

The Impact on Women: Counterterrorism Laws and Policies Restricting Peacebuilding and Humanitarian Work

"[I]t must be recognized that women are particularly susceptible to marginalization, poverty and the suffering engendered by armed conflict, especially when they are already victims of discrimination in peacetime."¹

It is widely understood that that women are disproportionately impacted by armed conflict, but are also known as effective peacebuilders. In 2000, the UN Security Council issued its landmark Resolution (SCR) 1325 on Women, Peace and Security (WPS), expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict.² This document drew attention to the experience of women during armed conflict and recommended numerous measures to include women in the prevention, management and resolution of it.

In the years following, another six UN resolutions were passed dealing with women in conflict³, followed by a UN Secretary-General Report.⁴ While most of the resolutions dealt with gender-based violence in conflict, the report cited numerous examples of the disproportionate impact of armed conflict on women in a broad array of issues including mortality, illness, human rights violations and protection, displacement and peacebuilding. As one expert noted, there has been widespread criticism regarding the scope of the resolutions and their implementation.⁵ "[T]he days of platitudes are over. If gratitude for recognition of women's rights and needs in the peace and security arena was one defining element of the initial response to the WPS agenda, demanding the acceleration of implementation of the agenda is today's mantra."⁶

In the midst of these challenges, women in conflict zones are standing up and taking charge of improving their lives and their communities. At the same time, official U.S. government policy states a commitment to strengthen women's participation at all levels of government, including identifying female partners around the world and supporting their activities.⁷ The government takes the position

¹ Women Facing War, International Committee of the Red Cross (ICRC) 2001, p. 28.

https://www.icrc.org/eng/assets/files/other/icrc_002_0798_women_facing_war.pdf

² Resolution 1325, UN Security Council S/RES/1325, 31 October 2000.

³ UN Security Council Resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013).

⁴ Report of the UN Secretary-General on women and peace and security, S/2013/525, 4 September 2013.

⁵ Women, Peace and Security: A Review of the High Level Review, by Fionnuala Ni Aolain (Just Security, Aug. 6, 2015) <https://www.justsecurity.org/25241/women-peace-security-review-high-level-review/>

⁶ Women, Peace and Security: A Review of the High Level Review, by Fionnuala Ni Aolain (Just Security, Aug. 6, 2015)

⁷ Hillary Rodham Clinton, Sec'y of State, Remarks at the 10th Anniversary of UN Security Council Resolution 1325 on Women, Peace and Security (Oct. 26, 2010), ("Including women in the work of peace advances our national security interests, promotes political stability, economic growth, and respect for human rights and fundamental freedoms."), available at <http://www.state.gov/secretary/rm/2010/10/150010.htm>, cited in Center for Human

that women should not be seen as just passive recipients of its programs. “[W]omen are at the center ... not simply as beneficiaries, but also as agents of peace, reconciliation, development, growth, and stability.”⁸ However, U.S. aid groups working with or on behalf of women have been hindered both in terms of access and a decrease in donations. The U.S. prohibition on material support of terrorism and

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sanctions laws block legitimate humanitarian and peacebuilding projects and prevent money from flowing to these groups.

Changes in U.S. law are needed so that we can support women working to improve conditions in extremist-held

areas and offer alternatives to armed violence. Legislative reform could allow civil society to address the root causes of the issues surrounding women in conflict, and create positive, lasting change by allowing nonprofit organizations, particularly those that focus on either women’s rights, peacebuilding or both, to enter these global hot spots to assist the women working for positive change and to provide their life-saving work.

By supporting women in conflict, all civilians—the children, the infirm, the elderly relatives of those women—will reap the benefit. “Operationalization of WPS is not only good for advancing women’s rights in conflict settings, but arguably offers one of the few ways in which conflict management and conflict ending can be sequenced and transformed in ways that undo the fiascoes of recent conflict endings and patterns of peace negotiation disappointment that define contemporary international engagement in numerous conflict and transitional sites around the globe,” according to one expert.⁹

Armed Extremism and Humanitarian Crises Disproportionately Affect Women

When violent extremism moves into an area, civilians are caught up in the fighting. Whether they are joining or resisting these militias, many men in the community take up arms, leaving women to provide for both children and elderly relatives. “During and after violent conflict, the proportion of female-headed households can increase and frequently have much higher dependency burdens than male-headed households. Poverty in such households is significantly exacerbated where gender-based inheritance laws deprive women of access to the property of a deceased or missing spouse, while livelihood options for women are generally in the form of self-employment in informal work or unpaid family labour.”¹⁰

Rights and Global Justice, *A Decade Lost: Locating Gender in U.S. Counter-Terrorism* (New York: NYU School of Law, 2011), p. 19. <http://chrgi.org/wp-content/uploads/2012/07/locatinggender.pdf>

⁸ Hillary Rodham Clinton, Sec’y of State, Remarks at the 10th Anniversary of UN Security Council Resolution 1325 on Women, Peace and Security (Oct. 26, 2010); and U.S. Dep’t of State, *Leading Through Civilian Power: The First Quadrennial Diplomacy and Development Review* (2010), p. 23, available at <http://www.state.gov/documents/organization/153108.pdf>, cited in Center for Human Rights and Global Justice, *A Decade Lost: Locating Gender in U.S. Counter-Terrorism* (New York: NYU School of Law, 2011), p. 19

⁹ *Women, Peace and Security: A Review of the High Level Review*, by Fiannuala Ni Aolain (Just Security, Aug. 6, 2015)

¹⁰ Report of the UN Secretary-General on women and peace and security, S/2013/525, 4 September 2013, par. 44.

Armed conflict creates widows. The war in Iraq, for example, created a significant population of widowed women—an estimated one in 11 women aged 15 to 80—who, along with other women face dire poverty; lack access to basic necessities such as clean water, healthcare, sanitation, and electricity; and are unable to access financial services from the Iraqi government.¹¹

Four primary ways that women are impacted by armed conflict:

- Assumption of responsibility for their families;
- Forced displacement;
- Restricted movement and limited access to essential goods and services; and
- Sexual violence and other attacks

(Enhancing Protection for Civilians in Armed Conflict and Other Situations of Violence, ICRC 2008, p. 20)

In many cultures, the time spent collecting and preparing food and obtaining water is significant. When men are no longer available to assist in these tasks, the burden on women increases. At the same time, the absence of men means the women are more vulnerable to attack. Access to food and water becomes difficult if security concerns cause women to restrict their movements. These same concerns may also inhibit their ability to farm, exchange news and information, or seek community support.¹²

The difficulty in accessing water during conflict cannot be overstated. During these volatile periods, water often becomes scarce and/or environmentally degraded. Because women are responsible for tasks that require water—cooking, cleaning, washing—they are heavily impacted by these situations.¹³ The normal road to a river or well, for

example, may be controlled by an armed group, making it especially dangerous for women, forcing them to walk greater distances to access water or delay household needs.

The reproductive role of women increases their vulnerability when there are food shortages. Women of childbearing age, in addition to those actually pregnant or lactating, have specific nutritional requirements. Poor nutrition in these women can result in underweight babies and or newborns with illnesses.¹⁴ In conflict and post-conflict settings, the rate of maternal mortality tends to be approximately 50 percent higher than the global average.¹⁵

Resource shortages during armed conflict that disrupt women’s traditional sources of income can force them to adopt new roles and engage in non-traditional work. As women become heads of household and take on work outside the home, they “may face social censure for transgressing behavioural norms.”¹⁶ Some women, desperate to feed their families, find it necessary to feed, house or clean the clothes of soldiers, marking them as “collaborators” or a “strategic enemy.”¹⁷

¹¹ Center for Human Rights and Global Justice, *A Decade Lost: Locating Gender in U.S. Counter-Terrorism* (New York: NYU School of Law, 2011), pp. 63-64. <http://chrgi.org/wp-content/uploads/2012/07/locatinggender.pdf>

¹² *Women Facing War*, International Committee of the Red Cross (ICRC) 2001, p. 44

¹³ *Addressing the Needs of Women Affected by Armed Conflict*, ICRC Guidance Document, 2004, p. 57

www.icrc.org/eng/assets/files/other/icrc_002_0840_women_guidance.pdf

¹⁴ PALMER, C.A., ZWI, A.B., “Women, health and humanitarian aid,” *The Journal of Disaster Studies*, September 1998, Vol. 22 No. 3, 1998, p. 239, cited in *Women Facing War*, International Committee of the Red Cross (ICRC) 2001, p. 77

¹⁵ Report of the UN Secretary-General on women and peace and security, S/2013/525, 4 September 2013, box 19 indicator.

¹⁶ *Addressing the Needs of Women Affected by Armed Conflict*, ICRC Guidance Document, 2004, p. 61

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Restrictions on Aid Groups Exacerbate Negative Impacts on Women

When humanitarian organizations are unable to reach vulnerable populations, as is the case in many conflict zones, these dire situations are exacerbated. Aid groups are often denied access to areas where and when the worst abuses against protected populations are taking place.¹⁸ Humanitarian access can be impeded by concerns regarding the safety of aid workers, and by U.S. anti-terrorism laws and policies that prevent humanitarian actors from engaging with armed groups. And it is not always possible for women to leave their communities in search of aid. Issues of safety, child care needs and a lack of resources can hamper the mobility of women seeking assistance.¹⁹

There are countless examples of how terrorists undermine the rights of women and how the U.S. government's counterterrorism response fails to protect and can make things worse.²⁰

The U.S. government's significant cuts to humanitarian aid to Somalia prior to the 2011 famine (for fear it would be

diverted to al-Shabaab), for example, wreaked havoc on the humanitarian crisis there, with disproportionate impact on women and girls.²¹ The gender dimensions and impacts of aid restrictions by both the U.S. government and al-Shabaab were acute at the height of the famine. In September 2009, due to aid cuts, the World Food Programme closed 12 feeding centers for mothers and children in Somalia.²²

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Despite these severe and varied ordeals, many women in conflict zones are working to help themselves and their communities, as well as creating the conditions conducive for lasting peace. "[T]raditional thinking about war and peace either ignores women or regards them as victims. This oversight costs the world dearly."²³ Numerous organizations, both here and abroad, are working on behalf of women around the world who want to improve their communities despite the threat of armed conflict.²⁴ Yet

¹⁸ Women Facing War, International Committee of the Red Cross (ICRC) 2001, p. 40

¹⁹ Women Facing War, International Committee of the Red Cross (ICRC) 2001, p. 40

²⁰ Center for Human Rights and Global Justice, A Decade Lost: Locating Gender in U.S. Counter-Terrorism (New York: NYU School of Law, 2011), p. 23.

²¹ Center for Human Rights and Global Justice, A Decade Lost: Locating Gender in U.S. Counter-Terrorism (New York: NYU School of Law, 2011), p. 23.

²² Martin Plaut, WFP to Shut Somalia Food Centres, BBC News, Sept. 16, 2009

<http://news.bbc.co.uk/2/hi/africa/8256031.stm>

²³ Women Waging Peace, by Swanee Hunt and Cristina Posa, Foreign Policy blog, November 19, 2009.

http://foreignpolicy.com/2009/11/19/women-waging-peace/?wp_login_redirect=0

²⁴ Just a few of these organizations include Global Fund for Women, Women for Women, Women's International League for Peace and Freedom, The Institute for Inclusive Security, Syrian Women's Forum for Peace, and Nobel Women's Initiative.

current U.S. counterterrorism laws and policies affect these organizations in the same way they impact all U.S. groups – by preventing life-saving work in terrorist controlled areas for fear of running afoul of the prohibition on the material support of terrorism and sanctions laws.

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Displaced Women and the Cycle of Violence

When armed conflict leads to humanitarian crises, women often must make the difficult decision to leave their communities despite security concerns. It is no surprise that the majority of the world's refugees and displaced are women.²⁵ Left to care for their families and lacking resources, women often have no choice but to set out in search of improved conditions. The disruption caused by forced migration adds to the grievances that drive civilians into violent extremism. In fact, the UN Security Council, in Resolution 688 on Iraq and Resolution 841 on Haiti, recognized that mass displacement was a threat to international peace and security.²⁶ The economic strain felt by widows in Iraq, for example, has been cited as a reason they joined the insurgency and in some instances became suicide bombers.²⁷

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Preventing displacement, therefore, can serve to break the cycle of violence seen in these populations. To do so, humanitarian actors need access to areas where armed groups operate so that the basic needs of vulnerable women and children are met. Additionally, allowing

peacebuilding organizations to work in these areas can help reduce the threat to security that causes many women to flee their homes. U.S. counterterrorism laws and policies limit the potential for peacebuilding through the prohibition on the material support of terrorism. Barring communication with an armed group—when that communication is directed at getting groups to lay down their arms—is counterproductive. Allowing space for peacebuilding organizations to work can set the conditions for lasting peace and encourage youth to steer clear of violent extremist groups.

²⁵ Women Facing War, International Committee of the Red Cross (ICRC) 2001, p. 65; McASKIE, C., Panel discussion “Emergencies impacting on women, women impacting on emergencies”, a panel discussion organized by OCHA/UNICEF/WFP during the 23rd Special Session of the General Assembly, CHA news, Issue 51, June 26, 2000). Some data indicates that they account for 80 percent of the population of refugee camps (TURSHEN, M., “Women’s war stories”, in TURSHEN, M., TWAGIRAMARIYA, C. (eds), What Women Do in Wartime: Gender and Conflict in Africa, Zed Books, London & New York, 1998, p. 15)

²⁶ The Causes, Character and Conduct of Armed Conflict, and the Effects on Civilian Populations, 1990-2010, UN High Commissioner for Refugees, PPLA/2012/03, April 2012, p. 13 www.unhcr.org/4f8d606d9.pdf

²⁷ (T Williams, NY Times, cited in decade lost on p. 40)

Enabling legislation is necessary to allow humanitarian and peacebuilding groups to fill the humanitarian vacuum that these laws have created and alleviate the conditions that give rise to violent extremism in the first place.

Gender-based Violence in Humanitarian Crises

“Women’s inferior status, virtually everywhere in the world, means that they are primary targets” of violence.²⁸ In humanitarian crises, women are left in environments where they are unprotected and traditional safeguards have disintegrated. The proliferation of weapons adds to the insecurity and presence of violence.²⁹ Women caught in conflict are often forced to feed and/or harbor soldiers,³⁰ who threaten, rape, beat or kill or them. Those who choose to flee may be exposed to violence as they travel.

For women who flee their communities for security reasons, far too many find that their new surroundings are no safer. “For displaced and refugee women, vulnerability to sexual and gender-based violence is exacerbated ... unaccompanied women and girls, those who head households and pregnant, disabled or older women face particular challenges that are linked to limited livelihood options and high vulnerability to violence. Such vulnerabilities often trigger responses that put women and girls’ safety at risk, such as sex work or early marriage.”³¹

“While sexual violence during conflicts is as old as warfare itself, it’s a new phenomenon as a tactic of terror in countries including Iraq, Libya, Mali, Nigeria, Syria and Yemen.”³² Among the violations of women’s human rights reported to the UN in 2012 were the killing of women by stoning for adultery; the targeted killing of women political activists; violence against and intimidation of women human rights defenders; physical violence against and sexual abuse of women migrant domestic workers; and extrajudicial executions, enforced disappearances, torture, arbitrary detentions, abduction, rape and other forms of conflict-related violence against women.³³

Boko Haram is known for its abduction of women and girls—an estimated 2,000 since 2009. Captives are raped, forced to marry Boko Haram fighters and convert to Islam, and sometimes brainwashed to become suicide bombers.³⁴

ISIL, operating in Iraq, has attacked and killed female doctors, lawyers and other professionals. Some female doctors went on strike because of the difficulty of doing their job with their faces covered. At least one doctor was killed by ISIL for having participated in the strike, and others were threatened with destruction or seizure of their houses and property if they did not return to work. While these threats

²⁸ Erin Kenny, UN Population Fund (UNFPA) gender-based violence specialist, in an August 6, 2015 Professionals in Humanitarian Assistance and Protection (PHAP) webinar on gender-based violence in humanitarian crises.

²⁹ Report of the Secretary-General on women and peace and security, S/2013/525, 4 September 2013, par. 41.

³⁰ Women Facing War, International Committee of the Red Cross (ICRC) 2001, p. 43

³¹ Report of the UN Secretary-General on women and peace and security, S/2013/525, 4 September 2013, par. 37.

³² Zainab Hawa Bangura, the UN Secretary General’s special representative for sexual violence in conflict, at a July 2015 roundtable on women and countering violent extremism at the US Institute of Peace.

³³ Report of the UN Secretary-General on women and peace and security, S/2013/525, 4 September 2013, Box 6 indicator.

³⁴ A Long Way Home – Life for the Women Rescued from Boko Haram, by Mausi Segun, ForeignAffairs.com July 28, 2015 www.foreignaffairs.com/articles/africa/2015-07-28/long-way-home

have driven many back to work, sources in Mosul say that the number of staff members working in health care facilities had dwindled.³⁵

In November 2012, the protection cluster in Somalia reported that gender-based violence had increased tenfold over the previous year, with as many as 115,000 incidents reported. In Afghanistan in 2012, while the overall number of civilian casualties decreased for the first time since the UN Assistance Mission there began collecting those data, the number of Afghan women and girls killed or injured increased 20 percent over the previous year.³⁶

Ending Conflict and the Role of Women

So how do we stop or prevent the conditions that leave women alone, starving, desperate and subject to violence at every turn? Despite gaps in understanding why individuals turn to violent extremism, research suggests empowerment of women pays off in countering it. “Whether seeking to make peace agreements more durable, or stopping radicalization before it begins, addressing root causes and

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legitimate grievances matters a great deal. You can’t do that if you exclude women.”³⁷ Humanitarian and peacebuilding groups have known this for some time, and the UN has been examining the issue since 2000. UN Security Council Resolution 1325

reaffirmed the “important role of women in the prevention and resolution of conflicts and in peacebuilding” and stressed the importance “of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.”³⁸

In addition to the laws that prevent legitimate peacebuilding and humanitarian projects in terrorist-controlled areas, there are terrorist financing laws that restrict donations to nonprofits. These have had a big impact on women’s rights organizations, have interfered with efforts by these groups to resolve conflicts, support victims of terrorism, advance the rule of law and human rights, and realize equality,

³⁵ Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014, Human Rights Office of the UN High Commissioner for Human Rights (UNHCHR) and UN Assistance Mission for Iraq (UNAMI) Human Rights Office, p. 10
http://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_POC_Report_FINAL_6July_10September2014.pdf

³⁶ Report of the UN Secretary-General on women and peace and security, S/2013/525, 4 September 2013, par. 31.

³⁷ Robert Berchinski, deputy assistant secretary of state in the Bureau of Democracy, Human Rights and Labor, at a July 2015 roundtable on women and countering violent extremism at the US Institute of Peace USIP.

³⁸ UN Security Council Resolution 1325, S/RES/1325, 31 October 2000. More recently, in October 2012, the UN Security Council adopted a presidential statement on women, peace and security, which focused on the need for enhanced participation by women in conflict prevention, conflict resolution and peacebuilding (Statement by the President of the UN Security Council, S/PRST/2012/23, 31 October 2012)

political inclusion and socioeconomic empowerment.³⁹ This “may curb efforts that would effectively counter conditions conducive to terrorism.”⁴⁰

For example, when Hamas won the Palestinian Authority’s general legislative elections in January 2006, the U.S. government cut off or put on hold funding to a number of local organizations, including the Association of Women’s Committees for Social Work (AWCSW), which had outstanding project proposals “ranging from domestic violence prevention to voter education.” Consequently, AWCSW’s founder expressed “frustration about international isolations that she says will only serve to strengthen Hamas.”⁴¹

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The UN’s Special Rapporteur on the promotion and protection of human rights while countering terrorism is concerned that terrorism financing laws that restrict donations to nonprofit organizations “have particularly impacted organizations that promote gender equality, including women’s rights organizations. The small-scale and grassroots nature of such organizations means that they present a greater ‘risk’ to foreign donors who are increasingly choosing to fund a limited number of centralized, large-scale organizations for fear of having their charitable donations stigmatized as financing of, or material support to, terrorism.”⁴² The need to ensure accessible, safe and effective channels for donation to such organizations is particularly acute in situations of humanitarian crisis, which have disproportionate impacts on women and girls.

Therefore, the Special Rapporteur has reiterated “the need to ensure that there are humanitarian exceptions to sanctions, particularly the freezing of funds, and notes that organizations that further gender equality may be among the nonprofit organizations that reduce the appeal of terrorism by engaging in development measures that can counteract conditions conducive to recruitment to terrorism.”⁴³

³⁹ Counter-Terrorism Implementation Task Force working group on tackling the financing of terrorism, Final Report, International Network for Economic, Social and Cultural Rights (ESCR) para 64, January 2009, cited in Protection of human rights and fundamental freedoms while countering terrorism, Note by the Secretary General, UN General Assembly A/64/211, 3 August 2009, par. 43

⁴⁰ Counter-Terrorism Implementation Task Force working group on tackling the financing of terrorism, Final Report, International Network for Economic, Social and Cultural Rights (ESCR) para 64, January 2009, cited in Protection of human rights and fundamental freedoms while countering terrorism, Note by the Secretary General, UN General Assembly A/64/211, 3 August 2009, par. 43

⁴¹ Alex Stonehill, Playing the Aid Game: U.S. Funding Cuts Stifle Development in Palestine, Common Language Project Mag., Aug. 3, 2006, cited in Center for Human Rights and Global Justice, A Decade Lost: Locating Gender in U.S. Counter-Terrorism (New York: NYU School of Law, 2011), p. 76

⁴² Protection of human rights and fundamental freedoms while countering terrorism, Note by the Secretary General, UN General Assembly A/64/211, 3 August 2009, par. 42

⁴³ Protection of Human Rights and fundamental freedoms while countering terrorism, Note by the Secretary General, UN General Assembly A/64/211, 3 August 2009, par. 43

Conclusion

We need to support women in global hot spots who work to change their lives for the better. “We can ignore women’s work as peacemakers, or we can harness its full force across a wide range of activities relevant to the security sphere: bridging the divide between groups in conflict, influencing local security forces, collaborating with international organizations, ...”⁴⁴ Removing barriers in the material support statute and sanctions programs will allow U.S. nonprofits to partner with and support women globally. We can then reap the benefits of the important work being done by women’s advocacy and peacebuilding organizations around the world. When the conditions that make women more vulnerable in conflict zones are alleviated, all at-risk populations benefit.

“The international community must recognize, as the extremists do, that empowered women are the foundation of resilient and stable communities — communities that can stand firm against violent extremism.”⁴⁵ Sociologist Zeinabou Hadari, who has worked for over two decades on the promotion of women’s rights and leadership in Niger, once said that every step forward for women’s rights is a piece of the struggle against fundamentalism.⁴⁶ “Protecting women must be at the heart of any global counter-terrorism response. This is a security imperative.”⁴⁷

⁴⁴ Women Waging Peace, by Swanee Hunt and Cristina Posa, Foreign Policy blog, November 19, 2009.

http://foreignpolicy.com/2009/11/19/women-waging-peace/?wp_login_redirect=0

⁴⁵ Women Are the Best Weapon in the War Against Terrorism, by Phumzile Mlambo-Ngcuka and Radhika Coomaraswamy, Foreign Policy blog, February 10, 2015.

<http://foreignpolicy.com/2015/02/10/women-are-the-best-weapon-in-the-war-against-terrorism/>

⁴⁶ Women Are the Best Weapon in the War Against Terrorism, by Phumzile Mlambo-Ngcuka and Radhika Coomaraswamy, Foreign Policy blog, February 10, 2015.

⁴⁷ Zainab Hawa Bangura, the UN Secretary General’s special representative for sexual violence in conflict, at a July 2015 roundtable on women and countering violent extremism at the US Institute of Peace.

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The **Charity & Security Network** was launched in November 2008 by charities, grantmakers and advocacy groups to promote security policies that protect civil society and to address barriers counterterrorism measures create for legitimate charitable, development, human rights and conflict resolution work.