTORS AND CLINICS DIED FROM OBSTETRIC COMPLICATIONS. THROUGHOUT 1999, THE TALIBAN COUNTERED ANY ATTEMPTS TO PROTECT WOMEN'S BASIC RIGHTS WITH MORE RESTRICTIVE POLICIES. IN JUNE, FOR EXAMPLE, THE TALIBAN CLOSED DOWN SCORES OF HOME SCHOOLS FOR BOTH GIRLS AND BOYS. NONGOVERNMENTAL ORGANIZATIONS (NGOs) PROVIDING RELIEF FOR AFGHANS TRIED WITH LITTLE SUCCESS TO PROTECT THEIR ABILITY TO DELIVER FOOD, HEALTH CARE, AND EDUCATION TO WOMEN AS WELL AS MEN AND TO HIRE LOCAL FEMALE STAFF.

IN A DISTURBING DEVELOPMENT, AFGHAN WOMEN REFUGEES IN PAKISTAN PROVIDING SERVICES TO AFGHANS INSIDE AFGHANISTAN AND IN REFUGEE CAMPS AND WORKING TO MONITOR AND EXPOSE VIOLATIONS OF WOMEN'S RIGHTS RECEIVED THREATS FROM TALIBAN REPRESENTATIVES DIRECTING THEM TO CEASE THEIR ACTIVITIES AND RETURN TO AFGHANISTAN.

IN IRAN, DESPITE WOMEN'S INCREASING VISIBILITY IN PUBLIC LIFE AND OPEN DISCUSSIONS OF WOMEN'S RIGHTS, THE GOVERNMENT CONTINUED TO ENFORCE DISCRIMINATORY CIVIL AND CRIMINAL LAWS THAT SUBORDINATE WOMEN'S STATUS IN IRANIAN SOCIETY AND RESTRICT THEIR PERSONAL FREEDOM. IN ADDITION, NEW LAWS DRASTICALLY RESTRICTED THE SCOPE OF PUBLIC DEBATE ON WOMEN'S RIGHTS AND THREATENED WOMEN'S ACCESS TO ADEQUATE HEALTH CARE, WHILE ACTIVISTS WERE SUBJECT TO INTIMIDATION AND ARBITRARY ARREST.

IN AUGUST 1999, THE IRANIAN ISLAMIC CONSULTATIVE ASSEMBLY, OR MAJLES, ATTEMPTED TO SILENCE THE PROPONENTS OF WOMEN'S HUMAN RIGHTS BY AMENDING THE PRESS LAW TO PROHIBIT DISCUSSION OF "ISSUES THAT ENTAIL OPPOSITION BETWEEN MEN AND WOMEN BY DEFENDING THEIR RIGHTS OUTSIDE THE FRAMEWORK OF THE SHARI'A." ON JUNE 30, THE IRANIAN GOVERNMENT ARRESTED HOJATOLISLAM MOHSEN SAËID-ZADEH, AN OUTSPOKEN WOMEN'S RIGHTS ADVOCATE WHO QUESTIONED THE RELIGIOUS LEGITIMACY OF STATE IMPOSITION OF THE SHARI'A. AT THIS WRITING, NO CHARGES HAD BEEN FILED (SEE SECTION ON IRAN.)

RESTRICTIONS ON WOMEN'S ACCESS TO EMPLOYMENT ALSO CONTINUED IN 1999. THE GOVERNMENT OF BANGLADESH IMPOSED A TOTAL BAN ON WOMEN TRAVELING ABROAD TO WORK AS HOUSEMAIDS AND NURSES. AUTHORITIES PASSED THE DISCRIMINATORY ACT IN RESPONSE TO GROWING REPORTS OF ABUSE OF BANGLADESHI WOMEN WORKING ABROAD. WOMEN'S RIGHTS ORGANIZATIONS PROTESTED THE BAN AS AN INADEQUATE AND INAPPROPRIATE STATE RESPONSE TO THE PROBLEM. RATHER THAN ADDRESS THE ABUSE THROUGH EDUCATION, WARNINGS, AND DIPLOMATIC RELATIONS, THE GOVERNMENT INSTEAD CURTAILED THE RIGHTS OF WOMEN TO TRAVEL AND TO SEEK EMPLOYMENT.

Rwandan women faced discriminatory inheritance laws. After the devastating genocide that left more than half a million people dead, many widows were unable to return to their property because of discriminatory customary laws denying them the right to inherit from their husbands. Government initiatives to reform the law crawled through the legislative process: as of November 1999, the draft law was stalled in parliament. Some women whose husbands were arrested and imprisoned for the genocide were forced off their property. Many refugee women returning to Rwanda from Burundi and Tanzania found their homes occupied. No legal recourse was available to them.

In a few cases, women's activism bore fruit, if belatedly. Nigerian women's rights organizations celebrated a landmark court decision in February 1999 which invalidated the customary practice of denying inheritance rights to widows. Caroline Mosekwa challenged her uncle-in-law for denying her the right to inherit her late husband's estate. The decision, after thirty-nine years of legal wrangling, was seen as a victory for women's human rights in the region. Some activists questioned whether the decision was enforceable in rural areas of Nigeria, but many viewed it as a first step in eliminating discriminatory customary and religious practices harmful to women.

Meanwhile, women continued to suffer under Pakistan's discriminatory Hudood Ordinances. These penal laws, which criminalize adultery but not domestic violence, remained a stark example of the gender bias built into the legal system. One well-publicized case involved Kanwar Ahsan and Riffat Afridi, a man and woman from two different ethnic groups who chose to marry without their families' consent. The Afridi family initially charged Ahsan with kidnapping, which both he and Ms. Afridi denied. The family then charged the couple with adultery, a crime under the Hudood Ordinances. Ms. Afridi's elders sentenced her to death for dishonoring her family. Ahsan was arrested and charged with adultery, then later critically wounded by a group of his wife's kinsmen, including her father and brother. Afridi turned herself in to the police to face charges of illicit sex. After Ahsan was acquitted of the charges, the couple sought asylum abroad.

In Turkey, Women and Family Affairs Minister Isilay Saygin provoked the fury of women's human rights organizations internationally when she defended the practice of virginity exams for young women. After five girls who were forced by the director of their state foster home to go through the exams attempted suicide, the minister stated, "If girls commit suicide because of the virginity tests, they would have committed suicide anyway. It is not that important." Women's groups immediately demanded Saygin's resignation. Saygin refused to resign and claimed that she had been "misunderstood."

State-tolerated discrimination

Elsewhere, states continued to tolerate discrimination against women by private actors, failing to live up to the commitment to "end all forms of discrimination" mandated in CEDAW. Instead, states turned a blind eye to evidence of discrimination or actively encouraged such discrimination.

Sex discrimination had a particularly egregious impact on women displaced by war. Bosnian women, for example, faced discrimination in the reconstruction period. Micro-credit programs aimed at women provided significantly smaller loan amounts, in some cases only one-third of the amount, offered to male entrepreneurs under similar programs. Women found themselves ghettoized in training programs developed to prepare them for gender-stereotyped, low-paying occupations, including secretarial positions and hairdressing. According to a World Bank official in Republika Srpska, public works jobs went solely to male applicants. The World Bank and USAID insisted that their programs included women as beneficiaries, but in general, these and other aid agencies failed to maintain reliable statistics on women's participation in employment, training, and loan programs. Women remained the vast majority of the displaced, eking out an existence and served by disproportionately limited programs. Many displaced women found themselves stuck in collective centers where deplorable conditions, poverty, hopelessness, and health concerns plagued all of the occupants. Many hoped to return home but feared reprisals (see section on Bosnia-Herzegovina).

In other instances, employers' discrimination against women based on their reproductive capacity—practices tolerated by many governments—undermined women's attempts to participate fully in the labor market. The assumption that women would become pregnant, and therefore were a "bad investment," perpetuated de facto discrimination. The Mexican government, for example, continued to allow transnational corporations to discriminate against women in the export processing (maquiladora) sector there. Human Rights Watch research in 1997 and 1998 found that women applying for work as assemblers were required to reveal their pregnancy status as a condition for employment. Women were required to undergo pregnancy testing through analysis of urine samples, revelation of birth control use, the provision of information regarding sexual activity, and by submitting to abdominal examinations. Those found to be pregnant were not hired.

Factories also discriminated against women after they were hired. Some maquiladoras required women workers to submit urine samples for pregnancy analysis after they had been hired as a condition for maintaining their employment. Moreover, factories practiced more invasive types of pregnancy checks, such as requiring women workers to prove that they were still menstruating, and therefore not pregnant, by showing factory medical personnel their used sanitary napkins.

The government of Mexico did nothing to remedy hiring-process sex discrimination and made only token gestures to condemn and investigate on-the-job pregnancy discrimination, failures that violated Mexico's domestic labor law and its international human rights obligations. In fact, the government argued that pregnancy testing in the hiring process was permissible under Mexican law. With regard to on-the-job pregnancy discrimination, the government's sole remedial effort was to reiterate that such practices are illegal in Mexico.

In the face of Mexican refusal to enforce its own domestic laws, human rights organizations sought redress through the North American Agreement on Labor Cooperation, commonly referred to as the labor rights side agreement of the North American Free Trade Agreement (NAFTA). Human Rights Watch, the International Labor Rights Fund, and the National Association of Democratic Lawyers (Asociación Nacional de Abogados Democráticos) submitted a petition against Mexico to the United States National Administrative Office (U.S. NAO, the body charged with hearing cases of alleged violations by Canada or Mexico of the labor rights side agreement) that charged unremedied sex discrimination.

In January 1999 the U.S. NAO found that Mexico's constitution and labor code prohibit discrimination based on sex; pre-employment pregnancy testing did occur in Mexico; there were contradictory interpretations of Mexico's law regarding the illegality of this practice; and while on-the-job pregnancy-based sex discrimination was clearly illegal under Mexican labor law, greater efforts needed to be made toward awareness programs for women workers. This was the first case heard by the U.S. NAO that dealt explicitly with the right to gender equality in the workforce.

Discrimination against women in labor markets in their own countries only increased the likelihood that women and girls would be trafficked into forced labor abroad. Unable to find work at home, women from virtually every region of the globe accepted seemingly lucrative opportunities to work as domestic servants, dancers, waitresses, or sex workers abroad. Others accepted apparently legitimate offers of marriage, only to find themselves

caught in situations of battery and extreme cruelty, forced labor, and sexual abuse. Young girls tricked into migrating or sold by their families to traffickers found themselves trapped in brothels or sweatshops, unable to return home. The United States government estimated that one to two million women and girls were being trafficked annually around the world for the purposes of forced labor, forced prostitution, servile domestic labor, or involuntary marriage.

Women trafficked into forced labor experienced human rights abuses such as debt bondage, slave-like conditions, illegal confinement, enforced isolation, wage withholding, deprivation of identity documents, rape, and sexual and other physical abuse. Trafficked women's status as illegal migrants and their complete isolation left them at risk for exploitation by traffickers. Women interviewed by Human Rights Watch in several countries expressed reluctance to approach police or state officials, fearing traffickers' reprisals against themselves or their families, imprisonment and prosecution for illegal entry or employment by the state, and deportation. In many countries, women forced into prostitution feared even greater penalties for engaging in an illegal occupation. While many officials in countries such as Thailand, India and Israel considered the arrest and deportation of the women and girls a form of "rescue," this impression did not reflect the reality of the experience. For trafficked Burmese women detained in Thai prisons, for example, "rescue" meant potential rape by police and the possibility of sale back to the same or another brothel owner.

Traffickers worldwide operated with near-impunity, as corrupt officials, economic crisis, and states' failure to prosecute this modern form of slavery coalesced to guarantee high profits and low risk. In Cambodia, economic and political crisis led to a surge in domestic trafficking of women and girls, as families desperate for money sold their children into the sex trade. With the spread of HIV and AIDS, the demand for younger and younger girls increased. According to local press reports, traffickers in Phnom Penh commanded prices of up to U.S.\$1,000 for a virgin. Thai NGOs reported that corrupt police officers received bribes from brothel owners and free sexual services from the trafficked women as pay-offs to guarantee their turning a blind eye. Such extortion on the part of officials was not uncommon. In Macau, local press reported that police arrested a police constable for allegedly leading a racket which blackmailed women overstaying their visas.

In policy terms, states focused on trafficking as an issue of illegal migration and prostitution, but crackdowns and criminalization of prostitution often led to incarceration and further abuse of the trafficked women. Due to corruption among officials and police, enhanced enforcement measures led to higher bribes by traffickers resulting in higher debts for the women and girls. When arrests were made, it was the women, not the traffickers, who were detained. In Israel, for example, the government arrested and deported over 1,000 women back to Eastern Europe and the former Soviet Union from 1994 through 1999, according to an Israeli women's NGO. Law enforcement officials blamed the women themselves for the lack of prosecutions of traffickers, despite the complete absence of witness protection for the women.

Across the globe, women victims of trafficking were by and large unable to bring civil cases for lost wages, violations of civil rights, and violations of labor codes against traffickers and others engaged in the buying and selling of human beings. Few states offered support services such as safe shelter, legal aid, psychological assistance, and medical aid. The Netherlands and Belgium continued to provide funding to women's organizations offering some of these services. Dutch, Italian, and Belgian legislation provided for stays of deportation while women decided whether or not to participate as witnesses in criminal proceedings. During that period, women received temporary work permits, psychological counseling, shelter, social security benefits, and medical care.

In an effort to set standards for the protection of the human rights of trafficked women, the Global Alliance Against Trafficking in Women drafted a set of standard minimum rules concerning the treatment of trafficked persons. These draft rules included the right to freedom from persecution or harassment from authorities, access to competent translators during legal proceedings, access to free legal assistance and representation, access to legal possibilities of compensation and redress, legal permission to stay in the country of destination if unsafe to return home, and protection against reprisals from authorities or perpetrators.

The Role of the International Community

The recent commitment of the international community to recognize violence against women as a human rights issue, to challenge de jure and de facto discrimination against women, and to end impunity for the widespread use of sexual violence in war and armed conflict, faced many challenges in 1999. After gaining momentum following the 1993 World Conference on Human Rights in Vienna, the 1994 World Conference on Population and Development in Cairo, and the 1995 Fourth World Conference on Women in Beijing, the significant progress made by the women's international human rights movement threatened to stall as attacks on women's human rights persisted in 1999.

Despite these attacks, the presence and impact of women's human rights activists contributed substantially in 1999 to strengthening standards protecting women's rights and to ensuring that policy makers felt obliged to acknowledge and even respond to violations of women's rights. For example, the Treaty of Rome for the creation of a permanent international criminal court (ICC) defines rape, sexual slavery, enforced prostitution, forced pregnancy, and enforced sterilization as war crimes and crimes against humanity. The same treaty condemns gender-based persecution—a first.

As a direct result of the breadth and effectiveness of the women's human rights movement, countries throughout the world as well as intergovernmental organizations and international financial institutions appeared to understand that women's human rights could no longer be ignored. Nonetheless, significant financial resources were not consistently allocated to the advancement of women's human rights in 1999, nor was redress for violations of rights readily available to most women. However, it was clear that some governments and institutions were beginning to integrate the women's movements' analysis of the interrelatedness of economic development, non-discrimination, and access to justice into both their rhetoric and policies, if not always their actions.

United Nations

From negotiations to create an international criminal court, to slow-moving work to give victims of sexual discrimination the right to seek redress by petitioning the Committee on the Elimination of Discrimination Against Women (CEDAW), to the UN's failure to stand firm on women's rights in negotiations with the Taliban, UN member states showed their reluctance to deliver on the promise of human rights for women. Even instances of progress were hard-won.

At the June-July diplomatic conference in Rome to create a permanent international criminal court, member states were asked to ensure an end to impunity for crimes of gender and sexual violence as a basic principle of the treaty. This straightforward proposition, however, was under siege from the beginning as a small group of nations worked with the Holy See to undermine the potential for the ICC effectively to provide justice for victims of

sexual and gender violence. Their attack sought to exclude from the treaty a list specifying the crimes of sexual violence that would be covered, particularly any reference to the crime of forced pregnancy. These efforts were rebuffed when governments acted to end the historical failure to prosecute crimes of sexual violence, by listing such crimes.

In the final days of the negotiation, due in large measure to the tireless advocacy of the Women's Caucus for Gender Justice and the stalwart support of Canada, Bosnia, and Australia, three major goals were achieved: rape and other crimes of sexual violence were included in the definition of war crimes and crimes against humanity; gender-based persecution was included in the definition of war crimes and crimes against humanity; and the term "gender," which had been under attack by the Vatican and a group of Arab League countries, was preserved. Despite widespread usage of the term "gender" by the United Nations for at least fifteen years, the Syrian delegate, speaking on behalf of this group of states, insisted that the concept of gender threatened the very existence of civilization by challenging the concept that disparate treatment was not justified based on biological differences. Despite serious flaws in the statute, particularly in limits on jurisdiction and an opt-out provision for war crimes, the treaty represented a significant milestone in the struggle to end impunity for crimes of sexual and gender violence.

The Commission on the Status of Women (CSW) provided the venue for another hard-fought struggle, but this time, justice stalled. Five years after governments at the World Conference on Human Rights asked the CSW to adopt an optional protocol that would give victims of sex discrimination the right to petition CEDAW, the process again ground to a halt over the negotiations concerning the ability of nongovernmental organizations to bring a complaint before CEDAW. Failure to grant NGOs such standing would put women at risk of reprisal for filing a petition with CEDAW and would effectively deny the vast majority of victims of sex discrimination, who have no recourse at the national level, access to CEDAW for redress.

On a more positive note, history was made when the International Criminal Tribunal for Rwanda (ICTR) found the former mayor of Taba commune in Rwanda, Jean-Paul Akayesu, guilty of nine counts of genocide, crimes against humanity, and war crimes. The verdict marked the first time an international court punished sexual violence in a civil war and the first time that rape was found to be an act of genocide. Even this important step toward securing accountability for violence against women came only after a protracted struggle. When Akayesu was first charged in 1996, the twelve counts in his indictment did not include sexual violence—despite the fact that Human Rights Watch and other rights groups had documented widespread rape during the genocide, particularly in the Taba commune. Under pressure from Rwanda and international rights groups, the Office of the Prosecutor amended the charges against Akayesu to include sexual violence in June 1997. During the Akayesu trial, held intermittently from January 9, 1997 to March 23, 1999, Rwandan women testified that they had been subjected to repeated rapes by militia in and around the Taba commune office, including in view of Akayesu.

The Akayesu verdict did not necessarily signal a sea-change in ensuring that the ICTR would continue to investigate crimes of sexual violence effectively. By late 1999 the ICTR had indicted a total of thirty-five defendants charged with war crimes, and only two cases (one of which was Akayesu's) involved sexual violence. This minimal number of indictments for sexual violence highlights weaknesses in the tribunal's policies and practices.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) continued its slow progress toward fulfilling its promise to end impunity for rape in war. Unfortunately, due in part to the international community's failure to arrest perpetrators indicted for gender-based offenses, the ICTY was thwarted in its work. Of the twenty-seven men publicly indicted for sexual violence by the tribunal, only eight were in custody as this report went to press.

The ICTY also faced serious questions concerning its witness protection program in 1999. The ICTY did not provide protection for witnesses when they needed it most, before and particularly after testifying. Women refugees feared reprisals if they were sent back to Bosnia after testifying. To date, they had no guarantee of help from the tribunal in their attempts to secure permanent residency status in a safe country. The situation of witnesses in Bosnia was even more precarious. One high-level official at the tribunal conceded that they could not "ensure that the local police can, in fact, provide the necessary protections." He admitted that intimidation on the ground in Bosnia "exposed our inability to protect people."

Within the UN, the work to integrate women's human rights into the mainstream of the organization and, in particular, the Office of the High Commissioner for Human Rights, continued within the larger context of UN reform. One of the positive steps taken by the secretary-general and UN High Commissioner for Human Rights Mary Robinson was to focus on integrating women's human rights throughout the many human rights bodies and mechanisms. At the April meeting of the Commission on Human Rights held in Geneva, an unprecedented session was held to discuss with delegates and NGOs how to integrate women's human rights throughout the UN and how to facilitate the sharing of skills and information among various treaty bodies and mechanisms which are learning about women's human rights.

Still, the UN's lack of a clear, consistent approach to human rights violations against women was demonstrated by its on-again, off-again commitment to promoting women's basic rights in Afghanistan. In July, in negotiations with the Taliban to allow aid organizations into the country, the UN agreed to allow the Taliban veto power over their programs and employees. Equally upsetting was the UN's May agreement to allow the Taliban to let "women's access to health care be gradual."

Europe

Various European institutions took small steps in 1999 to combat violence, inequality, and trafficking of women. The Organization for the Security and Cooperation in Europe (OSCE) responded to intense pressure from international and European NGOs and named a point person to monitor women's human rights and insure women's participation in OSCE programs. The European Union also took measures to combat the human rights abuses associated with trafficking of women into forced prostitution. Faced with growing numbers of trafficked women from the countries of the former Soviet Union and Eastern Europe, the European Union's Democracy Programme awarded 200,000 ECU (approximately \$169,000) to the Dutch Foundation Against Trafficking (STV) in partnership with La Strada-Poland, La Strada-Ukraine, and La Strada-Czech Republic. These NGOs launched press and lobbying campaigns, prevention-education campaigns, and victim support programs throughout the region. With the assistance of these NGOs, in some cases trafficked women who would have otherwise been deported as illegal aliens received special asylum in Europe. Additionally, European governments committed themselves to a wide range of victim support measures in the "Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation" adopted in April 1997. Although several European human rights NGOs applauded the classification of trafficking as "a flagrant violation of women's human rights," they criticized governments' failure to live up to the principles enunciated in the Hague Declaration.

The European Union and the Council of Europe did take limited steps to influence specific countries and their human rights policies vis-à-vis women. Individual embassies provided small grants to women's anti-violence NGOs in Russia. TACIS, the European Commission's major funding institution, provided a large grant to the Russian Association of Crisis Centers for Women. However, the European states did not cooperate to focus on discrimination or violence against women, both major areas of concern. Instead, an *ad hoc* approach prevailed: there was no comprehensive plan to coordinate the efforts of bilateral aid or programs with the broader stated goals of the E.U.

European efforts in northern Africa also reflected the low priority given to women's human rights. In 1999, the E.U. continued as Algeria's major trading partner. While several European countries expressed alarm about the escalating violence in Algeria, they failed to use their significant influence as trading partners to press for an independent investigation on violence against women. Similarly, although the E.U. allocated a budget of U.S.\$595 million for Morocco for FY 1996-99, and despite their funding of a few gender-focused projects, the European Union failed to use its influence to encourage Morocco to end discrimination against women in law and practice.

World Bank

In 1999 the bank's newfound concern for gender remained stalled at the level of rhetoric, with a few exceptions. Few programs focused on eliminating barriers to women's participation in the economic and social life of their countries. The bank, which has consistently claimed that all women benefit as a direct consequence of bank anti-poverty and development programs, failed to address serious impediments to women's rights, including discrimination and violence against women that limit their ability to participate in and benefit from such programs.

The bank did mandate that "gender action plans" be drafted for each region, but women's rights remained marginal in the bank's operations. Many of the recommendations in the gender plan for Europe and Central Asia (ECA), drafted in January 1997, highlighted the need for additional research—research which at this date of writing, still had not been undertaken. The only gender-focused World Bank project underway in that region during 1999 focused on child care in Romania. A review of the Africa gender action plan showed that only five of forty-eight country-specific "gender action plans" included budgets for their implementation.

The bank implemented a systematic review process for country assistance strategies (CAS), the primary policy documents formulated by bank personnel to guide plans for assistance to countries around the world. But this system often allowed for input by bank experts on women's rights and gender only after the CAS had already been reviewed and approved. The Gender Anchor Team, the unit responsible for monitoring gender mainstreaming, evaluated the CAS documents in time to have a substantive impact only in a fraction of the cases. Staffed by a core of seven bank employees, the gender team had no method for monitoring budgets or outcomes to determine whether the gender policies were ever implemented. For countries in conflict, the bank had no review procedure in place for post-conflict CAS ("watch" documents) or planning documents.

Some regional developments did provide evidence to conclude that the bank was beginning to combine its rhetoric with action. In Morocco, the bank identified difficulty of access to drinking water as one of the major causes for girls' illiteracy: rural girls could not attend school because they were responsible for fetching water for the family. In FY 1997-99, the bank allocated U.S. \$10 million for a rural drinking water project. Of a total U.S.\$560 million program (FY 1996), \$140 million was targeted for "social priorities," including the education of rural girls. This program suggested that bank programs, well conceived, could address the links between economic and individual human rights for women, but it also revealed how far the bank's thinking still has to go. A World Bank official admitted that the issue of women's rights was never raised with the Moroccan authorities, nor was that "part of the bank's priorities."

In March 1999 the bank's chief economist, Joseph Stiglitz, announced that the bank would undertake a policy research report on gender as the basis for an integrated institutional mainstreaming of women's rights issues. A draft of this report was prepared and circulated to nongovernmental organizations.

This bank report follows others on women's rights, including a 1994 background paper on violence against women. Unfortunately, the generation of documents seems to have had little or no impact on actual bank policy.

United States

Some inroads were made in 1999 toward making women's human rights a feature of U.S. foreign policy. At a White House event marking International Women's Day, President and Mrs. Clinton, Secretary of State Madeleine Albright and Attorney General Janet Reno stressed women's human rights as a domestic and foreign policy priority and announced initiatives to counter violence against women and trafficking in women and girls. At the same time, experience showed that such discrete efforts did not reflect any consistent, guiding policy on women's human rights. Rather than making women's human rights "mainstream," as promised by President Clinton and Secretary Albright, the U.S. instead allowed women's rights become the bargaining chip whenever other interests—from trade and investment to national security—came to bear.

Perhaps the most significant sign of attention to women's human rights in U.S. policy in 1999 was the increased visibility and role of the office of the senior coordinator for international women's issues, Theresa Lohr. This office directed attention to women's human rights where none had existed before. For example, in February Secretary Albright raised with Prime Minister Benjamin Netanyahu the problem of trafficking of Russian women into forced prostitution in Israel. Subsequently, a U.S.-Israeli working group formed and police units in Tel Aviv and Haifa opened to offer trafficked women protection and assistance. Similarly, in July U.S. officials pressed Indonesian government representatives to hold accountable the perpetrators of sexual violence during and after the May riots.

Yet on issues central to the promotion of women's human rights—particularly sex discrimination and violence against women—the record was mixed. One of the greatest disappointments came in Rome at the treaty conference to establish an international criminal court (ICC). The U.S. not only did its best to thwart the creation of an independent and effective international criminal court, but also failed to defend the importance of extending justice to women victims of war crimes. As the principle of gender justice came under attack by the small group of Arab League nations working closely with the Holy See, the U.S. remained on the sidelines. Even more disturbing was the U.S. position against a court with an independent and effective prosecutor—a stance starkly at odds with stated U.S. support for ending impunity for crimes of sexual and gender violence. The U.S. opposed the creation of an independent prosecutor with the power to initiate investigations based on information from nongovernmental organizations and other human rights defenders. This despite the experiences of the *ad hoc* tribunals for Rwanda and the former Yugoslavia, which demonstrated the need for an independent prosecutor who would have the power to insist, in the face of widespread resistance, on investigating crimes of violence against women in

armed conflict.

The lack of a consistent policy on combatting violence against women meant that the issue dropped out of foreign policy unless direct pressure was applied. For example, despite disturbing reports of kidnapping and sexual assault of women by armed extremists in Algeria, the U.S. raised neither the violence against women nor the government's failure to respond to the plight of victims in its dealings with Algerian officials.

Members of Congress did raise their voices to condemn violence against women in its different forms. Through hearings and legislation, they condemned the rape of ethnic Chinese women in Indonesia and called for a complete investigation of the crimes; called on the administration to strengthen the U.S. response to trafficking in women and girls in the U.S. and internationally; and pledged to spotlight and respond to violence and discrimination that targets women and men because of their sexual orientation. In addition, Congress mandated that the U.S. government allocate \$1.5 million for law enforcement training programs on violence against women in Russia in FY 1999.

When it came to fighting sex discrimination, the U.S. vociferously denounced the extreme system of discrimination being forced upon women in Afghanistan by the Taliban but was slow to press for an end to discrimination in other countries where it remained a significant problem. The U.S., for example, was unwilling to take on the issue of sex discrimination perpetrated by U.S. companies operating abroad and condoned by a major trading partner, Mexico. Only after U.S. and Mexican nongovernmental organizations petitioned the U.S. National Administrative Office (U.S. NAO), the office charged with hearing complaints against Mexico and Canada under the North American Free Trade Agreement, did the U.S. government turn its attention to the widespread pregnancy-based sex discrimination practiced in Mexico's export processing sector. After the U.S. NAO found in early 1999 that Human Rights Watch's allegations of sex discrimination were accurate, as a next step in the U.S. NAO process, the U.S. scheduled Secretary of Labor Alexis Herman to meet with her Mexican counterpart to seek clarity on Mexico's obligation and record to enforce labor protections for women. In late October, the U.S. government reached an agreement with Mexico on the terms of the consultations on sex discrimination. Significantly, the agreement failed to make pregnancy-based discrimination in the hiring process an explicit issue for negotiation, despite the fact that this practice remains widespread and that the U.S. NAO findings in January 1999 identifies it as a key concern. Instead, the agreement creates for Mexico, through seminars, conferences, and other public meetings, yet another opportunity to avoid responsibility.

Even on Afghanistan, the U.S. position produced inconsistent results. Senior U.S. officials averred that the U.S. would not recognize any government in Afghanistan until women's fundamental human rights were respected. Yet when the United Nations entered a memorandum of understanding with the Taliban in May 1999 that traded the U.N.'s ability to work in the country for women and girls' access to education and health care, the U.S. was silent.

The U.S. also demonstrated its lack of a consistent and clear policy against sex discrimination by neglecting the fact that in other countries women were, for example, rendered minors under the law throughout their lives or denied access to property shared with their husbands. In Algeria, where women's battle to reform the discriminatory family code continued despite the escalating conflict, the U.S. acknowledged the reform efforts but did not press for reform nor offer direct support to women fighting for equality. Similarly, in Morocco, the U.S. virtually ignored women's rights in its dealings with the government, considered an important bulwark against extremism and a supporter of U.S. policies in the Middle East. The U.S. did support small-scale programs aimed at improving women's literacy, health services, and economic participation, but none of these addressed women's fundamental inequality under the law.

Another key measure of the U.S. commitment to women's human rights, its performance within its own borders, was a disappointment in 1999. The U.S. acknowledged the problem of violence against female prisoners by inviting U. N. Special Rapporteur on Violence Against Women Radhika Coomaraswamy to investigate human rights abuses against women in custody. The State Department worked with the U.N. and various state governments to ensure that she would have access to facilities and a chance to speak with women in custody. Still, in California's Valley State Facility for women, where there were allegations of pervasive sexual harassment and complaints of sexual assaults of women placed in special housing units, the special rapporteur was not allowed to speak with women in the unit. In Michigan, the governor withdrew permission for the special rapporteur to tour the prisons and speak with women on the eve of her scheduled visit. This was particularly disturbing in light of continued reports of sexual abuse and retaliation against women in the facilities by guards.

At the same time, despite substantive progress in Congress toward introducing federal legislation to fight sexual abuse of women in prison, the Department of Justice resisted the creation of an effective mechanism to track women's complaints of abuse and to initiate investigations under the Civil Rights of Institutionalized Persons Act. For women in federal prisons, there was some good news: the Federal Bureau of Prisons agreed to stop housing female prisoners in men's facilities and to set up an effective grievance procedure that would allow women to report cases of sexual abuse and assault without risking retaliation by the named guards.

Both Congress and the administration allowed the U.S. to enter 1999 without ratifying a key women's human rights treaty, the Convention on the Elimination of All Forms of Discrimination Against Women. The president and the secretary of state had called upon the Senate to act on the treaty, a call long ignored by the chair of the Senate Foreign Relations Committee, Sen. Jesse Helms, yet the administration took no discernible steps to move the political process forward.

Relevant Human Rights Watch reports:

Russia: Too Little, Too Late: State Response to Violence Against Women, 12/97

Indonesia — The Damaging Debate on Rapes of Ethnic Chinese Women, 9/98

Nowhere to Hide: Retaliation Against Women in Michigan State Prisons, 09/98