



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

Concept Note—October 15-16 2010

Introduction

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 and human rights concerns. 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?* This includes gender impacts of post-9/11 policies that have been discontinued, as well as current counter-terrorism measures. For the purposes of this workshop, it encompasses how counter-terrorism impacts women and men differently, as well as how counter-terrorism measures use and affect gender stereotypes, including those on sexual orientation and gender identity.

Our discussion in this workshop will focus on gender effects of U.S. post-9/11 counter-terrorism measures in the Middle East, North Africa, Pakistan and Afghanistan, with an emphasis on countries that the United States prioritizes in its counter-terrorism strategy and which are among the United States' closest counter-terrorism allies (Afghanistan, Algeria, Egypt, Iraq, Israel, Jordan, Lebanon, Morocco, the Occupied Palestinian Territories, Pakistan, Saudi Arabia, Syria, Tunisia, Turkey, and Yemen). These gendered effects take place against a backdrop of broader human rights impacts (e.g. on freedom of religion and non-discrimination) and will often reflect the varying and particular experiences each country has with terrorism and counter-terrorism measures.

While being mindful of these varying country and regional contexts, we are hopeful that participants will nonetheless be able to identify commonalities and from our shared experience work to develop recommendations that will have positive impacts on the ground. While the focus is on the impacts of U.S. counter-terrorism measures, participants should feel free to identify clear gender impacts of domestic counter-terrorism policies; even if the connection to the United States is unclear, the impact may be part of a larger pattern or an area where U.S. foreign policy has been silent and should be changed. As the gender impacts of U.S. counter-terrorism policy are largely unexplored and constantly unfolding, the examples below are intended as starting points for broader reflection and discussion.

U.S. Counter-Terrorism: General

Since 2001, the United States has increasingly emphasized the strategic importance of the countries under consideration in this Workshop to its national security. This importance was reinforced recently in its 2010 National Security Strategy, which emphasized that the Obama Administration's national security priorities include:

- defeating al-Qa'ida (particularly in Afghanistan and Pakistan) and denying it "safe havens" in Yemen and the Maghreb;
- transitioning to "full Iraqi sovereignty and responsibility," developing Iraqi democracy, and promoting an Iraqi Government that denies assistance to terrorists;
- pursuing peace between Israel and the Palestinian people, Lebanon, and Syria;
- engaging with Muslim communities around the world on a range of political and security matters and through this engagement demonstrating the United States' commitment to "security and opportunity" for all people;
- collaborating with Turkey on a broad range of issues, especially with regard to stability in its region; and
- developing key security relationships with Egypt, Jordan, Saudi Arabia and other Gulf Cooperation Council countries to facilitate cooperation between militaries and defense systems.

The U.S. 2010 National Security Strategy is implemented via a three pronged approach: **diplomacy, development and defense**. The United States implements this “three Ds” approach via several regional initiatives.

The **Counterterrorism Regional Strategic Initiative (RSI)**, established in the Department of State (DOS) in 2006, is the principal means by which the National Security Strategy is implemented overseas. According to the U.S. Government, the RSI aims to enhance counter-terrorism cooperation and coordinate regional counter-terrorism efforts and strategy within eight areas of operation including the Eastern Mediterranean, Iraq and its Neighbors, South Asia, and the Trans-Sahara. Also in the Trans-Sahara, the multi-agency **Trans-Sahara Counter Terrorism Partnership (TSCTP)** serves as the primary instrument of U.S. counter-terrorism strategy in northwestern Africa. According to the U.S. Government, under TSCTP, DOS, USAID and the Department of Defense (DOD) provide several countries including Algeria, Morocco, and Tunisia with diplomacy (e.g. education programs intended to marginalize extremists), development (e.g. promotion of health) and military (e.g. training militaries in border control) assistance aimed at combating violent extremism. The United States also provides development assistance to counter the conditions that lead to terrorism through the **Middle East Partnership Initiative (MEPI)** which was established in DOS in 2002. MEPI is tasked with promoting political, economic, and educational development in the Middle East and North Africa, reflecting the U.S. focus on development alongside military engagements and other “hard” counter-terrorism measures and training assistance.

DOS’s **Anti-Terrorism Assistance Program (ATA)** provides tactical and investigative training, equipment, and technical assistance to police and security forces bilaterally (e.g. developing Lebanon’s capacity in counter-terrorism investigations, providing counter-terrorism assistance to police forces in Morocco and Algeria, and training the Yemeni Counterterrorism Unit). DOD, in consultation with DOS, also provides counter-terrorism assistance to 20 countries, Yemen, Pakistan, and Lebanon chief among them, through the **Global Train and Equip program (Section 1206)**. The United States uses Section 1206 to assist foreign militaries to address “urgent and emerging threats” of terrorism and insurgency. Training is also provided through **International Military Education and Training (IMET)** assistance (e.g. to train Algerian, Egyptian, and Turkish military personnel) to promote regional stability and defense capabilities. The United States also seeks to enhance prosecutorial capacity through the Department of Justice’s **Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT)**, supporting prosecutions of transnational crimes, including terrorism (e.g. in Turkey).

In addition, DOD has three unified geographic command structures of relevance for our discussion. These are the **United States Central Command (USCENTCOM)**, **United States Africa Command (AFRICOM)**, and the **United States European Command (EUCOM)**. USCENTCOM is responsible for Afghanistan, Egypt, Iraq, Jordan, Lebanon, Pakistan, Saudi Arabia, Syria, Yemen. It conducts military operations (e.g. in Afghanistan, Iraq, Yemen); trains, cooperates with, and conducts joint exercises with militaries; responds to crises; and supports development and reconstruction to “establish the conditions for regional security, stability and prosperity.” In 2007, the United States created AFRICOM (responsible for African states excepting Egypt) and one of its key missions—Operation Enduring Freedom Trans-Sahara—explicitly advances U.S. counter-terrorism objectives through both military-military and military-civil activities. EUCOM (responsible for Israel and Turkey) conducts military operations and builds partner capacity through a range of bilateral and multilateral military trainings and humanitarian assistance.

DOD also has four additional commands assigned with worldwide responsibilities, including **Joint Special Operations Command (JSOC)** and **U.S. Special Operations Command (USSOCOM)** that are particularly operative in Afghanistan and Yemen. In 2004 USSOCOM began synchronizing DOD efforts against global terrorist networks by receiving, reviewing, coordinating and prioritizing all DOD activities and conducting global operations.

Alongside these measures, there are many other aspects of the U.S. counter-terrorism strategy that we hope will form the basis of discussion at the workshop. Such measures include, for example:

- **U.S. and international pressure to introduce domestic counter-terrorism legislation** (e.g. the Tunisian Law in Support of International Efforts to Fight Terrorism and to Stop Money-Laundering passed in 2003, which has been criticized by human rights experts and U.N. officials for infringing on rights but lauded by DOS; and the 2006 Prevention of Terrorism Act passed by the Jordanian government under significant pressure from the United States, that has been extensively criticized by human rights advocates);

- the **designation of entities** as foreign terrorist organizations (e.g. Hamas and Hizballah) and listing of entities or individuals as “Specially Designated Global Terrorists”; and
- the role of local military and intelligence officials in the **U.S. post-9/11 secret detention, extraordinary rendition and coercive interrogation practices** (e.g. Jordan, Morocco, Syria, and Egypt have all reportedly served as surrogate jailers and interrogators for the CIA).

Gender and Human Rights Impacts of U.S. Counter-Terrorism Policy

- **Military engagement and counter-terrorism:** U.S. military engagement is central to its counter-terrorism strategy (e.g. the war in Afghanistan, military operations in Iraq, and targeted killings in Yemen). These operations have been heavily gendered in their rhetoric and implementation and have had significant impacts on women and sexual minorities whose situation has become increasingly **insecure due to the conflict**, including through their being **targeted by terrorists** (e.g. targeting of female politicians and poisoning of school girls in Afghanistan; and crimes, including sexual violence, aimed at Iraqi women and girls). In addition, notwithstanding the U.S. Government’s statements regarding its prioritization of gender equality, key partners of the United States have **bartered women’s rights** and the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals when their realization appears to conflict with counter-terrorism objectives. For example, in Pakistan, the United States publicly denounced Pakistan’s peace treaty with Taliban leaders in the Swat Valley, however, reports indicate that the United States privately supported the deal; in Afghanistan, the United States supported a Taliban reintegration package that would strengthen traditional dispute resolution mechanisms that are harmful to women; and in Iraq, the U.S. Government 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). The United States has also **failed to adequately condemn human rights abuses in counter-terrorism operations** by forces it has trained or funded (e.g. the Iraqi police, and the Israeli Defense Forces). Alongside military engagements, the United States also focuses on providing training, equipment, and technical support to military and civilian counter-terrorism forces. The United States increasingly promotes **female involvement in foreign counter-terrorism units** (e.g. in the Pakistani counter-terrorism forces, in the Yemeni Counterterrorism Unit, and in Iraq and Afghanistan where all-female U.S. military units have been deployed to engage women). Some questions that might be considered here include:
 - *How have U.S.-supported military activities in the name of countering terrorism impacted the enjoyment of human rights by women and girls and LGBTI individuals in affected countries?*
 - *What are the gender impacts of U.S. military-to-military training in counter-terrorism, including on the level of militarization in countries?*
 - *What are the gender impacts of the U.S. military involvement in development and diplomacy?*
 - *What role does/should the United States play in ensuring that its partners respect gender equality when countering terrorism, including efforts to hold local terrorist groups accountable for gender-based abuses?*
- **Humanitarian and development assistance and combating violent extremism (CVE):** U.S. counter-terrorism strategy is geared towards combating the conditions that lead to terrorism, including through provision of humanitarian aid and promotion of democracy. Some key examples of this include the use of **Provisional Reconstruction Teams** (PRTs)—joint military-civilian efforts—that operate in Iraq and Afghanistan to win “hearts and minds” through development and humanitarian aid and to promote stability by building infrastructure; U.S. distribution of approximately \$6 billion in **development and humanitarian aid** to Pakistan to assist in democracy building in order to fight extremism; and increased **USAID assistance** to Yemen for development and civil society programs, including women’s empowerment programs, to address the conditions that have allowed extremists to operate. “Soft” counter-terrorism measures have also been pursued by USAID’s implementing civil society partners (e.g. **World Vision International** educates and employs Afghani and Pakistani women because they believe that empowering women and girls is a critical counter-terrorism strategy). A number of domestic governments also engage in “soft” counter-terrorism measures to combat extremism (e.g. the Moroccan government began training *mourchidates* (**women spiritual leaders**) with the expectation that women religious leaders would promote moderate Islam; in Yemen, President Saleh has emphasized the **role of mothers** in discouraging their children from moving towards extremism; in Saudi Arabia a key rehabilitation component of the

government's **prevention, rehabilitation and aftercare programs** is to provide alternative income for families whose sole breadwinner has been imprisoned). Such counter-radicalization programs are gaining popularity in other countries (e.g. in Algeria, Egypt, Jordan, and Yemen). Some questions that might be considered here include:

- *What are some examples of development-based CVE programs that explicitly tackle gender inequality? How successful have they been?*
- *What have been the gendered impacts of CVE programs (e.g. to develop infrastructure) not explicitly premised on promoting gender equality? Do such programs include women and LGBTI individuals in their design and implementation?*
- *Does the fusion of counter-terrorism and development or humanitarian objectives help or hinder gender equality? What are the opportunities and costs for gender equality that flow from this linking?*
- *How can development and humanitarian programming that is meant to counter the conditions that lead to the spread of terrorism adopt a gender and rights-based approach?*

➤ **Intelligence partnerships: rendition, secret detention, torture, targeted killings:** The United States has been involved in the **apprehension, detention, and forced inter-State transfer of individuals** to and from various states. Some of the United States' core partners in this regard have been Afghanistan, Egypt, Iraq, Jordan, Morocco, and Pakistan. In a number of countries, individuals detained by or at the behest of the United States have endured threats of violence and sexual abuse against them and their female relatives, as a means of extracting confessions. The United States has also run **secret-detention facilities** (e.g. Iraq and Afghanistan) and conducted **joint arrests or interrogations of detainees** (e.g. in Pakistan). In addition, since 2001, the United States has detained male terrorism suspects both in known (e.g. Guantanamo Bay and Abu Ghraib) and unknown locations, where the use of **gender-specific interrogation techniques** has been documented. Female family members of men targeted by rendition, secret detention, disappearance, and torture bear significant personal, social and economic burdens and may in some cases be criminalized (e.g. in Saudi Arabia) for protesting their family member's treatment. The United States relies on its intelligence partnerships to conduct **covert drone operations** in Afghanistan, Pakistan, and Yemen, with impacts on women and children. Some questions that might be considered here include:

- *How have U.S.-led practices of rendition, detention, interrogation, and target killings affected women and girls and gender stereotypes?*
- *To what extent do other governments replicate U.S. detention, rendition, interrogation, and targeted killing practices, including via new counter-terrorism legislation? What are the gendered effects of these policies, including on human rights defenders and family members?*
- *What are the gendered impacts of the return of detainees from U.S. detention, including on family members and other women and LGBTI individuals in the community?*
- *How can the United States monitor and redress the ongoing gendered impacts of post-9/11 U.S. enforced disappearances, rendition, and prolonged detention, including on the economic, social and, cultural rights of female family members of detainees?*

➤ **Anti-terrorism financing laws:** U.S. financing laws that prohibit the funding of any activity that might be associated with terrorism or a terrorist group have **hindered peace-building** (e.g. in Turkey through designation of the Kongra-Gel (formerly the Kurdistan Workers' Party)) and **obstructed humanitarian relief** (e.g. to Lebanon and the Gaza Strip). Aid agencies and donor organizations have imposed increased checks on where their money goes, such as the USAID requirement that its recipients sign "**Anti-Terrorist Certificates.**" Countries have often adopted similar terrorist financing laws and robust terror financing mechanisms in response to U.S. pressure (e.g. following the September 11, 2001 attacks and heightened U.S. criticism, the Saudi Arabian government has taken numerous steps to combat terrorism financing, including by setting up a joint task force

with the United States, passing anti-money laundering legislation, banning monetary donations at mosques and scrutinizing clerics involved in charitable work). Some questions that might be considered here include:

- *Have these limits on humanitarian aid disproportionately affected women and girls?*
- *How have restrictions on funding of NGOs or charities impacted the receipt of funding by organizations working on gender equality?*
- *Have increased requirements for receipt of funding (including, for example, the provision of information about key employees) forced women and LGBTI rights organizations to be more public in their activities?*
- *Are U.S. and similar financing laws sufficiently gender-sensitive to the nature and conditions of work of gender equality activists?*

➤ **Border security and cross-border movement:** U.S. counter-terrorism strategy reflects a concern that weak border controls abroad increase its vulnerability to terrorist attack. As such, its focus includes **strengthening border security** (e.g. around the Iraqi border so that foreign fighters cannot enter the country, and at the Egypt-Gaza Strip border to combat smugglers that may be associated with terrorist groups). U.S. military operations have also resulted in **increased numbers of female and LGBTI refugees** who are vulnerable to abuse (e.g. female and LGBTI Iraqi refugees in Jordan and Syria are vulnerable to sexual abuse and targeting by the police), and in some circumstances an increase **in human trafficking**. Overbroad terrorism-related bars in U.S. law have also been used to **deny asylum** to women and children forced to support insurgent groups on the grounds that they provided material support to terrorism. Some questions that might be considered here include:

- *How have U.S.-led initiatives to increase border security affected women and girls, including in relation to trafficking?*
- *How has U.S. support to counter-terrorism operations affected internal displacement, refugee flows, smuggling and trafficking? What have been the gendered dimensions of these effects?*
- *Is the U.S. asylum regime sufficiently gender-sensitive to the experiences of women and LGBTI individuals with terrorism or extremism in their home countries?*

About CHRGI

The Center for Human Rights and Global Justice (CHRGJ) at New York University (NYU) School of Law brings together and expands the rich array of teaching, research, clinical, internship, and publishing activities undertaken within NYU School of Law on international human rights issues. Philip Alston and Ryan Goodman are the Center's Faculty Directors and Co-Chairs; Smita Narula and Margaret Satterthwaite are Faculty Directors; Jayne Huckerby is Research Director; and Veerle Opgenhaffen is Senior Program Director. The Center's United States and Gender, National Security and Counter-Terrorism Project is directed by Jayne Huckerby and managed by Lama Fakih, Gender, Human Rights, and Counter-Terrorism Fellow, with substantive consultation by Margaret Satterthwaite.

About CHRGI's United States and Gender, National Security and Counter-Terrorism Project

Since 2001, attention has increasingly been paid to ways that U.S. counter-terrorism measures undermine human rights. However, there has been little to no consideration of how these measures impact gender. In 2009, as the Obama Administration started to increasingly place gender and women's rights at the core of its strategies to combat extremism and radicalization, CHRGJ launched this 18-month Project to examine the gendered impacts of U.S. counter-terrorism measures in the United States and abroad, and how it can be ensured that such measures promote, rather than hinder, gender equality. The Project considers both the gendered 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. 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. The Center's work in this area builds upon its 2008/09 partnership with the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, to produce the first ever report at the inter-governmental level devoted solely to the topic of gender and counter-terrorism.

Regional Workshops

The core of the Center's work is a series of regional workshops to be held in 2010 in New York (April 27, 2010), Nairobi (August 26-27, 2010 in partnership with the [Open Society Initiative for East Africa](#)), Bangkok (September 13-14, 2010 in collaboration with the [International Commission of Jurists Asia-Pacific Programme](#)), and Istanbul (October 15-16, 2010 in partnership with the [Bilgi University Human Rights Research Center](#)). These workshops bring together regional stakeholders from the United Nations, academia, human rights and gender rights organizations, and counter-terrorism experts to:

- gather information on the gender impacts of U.S. counter-terrorism policy in the region;
- engage in policy dialogue and formulate recommendations to U.S. and domestic governments on gender and national security; and
- form new and ongoing networks among gender, national security and human rights experts.

The Center will release a report of its main findings and policy recommendations in mid-2011. More information about the Project and the workshops (including the concept notes for each workshop) can be found here: <http://www.chrgi.org/projects/gct.html>.