

The United States and Gender, National Security, and Counter-Terrorism Concept Note

Since 2001, there has been extensive attention to how U.S. counter-terrorism measures undermine human rights. However, there has been little to no consideration of how these measures impact gender. As the Obama Administration increasingly places gender and women's rights at the core of its strategies to combat extremism and radicalization, we need to ask: *what are the gendered impacts of U.S. counter-terrorism measures in the United States and abroad, and how can it be ensured that such measures promote rather than hinder gender equality?* Both the ongoing gender impacts of post-9/11 policies that have been discontinued and the gender effects of current counter-terrorism measures, particularly in the areas of U.S. immigration and asylum, terrorist financing laws, development and foreign policy, should be taken into account. This encompasses impacts on women and men, as well as the ways in which counter-terrorism measures use and affect gender stereotypes, including those relating to sexual orientation and gender identity. These impacts are largely unexplored and constantly unfolding; the examples below are starting points for broader reflection and discussion.

What have been the gendered impacts of U.S. counter-terrorism measures on asylum, immigration, and immigrant and minority communities? Some examples might include:

- Increased insecurity of immigrant women as law enforcement agencies are empowered to enforce immigration rules (through what is known as the 287(g) program) and Muslim, Arab, South Asian, and Middle Eastern males are detained and removed from the United States.
- Limits on access to asylum through expansive “material support” provisions (e.g. in the USA Patriot Act) that preclude, for example, women who have been forced to provide domestic services to terrorists from being granted asylum.
- Linking counter-terrorism to anti-trafficking initiatives which prioritizes law enforcement over human rights and treats trafficked persons as potential criminals or terrorists.

What have been the gendered impacts of U.S. material support, listing procedures, and other terrorist financing laws? Some examples might include:

- Increased reluctance to fund gender-equality organizations due to terrorist financing laws and voluntary guidelines, including the U.S. Treasury Risk Matrix for charitable giving which identifies social change philanthropy as high risk.
- Foundations and donor agencies urging grantees to certify that no funds are provided to individuals or entities associated with terrorism, ignoring the ways in which women and lesbian, gay, bisexual, transgender, and intersex (“LGBTI”) human rights defenders are often stigmatized as “terrorist” by foreign governments.
- Requiring USAID grantees to sign “Anti-Terror Certificates” where compliance has been perceived as signaling affiliation with the United States and thus may further marginalize women and LGBTI rights defenders whose work is already often stigmatized as “foreign” or “Western.” Similarly, the proposed USAID Partner Vetting System, which would require grantees to submit information about key employees and board members, may inadvertently spotlight women's and LGBTI rights organizations whose local conditions require them to operate under the radar.

- Increased border control and restrictions on freedom of movement through inclusion of entire families on “no-fly” lists and the recent implementation of the Secure Flight Program, which requires passengers to provide information regarding their sex to airlines, subjecting transgendered persons to additional scrutiny.

What is, and what should be, the role of gender in U.S. measures aimed at combating conditions (e.g. poverty) that lead to radicalization and terrorism? Some examples might include:

- U.S. Secretary of State Clinton links gender, development, and security goals, stating that development is integral to global security and, alongside defense and diplomacy, is at the core of U.S. foreign policy. Relatedly, she has indicated that “the United States is taking steps to put women front and center in our development work.”
- In Garissa, Kenya, the U.S. Army Civil Affairs Team sees “supporting education, women’s education in particular, [as] a key way to fight extremist ideology.”
- U.S. regional institutions, such as AFRICOM, deal with both development and security objectives, leading to concerns among local groups that it provides “phony humanitarianism.”

What have been the gendered effects of U.S. counter-terrorism foreign partnerships and presence, from Iraq and Afghanistan to bilateral relationships (e.g. Pakistan)? Some examples might include:

- In Pakistan, the United States publicly denounced Pakistan’s peace treaty with Taliban leaders in the Swat Valley (with huge implications for women’s rights) as a dangerous concession to militants; however, reports indicate that the United States privately supported the deal.
- In Afghanistan, the United States supports a Taliban reintegration package that would strengthen traditional dispute resolution mechanisms that are harmful to women on the basis that it will meet counter-insurgency objectives.
- In Iraq, the U.S. struggles with how far to push the Iraqi government when it fails to respond to the targeting of gay men by militias and local police.

What are the short-term and long-term gender implications of U.S. detention, rendition and interrogation practices from 2001 onwards? Some examples might include:

- The gendered economic, social, and cultural rights impacts of current U.S. Administration policies—such as continued detention in Guantanamo, the use of rendition, and non-accountability for abuses during the Bush administration.
- The role of gendered human rights abuses—including interrogation techniques designed to exploit perceived gender and cultural stereotypes (e.g. using a female interrogator to question a naked male Arab detainee because Arab men are thought to be particularly humiliated by this treatment)—in generating hyper-masculine responses to U.S. counter-terrorism efforts.
- The ongoing gendered impacts of U.S. enforced disappearances, extraordinary rendition, and prolonged detention without trial on economic, social and, cultural rights, including those on female family members of detainees.