



The United States and Gender, National Security, and Counter-Terrorism Concept Note—Asia Workshop, September 13-14 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. 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 South and Southeast Asia, with an emphasis on countries that have significant experience with terrorism or are among the United States' closest counter-terrorism allies (Australia, Bangladesh, India, Indonesia, Malaysia, Nepal, New Zealand, Philippines, Thailand, and Sri Lanka). 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 that each country has with terrorism and counter-terrorism measures. Moreover, within each country the counter-terrorism measures giving rise to gender impacts may not have an explicit nexus to U.S. post-9/11 policies, either because they are solely domestic measures or because the U.S. influence pre-dates 2001 under the more general rubric of foreign policy or national security rather than counter-terrorism specifically.

While being mindful of these varying contexts, we are hopeful that participants will nonetheless be able to turn their attention to the impacts of U.S. post-9/11 policies to identify commonalities and from our shared experience work to develop recommendations that will have positive impacts on the ground in the current policy environment. Accordingly, participants should feel free to share the direct and indirect gender impacts of counter-terrorism measures in their countries so we can together ascertain what role, if any, the global discourse on counter-terrorism post-9/11, particularly U.S.-led or inspired counter-terrorism measures and policies, plays in these impacts. Because 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 and Asia: General

In 2002, following the Bali bombings in Indonesia, the United States pronounced Southeast Asia a "second front on the war on terrorism." The importance of South and Southeast Asia was reinforced recently in the U.S. 2010 National Security Strategy, which emphasized increasing security cooperation with Asian countries on issues like violent extremism; alliances with Australia, the Philippines, and Thailand as "the bedrock of security in Asia;" and the importance of strategic partnerships with leaders in the region, such as India and Indonesia.

U.S. counter-terrorism strategy in Asia reflects the three "Ds" of the U.S. 2010 National Security Strategy: diplomacy, development and defense. The United States typically cooperates with and provides assistance to countries in the region on a bilateral basis, although several regional initiatives exist. The **Counterterrorism Regional Strategy Initiative (RSI)**, under the U.S. Department of State, aims to build the capacity and political will of key countries in Southeast Asia, including the Philippines, Indonesia, and Malaysia, to address counter-terrorism and border security and cooperate with each other. The U.S. Department of State also conducts the **Anti-Terrorism Assistance Program (ATA)** to provide tactical and investigative training, equipment, and technical assistance to police and security forces bilaterally (e.g., human rights training of the Rapid Action Battalion in Bangladesh, investigative training of Indian and Indonesian

law enforcement, and terrorist interdiction training for Nepali officers at Kathmandu airport). At the U.S.-funded **Southeast Asia Regional Center for Counterterrorism**, established in Malaysia by the Association of Southeast Asian Nations (ASEAN) members, the United States also provides joint training of counter-terrorism officers. The United States also provides financial support to **prosecuting transnational crimes**, including terrorism (e.g., U.S. Department of Justice trainings of security personnel and prosecutorial capacity building of Indonesia's Attorney General's Task Force on Terrorism and Transnational Crime).

In South and Southeast Asia, the U.S. Department of Defense's **U.S. Pacific Command (USPACOM)** trains, cooperates with, and conducts joint exercises with militaries in the region, on a bilateral basis. USPACOM also engages in humanitarian assistance and peacekeeping in post-conflict situations in the region and assists in the reintegration of former combatants (e.g., in Nepal). For the past nine years, the U.S. Department of Defense's **Joint Special Operations Task Force-Philippines (JSOTF-P)** has provided support to the Philippine Armed Forces against the Abu Sayyaf Group and Jemaah Islamiya, through humanitarian assistance, information-sharing, and capacity building. Since 2006, the U.S. Department of Defense has been authorized to also train and equip military counter-terrorism forces, a practice seen as part of the militarization of U.S. foreign assistance; countries in Southeast Asia are among the highest recipients of this aid.

Alongside these measures, there are many other aspects of the U.S. counter-terrorism strategy in Asia 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 Philippines' Human Security Act, which was inspired by the U.S. Homeland Security Act, and Bangladesh's counter-terrorism and money laundering laws, which passed with U.S. support); the **designation of entities** as foreign terrorist organizations and listing of entities or individuals as "Specially Designated Global Terrorists" (e.g., Communist Party of Nepal-Maoist); and the role of Asian military and intelligence officials in the **U.S. post-9/11 secret detention, extraordinary rendition and coercive interrogation practices**.

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

- **Humanitarian and development assistance and combating violent extremism (CVE)**: U.S. counter-terrorism strategy is geared toward combating the conditions that lead to terrorism, including through activities such as provision of medical services and girls' education as a means of combating extremist ideology. The United States describes its provision of humanitarian aid, particularly in Bangladesh and Sri Lanka, as critical to decrease conditions conducive to violent extremism. U.S. military personnel in the Philippines perform development and humanitarian work as part of the counter-terrorism campaign. Throughout the region, U.S.-supported militaries, such as those of India and Thailand, similarly engage in "hearts and minds" campaigns. U.S. development programs have sought to encourage conflict management and reconciliation (Thailand) and sustain peace (Nepal). India, Indonesia, and the Philippines have been particular beneficiaries of the focus on security as a goal of U.S. foreign aid. 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., medical services) not explicitly premised on promoting gender equality? Do such programs include women and lesbian, gay, bisexual, transgender, and intersex (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?*
- **Defense and counter-terrorism**: Providing training, equipment, and technical support to military and civilian counter-terrorism forces in countries in the region is central to the U.S. strategy. The United States has **supported military campaigns** as part of its counter-terrorism strategy in Asia (e.g., against Abu Sayyaf in the Philippines). The United States has **failed to condemn gendered human rights abuses in counter-insurgency operations**

by forces it has trained (e.g., the Philippine army's use of sexual violence), has restored funding or training to units known to have committed human rights violations (most recently, relations with Indonesia's notoriously abusive Kopassus unit), and has prioritized cooperation in counter-terrorism over human rights (e.g., failing to condemn Malaysia's use of the Internal Security Act). The United States **supports de-radicalization initiatives**, such as the program of the U.S.-funded and -trained Indonesian counter-terrorism squad, Detachment 88, which provides incentives for suspected terrorists to cooperate in the form of financial support to the families of detainees, family and conjugal visits, and arranged marriages for unmarried detainees. **Militarization in the region**, often as part of counter-insurgent or counter-terrorism activities, has resulted in gender abuses (e.g., in Nepal, both government and rebel security forces took advantage of the conflict to attack *meti* (effeminate males or transgender persons)). 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.-supported de-radicalization initiatives in Asia?*
- *What are the gender impacts of U.S. military-to-military training in counter-terrorism, including on the level of militarization in countries in Asia?*
- *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?*

➤ **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** in Nepal (through U.S. designation of the Communist Party of Nepal-Maoist in 2003) and **obstructed humanitarian relief** (as in Sri Lanka, where humanitarian workers risked violating material support provisions by distributing food, water, or shelter in Tamil Tiger-controlled areas). 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 in Asia have often adopted similar terrorist financing laws in response to U.S. pressure or funding (e.g., USAID provided advisors and support for the development of a terrorist finance regime in Indonesia). 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?*

➤ **Rendition, secret detention, and torture:** The United States has been involved in the **apprehension, detention, and forced inter-State transfers of individuals to and from Asian states** (e.g., a number of Al Qaeda suspects captured in Pakistan were flown to Thailand for interrogation). The United States has also run **secret-detention facilities in Asian territory** (e.g., Thailand) and conducted **joint arrests or interrogations of detainees**, including in Malaysia. In addition, since 2001, the United States has **detained Asian nationals and residents** in both known (e.g., Guantanamo Bay) and unknown locations, where the use of **gender-specific interrogation techniques** has been well documented. Some questions that might be considered here include:

- *How have U.S.-led practices of rendition, detention and interrogation affected women and girls and gender stereotypes?*

- *To what extent do other governments replicate U.S. detention, rendition, and interrogation practices from 2001 onwards, including via new counter-terrorism legislation? What are the gendered effects of these policies, including on human rights defenders?*
- *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?*

➤ **Border security and cross-border movement:** U.S. counter-terrorism strategy reflects a concern that weak border controls in some Asian countries make the region vulnerable to terrorist attack. As such, its focus in the region includes **strengthening border security**, for instance in Sri Lanka and Nepal. Female and male migrant workers from Asia have experienced trafficking, sexual assault, and labor exploitation in Iraq and Afghanistan as the U.S. presence increases demand for contractors to provide low-wage labor. U.S.-supported military operations (e.g., in the Philippines) have also resulted in **increased insecurity** for female internally displaced persons and refugees, with **increases in human trafficking**. Both boys and girls have been recruited as child soldiers in insurgency or counter-terrorism-related conflicts in India, Thailand, Sri Lanka, Philippines, and Nepal. Overbroad terrorism-related bars in U.S. law have 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 in Asia and elsewhere affected internal displacement, refugee flows, smuggling and trafficking in, and from, Asia? 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?*

➤ **Women as Fighters and Peacemakers:** The United States and its allies in Asia have often viewed women as victims and overlooked the active role they play in conflict and post-conflict situations. In Sri Lanka, India, and Nepal, women have **fought as part of insurgent or terrorist groups**. Yet, disarmament, demilitarization, and reintegration (DDR) programs may not reflect the needs of female ex-combatants, and many encounter discrimination and expectations that they will assume traditional gender roles upon reintegration. Throughout Asia, women also **act as peacemakers and human rights defenders**, protesting abuses perpetrated in the name of countering terrorist, insurgent or extremist groups (e.g., in Manipur, Indian women have stripped naked outside an army base to protest rapes, fasted, and joined together to demand their male relatives be freed). Some questions that might be considered here include:

- *What is the role of gender in peace-making and peace-building in situations marked by terrorism or insurgency?*
- *How has and how should gender be incorporated into DDR programs or de-radicalization initiatives?*
- *What is the United States doing to support women and LGBTI individuals in peace-making and peace-building in the context of terrorism or insurgency? What should it be doing?*

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>.