

THE AMERICAS

“We have been living under extreme terror, there is only one way in and out of the barrio and it is controlled by the paramilitaries ... In the last two weeks, six women have been killed, some because of their alleged relationship with the guerrillas, others because they refuse to give sex. One girl was raped before she was killed; they took out her eyes, pulled out her nails and cut off her breasts. One boy had his penis cut off and put in his mouth ... When the police arrive everything is calm and the paramilitaries mingle with the police as they walk around the barrio.”

Testimony given to the United Nations Special Rapporteur on Violence against Women during her mission to Colombia in 2001¹

The “Americas” section of this report contains profiles of six countries in Latin America that experienced armed conflict between 1987 and 2007: Colombia, El Salvador, Guatemala, Haiti, Nicaragua and Peru, and a profile of the United States. The latter refers to the “armed conflict” between the United States and al-Qa’ida, and reports of sexual violence in the Guantánamo Bay Naval Station detention facility in Cuba.²

For many of the Latin American conflicts surveyed in this report, there is little documentation on the sexual violence that occurred, and much of the available information is anecdotal. However, El Salvador, Guatemala, Haiti and Peru established Truth and Reconciliation Commissions to address human rights violations during conflict, which recorded testimonies on sexual violence to varying degrees. Some researchers suggest that the relatively low level of sexual violence reported in Latin American conflicts is attributable to its comparatively low incidence, while others point to underreporting. One reason for the relative scarcity of data on sexual violence might be that many of the Latin American armed conflicts occurred before the emergence of a greater awareness of the use of sexual violence as a method of warfare. As Tombs states:

... prior to the conflict in the former Yugoslavia (1992-95), which highlighted the political use of rape as a war crime, the [Truth and Reconciliation Commission] reports did not include abuses against women and sexual violence as a distinctive and essential part of the quest for truth. Rape and other sexual violence during conflicts were usually either unacknowledged or presented as a marginal or secondary issue.³

In many of the Latin American armed conflicts in this report, one can observe the intersection between gender and ethnicity. In Colombia, Guatemala and Peru, for instance, indigenous women, often from rural areas, seemed to be at greater risk of sexual violence and were sometimes specifically targeted. This should be understood against the backdrop of the widespread discrimination suffered by indigenous populations in general in many Latin American countries.

Globally, it is difficult to find data on sexual violence against men in armed conflict. In the Latin American conflicts documented in this report, there is little data on sexual violence against men. It may be that the trauma and potential stigma of sexual violence is especially difficult for male victims to bear, reducing the likelihood that they will speak about sexual crimes. The “machismo” culture that is prevalent in many Latin American countries could present an additional obstacle for male victims of sexual violence to speak out.⁴

Many Latin American countries emerging from conflict report a high, and in some cases a growing incidence of criminal violence, including sexual and other forms of violence against women (see, for example, the profiles on El Salvador, Guatemala, Haiti and Nicaragua). As in other regions, it is difficult to identify whether levels of post-conflict sexual violence are higher than during or before the conflict, or whether there is increased reporting of such crimes in post-conflict situations. One might wonder whether impunity for acts of sexual violence committed during the conflict perpetuated a tolerance of such abuse against women and girls, as a long-lasting legacy of conflict. Natural disasters, which have had a devastating impact on some post-conflict societies in

Latin America, delay national recovery and aggravate economic hardship and social dislocation, which can also foster increased inter-personal and sexual violence.

At the same time, Latin American countries have been at the forefront of some successful police reform initiatives to address the issue of sexual violence during and after armed conflict. Moreover, Latin American women are innovative activists in defence of their rights and security (see the sections on policing and sexual violence and civil society responses to sexual violence in armed conflict).

There has been a great deal of international concern regarding the alleged mistreatment of people detained by the United States at Guantánamo Bay. Reports from a range of sources suggest that there is a systemic pattern of torture and abuse in these detention centres, including sexual violence.⁵ This reminds us that sexual violence is used in armed conflict not only by ill-disciplined militias, but by highly organised and technologically advanced forces. It is used to spread terror in people's homes and communities, and to inflict calculated suffering in places of detention.

Endnotes

¹ United Nations Commission on Human Rights, "Integration of the Human Rights of Women and the Gender Perspective: Mission to Colombia", *Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Radhika Coomaraswamy, Addendum*, E/CN.4/2002/83/Add.3, 11 March 2002, §41.

² The UCDP/PRIO Armed Conflict Dataset classifies the armed conflict between the United States Government and al-Qa'ida in 2001 as a "War": an armed conflict with at least 1,000 battle-related deaths in a given year. The Dataset is based upon both the terrorist attacks in the United States of 11 September 2001, and the war in Afghanistan after the United States-led invasion in autumn 2001. Reports of sexual violence by United States (and other Coalition) personnel outside the United States

itself and the Guantánamo Bay detention centre, such as in Iraq, are included in the country profiles for those countries.

³ Tombs, D. (2006) "Unspeakable Violence: The UN Truth Commissions in El Salvador and Guatemala" in *Reconciliation, Nations and Churches in Latin America*, Maclean, I. S. ed., Aldershot and Burlington, Ashgate, 57-58.

⁴ Comisión de Clarificación Histórica, Guatemala, quoted in Tombs (2006), 71.

⁵ For example, American Civil Liberties Union (April 2006) *Enduring Abuse: Torture and Cruel Treatment by the United States at Home and Abroad – A shadow report by the American Civil Liberties Union prepared for the United Nations Committee Against Torture on the occasion of its review of the United States of America's Second Periodic Report to the Committee Against Torture*: http://www.aclu.org/safefree/torture/torture_report.pdf.

COLOMBIA

Conflict summary

Colombia's 40-year-old conflict, pitting government forces and right-wing paramilitary groups against left-wing rebel groups *Fuerzas Armadas Revolucionarias de Colombia* and the *Ejército de Liberación Nacional*, has turned Colombia into one of the most violent countries in the world.¹ The conflict broke out over the control of territory and economic resources, but also involves drug cartels. There have been a number of unsuccessful attempts at negotiating peace. More than 70,000 people have died² and at least 3,000 civilians are believed to die every year every year in the conflict.³ Colombia is among the countries with the highest number of internally displaced persons: an estimated 3 million people are displaced.⁴ Despite repeated attacks and violence against women in the context of the conflict, Colombia has a strong women's movement and women's groups continue to fight for peace.⁵

Sexual violence

Grave and systemic human rights violations by all parties have been reported, and sexual violence has been a common feature of Colombia's conflict.⁶

Amnesty International has documented how government and paramilitary forces have used counter-insurgency tactics involving sexual violence to punish communities in rebel-controlled territory for allegedly supporting rebels. Senior army personnel have been implicated in such acts of sexual violence committed during raids on villages, house searches or at checkpoints, during detention or when victims report crimes. These documented violations of human rights include sexual slavery, forced prostitution, sexual mutilation and rape.⁷

Rebel forces have also reportedly committed acts of sexual violence, including forced recruitment and sexual abuse of child combatants,⁸ sexual slavery of women, forced contraception injections and forced abortions for women combatants.

The majority of victims of sexual violence are women and girls, but men have also been victims. In acts of "social cleansing" a number of marginalised groups have been specifically targeted by sexual violence: indigenous women, internally displaced persons, people with HIV/AIDS, female-headed households (the absence of a husband is perceived as a sign of their

support for the rebels), members of women's movements, and homosexuals.⁹

In an attempt to control social life and women's sexuality, rebel and paramilitary forces have imposed curfews and "rules of conduct" for dress and behaviour on the communities they occupy, punishing any transgression with acts of sexual violence. For example, it has been reported by Amnesty International that women's clothing has been standardised. Clothes that are considered provocative

In 2003, the *Liga de Mujeres Desplazadas* conducted a survey among 410 women aged between 15 and 49 who had been displaced by the armed conflict. Among the 410 women surveyed, 125 incidents of sexual violence were reported.¹²

In 1995, the Institute of Legal Medicine of Colombia investigated 11,970 sexual crimes nationwide. Eighty eight per cent of the victims were women. It is estimated that an average of 775 rapes of adolescents occur annually, and that the incidence of rape among the 15 – 49 age group is 3.5 per 1,000 women. It is estimated, however, that only 17 per cent of the victims denounce such acts of sexual violence. An estimated 47 per cent of all acts of sexual violence against women over 20 years of age are committed by relatives.¹³

Other forms of violence against women continue to occur at alarming levels in Colombia. In 1993, the Institute of Legal Medicine reported 15,503 cases of non-fatal injuries due to family violence in the departmental capitals. This figure climbed to 19,706 in 1994, and 23,288 in 1995.¹⁴

The Watchlist on Children and Armed Conflict estimated that 20,000 - 35,000 children have been forced into commercial sex work as a direct consequence of the culture of violence and poverty resulting from the armed conflict.¹⁵

The Colombian Government estimates that 45,000 - 50,000 Colombian nationals engage in prostitution overseas; many of them are trafficking victims.¹⁶

are prohibited. Unaccompanied women are seen as transgressing gender roles and a number of prostitutes have been paraded nude on trucks around villages with a sign around their neck saying that they wreck homes.¹⁰

Colombia is a major source and transit country for the trafficking of women and girls for the purpose of sexual exploitation.¹¹

Endnotes

- ¹ United Nations Commission on Human Rights, "Integration of the Human Rights of Women and the Gender Perspective: Mission to Colombia", *Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Radhika Coomaraswamy, Addendum*, E/CN.4/2002/83/Add.3, 11 March 2002, §9.
- ² Amnesty International (13 October 2004) *Colombia - Scarred bodies, hidden crimes: Sexual violence against women in the armed conflict*, 7.
- ³ BBC News (24 May 2005) *Q&A: Colombia's Civil Conflict*: <http://news.bbc.co.uk/2/hi/americas/1738963.stm>.
- ⁴ Human Rights Council, "Mission to Colombia", *Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin*, A/HRC/4/38/Add.3, 24 January 2007, §9.
- ⁵ UNIFEM (21 March 2006) *Gender profile: Colombia*: <http://www.womenwarpeace.org/colombia/colombia.htm>.
- ⁶ United Nations Commission on Human Rights, E/CN.4/2002/83/Add.3, Executive Summary.

- ⁷ Amnesty International (13 October 2004), 17, 32, 38.
- ⁸ Ward, J. (2002) *If not now, when? Addressing Gender-based Violence in Refugee, Internally Displaced, and Post-conflict Settings: A Global Overview*, New York, RHRC, 107.
- ⁹ Amnesty International (13 October 2004), 3, 8, 11,14, 20-27, 38.
- ¹⁰ Amnesty International (13 October 2004), 23-26.
- ¹¹ U.S. Department of State (2005) *Trafficking in Persons Report June 2005*, 84.
- ¹² Liga de Mujeres Desplazadas (2005) *Encuesta de Prevalencia de Violencia Basada en Género en Mujeres Desplazadas por el Conflicto Armado en Cartagena*, 3-4.
- ¹³ Inter-American Commission on Human Rights (1999) *Third Report on the Human Rights Commission in Colombia*, chapter 12 §45.
- ¹⁴ Inter-American Commission on Human Rights (1999), chapter 12 §43.
- ¹⁵ Watchlist on Children in Armed Conflict (February 2004) *Colombia's War on Children*, New York, 22.
- ¹⁶ U.S. Department of State (2005), 84.

EL SALVADOR

Conflict summary

El Salvador was ravaged by a civil war from 1980 – 1991 between the armed forces, backed by the United States, and the left-wing *Frente Farabundo Martí para la Liberación Nacional* (FMLN). The conflict was brought to an end with the UN-brokered Chapultepec Accords in 1992.¹ Around 70,000 people are thought to have been killed² and an estimated 525,250 people migrated to neighbouring countries during the conflict.³

Thirty per cent of FMLN combatants and 40 per cent of the FMLN leadership were women. Even though women's rights were not central to the struggle and largely excluded in the peace agreement, the high level of female participation in the opposition forces gave them experience and political consciousness that enabled them to challenge discriminatory practices in society.⁴

Sexual violence

Compared to other conflicts in Latin America, there is little data on sexual violence perpetrated during the conflict in El Salvador. The Report of the Commission on the Truth for El Salvador, published in 1993, mentions few cases explicitly.⁵ However, an unpublished appendix of the Report lists many incidents of rape.⁶

Documented incidents of sexual violence during the conflict in El Salvador include the rape of four church women;⁷ the rape of women and girls during attacks on communities,⁸ and sexual violence committed by guerrillas against abducted nurses.⁹ Local human rights NGOs reported systematic use of sexual violence against men and women in detention.¹⁰

It has been claimed that acts of sexual violence, including gang and multiple rapes, were committed mainly by government security forces against suspected supporters of the FMLN and that there were very few reports of sexual violence by insurgent forces against civilian women or female combatants.¹¹ However, according to UNIFEM, after the war, women combatants reported that sexual harassment and gender-based violence were commonplace amongst FMLN ranks. In addition to tolerating violence against women, some FMLN leaders were reported to have been aggressors. Women combatants in the *Fuerzas Populares de Liberación Farabundo Martí* (FPL), an offshoot of the FMLN, reportedly protested

the sexual exploitation of women in guerrilla camps. Women spoke out against sexual abuse and FPL commanders responded by punishing their troops for sexually exploiting women combatants and camp followers.¹²

In post-conflict El Salvador, an environment of impunity and violence prevails, including violence at the work place, police and gang-related violence, high rates of domestic violence and sexual exploitation for commercial purposes.¹³ Reports of cruel acts of sexual violence committed by the *Mara Salvatrucha*, a large gang involved in criminal activities throughout Central and North America, have been frequent in recent years.¹⁴

The *Tutela Legal* (Archdiocesan Legal Aid office) documented that after separating men and women during the 1981 El Mozote massacre, Salvadorian soldiers repeatedly raped about 25 women and girls before executing them.¹⁵

Domestic violence levels are high in post-conflict El Salvador: The National Institute for the Advancement of Women and the Forensic Medicine Institute received 3,786 complaints of domestic violence in 2002, and 4,706 in 2003. The Family Relations Improvement Programme registered 4,222 women subjected to domestic violence in 2003. Women's organisations estimate that 9 out of 10 women have suffered from domestic violence.¹⁶

Las Dignas, a women's organisation in El Salvador, analysed crimes reported in national newspapers that involved female victims. Fifty per cent of the 153 cases of violence against women reported by the media in 2003 were murders and around 46 per cent involved some form of sexual violence. Twenty eight per cent of the murder victims had also been raped or sexually abused. In only 62 of the 153 cases reported was the aggressor identified.¹⁷

Endnotes

- ¹ Commission on the Truth for El Salvador (1993) *From Madness to Hope: The 12-year War in El Salvador*, Introduction.
- ² BBC News (24 March 2007) *Country profile: El Salvador*: http://news.bbc.co.uk/2/hi/americas/country_profiles/1220684.stm.
- ³ United Nations Commission on Human Rights, "Integration of the Human Rights of Women and the Gender Perspective: Mission to El Salvador", *Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk, Addendum*, E/CN.4/2005/72/Add.2, 20 December 2004, §6.
- ⁴ United Nations Commission on Human Rights, E/CN.4/2005/72/Add.2, §11-12.
- ⁵ Commission on the Truth for El Salvador (1993); Wood, E. J. "Sexual Violence During War: Explaining Variation", *Order, Conflict and Violence Conference*, Yale University, New Haven, 30 April – 1 May 2004.
- ⁶ Hayner, P. quoted in Tombs, D. (2006) "Unspeakable Violence: The UN Truth Commissions in El Salvador and Guatemala" in *Reconciliation, Nations and Churches in Latin America*, Maclean, I. S. ed., Aldershot and Burlington, Ashgate, 71.
- ⁷ Referred to in the Report of the Commission on the Truth for El Salvador (1993) and in Tombs, D. (2006), 64.
- ⁸ Commission on the Truth for El Salvador (1993), chapter 4 section B2.
- ⁹ Tombs, D. (2006), 65.
- ¹⁰ Quoted in Tombs, D. (2006), 63, 66.
- ¹¹ Wood, E. J. (30 April - 1 May 2004), 9-10.
- ¹² UNIFEM (24 March 2006) *Gender profile: El Salvador*: <http://womenwarpeace.org/elsalvador/elsalvador.htm>.
- ¹³ United Nations Commission on Human Rights, E/CN.4/2005/72/Add.2, Summary.
- ¹⁴ Amnesty International (2005) *Killings of Women in El Salvador*; United Nations Commission on Human Rights, E/CN.4/2005/72/Add.2, §15.
- ¹⁵ Quoted in Tombs, D. (2006), 64.
- ¹⁶ United Nations Commission on Human Rights, E/CN.4/2005/72/Add.2, §28-32.
- ¹⁷ Las Dignas (2004) *La Violencia Contra las Mujeres en el 2003 a través de la Prensa*, San Salvador, 4-5.

GUATEMALA

Conflict summary

Guatemala emerged from a 36-year-long civil war in 1996 when UN-brokered peace accords were signed by the belligerent parties. The conflict pitted the army, backed by the United States, against the leftist, mostly Mayan insurgents, the *Unidad Revolucionaria Nacional Guatemalteca*.¹

Between 1997 and 1999, investigations were conducted by the Commission for Historical Clarification.² More than 200,000 people – a quarter of them women – are believed to have been killed or disappeared during the conflict.³ The prevailing levels of violence and poverty continue to spur emigration to Mexico and the United States.

Sexual violence

The Guatemalan Government responded to the insurgency with extreme violence and committed serious human rights violations, specifically targeting indigenous communities during the period known as *La Violencia* from 1978 to 1985.⁴ The Commission for Historical Clarification attributed 93 per cent of all human rights atrocities committed during the civil war to state security forces, and senior officials are alleged to have overseen 626 massacres in Maya villages, as recorded by the Commission.⁵

The Commission for Historical Clarification's investigations demonstrated that acts of sexual violence were an integral part of the military's counter-insurgency strategy.⁶ Findings by the Commission and the *Proyecto Interdiocesano de Recuperación de la Memoria Histórica* give details of extremely cruel forms of sexual violence involving raping and killing orgies organised by soldiers.⁷ There was also systematic use of sexual violence by government forces against women and men in detention centres.⁸ The victims were mainly women and children, the majority being poor, indigenous women of Mayan origin.⁹ There have also been reports of systematic sexual violence against men, in some cases involving animals or bottles, and physical blows or electrical current applied to genitals.¹⁰ Many exhumed bodies have shown traces of torture, including sexual violence.¹¹

In post-conflict Guatemala there has been a rise in sexual violence and violence against women in general,

a trend perceived as being linked to the prevailing culture of impunity, widespread and persistent poverty and social exclusion.¹² Another long-term consequence of the conflict is the high number of women widows, most of whom are destitute.¹³ Guatemala is a source, transit and destination country for women and children from Central America trafficked internally and to the United States for the purpose of sexual exploitation.¹⁴

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Survivors and relatives of the missing ones of Guatemala's civil war commemorate the National Day of the Self-Respect for the Victims of the Conflict.

The *Proyecto Interdiocesano de Recuperación de la Memoria Histórica* (REHMI) collected reports from 151 victims of sexual violence during the conflict. Sexual violence was involved in one out of six massacres referred to in the REHMI report.¹⁵

The Center for Reproductive Rights reported in 2003 that an estimated 49 per cent of Guatemalan women are victims of domestic violence.¹⁶

There has been an increase in violent deaths of women in recent years. According to police records the percentage of women in the overall total of people killed rose from 4.5 per cent in 2002, to 11.5 per cent in 2003 and 12.1 per cent in 2004.¹⁷

Endnotes

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- ² Comisión de Clarificación Histórica (1999); Tombs, D. (2006).
- ³ Comisión de Clarificación Histórica (1999), Conclusions, §2, §29.
- ⁴ Tombs, D. (2006), 59.
- ⁵ Comisión de Clarificación Histórica (1999), Conclusions, §82, §86.
- ⁶ Comisión de Clarificación Histórica (1999), Conclusions, §91.
- ⁷ Comisión de Clarificación Histórica (1999), Conclusions, §87; Proyecto Interdiocesano de Recuperación de la Memoria Histórica (1998) *Guatemala: Nunca Más*, volume 1 chapter 5.
- ⁸ Tombs, D. (2006), 63.
- ⁹ Comisión de Clarificación Histórica (1999), Conclusions §85-88, §91.
- ¹⁰ Quoted in Tombs, D. (2006), 70.
- ¹¹ Proyecto Interdiocesano de Recuperación de la Memoria Histórica (1998), volume 2 chapter 3.2.
- ¹² Amnesty International (June 2005) *No protection, no justice: Killings of Women in Guatemala*; Amnesty International (July 2006) *Guatemala: No protection, no justice: Killings of Women (an update)*.
- ¹³ Inter-American Commission on Human Rights (2001) *Fifth Report on the Human Rights Commission in Guatemala*, chapter 13 §43; Amnesty International (June 2005), 5-6.
- ¹⁴ U.S. Department of State (2005) *Trafficking in Persons Report June 2005*, 114.
- ¹⁵ Proyecto Interdiocesano de Recuperación de la Memoria Histórica (1998), volume 2 chapter 3.2.
- ¹⁶ Center for Reproductive Rights (2003) *An Unfulfilled Human Right: Family Planning in Guatemala*, 15.
- ¹⁷ Amnesty International (June 2005), 8.

H A I T I

Conflict summary

Haiti has been plagued by decades of poverty, instability, dictatorship and internal conflict, which have left it the poorest country in the Western Hemisphere. Serious human rights violations were reported during the period of Duvalier rule, from 1957 until 1986, resulting in an estimated 40,000 deaths.¹ Grave human rights violations occurred again during the three years of brutal military rule that followed the 1991 coup, until the reinstatement of the democratically elected President Aristide, in 1994.² A *Commission Nationale de Vérité* investigated the human rights violations that occurred between 1991 and 1994.

Violent rebellion and international pressure forced Aristide from Haiti in 2004. Since then, an elected leadership has taken over from an interim government, but Haiti continues to be plagued by violent confrontations between rival gangs and political groups. UN peacekeeping troops have been present in Haiti since 1993. There are currently over 8,000 personnel in the United Nations Stabilization Mission in Haiti.³ Throughout the unrest in Haiti, women and women leaders have been targeted as a means of silencing them.⁴

Sexual violence

During the period of military rule from 1991 to 1994 “political rape”⁵ was a common practice. Alleged Aristide supporters were attacked at night in their houses by masked men (sometimes in uniform) and women were raped because of the alleged political activity of their husbands.⁶ The perpetrators were reportedly police, soldiers and criminal gangs operating with impunity.⁷ As a consequence of the sexual violence perpetrated between 1991 and 1994, many women were infected with HIV/AIDS.⁸ The use of sexual violence as a form of political pressure has subsequently become the common practice of criminal gangs, terrorising the population.⁹

There have also been reports of sexual violence committed by UN peacekeeping troops in Haiti.¹⁰

Haiti is a source, transit and destination country for men, women and children trafficked for the purpose of sexual exploitation and forced labour. It is estimated that 2,500-3,000 Haitian children are trafficked annually into the Dominican Republic.¹¹

In its report, the *Commission Nationale de Vérité* documents 140 cases of political rape that occurred in the period 1991-1994, but estimates that the number could be up to 12 times higher (i.e. 1,680 cases).¹²

On her mission to Haiti in June 1999, the UN Special Rapporteur on Violence against Women interviewed 32 women victims of political rape.¹³

A survey of 5,720 individuals (1,260 households) during a 22-month period (February 2004 - December 2005) documented the cases of 8,000 people murdered and 35,000 women victims of sexual violence in the Port-au-Prince area. More than 50 per cent of the women survivors of sexual violence were under 18 years old. Identified perpetrators of sexual violence were mostly criminals, but also the national police (13.8 per cent) and groups opposed to Aristide (10.6 per cent).¹⁴

Between November 1994 and June 1999, the Ministry for the Status of Women registered 500 cases of sexual harassment, 900 cases of sexual abuse and aggression against adult women and 1,500 cases of sexual violence against girls between the ages of 6 and 15.¹⁵

Haiti has the highest prevalence of HIV/AIDS in the Western Hemisphere, estimated at 5.6 per cent of the adult population.¹⁶ The police force has a 20 per cent HIV/AIDS infection rate.¹⁷

Endnotes

- ¹ Commission Nationale de Vérité (1996) *Si M Pa Rele*, Port-au-Prince, Ministère National de la Justice de la République d'Haiti, chapter 1.
- ² International Crisis Group (April 2006) *Conflict history: Haiti*: http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=46.
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- ⁴ UNIFEM (22 August 2006) *Gender profile: Haiti*: <http://www.womenwarpeace.org/haiti/haiti.htm>.
- ⁵ Human Rights Watch (July 1994) *Rape in Haiti: A Weapon of Terror*, 3; Commission Nationale de Vérité (1996), chapter 5 section C1.1.
- ⁶ Human Rights Watch (July 1994), 2-3; United Nations Commission on Human Rights, "Integration of the Human Rights of Women and the Gender Perspective: Mission to Haiti", *Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Radhika Coomaraswamy*, E/CN.4/2000/68/Add.3, 27 January 2000, §36.
- ⁷ Human Rights Watch (July 1994), 7.
- ⁸ United Nations Commission on Human Rights, E/CN.4/2000/68/Add.3, §57.
- ⁹ Human Rights Watch (July 1994), 5; United Nations Commission on Human Rights, E/CN.4/2000/68/Add.3, §36; Inter-American Commission on Human Rights (26 October 2005) *Haiti: Failed Justice or the Rule of Law? Challenges ahead for Haiti and the International Community*, §52.
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- ¹¹ U.S. Department of State (2005) *Trafficking in Persons Report June 2005*, 118.
- ¹² Commission Nationale de Vérité (1996), chapter 5 section C1.4.
- ¹³ United Nations Commission on Human Rights, E/CN.4/2000/68/Add.3, §55.
- ¹⁴ Kolbe, A. et al. (2006), 1.
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- ¹⁶ UNFPA (2005) *Overview: Haiti*: <http://www.unfpa.org/profile/haiti.cfm>.
- ¹⁷ United Nations Commission on Human Rights, E/CN.4/2000/68/Add.3, §72.

N I C A R A G U A

Conflict summary

Centuries of colonial rule, decades of dictatorship, civil war and natural disasters have ravaged this country and turned it into one of the poorest in the Western Hemisphere.¹ From the 1960s until 1980, the Sandinista National Liberation Front waged a guerrilla war against the United States-supported Somoza dynasty, overthrowing the Somoza regime in 1979. This led to United States intervention and sponsorship of counter-revolutionary rebels (Contras) to carry out attacks on Nicaragua. A peace accord was signed in Managua in 1988, but sporadic fighting in rural areas continued. The conflict left an estimated 80,000 people dead.²

Women played a prominent role in the conflict in Nicaragua, comprising up to 30 per cent of the Sandinista guerrilla force and 7-15 per cent of Contra combatants.³ The Sandinista revolution opened a space for progressive gender policies, which were, however, partly reversed in the 1990s by the electoral defeat of the Sandinistas.⁴

Sexual violence

Ward reports that sexual assault was an element of Nicaragua's years of conflict, particularly targeting indigenous communities.⁵ There is some evidence of sexual violence against women within the armed groups. A report by the *Asociación Nicaragüense Pro-Derechos Humanos* documented more than 14 cases of women being kidnapped, sexually abused, or raped by the Contras.⁶

Sexual violence became an endemic feature of post conflict Nicaragua, exacerbated by men returning from the war to a weak economy and high rates of unemployment.⁷ Furthermore, successive governments have passed conservative laws regulating sexual behaviour, tightening abortion laws and criminalising homosexuality.⁸

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A Nicaraguan woman protests against sexual abuse front of the National Assembly in Managua. Together with many other protesters she is calling for tougher punishment for sexual abuse.

Between 1990 and 1994 the number of reported rape cases rose by 21 per cent and the number of reported attempted rapes by 27 per cent.⁹

The National Police of Nicaragua reported 1,181 complaints of rape during 2000 and 1,367 during 1999.¹⁰ More than 11,086 of the 20,905 reports filed by women between January and August 2000 concerned physical or sexual abuse.¹¹

In the department of Masaya, 25.8 per cent of girls and women aged between 15 and 19 have suffered sexual violence.¹²

A Ministry of Health survey in 1998 found that 28 per cent of women were victims of physical and sexual violence at the hands of their husbands.

A survey in Leon found that 40 per cent of women aged between 15 and 49 had experienced physical violence by an intimate partner or former partner at some point in their lives.¹³

Endnotes

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- ⁴ Nicaragua Solidarity Campaign (2000) *Challenging Violence against Women: Special Report*: <http://www.nicaraguasc.org.uk/archive/cvaw.htm>; MADRE (2000) *Violence against Women in Latin America*: <http://www.madre.org/articles/lac/violence.html>.
- ⁵ Ward, J. (2002), 118.
- ⁶ Referred to in Kampwirth, K. (2001), 103 Footnote 73. In her own research interviewing 45 women who participated in armed groups, Kampwirth found that "some contra women, but no Sandinista women, talk about violence against women during their guerrilla experiences" (Kampwirth, K., Communication with the authors, 21 May 2007).
- ⁷ Ward, J. (2002), 118.
- ⁸ "Nicaragua Passes Total Ban on Abortion", *New York Times*, 27 October 2006: <http://www.nytimes.com/2006/10/27/world/americas/27nicaragua.html?ex=1319601600&en=b172639a1a6a28b0&ei=5088&partner=rssnyt&emc=rss>; UNIFEM (10 July 2005) *Gender profile: Nicaragua*: <http://www.womenwarpeace.org/nicaragua/nicaragua.htm>.
- ⁹ Isbester, K. quoted in Ward, J. (2002), 118.
- ¹⁰ U.S. Department of State country report quoted in Ward, J. (2002), 118.
- ¹¹ OMCT (2001) *Violence against Women in Nicaragua. Report prepared for the Committee on the Elimination of Discrimination against Women*, 15.
- ¹² World Vision International (2001) *Faces of Violence in Latin America and the Caribbean*, 26.
- ¹³ Ellsberg, M. C. (2000) *Candies in Hell: Research and Action on Domestic Violence against Women in Nicaragua*, Umea, Department of Public Health and Clinical Medicine, Umea University and Department of Preventative Medicine and Nicaraguan Autonomous National University.

PERU

Conflict summary

From 1980 to 2000, Peru was wracked by civil war between government forces and the Shining Path and *Movimiento Revolucionario Túpac Amaru* opposition armed groups. An estimated 69,280 people were killed or disappeared.¹ Approximately half a million people were displaced.² Widespread violations of human rights were committed by all three parties, including forced disappearances, extrajudicial executions, torture and sexual violence. The main victims were the peasant population, and 75 per cent of victims were indigenous people.³ The final report of the Truth and Reconciliation Commission set up in 2001 documents 11,500 cases of human rights violations.⁴

Sexual violence

Acts of sexual violence – mainly against women and children – were committed both by government forces and opposition groups. Even though the Shining Path ideology prohibits sexual violence, there have been reports that such acts were committed by some of its members. The settings and forms of sexual violence reported by the Truth and Reconciliation Commission and Human Rights Watch include: rapes and sexual assault during attacks on rural villages and during detention; sexual slavery and exploitation in guerrilla camps; sexual violence used as a form of torture in the process of forced recruitment of children by the guerrillas and the armed forces; forced marriage, abortion and pregnancy and violence against homosexuals.⁵

The same women often suffered violence at the hands of the various parties to the conflict: sexual violence was used to “punish” women for allegedly being connected to the opposing party, for reporting human rights violations to the authorities, or for being women’s activists.⁶ The majority of victims of sexual violence by the security forces were lower middle class and brown-skinned (*cholas* or *mestizas*), clearly indicating that class and race were factors in the targeting of victims.⁷

In the post-conflict period, an increased incidence of sexual violence against women has been reported.

The final report of the Truth and Reconciliation Commission documents more than 500 reported cases of sexual violence against women and girls. However, the Commission states that this is a mere fraction of the true number of acts of sexual violence, because most cases were not reported to the authorities. 83 per cent of acts of sexual violence documented by the Commission were committed by state actors, and 11 per cent by opposition forces.⁸

Endnotes

- ¹ Comisión de la Verdad y Reconciliación (2003) *Informe Final*, volume 1, 53: <http://www.derechos.org/nizkor/peru/libros/cv/>.
- ² Amnesty International (August 2004) *Peru: The Truth and Reconciliation Commission – A first Step towards a Country without Injustice*, 5.
- ³ Comisión de la Verdad y Reconciliación (2003), Conclusiones.
- ⁴ Amnesty International (August 2004), 3.
- ⁵ Human Rights Watch (1995) *The Human Rights Watch Global Report on Women's Human Rights*, 80, 89; Comisión de la Verdad y Reconciliación (2003), volume 6, section 1.5, 281-302; volume 2, section 1.4, 444.
- ⁶ Human Rights Watch (1 December 1992) *Untold Terror: Violence against Women in Peru's Armed Conflict*; Human Rights Watch (1995), 72-73.
- ⁷ Comisión de la Verdad y Reconciliación (2003), volume 6, section 1.5, 375; Human Rights Watch (1995), 75-76.
- ⁸ Comisión de la Verdad y Reconciliación (2003), volume 6, section 1.5, 374; Amnesty International (August 2004), 7.

UNITED STATES OF AMERICA

Conflict summary¹

On 11 September 2001 four passenger aircrafts were hijacked and crashed into the World Trade Centre in New York, the Pentagon in Washington DC, and into a field in Pennsylvania. The attacks killed 3,025 people.²

In the wake of the attacks, the United States has conducted operations against al-Qa'ida, which it describes as a "global war on terror". In this context, the United States has detained people in places inside and outside of the USA, including at its Naval Base Station at Guantánamo Bay, in Cuba. The legality of the Guantánamo Bay detention facility has been questioned, and human rights organisations have criticised the lack of access to fair trial or justice for inmates.³ As of April 2007, some 385 people were being held at the Guantánamo Bay facility.⁴

Sexual violence

The American Civil Liberties Union claims that there is a "systemic pattern of torture and abuse of detainees in U.S. custody" in Guantánamo Bay and other locations outside the United States.⁵ According to the American Civil Liberties Union, the reported methods of torture and abuse used against detainees include

prolonged incommunicado detention; disappearances; beatings; death threats; painful stress positions; sexual humiliation; forced nudity; exposure to extreme heat and cold; denial of food and water; sensory deprivation such as hooding and blindfolding; sleep deprivation; water-boarding; use of dogs to inspire fear; and racial and religious insults.

Detainees released from Guantánamo Bay have alleged that they were sexually abused during their detention.⁶ *The Washington Post* reported that sexually humiliating interrogation techniques were used against detainees, that male detainees had been forced to appear nude in front of women, and that detainees were sexually abused by military police personnel.⁷ A lawyer representing Guantánamo detainees claimed that "sexually suggestive techniques violating Muslim taboos about sex and contact with women" had also been used during interrogation.⁸

Sexual violence is a serious problem within the United States armed forces itself, in particular against female service personnel.⁹ Victims have claimed that the response to such violence by the United States military has been inadequate in terms of the alleged poor quality of medical treatment, lack of counselling and incomplete criminal investigations.¹⁰

End notes

¹ The UCDP/PRIO Armed Conflict Dataset classifies the armed conflict between the United States Government and al-Qa'ida in 2001 as a 'War': an armed conflict with at least 1000 battle-related deaths in a given year. The Dataset is based upon both the terrorist attacks in the United States of 11 September 2001 and the war in Afghanistan from the United States-led invasion that started in autumn 2001. Reports of sexual violence by United States (and other Coalition) personnel outside what could be called 'United States territory', such as in Iraq and Afghanistan, are included in the respective country profiles.

² BBC News (25 May 2007) *Timeline: United States of America*: http://news.bbc.co.uk/2/hi/americas/country_profiles/1230058.stm.

³ American Civil Liberties Union (6 September 2006) *Top Ten Abuses of Power since 9/11*: <http://www.aclu.org/safefree/general/26684res20060906.html>; Amnesty International (23 June 2006) *United States of America: Ending Guantánamo Bay Detentions*, 6.

⁴ "U.S. Courts rejects Guantanamo Case", *BBC News*, 30 April 2007: <http://news.bbc.co.uk/2/hi/americas/6609251.stm>.

⁵ American Civil Liberties Union (April 2006) *Enduring Abuse: Torture and Cruel Treatment by the United States at Home and Abroad – A shadow report by the American Civil Liberties Union prepared for the United Nations Committee Against Torture on the*

occasion of its review of the United States of America's Second Periodic Report to the Committee Against Torture, 1: http://www.aclu.org/safefree/torture/torture_report.pdf.

⁶ "Further Detainee Abuse Alleged", *Washington Post*, 26 December 2004: <http://www.washingtonpost.com/wp-dyn/articles/A25962-2004Dec25.html>.

⁷ "Abu Ghraib Tactics were first Used at Guantanamo", *Washington Post*, 14 July 2005: <http://www.washingtonpost.com/wp-dyn/content/article/2005/07/13/AR2005071302380.html>.

⁸ "'Religious Abuse' at Guantanamo", *BBC News*, 10 February 2005: <http://news.bbc.co.uk/2/hi/americas/4255559.stm>.

⁹ See for example: U.S. Department of Defense (April 2004) *Task Force Report on Care for Victims of Sexual Assault*: <http://www.defenselink.mil/news/May2004/d20040513SATFReport.pdf>; Hansen, Ch. (September 2005) "A Considerable Sacrifice: The Cost of Sexual Violence in the U.S. Armed Forces", New York, The Miles Foundation; Amnesty International (Spring 2004) "Camouflaging Criminals: Sexual Violence against Women in the Military": http://www.amnestyusa.org/Spring_2004/Camouflaging_Criminals_Sexual_Violence_Against_Women_in_the_Military/page.do?id=1105311&n1=2&n2=19&n3=380.

¹⁰ Amnesty International (Spring 2004); Hong, C. (18 May 2004) "When Will the U.S. Military Tackle the Problem of Sexual Abuse?": http://dir.salon.com/story/mwt/feature/2004/05/18/military_assault/index.html.