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SEMINAR ON THE PREVENTION OF GENOCIDE

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Talking Points

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its causes and consequences

Introduction

- Sixty years since the adoption of the Universal Declaration of Human Rights the world continues to fail in upholding the universality of human rights principles. The most recent tragedies we all witnessed in Gaza once again shows that there is a huge gap between norms and the reality and perhaps more importantly it shows that the gains made in international human rights and humanitarian law stand in danger of being reversed and the confidence in the UN of being shattered all together. The security discourse particularly since 9/11 has become a major challenge to the human rights discourse.
- As special procedures mandate holders our priority is human rights protection against all odds and therefore can contribute to bridging the gaps. Our joint statement clearly articulates the invaluable role of the special procedures mandates in this regard. Therefore I will not repeat them. Instead based on my experience as SRVAW I would like to focus on 3 areas that I see as critical for prevention of human rights violations and ultimately genocide. These are: (i) socio-economic justice; (ii) gender analysis; and (iii) accountability.

1- Socio-economic justice

- One of the most predictable features of a pre- or proto-genocidal situation is the deepening of disparities. Without exception, all wars are initially sparked by contestation over unequal distribution of resources and power. Economic deprivations are easily be manipulated to polarize societies along real or imagined ethnic and religious differences fueled with hatred, racism and violence.
- Due to gendered disparities, economic crises, mass unemployment and loss of livelihoods are experienced in gender specific ways. Women's social and economic deprivations increase as they find themselves

having to absorb the cost of the loss of social services or being the first to be fired when widespread layoffs hit.

- Under such circumstances, many women are known to be forced into the informal economy and the sex sector – making them a high risk group for violence and abuse when tensions heighten – at the same time; women are also known to form strong solidarity and resource sharing groups to enhance the survival of their families.
- When all institutions collapse during conflict, women’s groups often provide the only sustainable basis for the sustenance of families and communities. I will be addressing some of these issues in my forthcoming annual report to the HRC on the political economy of women’s rights.
- On the other hand, as I have reported in many of my country mission reports – notably the one on the OPT - dispossession and displacement also seriously challenge masculinity, thus making men prone to taking compensatory action with the hope for redistribution of wealth, resources and power in one’s favour. There is much evidence to link poverty and dispossession with the recruitment of mainly young men, although increasingly young women too, into the ranks of violent gangs, militia, armed groups and genocidaires.
- The acute economic crisis confronting the world today is inherently ridden with such possibilities, which can have consequences for world peace at large if not handled in a just way. The austerity programmes with which the UN agencies and other international organizations often respond may merely fuel the crises and intensify the disparities between the haves and the have-nots, thus deepening discontent and provoking violence. Therefore, promotion of greater social and economic justice must be prioritized as one of the most important elements of the strategy to prevent genocidal atrocities in the long run. The rich nations have an additional responsibility in this regard.

2- Gender analysis

- The second area I would like to address is the relevance of gender analysis in providing important insight for identifying indicators for the early warning and prevention of genocide; for developing an effective strategy for humanitarian intervention when the fighting breaks out; and for a sustainable restoration of peace.
- Prevailing gender inequalities – not only in war but in times of peace – or the gendered patterns of propaganda and mobilizations building up to hostilities can be indicative of the catastrophe to come.
- Today, while the term gender-based violence has become widely recognized and used – although not free of contradictions and ambiguities – its link with genocide has not been sufficiently explored.
- Comparative assessment of some of the major atrocities of our time indicates that there are at least three areas in which gender seems to play a significant role leading to genocidal atrocities, which inherently are played out as wars of demographics:
 - (i) Mass round up, detentions, interrogations, and torture of young males at initial stages of the emerging tensions. For example between 1989 and 1997 around 600 thousand Kosovo Albanian men were arrested and interrogated by Serbian police. Forced labour, conscription, incarceration etc are also sited as sex-specific targeting of men during conflict that constitute what some have called “gendercide”.
 - In the 2001 case of Radislav Krstic, the Yugoslavia tribunal concluded that, “by deciding to kill all men of fighting age, a decision was taken to make it impossible for the Moslem people of Srebrenica to survive. Stated otherwise what was ethnic cleansing became genocide”.
 - (ii) Demonization of both males and females of a particular social group as part of the campaign of stigmatization and marginalization that precedes the onset of an open armed conflict. Accounts of the genocide in Rwanda indicate that there was enormous propaganda against Tutsi

women in the build-up to genocide and the hatred mobilization allowed for extreme forms of sexual violence to take place; and

- (iii) Rape and other forms of sexual violence mainly although not exclusively against women as a war strategy. At this stage, non-combatant males may also be target of sexual abuse. Prof. Christine Chinkin reminds us that there is a silence about sexual offences committed against men and identifying sexual offences as crimes only against women facilitates the stereotyping of men who suffer such violence as in some sense feminized and shamed.
- The main actors of most conflicts are, no doubt, men of competing or enemy groups. While women may also participate as active combatants to protect themselves and their children; they are generally victimized in gender specific ways because of their family or communal affiliation. On the other hand, while many forms of violence women are subjected to are similar to those that men are subjected to, others are more specific to women, such as reproductive violence (as in forced impregnation) or sexual and domestic enslavement. More importantly, even when women are subjected to the same kind of violations as men, the connotations of violence against women are more destructive not only for the victim but the entire community or social group since women often symbolize group boundaries and honour.
- For example, in my mission report on DRC I reported that women were subjected to sexual atrocities of unimaginable brutality that aimed at the complete physical and psychologically destruction of women with implications for the entire society. Unfortunately, survivors of such atrocities were also rejected by their families for having caused shame and dishonour. While some of these cases reached the Congolese courts and victims were awarded compensation, none have yet been paid. Similarly, many indigenous women who have been brutally violated during the 36 years of civil war in Guatemala still await justice to move on with their lives.

- Thanks to the e ICTR rape and other forms of sexual violence against women have been lifted from mere offences against honour and defined as intrinsic aspects of crimes against humanity and genocide. As a result, today there is a stronger legal ground for investigating, documenting and prosecuting rape and other forms of sexual violence. The recently adopted SC resolution 1820 is a further recognition of this jurisprudence. However, crimes against women are still committed with vulgar impunity, not only in war but in times of peace – as in maternal mortality, infanticide, honour killings and other forms of brutal feminicide.
- An inclusive analysis of the patterns of gendered vulnerabilities before, during and after conflict factored into the analysis and monitored as warning signs to prevent genocide can indeed contribute to the efforts to stop atrocities from occurring.

3- Ending impunity

- In the final analysis, ending genocide and other forms of grave violations of human rights ultimately requires accountability on the part of all parties involved – directly or indirectly.
- In the global era we cannot talk about accountability in abstraction from the international context.
- Currently, the international justice system lacks effective enforcement mechanisms, which result in widespread impunity. Human rights violations and targeted killings of specific groups have become harboured under the doctrine of national sovereignty or other excuses.
- Limitations of international criminal tribunals in dealing with mass atrocities and their capacity for contributing to conflict prevention and reconciliation are well documented and analyzed by legal experts.
- From my perspective the most critical issue is that we react all too late! My mission reports on countries that are technically in “peace” contain all the elements of a potential eruption of violence. Yet, unfortunately,

these reports – unlike my reports concerning conflict zones - have not received any attention from the media and other stake holders. Such information remains academic until tensions escalate and break into open conflict.

- Furthermore, states and the international community have too often demonstrated selectivity in their response to human rights violations at home and abroad and there is also a disparity between the democratic ideals many countries respect domestically and the violations they support or overlook abroad.
- Without a firm commitment to the impartiality of justice there seems little hope for ending the culture of impunity and the perpetuation of human rights violations.