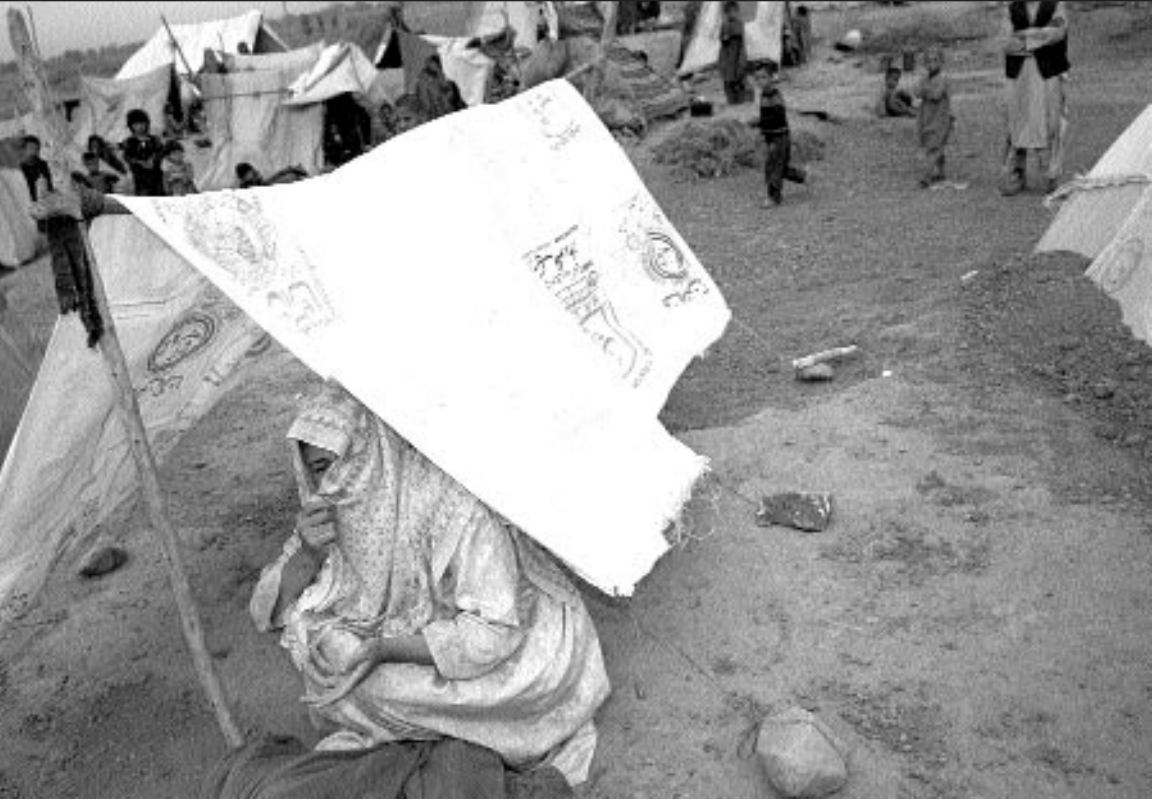


**HUMAN RIGHTS WATCH WORLD REPORT 2002**

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**WOMEN'S  
HUMAN RIGHTS**



*An Afghan widow living in a refugee camp in Pakistan in April 2001.*

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## WOMEN'S HUMAN RIGHTS

One of the greatest challenges of governments in 2001 was to make respect for women's rights a more permanent and central part of the international human rights agenda. Women's rights activists made notable progress on several fronts—leading governments to condemn sexual violence against women in armed conflict, holding governments accountable for failing to protect women from domestic violence, and forcing governments to acknowledge and treat trafficking as a human rights crisis. However, governments' reluctance to promote respect for women's rights systematically and thoroughly undercut these gains every day. Many governments' commitment to women's human rights remained at best tenuous and at worst nonexistent. The international women's rights community moved forward, pressing to protect women's bodily integrity and right to sexual autonomy, to examine the ways that race or ethnicity and gender intersect to deny women human rights, and to protect women from gender-specific violations of the laws of war.

The September 11 attacks on the U.S. triggered an international debate about the motivation of the attackers and a just response. The subsequent U.S.-led military action against the Taliban in Afghanistan focused international attention on the plight of Afghans generally, and in particular on Afghan women. Governments in the U.S.-led coalition and those outside it argued that the Taliban's behavior toward women—including banning women from most types of work, forcing women to wear a head-to-toe enveloping garment, and banning women from education beyond primary school—was unparalleled in severity and constituted a systematic attack on women's human rights and dignity. Yet, while the international community recoiled at these abuses, the women's human rights record of other governments with similar practices, such as Saudi Arabia, received minimal criticism.

Critics of the Taliban virtually ignored Saudi Arabia, where women faced systematic discrimination in all aspects of their lives: they were denied equality of opportunity in access to work, forced to comply with a restrictive dress code, and segregated in public life. Religious police punished infractions of the dress code with public beatings. Kuwait's record on women's rights was also dismal: the Kuwaiti government denied women the right to vote, segregated them, and required them to veil in public.

The international community's lack of complaint about the women's human rights records in these countries underscored a reality that women's rights activists grappled with everywhere: women's rights must still be negotiated, and violations of women's rights often generate only fleeting interest. Many governments, through

overt discrimination, attacked women's rights in ways that essentially stripped women of their legal personhood. For example, the governments of Nigeria, Kenya, Zambia, and other African states denied women equal inheritance and property rights. The Thai government denied women who married non-nationals the right to buy and own property in their own names. Egypt discriminated against women who married non-nationals by refusing to allow them to transfer their nationality to their children. Syria conditioned a woman's choice in marriage on the consent of a male family member. Although having no such restriction for men, Venezuela prevented women from marrying until ten months after a divorce or annulment.

Governments that condemned some types of violence and discrimination against women often failed to prosecute others. Thus, Jordan and Pakistan condemned domestic violence but still offered reduced sentences to males who committed "honor" crimes against female family members. South Africa condemned sexual violence broadly, but failed to take adequate steps to protect girls in school from widespread sexual violence at the hands of teachers and students. Guatemala passed sophisticated domestic violence legislation but was content to let stand discriminatory labor law provisions that denied tens of thousands of female domestic workers equality under the labor code. Nigeria deplored the treatment of trafficked Nigerians abroad, but did little at home to stop domestic trafficking of Nigerians.

The international women's human rights movement functioned as the antidote to government complacency and lack of commitment. In every arena, women's rights activists challenged governments' cursory commitment to women's human rights. Toward the end of 2000, in part as a result of an ongoing campaign by women's rights and peace activists to highlight the particular insecurity of women in times of armed conflict, both the U.N. Security Council and the European Parliament adopted resolutions on women and peace-building, that explicitly called on governments to ensure that women participate both in peace negotiations and post-conflict reconstruction planning. Women's rights activists in Peru caused the government to modify its domestic violence law in January 2001 so that conciliation sessions between abusers and victims were no longer mandatory. At the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), women's rights activists successfully worked to have the final document reflect how sex and race intersected to render women vulnerable to sexual violence in armed conflict and to trafficking, and reinforced women's right to transfer their nationality, on an equal basis with men, to their children. In mid-October 2001, activists rallied to press the Ethiopian government to lift a ban on the only women's rights organization advocating for women's rights in Ethiopia.

As governments responded to the September 11 attacks in the U.S., there was danger that a pattern of political expediency in governments' concern for women's rights would continue.

The following section describes key developments in women's human rights spanning a dozen countries in 2001. Our monitoring showed that violence and discrimination remained pervasive components of many women's lives. Governments both actively violated women's human rights and failed to prevent abuses by private actors.

## HUMAN RIGHTS DEVELOPMENTS

As states and nongovernmental organizations (NGOs) throughout the world prepared for the WCAR, women's human rights activists explored the intersection between race, ethnicity, or religion and gender and the impact of this intersection on women's ability to enjoy human rights and fundamental freedoms. As some of the cases below illustrate, women often experienced violations of their rights based on their race or nationality as well as on their sex, gender, or sexual orientation. Women experienced racism and sexism not as separate events but as violations that were mutually reinforcing. For example, soldiers and noncombatants subjected women to sexual violence in armed conflict not just because they were women but also because they were women of a particular race, nationality, ethnicity, or religion. Indeed, armed factions often portrayed acts of sexual violence against women in conflict zones as attacks on the entire community, a community typically identified by a shared race, religion or ethnicity. Likewise, women were vulnerable to trafficking into forced labor, not just because they were poor and uneducated, but also because in many countries their poverty and illiteracy was a function of discrimination against women of a particular race, ethnicity, or religion. But the impact of this convergence of racism and sexism did not end with women experiencing trafficking-related human rights violations; it also affected how government officials, such as police and prosecutors, in both sending and receiving countries perceived them. Governments treated trafficked women as illegal immigrants at best, criminals at worst. As a result, governments denied many trafficked women any meaningful access to justice or financial redress.

Women experienced widespread violations of labor rights because of their race and gender. In some cases, states created such varied categories of workers that some women were unable to prove discrimination compared to women of different races. They were also unable to prove discrimination compared to men of the same race. For example, in the U.S. manufacturing sector, white women may be employed in the front offices as secretaries and receptionists while black men may be employed in the factory, making it impossible for black women to prove discrimination because the employer hires women and hires blacks. But states did not just violate women's rights in the public sphere; they also persisted in enforcing laws and condoning practices that discriminated against women in the private sphere. Governments defended these discriminatory laws and practices as essential to maintaining the integrity of religion and culture. Numerous governments, as in Morocco and Peru, continued to uphold laws that gave women inferior legal status within the family and that violated women's rights to change or retain their nationality. Some countries, such as Syria and Malaysia, violated women's right to enter into marriage with their free and full consent as well as their right to dissolve a marriage on an equal basis with men. The motivation behind these discriminatory laws appeared to be to keep women from marrying men of a different nationality, ethnicity, or religion.

## WOMEN'S STATUS IN THE FAMILY

Laws and practices governing women's personal status—their legal capacity and role in the family—continued to deny women rights. While the type of discrimination varied from region to region, women throughout the world found that their relationship to a male relative or husband determined their rights.

Sub-Saharan African countries continued to use statutory and customary law to discriminate against women with regard to property ownership and inheritance. The explosive increase in numbers of young widows with children as a result of the Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) pandemic and wars in the region starkly exposed the critical link between denial of women's rights and extreme poverty. Zambia provided an example of a country devastated by HIV/AIDS and extreme poverty where the majority of women continued to live under customary law that denied them the right to inherit property from deceased male relatives. Although Zambia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the mid-1980s, and its constitution outlawed sex discrimination, the constitution itself gave primacy to customary law in matters of inheritance. War widows in Sierra Leone faced similar prohibitions in customary law. In Nigeria, Ghana, Kenya, Uganda, and Zimbabwe, statutory law reforms over the past twenty years gave women equal rights to inheritance but judges in these countries continued to apply customary law.

Personal status laws in Syria and Morocco, among other countries, continued to curtail women's rights entering into marriage, during marriage, and at the dissolution of marriage. In Syria, the minimum age for marriage was eighteen for boys and seventeen for girls. If a woman over the age of seventeen married without the consent of a male guardian, the guardian could demand the annulment of the marriage if the husband was not of the same social standing as the wife, and as long as the wife was not pregnant. Further, a Muslim Syrian woman could not marry a non-Muslim, while a Muslim man had absolute freedom to choose a spouse. Syrian law also assigned different rights and responsibilities for women and men during marriage. A wife's "disobedience" could lead to forfeiture of her husband's responsibility to provide support. A man could legally have up to four wives simultaneously, while a woman could have only one husband. Women did not have the same rights as men to end marriage: while the personal status law provided for the unilateral and unconditional right of a husband to effect divorce by repudiation (the repetition, before the wife and a witness, of "I divorce you" three times), a woman seeking divorce was required to go to court and prove that her husband had neglected his marital duties.

Women's rights activists in Morocco continued their long standing campaign to eliminate discriminatory provisions in the personal status code under which Moroccan women continued to be discriminated against with respect to legal standing, marriage, divorce, child custody, and inheritance. It appeared that, as was the case with the reform of the personal status code in 1993, the king would be the final arbiter on women's rights. On March 5, 2001, the King Mohammed VI formed

a royal commission comprising religious scholars, judges, sociologists, and doctors to consider amending the code. In a speech on April 27, 2001, he reiterated his commitment to improving the status of Moroccan women and eliminating discrimination against them according to the Islamic *sharia* and the values of justice and equality. An advisory committee appointed by Prime Minister El-Yousoufi had failed to act on the issue during 2000.

Women's rights activists welcomed a long-overdue development in Brazil: in August 2001, the Brazilian Congress adopted a law that, after twenty-six years of protest and debate, removed the most discriminatory provisions of the 1916 civil code. Most significant, the new code gave both women and men equal authority in the family, abolishing paternal power, the legal concept that men had total control over decision-making in the family. Elsewhere in Latin America, however, laws governing women's roles in the family reflected entrenched beliefs within society that women are subordinate to men. The Chilean civil code continued to grant husbands control over household decisions and their wives' property. In countries such as Argentina, Mexico, and Colombia, the civil codes established lower marriage ages for girls (sixteen, fourteen, and twelve, respectively) than for boys, while women in Venezuela could not remarry until ten months after divorce or annulment, unless they proved they were not pregnant.

A serious consequence of limitations on women's equality in their private lives, such as whom to marry, was loss of citizenship for themselves and/or their children. Nationality laws in such disparate countries as Egypt, Sri Lanka, and Bangladesh denied women the right to transfer citizenship to their children. These laws, designed in part to curtail immigration and thus maintain the purity, loyalty, and cohesion of the nation, demonstrated the way in which discrimination on the bases of national origin and gender intersected to further entrench women's subordinate status in the family and in society. Despite years of protest and lawsuits by women's human rights groups, in May 2001 the State Consultative Council of Egypt dismissed the recent parliamentary plea to amend the 1975 Nationality Law. Under this law, which contradicted the constitution, an Egyptian man could automatically transfer his nationality to his children while an Egyptian woman could do so only under limited circumstances: when the child was born in Egypt to a stateless father or to a father of unknown nationality, or when the child's relationship to his or her father could not be legally established. The Egyptian Center for Women's Rights estimated that thousands of women married to foreigners and as many as one million children continued to suffer discrimination under this law.

## **LABOR RIGHTS**

Governments continued to fail to protect women's labor rights through enacting and enforcing laws outlawing discrimination. In many countries, women faced severe discrimination in employment practices and violence in the workplace, including sexual harassment, with little or no protection. Afghanistan, Guatemala, and South Africa, among many countries, provided examples involving work and working conditions for women in factories, homes, and on farms.

In Taliban-controlled Afghanistan, women were not permitted to work outside the home, unless they were healthcare professionals, or widows. The latter, estimated to number 40,000 in Kabul alone, were mostly unable to obtain paid employment and were reduced to begging to support their families and faced constant harassment and violence at the hands of the religious police.

In Guatemala, where domestic workers number tens of thousands and domestic labor is one of the principal forms of employment for poor, especially indigenous women, the adoption of specific legislation to protect domestic workers remained a low priority for the government. Under threat of losing its beneficiary status under the U.S. Generalized System of Preferences (GSP) trade act, Guatemala reformed its labor code with respect to freedom of association during 2001, to bring it more in line with International Labor Organization conventions. However, the government missed an opportunity to remedy the unequal treatment of domestic workers who, under the current labor code, suffered discrimination as a group: the code denied domestic workers the right to the eight-hour workday and the minimum wage, limited their right to national holidays and rest, and based access to healthcare on employer largesse. The author of the Guatemalan labor code candidly acknowledged to Human Rights Watch that gender stereotypes and perceptions about the role of domestic workers in the family, as well as racist attitudes toward indigenous women, influenced the low priority attached to their rights when drafting Guatemala's labor legislation. In its export-processing sector (maquiladoras, assembly plants for export goods), Guatemala also systematically denied women workers the enjoyment of full labor rights, continuing to discriminate against women on the grounds of reproductive status. Some factories required job seekers to state whether they were pregnant, and denied full benefits to employees who became pregnant post-hire. Though aware of the problem, the government took no significant action to combating such sex discrimination in the maquiladora sector.

In the United States, live-in domestic workers remained explicitly excluded from protection under the National Labor Relations Act, the Occupational Safety and Health Act, and the overtime provisions of the Fair Labor Standards Act. The exclusion of domestic workers from basic U.S. labor rights and protections was based on gender stereotypes and perceptions about the role of domestic workers in the family, and had a disproportionate impact on women, thus constituting disparate impact sex discrimination.

Around the world, women perform farm work. In post-apartheid South Africa, the government made efforts to overcome the legacy of apartheid in commercial farming areas: new laws provided full labor rights for farmworkers, including women. Yet, in practice, racist and sexist attitudes remained pervasive on farms: women farmworkers were the lowest paid, had the fewest benefits, were often forced to become squatters, and were targets of harassment and violence by farmers and farmworkers alike. In 2001, Human Rights Watch found that the situation of women on South African farms was precarious: personal relationships were divided on racial and patriarchal lines, with women subjected to discrimination, violence, and abuse. Women farmworkers were more likely to be seasonal or temporary workers than men, and usually did more menial, less remunerative work,



such as planting or harvesting. Employers viewed women's labor as a supplement to men's labor even in situations in which women did the same types of jobs and worked as long hours as men. Women's dependence on men for access to housing rendered them vulnerable to abuse within the workplace and home, and employers denied many women farmworkers statutory maternity benefits.

## **TRAFFICKING**

Corrupt officials, complicit state authorities, xenophobia, and a profound lack of political will coalesced to guarantee impunity for traffickers and to exacerbate the suffering of their victims worldwide. Traffickers moved their human victims around the globe, held them in debt bondage, seized their passports, and threatened them or their families with harm if they resisted. Ever-tightening border controls and the lack of legal opportunities to migrate often forced women to turn to traffickers, increasing their vulnerability to abuse. Sold as chattel and forced to work for little or no pay, trafficked persons feared local law enforcement authorities, perceiving, in many cases correctly, that an appeal to police would end in prosecution and deportation, rather than protection. Trafficking victims from ethnic minority communities faced an even more daunting situation, including at its worst xenophobic violence, racism, and, in the case of trafficked hilltribe women and girls in Thailand, statelessness. States continued to fail to combat trafficking. The token prosecutions of traffickers merely proved the rule.

One positive development brightened the picture slightly in 2001. The opening for signature of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, marked a small step forward in the battle against trafficking. By late November, one hundred countries had signed the protocol, committing their governments to punish traffickers and protect the human rights of trafficking victims, but only three had ratified it (forty ratifications are needed for it to come into force).

Lackluster anti-trafficking efforts in Nigeria, Bosnia and Herzegovina, Colombia, Japan, and Israel illustrated the disheartening trends, however. Even countries that ratified the protocol, such as Nigeria, failed to adhere to those commitments. Women's organizations protested that Nigeria fell far short in the effective investigation and prosecution of individuals engaged in trafficking of women and children. The 2001 U.S. State Department report on trafficking in persons cited widespread corruption among law enforcement officials as a major stumbling block to combating trafficking in Nigeria. Trafficking victims alleged that some Nigerian immigration officials colluded with traffickers, assisting them in forging documents and bringing persons across borders, and accused others of actively engaging in trafficking. Nigerian citizens, mostly women and children, facing stark conditions and oppressive poverty, chose to migrate but found themselves preyed upon by traffickers who transported them to Lagos and other cities and forced them into domestic servitude or prostitution. Traffickers seized all wages to pay off the trafficking victims' debt. In addition to trafficking within Nigeria, traffickers

also sent Nigerian citizens to other West African countries to work on farm plantations or as domestic workers.

Other signatories to the protocol showed little progress in combating trafficking in women. Bosnia and Herzegovina failed signally to confront endemic corruption and state complicity in trafficking. Traffickers and employers held women trafficked from Ukraine, Moldova, and Romania in debt bondage in brothels throughout Bosnia and Herzegovina. Trafficked women reported to the United Nations (U.N.) that their employers sometimes forced them to provide free sexual services to local police officers. In a handful of cases, Bosnian police actively participated in trafficking, either as part owners or employees of the clubs, or by procuring false documents for traffickers. Trafficking victims, terrified of retaliation by traffickers, feared reporting the abuse to law enforcement authorities. Eager to fan that fear, employers routinely claimed that they counted police officers among their friends.

The U.N. also stood accused of complicity in trafficking when allegations emerged that International Police Task Force (IPTF) officers—United Nations police charged with monitoring local Bosnian police—had gone to brothels as clients and, in a small number of cases, purchased women for personal use. In December 2000, the U.N. repatriated an American IPTF officer after learning that he had purchased a Moldovan woman from a Sarajevo brothel for 6,000 Deutschmarks (U.S. \$2,777). In June 2001, Jacques Klein, special representative of the U.N. secretary-general for the United Nations mission in Bosnia and Herzegovina, defended the anti-trafficking measures implemented by the mission, declaring that the U.N. mission had a zero-tolerance policy for sexual or other serious misconduct.

The justice system within Bosnia and Herzegovina rarely delivered convictions of traffickers in the cases brought to court. U.N. officials and NGO leaders blamed inadequate laws and a lack of political will on the part of the Bosnian government for the failure to gain convictions of traffickers. Most often, trafficking victims, not traffickers, faced prosecution, detention, and fines for illegal entry into the state, document fraud, and failure to procure a work permit—all administrative violations that directly arose from their status as trafficking victims. In March 1999, the U.N. stepped in to facilitate voluntary repatriation of trafficking victims through an International Organization for Migration (IOM) program, but some trafficked women fell through the cracks of the screening process, serving thirty-day sentences in Bosnian prisons before facing deportation. By October 2001, the IOM had completed over three hundred voluntary repatriations of victims ranging in age from thirteen to thirty-six years old.

Government authorities in Colombia, another signatory to the protocol, estimated that between two and ten women were trafficked from Colombia each day, the vast majority of them to Europe. In July 2001, new anti-trafficking legislation went into effect; however, the legislation only treated trafficking victims as those who had been trafficked outside of Colombia for forced prostitution, failing to protect persons trafficked into other forms of forced labor. In addition, NGOs lamented that the law established prison sentences of just four to six years for traffickers. In mid-2001, the Colombian Congress began debating an anti-trafficking bill that would enhance the definition of trafficking, the range of victims protected,

and the severity of the penalties for the crime. Experts warned that passage of the bill could take up to a year and a half. Colombia also failed to implement a witness protection system to ensure the safety of victims who agreed to cooperate in the prosecution of traffickers.

In Japan, women trafficked into the sex industry accounted for a significant proportion of the estimated 260,000 undocumented migrants. Yet, the government, a non-signatory to the protocol, took no concrete steps to prevent trafficking and continued to treat trafficked women as illegal immigrants, detaining them and failing to provide them human rights protections. The minority of trafficked women who managed to escape from their employers with the help of NGOs or their embassies found themselves placed in detention and then deported as illegal aliens, unable to seek redress or sue for compensation.

Thailand continued to be a major country of origin for women trafficked into the Japan's so-called snack bars. Discrimination against minority groups in Thailand heightened some women's vulnerability to trafficking. Hilltribe women, denied citizenship and rights by the Thai government, suffered from extremely limited educational and employment opportunities. Since births among the hilltribe communities were often not registered, and because hilltribe people did not possess official Thai citizenship, hilltribe people were left effectively stateless. The Thai government frequently refused to allow hilltribe women trafficked to Japan to return to Thailand, denying that they qualified as Thai citizens.

Israel, meanwhile, failed to provide even minimal human rights protections for persons trafficked into its territory for domestic servitude, agricultural labor, forced prostitution, and construction work despite the passage of an anti-trafficking law in 2000. Trafficking victims feared cooperating with law enforcement officials and had no incentive to do so, absent witness protection, shelter, and relief from deportation, or legal assistance. State complicity and corruption also played a role in trafficking into Israel. In March 2001, the Hotline for Migrant Workers, an Israeli NGO working with trafficking victims, reported to the United Nations Human Rights Commission that six trafficking cases involved policemen: in one case a policeman stood accused of managing a brothel; in four cases police officers tipped brothel owners off on upcoming raids; and in another case a policeman faced charges of selling a trafficked woman to another brothel owner after arresting her. Israeli authorities continued to treat trafficked women as criminals rather than victims, and failed to prosecute those responsible for trafficking. The U.S. State Department report on trafficking in persons ranked Israel in the lowest tier of countries for failing to combat trafficking.

## **WOMEN IN CONFLICT AND REFUGEES**

Women continued to face abuses associated with armed conflict and civil unrest. Rape and sexual assault, in particular, were employed to achieve specific military or political objectives. When women sought refuge in other countries, they continued to experience sexual and other forms of physical violence in and around refugee camps. While acts of sexual violence in the context of armed conflict were

recognized internationally as a war crime and a crime against humanity, perpetrators were rarely brought to justice. Moreover, in armed conflicts, women suffered from a broad array of abuses not limited to violence by combatants.

In the former Yugoslavia, Indonesia, the Democratic Republic of Congo, Guinea, and Tanzania among other states, women continuously suffered conflict-related abuse or its sequelae, and waited in vain for justice.

As of November 2001, the International Criminal Tribunal for the former Yugoslavia (ICTY) had failed to bring even a single indictment on rape as a war crime in Kosovo. Women's access to justice also suffered with regard to post-conflict violence, which continued unabated. In October 2000, the Organization for Security and Cooperation in Europe (OSCE) released a scathing report detailing how women victims of sexual violence in Kosovo confronted discrimination, intimidation, and bias in the criminal justice system. A follow-up report issued by the OSCE in early 2001 indicated that the Kosovo judicial system had failed to remedy those ongoing problems and continued to handle sexual assault cases "superficially . . . illustrating disregard for the serious nature of such cases for both the alleged victim and the defendant." The OSCE reported that the majority of rape and sexual assault cases involved juvenile victims.

In Indonesia, despite substantial evidence of the frequent occurrence of sexual violence in the conflict in Aceh between Indonesian security forces and the armed insurgent Free Aceh Movement (GAM), very few cases were reported to the authorities—and one particularly notorious case showed why. The case involved five women from South Aceh district who reported being sexually abused by members of the Indonesian paramilitary police, Brimob, in February 2001. Human rights NGOs brought the women to Banda Aceh, the provincial capital, where the case and their identities were widely publicized. Taken into police custody for questioning, the women publicly recanted their stories, instead saying it was members of the armed insurgency, GAM, who had abducted them and forced them to say that Brimob had assaulted them. The lack of protection for victims of sexual violence and NGOs' inexperience in handling such a case in a highly politicized context made the women into pawns of the police. The end result was that the relevant human rights violations remained uninvestigated and unpunished.

In an ongoing conflict largely ignored by the international community, the Congolese Rally for Democracy (RCD) and its Rwandan allies, along with Hutu rebels and Mai Mai forces, continued to abduct women and commit sexual violence against them in eastern Congo. In 2001, Human Rights Watch and other organizations found that these groups had raped thousands of women and girls of all ethnic groups. In many cases, Mai Mai and Rwandan Hutu rebels raped women, often in front of their husbands, families, or community as a public humiliation and demonstration of power, when families fled an area under control by a certain group, and moved into what was perceived as the "enemy's" territory. Mai Mai and Rwandan Hutu rebels took women and girls hostage and kept them as "wives" for several weeks or months, releasing them after capturing other women. The health consequences of such sexual violence were enormous. Many women died as a result of the rapes, and unknown numbers contracted HIV/AIDS, all aggravated by the lack of accessible medical and counseling services.

Even after fleeing conflict in search of sanctuary from violence, women refugees frequently found that there was no meaningful refuge—they simply escaped violence in conflict to be confronted by different types of violence in refugee camps or en route to refugee camps. Guinean security personnel and civilians, during the relocation of some 60,000 Liberian and Sierra Leonean refugees from the border to the interior of the country, regularly harassed refugees. Checkpoints along the roads were particularly dangerous places, where Guinean security forces often subjected refugees to arbitrary strip searches, beatings, sexual assault, and extortion—while allegedly screening refugees for the presence of rebel marks.

Refugee camps in Tanzania continued to showcase some of the dangers facing women in flight, especially refugees from Burundi. Local Tanzanians and other refugees physically and sexually assaulted women refugees with impunity, both inside and outside refugee camps. The United Nations High Commissioner for Refugees (UNHCR) and aid agencies working with the camps sought to raise awareness among refugees about sexual and gender-based violence, and provided counseling to victims, but UNHCR reported a continuing high evidence of domestic violence, recording some 1,739 cases in Tanzania's Burundian refugee camps between April and December 2000. UNHCR said some Tanzanian authorities were prosecuting some rape cases. Generally, however, the Tanzanian justice system failed to provide an effective remedy for victims of sexual and domestic violence in the camps, such cases often being seen by the authorities as "private" domestic matters beyond the scope of state intervention.

## **VIOLENCE AGAINST WOMEN**

Violence and the threat of violence were ever-present in women's public and private lives. In situations of political upheaval, state custody, domestic contexts, and other situations involving private actors and NGOs, women's physical and sexual integrity was at risk in all regions. Zimbabwe, the United States, Uzbekistan, Turkey, and Jordan provided stark examples.

Since it came to power in 1980, the Zimbabwe government had promised to enact land reform measures to redistribute to black Zimbabweans lands taken under white ownership during colonial rule, though without making significant progress before the end of 2000. In 2001, however, groups of ruling party supporters and reputed veterans of the war against colonial rule seized control of many white-owned farms by force in what the government described as a "spontaneous and popular uprising." Many black farmworkers, as well as white farmworkers and their families, were assaulted in the process. Some were killed. Many women on farms and in rural areas were raped or sexually assaulted with impunity. Victims reported to Human Rights Watch that they could obtain no redress from the police who declined to intervene in rape cases they saw occurring within a political context.

In the U.S., the California State Legislature held hearings in January 2001 to address reports of continuing mental, physical, and sexual abuse, as well as medical neglect in the state's women's prisons. The hearings were prompted by the deaths

of nine women at the Central California Women's Facility within a two-month period at the end of 2000. Initially, the California Department of Corrections attributed some of the deaths to prisoners taking tainted drugs, but autopsies discounted that. The state authorities said they would investigate the deaths, but the findings were not available at this writing.

Legislators also expressed concern over reports that some women inmates who requested medical attention prior to their deaths did not receive immediate attention. In one case, the cellmates of a deceased prisoner alleged that corrections officers had mocked the dying woman's pleas for assistance shortly before she died. There was particular concern that medical technical assistants (MTAs), prison guards with minimal medical training, were responsible for determining whether women inmates should see medical staff. After the State Legislature hearings, a new bill was introduced to remove MTAs from decision-making on women inmate's health care access to clinicians; it was still under consideration in November.

In Uzbekistan, instead of protecting women from domestic violence, the state enforced a policy of "reconciliation" aimed at limiting the number of divorces. Local officials and community leaders coerced women into remaining with abusive partners, often thwarting their efforts to escape the violence by leaving their marriages. In some cases, local authorities refused to provide documents to women attempting to file for divorce. More frequently, officials and medical doctors sought to convince the women to return to violent spouses in order to "save the family," and be "better wives." Local law enforcement only rarely completed police reports of women's complaints or investigated cases of domestic violence, more often placing families on a list for periodic police visits that did little to protect women from ongoing abuse. Under article 103 of the Criminal Code for "driving a person to suicide," authorities pursued charges against perpetrators of violence against women only if the woman committed suicide. NGOs in Uzbekistan attempted to provide hotlines and services to victims of domestic violence, but their resources were limited, and their services rarely reached beyond urban areas.

In Turkey, in both urban and rural areas, family members murder an estimated two hundred girls and women in the name of honor each year. In 2001, judges trying "honor" killing cases often reduced the penalties for perpetrators, holding that the victim had "provoked" the murder by transgressing codes of conduct imposed on women by society. Older relatives sometimes arranged for underage boys in the family to commit "honor" murders because penalties for minors were lower, in some cases as little as two years in prison. Domestic violence was also pervasive in Turkey; women's human rights activists condemned the authorities' lack of response to domestic violence and called for increased government funding to establish shelters and provide legal services. The government, however, appeared intent to reinstate virginity tests for women students wishing to become nurses and medical technicians. In July, Minister of Health Osman Durmus issued a directive to circumvent a 1999 ban on virginity tests and permit girls to be examined with parental permission and a judge's order if the nursing school suspected them of "immoral behavior." Local women's rights groups condemned the directive, saying schools would use it to expel girls that they wanted to dismiss for other reasons. Amid the outcry provoked by the decree, Durmus denied that he had authorized the reinstatement of the exams but the directive was not rescinded.

In Jordan, despite an extensive grassroots public awareness and signature campaign since 1999 run by the Jordanian National Committee to Eliminate the So-called Crimes of Honor, the government failed to repeal the law that allowed for a reduced sentence for the perpetrators of "honor crimes." In 2001, at least nineteen women were reported killed in the name of honor by November, and the government had still to make good on its promise to open a shelter for women whose families threatened their lives on grounds of "honor," and continued to hold threatened women in corrections facilities.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

The war in Afghanistan mobilized international attention to women's human rights in that country, with the U.S. government and its allies giving women's rights a prominent place in the propaganda war against the Taliban. In 2001, however, there seemed to be a disconnect between the U.S. and the international community's rhetorical commitment to equality and a willingness to adopt and implement policies that fully integrated attention to women's human rights. In 2001, U.N.-sponsored meetings addressed critical issues such as the gender dimensions of racism, gender-based persecution as grounds for asylum, and an international protocol on the collection of forensic evidence in cases of sexual violence. At the same time, the U.S. and the European Union took steps on trafficking, international treaty ratification, funding for women's health, and trade that marginalized or ignored women's human rights. Women's rights activists found that many of these steps were tentative and inconsistent, and hoped that the international community's concern for women's rights in Afghanistan would be long-lasting and would result in stepped-up efforts to recognize women's human rights violations and curtail them also in other parts of the world.

### **United Nations**

The WCAR, held in Durban, South Africa, from August 31 through September 8, 2001, survived a lengthy preparatory process that was dominated by strong disagreements with governments over issues such as reparations for slavery, the Israel/Palestine question, caste and racism, and the inclusion of gender-related issues.

As part of the WCAR preparatory process, the U.N. Division for the Advancement of Women (DAW) convened a meeting in November 2000, in Zagreb, Croatia, at which women's rights experts analyzed the intersectionality of gender and race. However, the document produced at this meeting, because it was not the result of an official regional preparatory meeting, was then left out of the compilation documents the conference secretariat prepared.

Successfully, women's rights groups advocated for the inclusion of clear references in the WCAR's official declaration and plan of action to the impact of racism and related intolerance on women belonging to racial and other minority communities and to the need for governments to address gender-specific concerns such as protecting women from sexual violence in ethnic-based armed conflicts.

Women's rights activists also successfully lobbied for the inclusion of a call to governments to allow women to confer nationality on their children and spouses, on the same basis as men.

The actual value of the WCAR, and the extent to which governments will honor the commitments they made there, remained to be seen. The U.N. had an important follow-up role to play and it was hoped that the of Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) would develop a basis for governments to report regularly on their efforts to address the confluence of racism and sexism.

The role of the CEDAW Committee expanded in 2001, as the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women came into force on December 22, 2000, enabling the committee to receive and consider complaints from individuals or groups within its jurisdiction. As of November 2001, the committee had yet to explore any complaints initiated under the protocol.

Despite the WCAR's explicit acknowledgement that women are targeted for sexual violence in armed conflicts on the basis of their ethnic or related identities, the ad hoc international criminal tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) continued to compile a mixed record on investigations and prosecutions of crimes of sexual violence that occurred in the to which they relate.

On February 22, 2001, the ICTY issued a landmark verdict for rape, torture, and sexual enslavement, holding that rape and enslavement rose to the level of crimes against humanity in the Bosnian town of Foca. Sixteen victims of rape testified during the trial, describing months of sexual slavery and multiple gang rapes. The case marked the first time that an international tribunal charged defendants solely for crimes of sexual violence against women and girls and the first time that the ICTY convicted a defendant for rape as a crime against humanity. Women's human rights experts hailed the decision, while expressing concern for the safety and well-being of the witnesses who testified in the trial, as three of those accused in the case had not been apprehended.

In January 2001, Biljana Plavsic, a former member of the Presidency of the Serbian republic whose indictment was sealed, surrendered to the ICTY. The ICTY immediately unsealed the indictment revealing that Plavsic would face charges of command responsibility for war crimes and crimes against humanity, including acts of sexual violence. With the former Bosnian Serb leaders Radovan Karadzic and Ratko Mladic still at large, Plavsic became the highest-ranking Serbian official in the dock on charges that included sexual violence.

In June 2001, the former Serbian President, Slobodan Milosevic, was arrested and extradited to The Hague to face trial before the ICTY for crimes committed during the conflicts in Bosnia-Herzegovina, Croatia, and Kosovo. Milosevic was charged with responsibility for crimes of genocide, deportation, and persecution, either by giving direct orders or through omission as effective commander of Serbian police, army and paramilitary groups. He was also indicted in relation to sexual assaults inflicted by Serbian forces on Kosovo Albanian women, although initially the indictment failed to include these gender-specific crimes.

The Rwanda tribunal's ineffective record of prosecuting rape and other sexual



violence continued in 2001. This failure to address effectively sexual violence was a result of, among other things, lack of staff awareness about sexual violence, poor training on investigating and prosecuting crimes of sexual violence, and a general attitude of according low priority to sexual violence offences.

Since the landmark Akayesu verdict in 1998, the first and only case as yet in which rape was found to be an act of genocide, the ICTR has brought several more indictments for rape. In some, however, the rape count was only added belatedly, typically when witnesses alluded to rape and sexual violence while testifying in court, raising serious questions about the quality of investigations and decision-making on drafting indictments. In February, the tribunal's judges rejected a belated prosecution attempt to add sexual violence charges against the three defendants facing genocide and crimes against humanity charges in the Cyangugu case. Prosecutors did not ask to amend the indictment but nevertheless to bring in rape testimony, arguing that the Akayesu precedent holding that rape was a part of genocide should suffice.

Women fleeing conflict may have a stronger claim to asylum if they also have a well-founded fear of gender-based persecution. Consequently, as part of the Global Consultations marking the fiftieth anniversary of the 1951 Convention Relating to the Status of Refugees, UNHCR convened a roundtable of experts to examine the issue of gender-based persecution and made recommendations on the interpretation of the refugee convention.

Meanwhile, the World Health Organization convened a group of forensic experts to begin drafting a standard protocol for the collection of evidence in cases of sexual violence. The meeting, held in June in Geneva, ended with a plan for the drafting and field-testing of the protocol in the next year. If successful, the protocol will be a tool for documenting sexual violence in countries in which such evidence is limited to the examiner's evaluations of the victim's virginity.

## **Unites States**

Nearly a year into the presidency of George W. Bush, the U.S. program on women's human rights remained ill-defined, notwithstanding high level public condemnation of the Taliban for their abuse of women's rights in Afghanistan. The issue of women's rights did not feature visibly in any of Secretary of State Colin L. Powell's foreign visits but, to its credit, the Bush administration retained the position of senior coordinator for international women's issues, an office that in the past had played a critical role in the coordination and spearheading of women's human rights issues at the State Department. At this writing, although no appointment had been announced to head the office, U.S. women's rights activists remained hopeful that the office would be headed by an individual with broad, demonstrable expertise in the women's human rights movement.

President Bush initiated his term with an assault on freedom of expression in the context of global women's health. One of his first acts as president was to reinstate a U.S. government policy, known variously as the "Mexico City Policy" and the "global gag rule," which required international women's health advocates to sacrifice their right to free expression in exchange for U.S. funding. The restriction, first

adopted by President Reagan in 1984, prohibited international family planning NGOs from receiving U.S. funds if, with their own separate funds, they engaged in legal abortion-related activities. The Bush administration's argument that U.S. taxpayers' money should not be used to pay for abortion was disingenuous, given that since 1973, U.S. law had banned the use of U.S. funds for abortions in foreign countries.

The Bush administration featured trafficking as an important component of its women's human rights program. In July 2000, under the terms of the Victims of Trafficking and Violence Protection Act of 2000, the U.S. State Department released its first annual trafficking report, evaluating the performance of eighty-two countries, putting each in one of three categories depending on how its domestic efforts met the legislation's minimum standards for the elimination of trafficking. The report was notable for its candid criticism of a number of allies. Unfortunately, it focused primarily on trafficking for prostitution, to the exclusion of trafficking into other forms of forced labor; paid scant attention to the role of state complicity in trafficking; failed to criticize instances in which countries summarily arrested or deported trafficking victims; and failed to note and evaluate in-country services for trafficking victims. In October, the State Department named a head for the Office to Monitor and Combat Trafficking, whose establishment was called for by the 2000 legislation.

While the Bush administration seemed to acknowledge the connection between women's limited economic opportunities and their vulnerability to trafficking, it nevertheless failed to make use of international mechanisms that strengthen respect for women workers' rights, such as the labor rights side agreement to the North American Free Trade Agreement (NAFTA). In July 1997, the U.S. National Administrative Office (U.S. NAO), the office charged with hearing complaints against Mexico and Canada under NAFTA, accepted for review a case co-sponsored by Human Rights Watch against Mexico that alleged Mexican government failure to enforce its labor code to curtail widespread pregnancy-based discrimination in export-processing factories (*maquiladoras*) along the U.S.-Mexico border. In January 1998, the U.S. NAO found, among other things, that the Mexican constitution and labor code prohibited discrimination based on sex and that there were contradictory interpretations of Mexico's law regarding the illegality of pregnancy testing. In October 1998, various programs, conferences, and meetings were held as part of a ministerial consultation agreement that Mexico, the United States, and Canada had signed, but these had little effect. In November 2001, however the final U.S. NAO report was more than two years overdue, underscoring the inadequacy of the mechanism for addressing women's labor rights violations.

The U.S. Congress also appeared in November about to squander an opportunity to support women's labor rights, in connection with renewal of the Generalized System of Preferences (GSP), a trade regime that allows over one hundred beneficiary countries to export certain goods to the U.S. paying little or no tariffs. Since 1984, this has conditioned eligibility on respect for what the U.S. has termed "internationally recognized worker rights," including freedom of association; the right to organize and bargain collectively; the prohibition on the use of forced or compulsory labor; a minimum age for employment of children; and acceptable

conditions of work with respect to minimum wages, hours of work, and occupational safety and health—but not freedom from discrimination. The renewal of GSP by the House of Representatives offered a real but missed opportunity to address this significant omission, though at the time of this writing it was hoped that the Senate, under pressure from women's and labor rights activists, would include in the law language prohibiting sex discrimination.

The year ended with the U.S. Senate having failed to ratify CEDAW. Advocates of the convention urged the new chair of the Senate Foreign Relations Committee, Senator Joseph Biden, to schedule a hearing and vote on the treaty, but it appeared unlikely at the time of this writing that he would do so.

### **European Union**

In Europe, racism and xenophobia led to increased hostility and violence against asylum seekers, refugees, trafficking victims and migrants, male and female alike. Women seeking to migrate to Europe, particularly women from developing countries, were denied virtually any legal means of doing so and as a result became easy prey for traffickers. The “fortress Europe” approach to immigration led some women migrants into the hands of traffickers, trapping them in debt bondage, forced labor, and abuse. Trafficking for forced prostitution received disproportionate attention in rhetoric and policy in Europe, while trafficking into other forms of forced labor, including domestic servitude, flourished in near obscurity. According to a report by a coalition of German NGOs known as KOK that combats trafficking in human beings, increasing numbers of women from countries in Africa, Asia, Latin America, and Eastern Europe worked in Germany as nannies, domestic servants, cleaners, maids, and nurses. Some migrants ended up in debt bondage, physical and sexual violence, and, in some cases, slavery-like conditions.

Meanwhile, the European Union funded anti-trafficking grants programs that plowed money into conferences, research, and meetings, neglecting desperately needed programs to support victims of trafficking and to train police in human rights related to trafficking. In addition, much of the funding allocated in 2001 under the Stop anti-trafficking program, a funding program designed to finance anti-trafficking efforts, flowed to government ministries and universities: of the eighteen programs funded, only four grants involved NGOs. In addition, almost all of the programs funded focused on women and children trafficked from the former Soviet Union and Eastern Europe, largely ignoring the plight of victims from the global south.

The European Commission allocated 20 million euros (U.S. \$17.2 million) over three years through the Daphne Programme for grants to NGOs and public institutions working to prevent violence against women, children, and young people in Europe, countries hoping to gain admission to the European Union, and members of the European Free Trade Association.

On the policy side of the trafficking debate, the European Union acknowledged the growing phenomenon of trafficking into the European Union. The Commission outlined “a comprehensive European strategy” on trafficking in women, including prevention programs, efforts to criminalize trafficking in all of the mem-

ber states, support for victims, and cooperation with countries of origin. Unfortunately, much of the policy flowing from Brussels continued to center around a law enforcement approach to trafficking, rather than integrating the human rights of victims. States were fining airlines that transported migrants and asylum seekers and implementing increasingly restrictive visa regimes. The obstacles to travel translated into higher debts for trafficked persons in countries of destination and higher profits for traffickers, who simply increased the fees demanded of migrants. In December 2000, the Commission proposed a Council Framework decision, an agreement among the countries of the European Union to harmonize their legislation, on combating trafficking in human beings that focused almost entirely on harmonization of criminal penalties, criminalization of trafficking, and adoption of a common definition of the crime. Recommendations made by the European Parliament and a coalition of NGOs to remedy the lack of human rights protections in the document went unheeded.

### **Council of Europe**

The Council of Europe, under the auspices of the “Police and Human Rights—Beyond 2000” program, published a series of pamphlets and training manuals on human rights, including one, the “VIP Guide,” on violence against women. The guide, launched on the web and in book form at a conference in December 2000, included training modules on trafficking, domestic violence, rape, stalking, “honor killings,” and sexual harassment. While the guide provided excellent basic information on these violations of women’s human rights, the other pamphlets and training modules prepared under the program failed to integrate women’s human rights concerns adequately. For example, almost all of the documents mentioned domestic violence at least in passing but failed to include other forms of violence against women.

### **Organization for Security and Cooperation in Europe (OSCE)**

In February 2001, the Office for Democratic Institutions and Human Rights (ODIHR), which is charged with implementing and funding human rights programs of the OSCE, announced the establishment of an anti-trafficking project fund financed by the United Kingdom. The OSCE continued its leadership role within the Stability Pact for South Eastern Europe, pressing participating countries to adopt national plans of action and to take concrete steps to combat trafficking. But many NGOs in the region remained skeptical about the political will of governments to implement the elaborately crafted action plans, fearing another onslaught of rhetoric without action.

### **Relevant Human Rights Watch Reports:**

*Afghanistan: Humanity Denied: Systematic Violation of Women’s Rights in Afghanistan*, 10/01

*South Africa: Unequal Protection: The State Response to Violent Crime on South African Farms*, 8/01

- Uzbekistan: Sacrificing Women to Save the Family?: State Response to Domestic Violence in Uzbekistan, 7/01*
- United States: Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools, 5/01*
- South Africa: Scared at School: Sexual Violence Against Girls in South African Schools, 3/01*