# A DECADE LOST:
## LOCATING GENDER IN U.S. COUNTER-TERRORISM

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# ABOUT THE AUTHORS

The Center for Human Rights and Global Justice (CHRGJ) brings together and expands the rich array of teaching, research, clinical, internship, and publishing activities undertaken within New York University (NYU) School of Law on international human rights issues. Philip Alston and Ryan Goodman are the Center's Faculty co-Chairs; Smita Narula and Margaret Satterthwaite are Faculty Directors; Jayne Huckerby is Research Director; and Veerle Opgenhaffen is Senior Program Director.

The Global Justice Clinic (GJC) at NYU School of Law provides high quality, professional human rights lawyering services to individual clients and non-governmental and inter-governmental human rights organizations, partnering with groups based in the United States and abroad. Working as legal advisers, counsel, co-counsel, or advocacy partners, Clinic students work side-by-side with human rights activists from around the world. The Clinic is directed by Professor Margaret Satterthwaite and in Fall 2010 to Spring 2011 was co-taught with Adjunct Assistant Professor Jayne Huckerby; Diana Limongi is Clinic Administrator.

All publications and statements of the CHRGJ can be found at its website: www.chrgj.org.

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**DEDICATION**
CHRGJ and the Global Justice Clinic, NYU School of Law dedicate this Report to the advocates who inspired, contributed to, and supported its production. Your stories, struggles, and commitment to advancing gender equality in a decade of terror and counter-terror have been integral to this research. In particular, CHRGJ wishes to thank the dozens of advocates who shared their expertise and insights at the Regional Stakeholder Workshops, collaborating across a wide range of countries and areas of expertise to identify and address the intersections of gender and counter-terrorism. This Report would not have been possible without your contributions.

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3D – Development, Defense, and Diplomacy

ADS – Automated Directives System

AED – Academy for Education Development

AFP – Armed Forces of the Philippines

AFRICOM – United States Africa Command

AIR – American Institutes for Research

ATC – Anti-Terrorism Certification

CIA – Central Intelligence Agency

COIN – Counterinsurgency

CSCC – Center for Strategic Counterterrorism Communications

CVE – Counter or Countering Violent Extremism

DHS – Department of Homeland Security

DoD – Department of Defense

DoJ – Department of Justice

DoS – Department of State

EARSI – East Africa Regional Strategic Initiative

EDC – Education Development Center

FET – Female Engagement Team

FBI – Federal Bureau of Investigation

FTO – Foreign Terrorist Organization

GAO – Government Accountability Office

IMET – International Military Education and Training

INA – Immigration and Nationality Act

JSOTF-P – U.S. Joint Special Operations Task Force-Philippines

LGBTI – Lesbian, Gay, Bisexual, Transgender, Intersex

MASA – Muslim, Arab, and South Asian

MENA – Middle East and North Africa

MSI – Management Systems International

NATO – North Atlantic Treaty Organization

NSS 2010 – 2010 National Security Strategy

OFAC – Office of Foreign Assets Control

OPDAT – Office of Overseas Prosecutorial Development, Assistance and Training

OTI – Office of Transition Initiatives, USAID

PACOM – United States Pacific Command

PDEV – Peace for Development

PMP – Performance Management Plan

PRT – Provincial Reconstruction Teams

PVS – Partner Vetting System

QDDR – Quadrennial Diplomacy and Development Review

S/CT – Department of State Office of the Coordinator for Counterterrorism

Treasury or Treasury Department – Department of the Treasury

UNSCR 1325 – United Nations Security Council Resolution 1325

USAID – United States Agency for International Development

USCENTCOM – United States Central Command

USSOCOM – U.S. Special Operations Command

USG – United States Government

WFP – World Food Programme (United Nations)

# Executive Summary

> *"President Obama and I believe that the subjugation of women is a threat to the national security of the United States."*
> Secretary of State Hillary Clinton, March 2010[1]

> *"Those subject to gender-based abuses are often caught between targeting by terrorist groups and the State's counter-terrorism measures that may fail to prevent, investigate, prosecute or punish these acts and may also perpetrate new human rights violations with impunity."*
> U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism[2]

*A Decade Lost: Locating Gender in U.S. Counter-Terrorism* provides the first global study of how the U.S. government's (USG) counter-terrorism efforts profoundly implicate and impact women and sexual minorities. Over the last decade of the United States' "War on Terror," the oft-unspoken assumption that men suffer the most—both numerically and in terms of the nature of rights violations endured—has obscured the way women and sexual minorities experience counter-terrorism, rendering their rights violations invisible to policymakers and the human rights community alike. This failure to consider either the differential impacts of counter-terrorism on women, men, and sexual minorities or the ways in which such measures use and affect gender stereotypes and relations cannot continue. As the USG leads a world-wide trend toward a more holistic approach to countering terrorism that mobilizes the 3Ds—defense, diplomacy, and development—and increasingly emphasizes the role of women in national security, the extent to which counter-terrorism efforts include and impact women and sexual minorities is set to rise. As the ten-year anniversary of the attacks of September 11, 2001 approaches, now is the time for the USG and governments the world-over to take stock of, redress, and deter the gender-based violations that occur in a world characterized by the proliferation of terrorism and counter-terrorism and the squeezing of women and sexual minorities between the two.

*A Decade Lost: Locating Gender in U.S. Counter-Terrorism* provides a roadmap for this effort. It represents the culmination of over three years of primary and secondary research into the gender dimensions and impacts of the USG's counter-terrorism policies domestically and abroad, drawing on scores of interviews with USG and foreign government, non-government, academic, and inter-government entities; regional Stakeholder Workshops in the United States,[3] Africa,[4] Asia,[5] and the Middle East and North Africa (MENA)[6]; and extensive secondary research (see further Methodology below). Where appropriate, the Report also draws on comparisons with the United Nations' (U.N.) and foreign governments' (including the United Kingdom's) counter-terrorism strategies and their gender and human rights aspects and outcomes. While the Report's findings and recommendations are primarily directed to the USG, the patterns documented and lessons learned will nonetheless resonate with, and be relevant to, those foreign governments and inter-governmental institutions which often emulate or participate in the USG's approaches to countering terrorism.

As a starting point, **Section I** outlines what it means to take a gender approach to counter-terrorism and terrorism, scrutinizing the USG's current emphasis on women in national security, and presenting ten overarching recommendations to ensure that women and lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals are the beneficiaries rather than casualties of the USG's counter-terrorism measures. This overview does not squarely address the USG's claim that promoting gender equality counters terrorism—a

question that is beyond the scope of this Report—but does demonstrate that the failure to take account of gender cuts against both counter-terrorism and equality goals. While *A Decade Lost* takes up this and other questions in respect of two of the most invisible stakeholders in national security—women and sexual minorities—it (1) devotes significantly more attention to the former, in large part because of the dearth of information on the latter; (2) locates the focus on gender in the broader context of the USG's focus on Muslim communities; and (3) examines how the gender features and impacts of the USG's counter-terrorism efforts relate to gendered patterns in failures to protect women and LGBTI communities against terrorist violence.

**Sections II-VII** analyze USG counter-terrorism measures that the USG identifies as such in six areas: (1) development activities to counter the conditions that lead to violent extremism; (2) militarized counter-terrorism efforts; (3) anti-terrorism financing measures; (4) tactical counter-terrorism in terms of intelligence and law enforcement measures and cooperation; (5) border securitization and immigration enforcement; and (6) diplomacy and strategic communications. Each section begins with a brief description of the contours of the USG's efforts in the area, then identifies and analyzes the role of gender in its design, implementation, outcomes and assessment, before going on to highlight gendered impacts and make specific recommendations about how USG counter-terrorism efforts should integrate a gender and human rights perspective to help rather than hinder equality.

**Section VIII** summarizes and offers initial insights into how to overcome the challenge of measuring counter-terrorism activities both in terms of gender impacts and efficacy, stressing the urgent need for tools to measure both outcomes as ultimately effective counter-terrorism measures should protect the whole population from terrorism, including particularly women and LGBTI individuals who are regularly their victims.

# Methodology

*A Decade Lost: Locating Gender in U.S. Counter-Terrorism* is based on a series of Regional Stakeholder Workshops held in Fall 2010 covering the United States, Africa, Asia, and the Middle East and North Africa (MENA); scores of in-person and telephone interviews that took place from 2010 to 2011 with U.S. government (USG) and foreign government officials, USG implementing partners, inter-governmental entities (including the United Nations (U.N.)), non-governmental organizations (NGOs), and academics; and extensive secondary research, building on CHRGJ's support of the Report of the U.N. Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, U.N. Doc. A/64/211 (Aug. 3, 2009) on gender and counter-terrorism.

## Regional Stakeholder Workshops

Each Stakeholder Workshop was attended by individuals with a range of geographic and substantive expertise—in areas such as women's rights; lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights; development; defense; national security and human rights; intelligence and law enforcement cooperation; and the rights of migrants, asylum seekers and trafficked persons. Participants in all Workshops were from outside of the government, and included community advocates, NGOs, academics, and U.N. officials. Participants in the overseas workshops were selected based on their expertise in countries where the USG is particularly active in its counter-terrorism efforts through either direct operations or assistance, including: Africa (Ethiopia, Eritrea, Kenya, Nigeria, Somalia, Sudan, Tanzania, Uganda); Asia (Australia, Afghanistan, Bangladesh, India, Indonesia, Malaysia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand); and the Middle East and North Africa (Algeria, Egypt, Iraq, Israel, Lebanon, the occupied Palestinian territory, Saudi Arabia, Syria, Tunisia, Turkey, Yemen). The dates and locations of the Stakeholder Workshops were as follows:

- **United States:** New York, N.Y. (April 27, 2010).
- **Africa:** Nairobi, Kenya (August 26-27, 2010) in partnership with the Open Society Initiative for Eastern Africa.
- **Asia:** Bangkok, Thailand (September 13-14, 2010).
- **MENA:** Istanbul, Turkey (October 15-16, 2010) in partnership with the Bilgi University Human Rights Research Center.

Stakeholder Workshops were conducted under Chatham House rules. As such, citations in the Report referencing statements from the Workshops are not attributed to individuals but rather to the regional Stakeholder Workshop during which the observations were made.

## Government Interviews

CHRGJ conducted extensive interviews with USG officials in Washington D.C. and in the field. On the record interviews were conducted with various individuals in:

- **Department of State:** Bureau of Political-Military Affairs; Center for Strategic Counterterrorism Communications; Office of the Coordinator for Counterterrorism; Office of the Special Representative to Muslim Communities; U.S. Embassy in Nairobi, Kenya; U.S. Embassy in Bangkok, Thailand (Transnational Crime Affairs Section); U.S. Embassy in Ankara, Turkey.

- **Department of Defense:** Office of the Special Coordinator for Rule of Law and International Humanitarian Policy; United States Pacific Command (PACOM).

- **U.S. Agency for International Development (USAID):** Africa Bureau; Asia Bureau (various offices); Middle East Bureau; Office of Transition Initiatives; Office of Women in Development (now Office of Gender Equality & Women's Empowerment); USAID in Bangkok, Thailand and Nairobi, Kenya.

- **Department of Homeland Security (DHS):** Human Factors/Behavioral Sciences Division; International Law Enforcement Academies.

- **Department of the Treasury:** Office of Terrorism and Financial Intelligence.

- **Department of Justice:** Federal Bureau of Investigation; Office of Overseas Prosecutorial Development, Assistance and Training.

Information from these interviews is attributed to the U.S. official's division or agency affiliation and in some instances, where additional anonymity was requested, as from a "USG Official." Additional interviews were also conducted off the record.

CHRGJ also undertook an investigation of the U.K. Government's (HMG) counter-terrorism strategy (*Prevent*) through interviews from February 21-28, 2011 in the United Kingdom with HMG officials, national security experts, NGO representatives, and HMG implementing partners. *A Decade Lost* draws upon this comparative research and analysis—which will be more fully documented in a forthcoming CHRGJ briefing paper—to further elucidate some of the findings in this Report. In the United Kingdom, CHRGJ conducted on the record interviews with HMG officials in the Home Office, Department for International Development (DfID), Department for Communities and Local Government (DCLG), Metropolitan Police, Association of Chief Police Officers (ACPO), Birmingham City Council, and the U.K. House of Lords. Information from these interviews as it appears in this Report is attributed to the HMG official's departmental affiliation.

## Additional Expert Consultation and Interviews

In addition CHRGJ conducted in-person and telephone interviews with a number of the USG's main implementing partners (particularly in the development field); inter-governmental institutions (including the U.N. World Food Programme, Somalia and the North Atlantic Treaty Organization (NATO) Centre of Excellence Defence Against Terrorism (COE-DAT)); NGOs; and academics with subject-matter expertise of relevance to the Report. The Report also benefitted from an expert consultation held at NYU School of Law on June 1, 2011. Significant secondary research was also undertaken in 2009-2011 in English, Arabic, and French.

# SECTION I: ENGENDERING COUNTER-TERRORISM: TOWARD A GENDER FRAMEWORK

## Why Gender Matters

The gender dimensions and impacts of the U.S. government's (USG) counter-terrorism measures are largely undocumented and significantly under-theorized. Major and extensive human rights reports detail the significant human rights abuses that have occurred in the context of countering terrorism without any reference to the gender of the victims, let alone any consideration of the differential impacts of counter-terrorism on women, men, and sexual minorities and the ways in which such measures use and affect gender stereotypes.[7] To the extent that there has been a gender analysis of USG counter-terrorism practices, it has been at a meta level (such as analyzing the ways in which the concept of a "War on Terror" is heavily gendered)[8] or confined to specific incidents, most notably around the use of gendered interrogation techniques at U.S. detention facilities such as Abu Ghraib and Guantánamo Bay.[9] This silence owes to many factors, which are explored below as a means to help the human rights community and governments avoid gender blind spots moving forward and to ensure that overall, counter-terrorism helps rather than hinders gender equality. Employing a gender perspective in the counter-terrorism context is both timely and critical for a number of reasons.

First, the USG is at the helm of a worldwide trend toward a more holistic approach to counter-terrorism that increasingly relies on "soft" measures (such as development and diplomacy) alongside "hard" measures (like defense, law enforcement, and intelligence). The U.S. National Security Strategy (NSS) in 2002, 2006, and 2010 each emphasize the importance of a "3D" approach to national security that features development, defense, and diplomacy.[10] However, the Obama Administration's NSS 2010 goes further than its predecessors to stress the strategic value of "prosperity," "values," and "international order," alongside more traditional security interventions involving the use of force.[11] The Obama Administration has also translated this focus into action and instituted significant processes, such as the Quadrennial Diplomacy and Development Review (QDDR), to provide a blueprint for the Department of State's (DoS) and the United States Agency for International Development's (USAID) increased role in ensuring national security.[12] Further, in June 2011, the Obama Administration released the first-ever National Strategy for Counterterrorism that embodies this holistic approach as follows: "We are engaged in a broad, sustained, and integrated campaign that harnesses every tool of American power—military, civilian, and the power of our values—...complemented by broader capabilities, such as diplomacy, development, strategic communications, and the power of the private sector."13 This holistic approach mirrors that being undertaken at the United Nations (U.N.).[14] As part of this shift, the USG, U.N., and other countries also increasingly emphasize the role of terrorism victims and survivor networks in counter-terrorism strategies.[15] In this way, this move toward a more holistic and "soft" approach to countering terrorism broadens the role and stake women and sexual minorities have in counter-terrorism efforts, because, for example, women and girls are the traditional beneficiaries of U.S. development assistance,[16] (such that securitization in this area will directly implicate their human rights) and terrorism in all its forms particularly impacts women and lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.[17] The shift necessarily increases the breadth of activities that are now understood to constitute counter-terrorism, making it necessary to examine new activities of individual agencies, as well as the inter-agency processes that shape the development, implementation, and impact of counter-terrorism efforts.

Second, the USG has recently placed increasing emphasis on the significance of gender to its national security and counter-terrorism measures. Much of this emphasis can be traced to the NSS 2010, which notes, "countries are more peaceful and prosperous when women are accorded full and equal rights and opportunity. When those rights and opportunities are denied, countries often lag behind."[18] The QDDR puts it more starkly: "The status of the world's women is not simply an issue of morality—it is a matter of national security."[19] The USG's focus on the

link between gender equality and counter-terrorism is an unprecedented window of opportunity to ensure that USG counter-terrorism measures integrate and impact women and sexual minorities in ways that protect, rather than undermine, human rights for all. In this respect, the USG has expressed concern that counter-terrorism measures adversely impact women and LGBTI individuals, and has asked: "How should Governments go about creating legitimate counter-terrorism polices, while avoiding actions that reinforced gender stereotypes?"[20]

Third, current USG counter-terrorism measures do not occur in a vacuum. The Bush Administration's "War on Terror" has indelibly impacted how communities perceive the United States and their willingness to cooperate in the USG's current "soft" counter-terrorism measures. A number of the USG's human rights abuses—from torture to rendition to disappearances—remain unacknowledged and unaddressed, and some continue under the Obama Administration.[21] The impacts of "hard" USG counter-terrorism on women and sexual minorities are largely off policymakers' radar, but are lived daily the world-over by women and sexual minorities as family members, human rights activists, detainees, terrorism victims, and displaced populations. In some cases this is because the counter-terrorism measure itself was gender specific, such as interrogating female family members in lieu of terrorism suspects or using gendered interrogation techniques on male detainees.[22] In others, the counter-terrorism activity is notionally gender neutral (like border security) but has gender-based impacts because the USG fails to assess the underlying context, including differing background conditions for men, women, and LGBTI persons, in which it occurs. This Report outlines these and other gender impacts with a view toward ensuring they are redressed and not repeated as the USG moves forward with a strategy that seeks to ensure that women and sexual minorities are beneficiaries rather than casualties of its counter-terrorism policy.

Fourth, a gender approach to counter-terrorism is necessary to ensure that governments and the human rights community fully address the rights of victims of terrorism. Some have argued that the human rights community's response to the "War on Terror" undermines women's rights by prioritizing responses to governments' counter-terrorism measures over women's experience of terrorism.[23] This argument has manifested most publicly in the debate over Amnesty International's advocacy relationship with former Guantánamo detainee and detainees' rights advocate Moazzam Begg, arising out of the heatedly contested claims that he is "Britain's most famous supporter of the Taliban" and that this fact makes Amnesty's relationship with him ill-advised.[24] It also re-surfaced following the American Civil Liberties Union/Center for Constitutional Rights' representation of the family of suspected terrorist and target of the U.S. drone program Anwar Al-Awlaki on the basis that Al-Awlaki has called for "large-scale murder of non-fundamentalist Muslims and other civilians" including women and "is still free to incite violence."[25]

At its core, this argument is that such relationships provide a platform for these individuals that either legitimizes or ignores the impact of terrorism on women and sexual minorities.[26] The broader concern is that by focusing on male victims of States' counter-terrorism measures, female victims of non-State (and particularly fundamentalist) violence get lost "in a world polarized between torture and terror."[27] At this point, it is indisputable that the human rights community and governments need to pay more attention to how terrorism undermines human rights, particularly for women and sexual minorities.[28] The thornier issue is how this relates to the work that human rights organizations may simultaneously undertake on addressing violations that occur in countering terrorism. A gender approach to counter-terrorism suggests that it is not only unnecessary, but also untenable, to choose between advocacy concerning the human rights impact of terrorism and counter-terrorism. With that recognition at is core, this Report examines both the gender features and impacts of the USG's counter-terrorism efforts and considers how these relate to gendered patterns in failures to protect women and LGBTI communities against terrorist violence. In this way, the Report insists on a framework that examines State responsibility with respect to counter-terrorism while not freeing terrorists from accountability for violence. Such a framework responds to the conditions in which women experience and combat terrorism in their communities. Adopting such an approach makes clear, for example, that USG counter-terrorism measures cannot sideline women and sexual minorities by prioritizing partnerships that may be good for counter-terrorism but bad for human rights; nor can they barter rights to appease terrorist groups.[29]

Fifth, the failure to apply a gender lens to counter-terrorism symbolizes and provides insight into broader challenges concerning international law's bias toward male victims of State civil and political rights violations.[30] In the United States and abroad, a focus on male victims of government policies of detention, rendition, and torture has displaced a focus on women and sexual minorities[31] and marked a return to formalistic approaches to international law (e.g., with respect to the definition of torture) in ways that exclude the progressive application of the law to encompass gender-based violations.[32] This idea that men suffer more than women—both numerically and in terms of the nature of rights violations—still persists in some circles of government and the human rights community. This lopsided view is not new; it is one of the reasons why the international community historically failed to address women, peace, and security issues until the landmark U.N. Security Council Resolution 1325 (UNSCR 1325) in 2000.[33] The processes of UNSCR 1325 and subsequent resolutions[34] have exposed the multiple roles of women in conflict (as victims, human rights defenders, and combatants or fighters); relied on a definition of gender that takes into account biological differences and social constructs of masculinity and femininity; and shown how women and girls can benefit from the changed gender relations that conflict and post-conflict processes bring about.[35]

All these observations are equally pertinent to the counter-terrorism context, yet governments and some parts of the human rights community have yet to carry over these hard-won lessons to the national security arena. This resistance was paramount in 2009, when the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism presented his groundbreaking report on gender and counter-terrorism to the U.N. General Assembly.[36] Many Member States criticized the report for its use of a social, rather than biological, definition of gender and its documentation of the ways in which counter-terrorism undermined the rights of LGBTI individuals as well as those of women.[37] However, as the U.N. Special Rapporteur noted:

> Understanding gender as a social and shifting construct rather than as a biological and fixed category is important because it helps to identify the complex and inter-related gender-based human rights violations caused by counterterrorism measures; to understand the underlying causes of these violations; and to design strategies for countering terrorism that are truly non-discriminatory and inclusive of all actors.[38]

At a time when the USG seeks to improve the rights of women and girls worldwide, it is critical to take this social, rather than biological definition of gender, which is used in much of international law and practice,[39] mandated by USAID,[40] and adopted by institutions such as the North Atlantic Treaty Organization (NATO),[41] and extend it to the realm of counter-terrorism to understand the gender stereotypes, norms, and dynamics that determine the effect of USG counter-terrorism at home and abroad.

# What Gender Means

## Overview of USG Counter-Terrorism

This Report analyzes USG counter-terrorism measures that the USG identifies as such. This analysis does not assess whether measures are properly classified as being for the purposes of countering terrorism or scrutinize the often-problematic and broad definitions of terrorism that underlie such measures.[42] However, the Report does assess the implications of the shift toward viewing certain activities (such as development) through a national security lens and the consequences of the USG's holistic strategy where it is difficult to ascertain what, if any, government activities are not considered to be aiding counter-terrorism. Indeed, the NSS 2010 makes clear that the USG's approach to countering terrorism is extremely multifaceted, encompassing defense, diplomacy, economic interests and institutions, development, homeland security, intelligence,

strategic communications, and the "American People and the Private Sector."[43] The breadth of these measures reflects a combination of what has been described as "tactical counterterrorism—taking individual terrorists off the streets, disrupting cells, and thwarting conspiracies" and "strategic" counter-terrorism that seeks to counter violent extremism (CVE) and reduce terrorist recruitment.[44] Through the latter, the USG seeks to enhance national security by "delegitimizing the violent extremist narrative in order to diminish its 'pull'; developing positive alternatives for youth vulnerable to radicalization to diminish the 'push' effect of grievances and unmet expectations; and building partner capacity to carry out these activities."[45]

Taken as a whole, the core elements of the USG's counter-terrorism strategy include six areas that this Report examines: (1) development activities to counter the conditions that lead to violent extremism; (2) militarized counter-terrorism efforts; (3) anti-terrorism financing measures; (4) tactical counter-terrorism in terms of intelligence and law enforcement measures and cooperation; (5) border securitization and immigration enforcement; and (6) diplomacy and strategic communications. Each section begins with a brief description of the contours of the USG's efforts in the area concerned, then identifies and analyzes if the design of the counter-terrorism activity has gender features (such as through a particular focus on men or women) and the gender impacts that flow from such efforts. The Report focuses on the United States, Middle East and North Africa, Africa, and Asia, and draws on comparisons with foreign governments' (including the United Kingdom's) counter-terrorism policies where appropriate.

## Gender: Key Elements and Terms

There are a number of key concepts and obligations from international law that guide gender analysis of the USG's counter-terrorism and national security measures. International law requires governments to:

- Avoid adverse human rights impacts through the obligation to prohibit discrimination (both direct and indirect) on the proscribed grounds of sex, gender, sexual orientation and gender identity.[46]
- Ensure equality, both *de jure* (formal) and *de facto* (substantive) between men and women in the enjoyment of all civil and political rights.[47]
- Recognize that traditional stereotypes and attitudes (e.g., cultural attitudes) undermine the enjoyment of rights of women and ensure that such stereotypes are not used to justify violations of equality.[48]
- Assess how discrimination on the basis of sex, gender, sexual orientation and gender identity intersects with other grounds of discrimination, such as race, religion, and class, particularly in terms of impact on Muslim, Arab, and South Asian (MASA) communities, and counter these effects.[49]
- Ensure participation of affected communities and that the rationale for inclusion is on an equal basis and rights protective.[50]
- Ensure the above obligations are exercised in all branches and levels of government, including in national security programs and national security institutions at the federal, state, and local levels.[51]
- Exercise due diligence to prevent, investigate, and punish gender-based violence by non-State actors, such as terrorists.[52]

These human rights obligations exist alongside a series of other guarantees relevant to the counter-terrorism context, including the right to life, the prohibition against torture and other cruel, inhuman and degrading treatment or punishment, *non-refoulement* and the transfers of terrorism suspects, liberty and security of the

person, due process and the right to a fair trial, freedom of expression and association, the right to privacy, and non-discrimination as it concerns profiling.[53]

While there have recently been divisive debates at the U.N. over the meaning of the terms "gender" and "gender perspective,"[54] such debates are out of step with the markedly consistent practice of government and inter-governmental entities that are directly tasked with gender and security issues. In line with those agencies' terms, drawing on USAID, U.N. Women, and NATO approaches, this Report uses the following definitions of key gender terms:

- **Gender:** "Gender is a social construct that refers to relations between and among the sexes, based on their relative roles. It encompasses the economic, political, and socio-cultural attributes, constraints, and opportunities associated with being male or female. As a social construct, gender varies across cultures, is dynamic and open to change over time. Because of the variation in gender across cultures and over time, gender roles should not be assumed but investigated. Note that 'gender' is not interchangeable with 'women' or 'sex.'"[55] In addition, gender relates to other ways of defining identity because: "Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age."[56]

- **Sex:** "A biological construct that defines males and females according to physical characteristics and reproductive capabilities."[57]

- **Gender analysis:** refers to the use of a range of methodologies for the "systematic gathering and analysis of information on gender differences and social relations to identify and understand the different roles, divisions of labor, resources, constraints, needs, opportunities/capacities, and interests of men and women (and girls and boys) in a given context."[58] For USAID, this involves asking two questions: "How will the different roles and status of women and men within the community, political sphere, workplace, and household (for example, roles in decision-making and different access to and control over resources and services) affect the work to be undertaken?" and "How will the anticipated results of the work affect women and men differently?"[59] In this Report, gender blindness is used to refer to the absence of gender analysis, gender integration (see below), or a gender perspective (see below).

- **Gender equality:** "refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men."[60]

- **Gender perspective:** involves applying gender analysis to develop, implement, and assess activities, such as: "Examining each issue from the point of view of men and women to identify any differences in their needs and priorities, as well as in their abilities or potential to promote peace and reconstruction."[61]

- **Gender integration**: "involves identifying and then addressing gender differences and inequalities during program and project planning, design, implementation, monitoring, and evaluation."[62]

In addition, in circumstances where USG counter-terrorism measures implicate women's peace and security concerns, the landmark UNSCR 1325 and subsequent resolutions provide key guidance on how to ensure a gender perspective is incorporated into conflict prevention, participation, protection, and relief and recovery

efforts.[63] One such clear area is where USG counter-terrorism is militarized, ranging from the Department of Defense's (DoD) operations and engagements with counter-terrorism objectives (such as those in Afghanistan and in Iraq) to military-to-military assistance and civilian-military cooperation in non-kinetic (or non-combat) environments such as Kenya and the Philippines. Other areas where UNSCR 1325 will be relevant include where the USG provides support (for example, as part of peacekeeping missions) for security-sector reform where there are significant challenges in ensuring gender-sensitive reform of national security institutions.[64] The USG has recently explicitly linked UNSCR 1325 to its NSS 2010 on the basis of the latter's recognition (mentioned above) that "countries are more peaceful and prosperous when women are accorded full and equal rights and opportunity. When those rights and opportunities are denied, countries lag behind."[65] Further to this observation, the USG is in the process of developing its National Action Plan to implement UNSCR 1325,[66] which provides a key opportunity to ensure that counter-terrorism activities within its scope incorporate a gender perspective (see further Section III).

## Strategic Gendering: the USG on Women and National Security

> *"President Obama and I believe that the subjugation of women is a threat to the national security of the United States."*
> Secretary of State Hillary Clinton, March 2010[67]

### Tracing the Nexus

In President Obama's May 2011 speech on "a new approach to promoting democratic reform, economic development, and peace and security" in the Middle East and North Africa, he emphasized that the United States would seek to "empower women as drivers of peace and prosperity, supporting their right to run for office and meaningfully participate in decision-making because, around the world, history shows that countries are more prosperous and peaceful when women are more empowered."[68] As mentioned above, this concept is embodied in the NSS 2010 and this reference in NSS 2010 is the explicit basis of many USG policy statements on the link between women, girls, and national security, including from Secretary Clinton and Melanne Verveer, Ambassador-at-Large for Global Women's Issues.[69] However, both prior to and after the NSS 2010, Secretary Clinton and Ambassador Verveer have more extensively articulated the USG's perspective on how the treatment of women and girls relates to U.S. national security interest in two key ways.

First, these statements have emphasized a concern that gender inequality leads to or is symptomatic of instability, lack of democracy, and poor governance, where extremism can more readily take hold. For example, in 2009, Secretary Clinton noted: "A society that denies and demeans women's rights and roles is a society that is more likely to engage in behavior that is negative, anti-democratic and leads to violence and extremism,"[70] and more recently that, "I am often asked why on earth do I believe that women and girls are a national security issue. Well, I believe it because I know that where girls and women are oppressed, where their rights are ignored or violated, we are likely to see societies that are not only unstable, but hostile to our own interests."[71] In March 2011, Ambassador Verveer further noted:

> We know that the most dangerous places in the world are more often than not the most dangerous places for women, where women are denied their rights and oppressed. These are the places that are unstable, and where extremism often takes hold. It is no surprise that President Obama's National Security Strategy notes that in our experience, "countries are more peaceful and prosperous when women are accorded full and equal rights and opportunity." Countries that nurture terrorists are disproportionately those places where women have been

> most marginalized, where women don't have a place in the economy or political life of the country, or in their society more generally. These are issues that impact on our own national security. This link to national security is an important one, and it's one of the reasons that we are also focused on the role that women play in ending conflict. Women are essential in efforts to reconstruct and rebuild societies.[72]

Second, in other statements, Secretary Clinton goes further and explicitly identifies gender inequality as an inherent marker of terrorism, noting in 2009:

> Part of the reason I have pursued it [the link between national security and women's issues] as secretary of state is because I see it in our national security interest. If you look at where we are fighting terrorism, there is a connection to groups that are making a stand against modernity, and that is most evident in their treatment of women. What does preventing little girls from going to school in Afghanistan by throwing acid on them have to do with waging a struggle against oppression externally? It's a projection of the insecurity and the disorientation that a lot of these terrorists and their sympathizers feel about a fast-changing world, where they turn on television sets and see programs with women behaving in ways they can't even imagine. The idea that young women in their own societies would pursue an independent future is deeply threatening to their cultural values.[73]

## The Nexus in Practice: Women's Inclusion and Rights as Counter-Terrorism

The corollary of the USG's emphasis on how gender inequality contributes to insecurity is to call for greater promotion of women's rights as part of the USG's national security strategy. This call is encapsulated in Ambassador Verveer's statement that, "[r]aising the status of women would go a long way toward keeping states from failing and terrorists from winning."[74]

One of the main ways this manifests in USG policy is through a commitment to strengthen women's participation at all levels of government.[75] This includes identifying female partners around the world and supporting their activities.[76] This emphasis on enhancing women's participation most explicitly appears in USG policy in Afghanistan,[77] but more recently the USG has also emphasized the need to integrate women in the current transitions in the Middle East and North Africa (MENA).[78] In general terms, according to Secretary Clinton, participation is a "necessary global security imperative. Including women in the work of peace advances our national security interests."[79] This emphasis on participation reflects the USG's broader policy position that women should not be seen merely as passive recipients of its programs. Instead, the QDDR particularly emphasizes that in integrating gender into development and diplomacy activities, "women are at the center...not simply as beneficiaries, but also as agents of peace, reconciliation, development, growth, and stability."[80]

## Box 1. Women, National Security Institutions, and USG Security Assistance in Practice

In terms of how the above emphasis translates into practice, according to the DoS Office of the Coordinator for Counterterrorism (S/CT), there has been a comprehensive push to enhance participation of women in all aspects of the USG's national security assistance.[81] The S/CT explains that the presence of women in national security institutions (as opposed to more typical government portfolios occupied by women) enables them to be a stabilizing force for government and means they may be less willing to compromise on gender equality when it comes to dealing with terrorist organizations.[82] According to the S/CT, this, alongside leadership training for women working in areas afflicted by terrorism, enables women in those communities, as opposed to the USG, to be the public voice against terrorism, which helps to chip away at the ideas that national security issues only affect men and that women are incapable of participating in decisions on national security.[83] According to the S/CT, it is important that counter-terrorism training of women also engages men, including by working with male supervisors, to ensure that after receipt of USG training, women officials are productively used in the field.[84] The S/CT states that in some cases, stressing the utility or benefit of including women as a means to counter terrorism can also serve to counter the notion that women's participation is a Western import or notion.[85]

While USG interviewees pointed to efforts to encourage women's participation in security trainings[86]—including through engagement with partner militaries and, as a matter of the United States leading by example, ensuring that women's participation in leadership and advisory positions is encouraged throughout the U.S. military[87]—it was felt that it was difficult to achieve gender balance given the male-dominated nature of many national security, law enforcement and military institutions.[88] This challenge is compounded by the failure to make gender a criterion in selecting participants for USG trainings[89] or to have gender be a specific or separate focus in curriculum (e.g., USG officials indicated there are no trainings dedicated to gender through the International Military Education and Training (IMET) or International Law Enforcement Academies (ILEA) and that if and when gender came up it would be through aspects of training that deal more generally with human rights or in terrorism case studies).[90] In the work of other DoS offices, such as the Office of the Special Representative to Muslim Communities, there is a strong focus on promoting women's inclusion in decision-making processes, although, according to the Office, this is seen as a separate agenda from promoting women's rights per se, which is the mandate of the Ambassador at Large for Global Women's Issues.[91]

## Unpacking the USG's Linkages

It is important to unpack the basis on which the USG seeks to include women in national security measures to ensure it does not rely on or perpetuate stereotypes of women.[92] While many USG statements (as above) recognize that women are agents and drivers of change in their communities, in other cases, the USG relies on the stereotype that women are inherently more peaceful and moderate influences in a community as the basis for seeking their inclusion in national security efforts. For example, in a 2009 meeting, in response to a question about the strongest case that could be made that educating women will combat extremism, Ambassador Verveer noted that women are on the "front lines of moderation" and that "to the extent that

women are invested in and educated it makes a great deal of difference in terms of the futures of those countries and the forces that succeed and don't succeed."[93] In other interviews CHRGJ conducted, most notably with DoS officials and USAID's Office of Transition Initiatives (OTI), USG officials reflected the need for complexity on this point, noting, for example, that mothers could be either a positive or negative influence on their male family members in terms of extremism.[94]

This role of mothers in preventing terrorism is a recurring aspect of the USG's linking of women and national security. For example, the U.S. Deputy Coordinator for Homeland Security and Multilateral Affairs has noted that: "Due to their positions in their families, women can exert a stabilizing influence and empower individuals to be able to resist violent extremist propaganda and radicalization that can lead to terrorism."[95] Other USG statements reflected on the need to include women on a number of different bases. For example, according to the Office of the Special Representative to Muslim Communities, women have a critical role to play in countering violent extremism and in developing the counter-narrative to extremism, because of their influence in the community and their importance in the home as mothers.[96] According to the S/CT, while it is important to recognize the role of mothers, it is also important to make it clear that women have a role beyond this, that fathers also have a role, and that women's inclusion benefits everyone and not just women and children.[97]

Other USG statements have linked women's increased empowerment and economic prosperity to national security. For example, according to the U.S. Deputy Coordinator for Homeland Security and Multilateral Affairs: "Providing opportunities for women to apply their skills and share their knowledge can drive social and economic progress that not only brings material benefits to their families and societies, but has a derivative effect that increases ideological moderation."[98] In interviews with CHRGJ, USG officials with Pakistan expertise similarly noted that over the long term, increasing women's economic status (such as through better access to finance) helps increase women's clout in their community and their families and ensures that their children do better in school and therefore are less vulnerable to extremism.[99] Other USG officials have stressed this link between women's economic prosperity and national security in more broad terms. For example, in relation to Afghanistan specifically, the USG identifies "women's empowerment as critical to unleashing the full economic potential of the Afghan people."[100] In addition, the Secretary of State's International Fund for Women and Girls is premised on the idea that investing in women and girls is an "investment in peace, security, democracy, and prosperity."[101]

## Taking Stock: the USG's Record on Gender and Counter-Terrorism

### Parameters for Engendering Counter-Terrorism

While this Report analyzes the gender dimensions and impacts of the USG's counter-terrorism efforts, it does not directly comprehensively address the different and difficult question of whether evidence supports the USG's claim that promoting the norm of gender equality counters terrorism. The inability to fully answer that question at this stage owes to many factors. First, assessing causal claims is very difficult when empirical evidence, as in this area, is scarce. Second, such claims seek to situate gender equality in a security frame and thus risk redefining the gender equality agenda in light of national security objectives, making the assessment of the claim even more complicated. Third, there is a lack of clarity around contested meanings of key terminology (such as gender, terrorism, and counter-terrorism); clarity about such terms is needed to address this question empirically. Finally, research in this field is nascent at best, making it necessary to establish some foundational points for such an analysis, should it be undertaken.

Accordingly, this Report instead provides these foundational points by identifying and analyzing the ways in which the USG is thinking about gender in its counter-terrorism efforts, and identifying and assessing the gender-based human rights impacts of these measures. Following this approach, our research leads to the following essential observations to frame a nuanced understanding of the relationship between gender, terrorism, and counter-terrorism:

- **First, counter-terrorism measures will inadvertently punish, rather than protect, women and sexual minorities unless careful attention is paid to the underlying gender dynamics in which counter-terrorism measures are developed, implemented, and assessed.** From CHRGJ's Stakeholder Workshops and broader research, these dynamics relate to: (1) the negative impacts, both globally and locally, of USG counter-terrorism activities, including those that occur through actual or perceived cooperation with domestic governments; (2) women and sexual minorities' experience with terrorism in their communities, both as victims of terrorism and as leaders in the effort to shield their communities from terrorist violence; and (3) specific gendered relations, division of labor, roles and responsibilities, and access to resources within the community, including in light of the impacts of both counter-terrorism and terrorism. These gendered dynamics—squeezing and polarization, bartering, skepticism, instrumentalization, backlash, and stereotypes—are explored further below.

- **Second, while the Report does not make the claim that promoting gender equality will counter terrorism, it does establish that the failure to take account of gender in the design, implementation, and assessment of measures to combat terrorism will undermine the extent to which such measures can achieve their stated goals.** In many of the case studies and examples cited in this Report, the USG counter-terrorism measures that were gender-blind or discriminatory were not only bad for the human rights of men, women and sexual minorities, but also comprised the efficacy of these efforts and therefore the USG's broader imperative to protect the human rights of whole populations from the threat of terrorism.

- **Third, gender equality and non-discrimination are integral to a number of tools regarded as essential to countering terrorism.** Gender equality and non-discrimination are part of the corpus of human rights, fundamental freedoms, and rule of law, the general respect for which the U.N. has repeatedly emphasized as being "the fundamental basis of the fight against terrorism"[102] and "an essential part of a successful counter-terrorism effort."[103] The increasing emphasis on the role of terrorism victims and survivor networks to combat terrorism also involves a corollary increase in the involvement of women and LGBTI individuals.[104] Finally, as the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism notes, a "gender perspective is also integral to combating conditions conducive to the spread of terrorism," including the "dehumanization of victims of terrorism in all its forms and manifestations...discrimination, political exclusion, socio-economic marginalization and lack of good governance."[105]

## The Gendered Experience of USG Counter-Terrorism: Patterns to Date

CHRGJ's Stakeholder Workshops and broader research identify the following key trends as critical to understanding the underlying gender dynamics in which current USG counter-terrorism efforts occur and which shape the impacts of these efforts. These gendered dynamics are complex, reflecting and enabling insight into both the *actual* impacts of prior and current USG actions and the USG's failure to protect women and sexual minorities from terrorism, alongside core *perceptions* of advocates and communities about both. In light of these dynamics, participants in the Stakeholder Workshops also shared their perspectives on


Muslim protesters gather at a large anti-war rally in Union Square on April 9, 2011 in New York City. Thousands of protesters called for the U.S. to end the wars in Iraq and Afghanistan and a large Muslim contingent protested against war and Islamophobia. *Original Caption*

the potential gendered impacts of the USG's present emphasis on women and national security.

## *Squeezing and Polarization*

USG counter-terrorism post-9/11 has been characterized by a discourse of exceptionalism, militarization, and significant rights abuse.[106] Many of the participants in CHRGJ's Stakeholder Workshops expressed their concern about the over-reach of the USG's "War on Terror," the USG's failure to provide a clear definition of what constitutes terrorism, and the related tendency to categorize a wide range of legitimate activities as terrorism.[107] The USG's "War on Terror" and counter-terrorism measures more broadly have had *direct* impacts on women and sexual minorities that this Report explores. However, in addition to such direct impacts, these measures have also fostered an environment marked by increased Islamophobia and vilification of Muslim communities that also affects the rights of women and sexual minorities.

First, participants in all of the Stakeholder Workshops, and in some USG and foreign government interviews, noted that the "selectiveness" and "arbitrariness" of USG counter-terrorism, particularly in Afghanistan and Iraq, had "promoted identity-based politics," "empowered extremist groups," "created more terrorism," and emboldened extremist narratives in their communities.[108] Indeed, from Somalia to Pakistan to Afghanistan to Iraq, there are countless examples of how terrorists undermine the rights of women and sexual minorities and how the USG's counter-terrorism response fails to protect and can make things worse.[109] For example, in Somalia, Al-Shabaab—an entity the USG designated as a Foreign Terrorist Organization (FTO) in 2008[110]—recently increased its violations of women's rights by imposing dress restrictions,[111] instructing that women "cannot shake any male's hands in public, travel on their own, sell anything or work in an office,"[112] closing women's organizations,[113] and subjecting women to rape, forced marriage, and beheading.[114] However, USG counter-terrorism actions have exacerbated rather than helped this situation. For example, Somali women report that the U.S.-supported invasion of Somalia in late 2006 squeezed women leaders between Al-Shabaab and the Transitional Federal Government, such that "it seems the United States, in its pursuit of the war on terror, unwittingly played a role in sending Mogadishu's women back to an era they thought they had left behind forever."[115] Most recently, the USG's significant cuts to humanitarian aid to Somalia (for fear it would be diverted to Al-Shabaab), has wreaked havoc on the humanitarian crisis there, with disproportionate impact on women and girls.[116] Our Stakeholder Workshops also provided numerous examples of where terrorists may use the impacts of USG counter-terrorism to limit the rights of women in their communities. For example, according to a national security expert at our MENA Stakeholder Workshop, Al-Qaeda propaganda has stated that the USG's drones in Yemen are taking photos of women, which could be used as an excuse to limit women's movement outside the home.[117]

Second, the overall marginalization of Muslim communities puts increased pressure on women within those communities to keep silent about their rights. This is particularly true where the USG (and in some cases, terrorists) paints gender equality as the very marker of difference between the "West" and terrorists.[118] For

example, one participant at our Asia Stakeholder Workshop noted that in India:

> Muslim women's groups are constantly in limbo as we are always told this is not the right time... when the entire Muslim community is under threat there is very little space to articulate rights because there is a feeling that you can't make complaints to the police. As a result Muslim women's rights groups are very frustrated.[119]

Another participant in the Asia Stakeholder Workshop noted that in Malaysia:

> NGOs questioning Muslim laws and women are seen as being Western funded and there is also a perception that if something explodes into a big issue then what is essentially a race, religion, or community issue will be seen as a security one. Therefore, the women's organizations can't take many things to that new level.[120]

Further, according to a Palestinian LGBTI activist at our MENA Stakeholder Workshop, "the Palestinian struggle says to focus on the national struggle first, and the time for the LGBT struggle will come later."[121] USG counter-terrorism actions that create or reinforce an "us-versus-them" narrative with gender equality at its fulcrum hinder women's and sexual minorities' advocacy, including advocacy against terrorism.

Third, the Report records a number of examples of where the USG or USG-assisted countries lack gender-sensitive mechanisms to properly distinguish between terrorists and their victims and thereby re-victimize those who suffer at the hands of terrorist violence.[122] This is the case, for example, with USG policies that bar asylum to females forced to provide domestic service to terrorism or treat trafficked persons as potential national security threats rather than human rights victims.[123] It is also incumbent on the human rights community to properly understand and address the rights of victims of terrorism in these ways.[124]

## *Bartering*

This concern emerges on two levels: governments bartering the rights of women and sexual minorities with terrorists and governments privileging counter-terrorism relationships with coercive governments over their poor human rights record. First, as noted by the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, "some Governments have used gender inequality to counter terrorism, employing the rights of women and lesbian, gay, bisexual, transgender and intersex individuals as a bartering tool to appease terrorist or extremist groups in ways that have furthered unequal gender relations and subjected such persons to increased violence."[125] For example, in February 2009, following the Pakistani army's failure to defeat an 18-month Taliban insurgency in the Swat Valley, Pakistan signed a peace accord with the militants agreeing to implement the Taliban's version of Islamic law, which would curtail women's rights, in exchange for peace.[126] While the official USG stance was to publicly denounce the deal,[127] reports indicate the USG privately supported its formation.[128] In June 2010, Amnesty International reported that the deal resulted in severely curtailed women's rights.[129] In Iraq, the USG has similarly inadequately pressed the Iraqi government to address the targeting of LGBTI individuals by militias and State actors.[130]

Second, to advance its counter-terrorism interests, the USG has invested significantly in authoritarian regimes,[131] favoring security interests over democracy, human rights, and the development of civil society, including women's groups.[132] These impacts continue to reverberate with the uncertainty over whether the kinds of transitions seen in the Arab Spring will usher in a new era of rights protections for women and LGBTI individuals[133] and how the USG will approach women's and LGBTI issues in its engagement with new power brokers in countries where they may not have the upper hand and where equality agendas may not be popular.[134] Most recently the USG has itself, somewhat nebulously, acknowledged that its counter-terrorism

strategy relies on "Accepting Varying Degrees of Partnership," such that:

> In some cases partnerships are in place with countries with whom the United States has very little in common except for the desire to defeat al-Qa'ida and its affiliates and adherents. These partners may not share U.S. values or even our broader vision of regional and global security. Yet it is in our interest to build habits and patterns of CT cooperation with such partners, working to push them in a direction that advances CT objectives while demonstrating through our example the value of upholding human rights and responsible governance.[135]

As noted by the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, these forms of bartering are deeply antithetical to human rights: "The bartering of human rights in the name of countering terrorism erroneously suggests that human rights are optional and is fundamentally inconsistent with the State's obligation to ensure human rights protections to all persons within its jurisdiction."[136]

## *Skepticism*

Among some women and LGBTI groups (particularly in the Middle East, but also in Africa and Asia) there is some caution and skepticism regarding the USG's recent linking of gender equality and counter-terrorism objectives. For some of the Stakeholder Workshop participants, this concern was not so much about the idea that women's empowerment is necessary to achieve security objectives, but more about how the Obama Administration's focus on promoting gender equality relates to the Bush Administration's invocation of women's rights as a justification for invading Afghanistan, which compromised women's rights there.[137] To put it more starkly, there was concern about whether the USG's current link between women and national security was genuine, followed by immediate questions about the extent to which the link was based on harmful stereotypes, such as gender inequality in Muslim communities. One Iraqi women's rights advocate at our MENA Stakeholder Workshop reflects her frustration with the USG's hollow emphasis on women's rights as follows: "The United States' propaganda of 'saving nations from themselves' is full of big titles but empty content like 'women's rights.' The Bush Administration said they would free Iraqi women from the torture chambers and then they used the same torture chambers."[138] Participants at CHRGJ's Stakeholder Workshops also identified other examples of how focusing on equality in the context of countering terrorism (either by the USG or its counter-terrorism partners) is not always benign and may distract from wholesale rights abuses. For example, several LGBTI groups argue that the portrayal of Israel as a gay-friendly nation diverts attention from its human rights abuses.[139]

## *Instrumentalization*

Closely linked to the above concern was an apprehension that under the USG's new emphasis on women and national security, women's empowerment and women's movements would be valued only to the extent that they could help achieve national security objectives. Participants in all of the Stakeholder Workshops stressed that equality for women and sexual minorities should be a goal in and of itself, regardless of whether it contributes to broader national security objectives, which it well may.[140] Participants also called on the USG to realize its commitment to women in practice. For example, it was often stressed that participation is an important starting point for achieving gender equality, but that it is not enough, particularly where that participation may constitute token representation. There are concerns, such as in Afghanistan, that female representatives are proxies for conservative voices and are not representing women's issues, and that in Iraq the USG is accessing only a small segment of the women's rights community.[141] In 2007, an International Women Leaders Global Security Summit similarly emphasized this need for genuine and transformative participation of women, noting: "Women's expertise and leadership from across the world should be mobilized to help ensure a more holistic and inclusive approach to address the threats of terrorism. 'The key recommendation for women leaders is the *transformation* of perceptions, priorities and alliances.'"[142]

### *Backlash*

In addition, CHRGJ's Stakeholder Workshops raised questions about how the USG's identifying of the link between gender and counter-terrorism affects women's and sexual minority rights programming on the ground. Participants in the Stakeholder Workshops were at pains to stress that the dangers that exist when women's and LGBTI rights programming is seen as a Western agenda would be amplified if it also had (or was perceived to have) a counter-terrorism nexus. For example in Afghanistan, Taliban leader Mullah Omar issued orders in July 2010 calling on Taliban fighters to "capture and kill any Afghan women who are helping or providing information to coalition forces."[143] The Stakeholder Workshops indicated that the danger of backlash is enduring, such that the risk is present where it known or perceived—either at the time of the inception of activities or later—that organizations are receiving USG money or training for particular activities.

### *Stereotyping*

Terrorism and counter-terrorism narratives have both mobilized and reinforced stereotypes around men, women and sexual minorities.[144] These stereotypes are also heavily racialized and include, for example, ideas about Muslim women as passive, subordinate, moderate, and maternal.[145] Such stereotypes can either sideline Muslim women in efforts to combat violent extremism[146] or lead to their inclusion in ways that may perpetuate these stereotypes, such as focusing on the role of women as mothers to combat terrorism or portraying women as inherently peaceful.[147] The use of these stereotypes can be extremely harmful. As one participant in the Africa Stakeholder Workshop noted, the idea that Muslim mothers are responsible for turning their sons away from terrorists inherently implies that Muslim mothers "breed terrorists."[148] In all regional Stakeholder Workshops there was also a concern that this focus on supporting mothers to combat violent extremism could cause backlash if their sons or male family members nonetheless went on to commit terrorist acts. Further, the idea that women's and LGBTI rights are Western or foreign—a notion that informs both terrorism and counter-terrorism narratives—serves to undermine the efforts of local activists who argue that gender equality and rights protection is not imported but rather indigenous to local communities.[149] Finally, stereotypes about Muslim men (e.g., as misogynist, and particularly homophobic) are rife and have informed the USG's development of interrogation techniques in Guantánamo Bay and beyond to the detriment of human rights.[150]

## Moving Forward: Ten Conclusions and Recommendations

In addition to the specific recommendations identified in this Report's six areas of focus, the following general themes should guide all USG programming on counter-terrorism generally and on gender and counter-terrorism specifically. These themes primarily build on recommendations made in the Stakeholder Workshops and are identified with a view to ensuring that the USG takes account of the different ways in which its counter-terrorism efforts impact men, women and sexual minorities in order to: recognize and redress gender-based human rights impacts from prior actions; ensure positive human rights impacts moving forward; and to guarantee that the rights of everyone—particularly women and sexual minorities—are safeguarded from terrorism and that USG counter-terrorism responses do not compound its pernicious effects. The Report recommends:

1. **Gender is not synonymous with "sex" or women.** Within the USG, this has been most explicitly recognized in USAID policy[151] and should be incorporated into all other USG counter-terrorism institutions, policies and activities to ensure the USG is able to fully comprehend the ways in which its counter-terrorism measures have differentially impacted men, women, and sexual minorities; to tailor the appropriate redress to fully address these impacts; and to ensure that moving forward its counter-terrorism policy does not undermine rights and reinforce identities built around harmful stereotypes about masculine and feminine behavior, including in certain religions or cultures.

2. **Gender really counts.** To realize the full human rights and potential of women and girls and mobilize the genuine support of grassroots organizations, the USG needs to more closely articulate the basis on which it is linking women's status and rights to counter-terrorism; remove any actual or perceived reliance on harmful stereotypes (such as women as victims, Islam as oppressive to women, and women's utility only as mothers); and demonstrate that its link can help rather than hinder the enjoyment of gender equality. In addition, to demonstrate the genuine nature of this commitment to gender equality, it is extremely important to ensure that other parts of the USG's counter-terrorism strategies do not inadvertently penalize activities in ways that make the USG's stated commitment to gender equality seem hollow. One key way in which this can be done is to reconcile the USG's focus on a holistic strategy to combat terrorism with anti-terrorism financing rules that in practice circumscribe the range of actors and activities that can be mobilized to combat terrorism and undermine the rights of women and sexual minorities.[152] It also entails the USG rejecting all practices of bartering—from bartering to appease terrorist groups to intelligence partnerships with nations that do not respect human rights, to even more subtle forms of bartering in which the USG promotes "moderate" or "credible voices" in a community that may be persuasive to those susceptible to radicalization but inimical to the rights of women and girls.[153] Instead, the USG should seek to create open spaces for dialogue and promote a narrative based on human rights, rule of law, and equality for all.[154]

3. **Enhance gender equality because it is the right thing to do.** It is also incumbent on the USG to make it clear that supporting gender analysis and gender equality is not just the smart thing to do, but the right thing to do, regardless of whether it achieves counter-terrorism objectives (which it well may). In other words, the USG should emphasize that gender equality is an end in and of itself that may lead to achieving concrete counter-terrorism objectives, but will not under any circumstances be sacrificed to achieve them. In many of our interviews with USG (and some foreign) officials, there was a preoccupation with discussing the evidentiary basis for incorporating gender considerations into counter-terrorism and with the need to identify examples of whether, and how, incorporating gender into national security actually works in terms of enhancing security. There is a perception that this evidence base is needed, particularly in agencies like the DoD, to ensure that gender analysis and gender equality goals are part and parcel of counter-terrorism activities. While appreciating that emphasizing gender analysis and equality in this way has strategic value, the underlying equality rationale for including women and sexual minorities also needs to be stressed, not only because it will affect the shape of programs adopted, but also because without it, it will not be possible to mobilize the broad-based participation of women and LGBTI groups that USG national security policies contemplate.

4. **Gender matters outside DoS and USAID—no gender siloing.** In contrast to the high-level policy emphasis—including in NSS 2010—on integrating women and girls in national security, by far the majority of USG counter-terrorism officials (with some notable exceptions identified below) surveyed for this Report did not think that gender considerations were relevant to their mandates and, when they did, it was only to the extent that it could be shown that integrating a gender perspective could enhance national security (see above). In addition, for some agencies, such as the DoD, it was thought that to the extent that gender was relevant, this should be identified primarily through consultation with the DoS or USAID in the inter-agency processes that inform counter-terrorism efforts. However, CHRGJ's research demonstrates that the inter-agency process is an insufficient safeguard for ensuring that gender is on the radar of USG decision-makers when agencies such as USAID, with clearly articulated gender mandates, in practice rarely integrate a coherent gender perspective into their development activities designed to counter violent extremism.[155] Moving forward, the USG cannot silo its gender and national security objectives and instead must work toward integrating a gender perspective in both intra- and inter-agency activities designed to counter terrorism domestically and abroad.

5. **Broaden focus beyond women and girls to include LGBTI rights.** While many USG counter-terrorism institutions and implementing partners interviewed for this Report were at least open to discussing the gender dimensions and impacts of USG counter-terrorism on women, very few could envision how the rights of sexual minorities were at all relevant to USG counter-terrorism measures. There is a huge information gap in governments and the broader human rights community as to how counter-terrorism measures implicate and affect LGBTI individuals and organizations. This Report surfaces some of these dimensions, but much remains to be done in consultation with the local LGBTI rights movements that are best positioned to assess the impacts of any USG action in their communities.

6. **Integrate gender into counter-terrorism and countering-violent extremism measurement and evaluative tools.** USG officials interviewed for this Report almost universally articulated the immense challenge in measuring the effectiveness of counter-terrorism measures, particularly where the measures are preventive, such as through development work to counter the conditions that lead to extremism or strategic communications to diminish the pull of extremist ideology.[156] For example, in the context of measuring the impact of strategic communications, according to CHRGJ's interview with the USG's Center for Strategic Counterterrorism Communications (CSCC), the question of whether a particular exchange makes a difference is difficult to answer, and devices such as polling cannot accurately measure it.[157] This challenge is not unique to the United States. The recent review and reissuance of the U.K.'s *Prevent* strategy, which seeks to "stop people becoming terrorists or supporting terrorism,"[158] noted: "Evaluating preventative programmes is inherently challenging. Success is often reflected in changing attitudes as much as behaviours, attitudes which are complex to measure and assess" and concluded that there had been "limited quality control" of *Prevent* activity.[159]

   From a gender and human rights perspective, compounding this general challenge of "quality control," is the USG's failure to integrate gender into those counter-terrorism and CVE measurement and evaluative tools that do exist. It is striking, for example, that in no counter-terrorism program surveyed for this Report had the USG mandated collection and reporting on sex-disaggregated indicators in its outputs and outcomes. This was the case despite the fact that some agencies—most notably USAID—are mandated to undertake gender analysis that would include this and other elements.[160] In addition, S/CT, the one counter-terrorism office where some personnel do have an explicit and strong gender focus, does not yet use a gender marker to evaluate the gender dimensions and impacts of its counter-terrorism measures, although it plans to develop one in the future.[161] Both measurement efforts are essential and go hand-in-hand because effective counter-terrorism measures should protect the whole population from terrorism, including particularly women and LGBTI individuals who are regularly their victims. There is a clear need to move toward both counter-terrorism indicators and evaluations and their explicit gendering in ways that are identified further and road-mapped in Sections II and VIII.

7. **Do no harm.** By and large, where gender is taken into account in USG programming, there is commendable and acute sensitivity to the risks that can attach to programs in this area, for example, of backlash to women's groups working with the USG on countering terrorism. For many USG officials across agencies, this risk is best mitigated by ensuring the USG footprint for an activity or program is light, and, for agencies such as the DoS, explicitly not engaging in a program that will put women at risk.[162] The understanding across a number of agencies and USG implementing partners is that the lightness of the U.S. footprint is key both to ensuring the program is effective (and efficient) from a counter-terrorism perspective and the safety of women's groups involved.[163] This, and other examples discussed in the Report, demonstrates that gender and national security imperatives often point in the same direction.

8. **Increase transparency and expand consultation on programs.** All USG programs to combat terrorism should be premised on consultation with women and sexual minorities, even when the program is not gender specific but instead directed at the community as a whole, such as "hearts and minds" activities that involve the building of schools and wells in at-risk communities. Failing to do so, and instead, as the USG has done, consulting with existing decision-making structures, such as village elders or councils, may inadvertently serve to reinforce local gender hierarchies and could jeopardize the program's effectiveness.[164] Instead, modes of consultation in the design, implementation, and assessment phases for counter-terrorism actions should be gender sensitive and reflect local contexts, including through the potential use of third-party intermediaries like non-governmental organizations (NGOs).[165] The USG also needs to balance the risk of backlash with this need for broader transparency about USG programming. In the words of one participant in CHRGJ's Africa Stakeholder Workshop: "Communities are not stupid; they know that when the U.S. military turns up to build a well in a Somali community in Kenya that something else is going on."[166] Secrecy in these and other circumstances implies suspicious intent and generates ill-will that in the short term deters communities from participating in USG activities, and in the long term, further fortifies distrust of the United States. Further, participants in all of CHRGJ's Stakeholder Workshops stressed that USG programming should be responsive to the actual needs and preferences of women and sexual minorities as expressed in these consultative processes identified above. For example, for women affected by the loss of male family members to terrorism or counter-terrorism, it may be more appropriate to provide services such as educational development and scholarships for children, medical services, trauma counseling, and life-skills training, or even resettlement to another town or a different country, rather than programs on conflict resolution, which are often the stock response of the USG and other governments.[167]

9. **De-securitize engagement with Muslim communities and turn the gaze inward.** Across all Stakeholder Workshops there was a concern that USG counter-terrorism policies consistently locate the problem of terrorism in Muslim communities worldwide, with severe implications for human rights. While the USG is increasingly stating that it does not wish to securitize its relationship with Muslim communities in the United States and abroad,[168] there is a resounding perception that action does not match this rhetoric, and that an enormous effort is required to undo the damage of the past ten years of USG counter-terrorism actions. For example, participants from every region stressed local communities' belief that the USG's failure to strongly condemn Islamophobia or punish acts of violence against Muslims within the United States (such as the "Ground Zero Mosque" protests) or to take a strong stance against unlawful Israeli practices directly feeds into extremist messaging and undermines the work of gender activists in their communities. It is unclear that the USG's current emphasis on women and national security will help on this front—a number of participants in our Stakeholder Workshops stressed that this emphasis continues to approach women through the lens that their entire (Muslim) community is suspect. Instead, participants in the Africa Stakeholder Workshop suggested that USG programming should be inward looking, and that the USG should take steps that show that it is seeking to educate its public about other parts of the world, rather than only working to change how the rest of the world sees the United States.

10. **"One size does not fit all" is not an excuse for gender blindness.** In a number of CHRGJ interviews for this Report, we were left with the impression that the difficulties or complexities of local contexts were often used as a reason to sideline a broader agency or inter-agency discussion about gender, terrorism and counter-terrorism. Indeed, while many of the recommendations in this Report stress the need to consider context and develop situation-specific programs, the Report nonetheless also points to a number of starkly similar gender patterns that emerge across both countries and regions, from the USG's failure to adequately consult women and sexual minorities in counter-terrorism measures to the concerns about bartering of rights of women and sexual minorities to appease terrorists to the negative impact on female family members of post-9/11 counter-terrorism measures.

# SECTION II: GENDER AND DEVELOPMENT ACTIVITIES TO COUNTER VIOLENT EXTREMISM

## Development as a Pillar of USG National Security Strategy

Under the Obama Administration, there has been an unparalleled and accelerated effort to emphasize the significance of development in U.S. counter-terrorism objectives and to expand activities that link the two objectives. The NSS 2010 emphasizes the key role of development cooperation as a strategic investment in national security.[169] On September 22, 2010, President Obama signed an unprecedented Presidential Policy Directive on Global Development to elaborate on this enhanced role of development.[170] This Directive confirms that "development is vital to U.S. national security and is a strategic, economic, and moral imperative" and calls for "the elevation of development as a core pillar of American power" alongside diplomacy and defense efforts.[171] On December 15, 2010, Secretary Clinton presented the first QDDR, which similarly reiterates the central importance of development (and diplomacy) in U.S. national security efforts and provides a blueprint for how the DoS and USAID can effectively advance these interests.[172] The National Strategy for Counterterrorism further emphasizes the role of the USG in providing "focused foreign and development assistance abroad," including in Pakistan and Yemen.[173] Alongside USAID's increased role in securing U.S. national security, the DoD has also extended its reach into the development realm in the name of countering violent extremism and terrorism,[174] for example, to win the "hearts and minds" of at-risk populations, gain tactical access to communities, and mitigate underlying social, economic, and cultural factors thought to constitute a breeding ground for terrorism.[175] The gendered dimensions and impacts of these shifts are explored further below.

As a preliminary observation, it is important to note that this shift toward the use of development in service of national security is not unique to the USG. As a result, many of the observations and lessons articulated in this section will be relevant to assess similar development activities of other governments, particularly those of Western countries. However, some country-to-country variations do exist and should be taken into account when extrapolating lessons learned. For example, the U.K. Department for International Development (DfID) has an important role in counter-terrorism (*Prevent*) strategy (i.e., its poverty-reduction work is seen to build resilience[176] and contributes "upstream" to prevent violent extremism[177]); however, in contrast to USAID, DfID "does not fund Prevent activities directly"[178] and does not report on CVE indicators because by statutory requirement all of its programs must have the overarching goal of poverty reduction.[179]

## Evolution of USAID: Toward Gender, Toward National Security

In the past few years, USAID has undergone two significant and largely unrelated shifts: first, it has significantly strengthened gender analysis and integration in development programming, and second, as foreshadowed above, USAID's importance to achieving U.S. national security has been elevated to unprecedented levels. These shifts are outlined separately in more detail below, followed by an analysis of the ways in which there has been little to no crossover between the two in practice, as well as inadequate attention to how they should intersect at the analytical or policy level. The result of these simultaneous but separate shifts is that there is markedly less gender analysis underpinning CVE programs than in traditional USAID programs, despite the clear gender dimensions and impacts of the shift toward USAID (and the DoD) undertaking development in aid of national security efforts.

## USAID and Gender

USAID recently reviewed and amended the Automated Directives System (ADS) to strengthen its gender integration in development programming.[180] Gender analysis is now mandatory in the development of strategic plans, assistance objectives, and project-level analyses, and where it is determined "gender is not an issue," this must be documented and explained.[181] When gender is identified as an issue, this must be reflected in performance indicators, procurement requests, and the evaluation criteria to be used when determining grants and cooperative agreements to NGOs.[182] USAID's Evaluation Policy, released January 19, 2011, also makes clear that "evaluation methods should use sex-disaggregated data and incorporate attention to gender relations in all relevant areas" and that evaluation procedures will incorporate "gender-sensitive indicators and sex-disaggregated data."[183] According to USAID's Office of Gender Equality & Women's Empowerment (formerly Office of Women in Development), gender is not just a "check the box"; it has to be integrated in programming from the start, and how it features depends on local context, including through avoiding the potential for backlash.[184] USAID also appointed a new Senior Coordinator for Gender Equality and Women's Empowerment in April 2011 as part of its institutional commitment to enhancing attention to gender.[185] The ADS does not include guidance on when and how to integrate LGBTI issues into development programming, although some USAID activities do include LGBTI rights.[186] Accordingly, although this Report is concerned with the differential gender dimensions and impacts of USG counter-terrorism on men, women, and sexual minorities, the remainder of this section applies gender analysis to focus primarily on how both USAID and DoD development programs differentially integrate and impact women and men and gender stereotypes more broadly.

## USAID and National Security

USAID has taken a number of steps to realize its new and enhanced national security role as set out in the Presidential Policy Directive on Global Development and the QDDR.[187] USAID recently launched the reform effort USAID *FORWARD* "to transform its agency and unleash its full potential to achieve high-impact development,"[188] and has also recently developed its "first-ever policy on the role of development assistance in countering violent extremism and counterinsurgency."[189] This policy was initially slated for release in February 2011,[190] but as of the time of publication is not publicly available. There is an urgent need for such a policy within USAID. CHRGJ's interviews with USAID and implementing partners in Washington, D.C. and in the field reveal markedly different approaches to, and understanding of, the relationship between development assistance and combating violent extremism. This manifests at the broad policy level, but also trickles down to the design and implementation of individual projects, where interviewees often expressed that it can be difficult to identify a sharp line between traditional development activities and those that seek to counter violent extremism. In the words of one USAID official, when constructing a road in Iraq, the question is "is it a counter-terrorism road, economic growth road, conflict mitigation road, or community development road?"[191]

# Development-National Security Nexus in Practice

## USAID Programs to Counter Violent Extremism

Based on our interviews with USAID officials and implementing partners, there appear to be four ways in practice in which USAID activities relate to countering violent extremism.

- **First, USAID activities explicitly developed for the purpose of countering violent extremism and/or where countering violent extremism is the stated overarching**

**or driving frame for the project.** According to one USAID official, the number of these explicit CVE projects (as opposed to general projects that address broader factors that lead to recruitment) is so minimal "you could count them on one hand."[192] Based on interviews and secondary research, CHRGJ understands that these include: USAID's Trans-Sahara Counterterrorism Partnership (TSCTP)[193] activities, such as its Peace for Development (PDEV) program in Niger and Chad (and previously in Mauritania),[194] and USAID's East Africa Regional Strategic Initiative (EARSI)[195] activities, such as G-Youth in Garissa, Kenya, and the Shaqodoon Somalia: Somalia Youth Livelihood Program.[196] Based on USG public statements, a number of USAID activities in the Federally Administered Tribal Areas (FATA) in Pakistan and in Yemen also have countering violent extremism as a dominant frame. *See Box 2 (USAID Activities with Strong Nexus to Countering Violent Extremism).*

- **Second, USAID activities in cooperation with the DoD in kinetic or active combat (e.g., with Provincial Reconstruction Teams (PRTs) in Iraq and Afghanistan)[197] and non-kinetic environments (e.g., Yemen[198] and Philippines[199]) where the USG has a counter-terrorism or counter-insurgency objective.** The nature and extent of this cooperation varies depending on the context. For example, in Kenya, USAID and the DoD each pursue development actions to combat violent extremism, but "USAID takes pains to distinguish their work to counter violent extremism from the counterterrorism actions of the military."[200] In other cases, the interaction between USAID and the DoD is both closer and institutionalized, such as in PRTs.

- **Third, USAID activities that contribute to mitigating the enabling environment for terrorism.** According to one USAID official, there are projects that are "specific" or "instrumental" CVE programs and others that are broader and more "developmental" and seek to address the broad drivers of violent extremism.[201] The latter is part of the stated rationale for USAID activities, for example, in Bangladesh where USAID activities occur in the context of the U.S. Embassy's overall strategy,[202] and the USG's "three critical priorities" are "democratization, development, and denial of space to terrorism."[203] In Bangladesh, USAID has addressed "the underlying social, demographic, and economic factors that threaten democratic governance and economic growth, and increase vulnerability to extremism" and notes the ways in which "extreme poverty and the frequency of natural disasters can destabilize the population and create favorable conditions for extremism to thrive."[204] In Sri Lanka, USAID stresses how projects, such as a 2008-2009 USAID-PACOM $2.4 million partnership to rehabilitate infrastructure in areas for returnees from conflict, "support the U.S. Government's wider goal of helping to stabilize and develop eastern Sri Lanka so terrorism can never take root in the region again."[205] In Iraq, USAID has a program that works with civilian victims of Coalition military operations, including through work with widows on ensuring income substitutions for families that have lost their breadwinner.[206] According to USAID, while this program is not explicitly designed to reduce widows' vulnerability to terrorist recruitment, it may have this secondary effect.[207]

- **Fourth, USAID activities that are explicitly not directed toward countering violent extremism or terrorism.** One of the starkest examples of this is USAID's new $30 million program in South Thailand to promote civil-society engagement and reconciliation.[208] In interviews with CHRGJ, both USAID and its implementing partner Development Alternatives, Inc. (DAI) clearly stressed that this is a conflict mitigation program and not a counter-terrorism or CVE project.[209] It is understood that if the program was perceived to be a USG counter-terrorism initiative, this could undermine the project's efficacy and potentially internationalize the current insurgency in South Thailand.[210]

## Box 2. USAID Activities with Strong Nexus to Countering Violent Extremism

### USAID TSCTP Activities in Chad, Niger, and Mali

**PDEV**

As part of the TSCTP, USAID West Africa manages PDEV in Chad and Niger.[211] As of September 2009, $27.267 million was scheduled for allocation to Chad, Niger, and Mauritania through PDEV.[212] In FY 2010, USAID sought $32 million to support the expansion of PDEV, particularly to youth, and to potentially extend the program to Burkina Faso.[213] The program is implemented by the Academy for Education Development (AED) and aims to mitigate the potential for terrorism and extremism in the Sahel region by "deter[ring] marginalized populations from contemplating destructive and hostile ideologies that advocate conflict resolution by violent means."[214] PDEV works in three key areas: improving local governance, empowering at-risk youth, and rendering violent ideologies redundant (including through radio programs),[215] with the latter seeking to create dialogue around, and to address, drivers of conflict and intolerance.[216] Other activities include partnering with a local imam, which reportedly led to more than a dozen madrassas adopting a course focusing on peace and tolerance.[217]

**Mali**

According to USAID, Mali is one of the three TSCTP countries "with the most robust counter-extremism programming."[218] Examples of these activities include: Shared Governance through Decentralization (Programme de Gouvernance Partagée 2 or PGP2), which supports decentralization in 152 target communities and is implemented by Management Systems International (MSI); the now-ended Radio for Peace Building in Northern Mali (RPNP, which supported TSCTP objectives by "promoting media freedom and de-legitimizing terrorist ideology in conflict-prone Northern areas"; and Trickle Up, which provides economic opportunities through microenterprise.[219]

**USAID EARSI Activities: G-Youth, Kenya[220] and Shaqodoon, Somalia**

Shaqodoon Somalia: Somalia Youth Livelihood Program is a USAID program implemented by the Education Development Center (EDC)[221] that targets fourteen to twenty-four year-old "at-risk youth" for livelihood development in Somaliland, Puntland, Galmudug, and South Central.[222] The program runs from September 2008 (it was officially launched in March 2009 in Hargeisa)[223] to September 2011, and has a grant of $9.3 million to reach 8,000 youth "to reduce insecurity by providing skills training and employment opportunities to high-risk youth through local community-based partners."[224]

**Pakistan Civilian Assistance Program**

The USG has increasingly stated the need to invest in civilian infrastructure in Pakistan as a means to counter violent extremism.[225] The USG pledged $750 million between 2007 and 2011 toward development in the FATA, and on October 15, 2009, President Obama expanded this commitment when he signed the Enhanced Partnership with Pakistan Act of 2009 (also referred to as "Kerry-Lugar-Berman"), allocating $7.5 billion over five years (2010 to 2014) for

non-military aid to Pakistan.[226] The rationale for the Act is that a "campaign against extremism will not succeed with bullets or bombs alone," and that it is critical that development of key infrastructure and services be seen as coming from the government and not from terrorist organizations.[227] As of April 2010, USAID's largest activities in the FATA concerned livelihood development programs.[228] USAID/Pakistan established these program in 2008, with a main goal of "provid[ing] social and economic stabilization in FATA to counter the growing influence of extremist and terrorist groups."[229] The programs run for five years and with a budget of approximately $300 million[230] that was originally split between the upper (the FATA Livelihood Development Program) and lower (the FATA Development Program-Livelihood Development (FDP-LD)) regions under the direction of two separate implementing partners,[231] but is now under the direction of one organization.[232]

**Yemen**

The U.S./Yemen Strategy focuses on development assistance to "mitigate Yemen's economic crisis and deficiencies in government capacity, provision of services, transparency, and adherence to the rule of law," including through "empowering youth, women and other marginalized groups."[233] This assistance includes two new USAID programs: the Community Livelihoods Project to "mitigate the drivers of instability,"[234] and its complement, the Responsive Governance Program to strengthen government institutions and services and civil society organizations.[235] There is also a broad range of other programs designed to counter violent extremism, including USAID's Youth Stabilization Initiative (YSI);[236] a DoS Bureau of Democracy, Human Rights and Labor (DRL) program "to increase public awareness and understanding of religious freedom and tolerance with a particular focus on youth";[237] and various Middle East Partnership Initiative (MEPI) programs.[238]

## Military Development Activities

Alongside the increase in USAID activities to counter violent extremism, the U.S. military has also increasingly provided development assistance as a means to counter violent extremism and terrorism. Some key examples of this engagement include:

- **Asia:** In the Philippines, the United States Pacific Command's (PACOM)[239] U.S. Joint Special Operations Task Force-Philippines (JSTOF-P) is a non-combat force whose mission since 2002 has been to "support the comprehensive approach of the Armed Forces of the Philippines (AFP) in their fight against terrorism in the southern Philippines."[240] The work of JSTOF-P focuses on humanitarian development in Mindanao province in Southern Philippines, with 80 percent of its effort constituting civil-military operations, such as repairing or building roads and airstrips, building schools, and providing medical clinics to change the conditions that foster extremism and provide safe havens for terrorists.[241] Accordingly, "JSOTF-P reportedly has implemented over 150 construction projects worth $20 million, created livelihoods for former militants, and directly supported related USAID efforts."[242] USAID also has a large number of activities in Mindanao,[243] working in close collaboration with other agencies such as the DoD,[244] to focus on economic growth, conflict mitigation, and the promotion of peace and security, including through work with former combatants, building of infrastructure, and "strengthen[ing] community-based conflict management processes."[245] Notably, PACOM has characterized its Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) as "a critical

element in PACOM's comprehensive approach to counter-terrorism in South Asia; specifically in Bangladesh and Sri Lanka," including through natural-disaster response that seeks to "decreas[e] the operating space of terrorists and violent extremists."[246]

- **Africa:** The United States African Command (AFRICOM)[247] Combined Joint Task Force–Horn of Africa (CJTF-HOA)[248] was originally established in 2002 to deal with the threat of the Afghan Taliban and Al-Qaeda moving into the region after the U.S. invasion of Afghanistan,[249] but now adopts an "indirect approach to counter violent extremism."[250] Accordingly, approximately sixty percent of its activities constitute civil-affairs projects (often referred to as "hearts and minds" activities),[251] such as those undertaken with communities in the northeast and coastal areas of Kenya.[252] There is a stated gender component to these activities. For example, it has been noted that the "US Army Civil Affairs Team working in Garissa, Kenya has a mandate to counterattack the influence of violent extremist organizations and the team sees supporting education, women's education in particular, a key way to fight extremist ideology."[253] Another (controversial) method was to provide sewing machines to local women, in collaboration with Womankind Kenya, to enhance women's vocational opportunities and enable them to further provide for their families and communities.[254]

- **Yemen:** The U.S. military, including through CJTF-HOA, has been involved in development assistance such as health and education projects to have "not only a physical impact in terms of the actual school or clinic that's being built, but an impact on what people think of when they think of the American military or the American people as a whole."[255] The military's involvement in economic-development activity creates a pool of additional resources and enables access to areas to which USAID is not permitted to travel, but has caused a number of problems that arise from local populations distrusting USG intentions and the limited expertise of military personnel who are deployed for short periods.[256]

- **Iraq and Afghanistan:** PRTs, joint civil-military cooperation units, were created in late 2002 in Afghanistan with a threefold mandate: engage in reconstruction, increase security, and promote the influence of the Afghan central government.[257] Such efforts were also undertaken to win the "hearts and minds" of the Afghan people.[258] In the U.S.-led PRTs in Afghanistan, the DoD provides logistical support and force protection for the team, USAID leads reconstruction projects, and the DoS is in charge of oversight and reporting, but all members of the PRT leadership approve reconstruction activities.[259] In 2005, the "long-term objective" was to transition control over PRTs to NATO-ISAF forces,[260] and as of November 2010, ISAF reported twenty-seven PRTs operating throughout the country.[261] The PRT model was also extrapolated to Iraq, where the USG currently has PRTs in 15 of Iraq's 18 provinces and a Regional Reconstruction Team in Erbil.[262]

## Gender and Analytic Frameworks for Counter-Violent Extremism Activities

USAID's activities on countering violent extremism are underpinned by two guides: *Guide to the Drivers of Violent Extremism*[263] *("Drivers Guide")* and *Development Assistance and Counter-Extremism: A Guide to Programming*[264] *("Programming Guide")* (collectively the Guides). Taken as a whole, the Guides offer little analytical insight into how to concretely and comprehensively approach gender analysis and programming in the context of countering violent extremism; indeed, USAID officials understand that the discussion of gender in the Guides is confined to young men.[265] The *Drivers Guide* and *Programming Guide* briefly integrate gender analysis as it relates to three areas: (1) understanding the drivers of violent extremism; (2)

the challenges of gender programming to avoid extremist backlash; and (3) the formation of partnerships for combating terrorism.

- **Drivers of Violent Extremism:** The *Drivers Guide's* sole reference to "gender" is as a characteristic for developing a profile of populations that are "at risk" of violent extremism.[266] However, it does not further elaborate on the relationship between gender and extremism and proceeds on the assumption that the majority of those at risk are males.[267] The *Programming Guide* identifies the role of gender as a cultural driver of violent extremism, noting:

  > While the belief that Islam is under attack represents the most significant cultural driver of VE [Violent Extremism] in countries with predominantly Muslim populations, broader perceptions of grave threats to customs and values...can play a decisive role as well. The belief that one's "home," "space" or "turf" is being subjected to a cultural invasion—especially in sensitive areas such as gender roles and education—can be a powerful motivation for engaging in violent behavior.[268]

  While some USG statements tend to equate terrorism with gender inequality or support for gender inequality,[269] this is not uniformly accepted in the development field. For example, according to MSI, the author of the Guides, the presence of gender discrimination in a community does not indicate that it is susceptible to violent extremism, although it may be a "convenient coincidence."[270] In addition, while this is not extensively discussed in the Guides, MSI also notes that it is important to recognize the role of women in organizing, supporting, inspiring, or carrying out acts of terrorism.[271]

- **Gender programming and CVE:** The *Programming Guide* notes the need to adjust standard or traditional development activities to enhance their effectiveness to counter violent extremism and minimize terrorist backlash.[272] With respect to gender programming in particular, the *Programming Guide* recommends both adjusting gender programs to generate less hostility (such as framing gender equality rights as coming from within Islam rather than a human rights or Western perspective)[273] and in some cases to "avoid interventions—especially in such sensitive, 'loaded' areas as gender roles or the content of education—which local populations easily may perceive as efforts to impose certain values on them."[274] The *Programming Guide* cites the "creation of new opportunities for women in the public sphere" as an example of well-intentioned "interference" that might provoke a violent backlash in communities, such as in tribal communities in Pakistan, Yemen, and Afghanistan, that have been able to preserve a "high degree of autonomy and self-regulation."[275] According to MSI, in communities that feel under threat, programming that uses social and cultural norms will create backlash unless gender is addressed in a non-secular or religious way.[276] However, notably, from all CHRGJ Stakeholder Workshops (except the United States, where it was not explicitly considered), there was resounding concern that overt USG support for religion-based trainings on women's rights that were in any way linked to countering violent extremism (e.g., holding trainings on women's rights under Shari'a as a means to minimize communities' feelings of being under threat) would create huge backlash; be dismissed as undue Western interference; and undermine local gender-equality movements that use a religious-based framework to advocate for rights.[277]

- **Partnerships:** The *Programming Guide* also mentions women in the context of warning practitioners against moving too quickly to work with "extremists" who, while they "may want to impose the Shari'a, veil on women, and deny girls the right to an education" might also "be persuaded to behave in ways that advance specific CE objectives."[278] The *Programming Guide* explains that "morality, here, may turn out to overlap with self-interest and program

effectiveness" and "[e]ven limited, ad hoc arrangements with a few extremist actors may undermine the credibility of the entire CE [counter extremism] program."[279] However, the *Programming Guide* does not, for example, delve extensively into the specifics about how practitioners should think about situations where morality does not overlap with program effectiveness or, in other words, where partnerships with actors ranging from "tribal leaders" to "extremists" to "militants"[280] would be good for advancing counter-terrorism objectives but disastrous for the rights of women and sexual minorities. This is the key issue, particularly in contexts such as Afghanistan,[281] which is vexing for USAID and other government officials seeking to reconcile development and CVE objectives. According to USAID, it would not partner with extremist militants under any circumstances.[282]

# Gender and the Development-National Security Nexus: Shifting Landscapes

## Overview

Development activities that seek to counter violent extremism differ from traditional development activities in four key areas: (1) the source of funds for the development activity; (2) the basis on which project beneficiaries are identified; (3) modalities for the design and implementation of programs; and (4) the monitoring and evaluation tools used. Each of these areas has significant gendered components and impacts; however, when asked about the general role of gender in both the DoD and USAID development programs to counter violent extremism, USG officials provided a wide range of responses, all of which pointed to the lack of full and consistent gender analysis in this area. These challenges echo the experience of USAID/OTI[283] in Afghanistan, where a 2005 evaluation of its programming related to women found that "in spite of significant support for Afghan women at the highest levels of the US administration, no coherent strategy to support Afghan females was developed by OTI. OTI programming related to women consisted of mostly small, seemingly haphazard projects."[284] Further, regarding gender initiatives that OTI did undertake, OTI has admitted that "it did not have, nor did it plan to have, a strategy in place to account for the often separate approach required to ensure women participated in and benefited from project programming and the political transition process OTI endeavored to support."[285]

According to USAID's Office of Gender Equality & Women's Empowerment, USAID is "empowering women on a spectrum of issues to combat violent extremism," and in the context of civil-military cooperation, USAID always raised gender concerns, although the extent to which they were taken up depended on the individual decision-maker in the field.[286] Other USAID officials working on programs to counter extremism were explicit that, among other things, the way gender features is "very fluid" such that there is no gender analysis of the drivers of violent extremism, but rather you might "find things that are gender-related" when looking at the drivers;[287] "from a gender perspective, programs are all about empowering male youth";[288] and CVE programs could "generously" be described as "gender-neutral" but in reality are focused on young, at-risk male youth as a vulnerable population that has not previously received USAID attention.[289]

## Gender and CVE Project Funding

Many of the development activities surveyed for this Report (such as TSCTP activities[290] and the Shaqodoon and G-Youth projects[291]) have been supported to some degree by what is commonly referred to as "section 1207 funding." Pursuant to section 1207 of the National Defense Authorization Act for Fiscal Year 2006, the Secretary of Defense "may provide services to, and transfer defense articles and funds to, the Secretary

of State for the purposes of facilitating the provision by the Secretary of State of reconstruction, security, or stabilization assistance to a foreign country," the aggregate value of which must not exceed $100 million annually.[292] This authority, the monitoring of which the Government Accountability Office (GAO) has criticized as "weak," expired at the end of FY 2010[293] and has now been replaced by the Complex Crises Fund that functions as an appropriation to the DoS, rather than being diverted from the DoD, to support USAID and DoS programming.[294] The receipt of 1207 funding renders a traditional development project into one that is undertaken for the primary purpose of countering violent extremism. While the full effects of the 1207 mandate are explored below, the first initial impact is to define the project beneficiaries and parameters of activities based on calculations of risk and not need. On the latter, for example, EDC, the implementing partner of G-Youth, notes in its assessment and project-design document, that "when an extremism component is a key part of the assessment, other technical sectors are bound to receive less coverage. Accordingly, the assessment prioritized the 1207 directive and took into account some of the more pressing sectoral trends,"[295] which were unemployment, tertiary education, and civic participation.[296] Further, according to EDC, while one of its recommended activities, the G-Youth Career Resource Center, "will be open to both male and female youth...a special effort will be made to engage male youth in Center activities given the 1207 funding criteria for this project."[297]

## Gender and CVE Project Beneficiaries

The clearest gender feature of USAID programs to directly counter violent extremism is that they mainly target "at-risk" male youth. This is the case even where the programs seek to address underlying development needs, such as livelihood restraints, that are more acute for women and girls in the particular community than for young men. CHRGJ's research reveals that the extent that women do become beneficiaries of such programs depends on other factors, including particularly the approach taken by implementing partners.

First, regarding the focus on male youth, it is this targeting based on risk, rather than need, that differentiates aid for the purposes of countering violent extremism from more traditional development programs.[298] According to one USAID official, the message from Washington is we "don't need to worry about gender" (as it concerns women) because the focus should be on the terrorism threat that young men pose.[299] This focus is clear in USAID TSCTP activities to date,[300] and according to AED, the implementing partner of PDEV, activities in Chad and Niger, will likely continue in the follow-up project to PDEV.[301] Relatedly, in USAID's G-Youth program, the implementing partner EDC specifically recommended that G-Youth beneficiaries be sixty-five percent urban male youths and thirty-five percent female, on the basis that " males are understood to be at higher risk of being pushed or pulled into extremist activities."[302] Notably, G-Youth's overall focus on male youth did not match the general development needs of the community, in which female illiteracy, unemployment, and school dropout rates are higher than for males, and more generally "[t]he gender parity index in North East Province is the worst in the country."[303] Similarly, livelihood activities in Iraq and Yemen focus on young males.[304]

Second, in the majority of CVE activities surveyed for this Report, USAID neither strongly emphasized the need for gender analysis nor mandated sex-disaggregated data, and in many cases activities that sought to include women were instead largely at the initiative of USAID's implementing partners. This is the case with G-Youth (see Case Study below), Shaqodoon, and PDEV activities in Niger and Chad:

- **Shaqodoon, Somalia**: EDC notes that for Shaqodoon, gender analysis and collection of or reporting on sex-disaggregated data is not mandated by funding streams or project-design documents and therefore is "not strictly measured."[305] However, according to EDC, it nonetheless believes that Shaqodoon's "location and context" make it important to consider women as at-risk youth and EDC therefore seeks to incorporate gender concerns into its activities.[306]

According to EDC, one way it does this is through Shaqodoon's sub-grant approval process—EDC does not give grants to organizations with a male-only hiring policy and also encourages applicants to take gender into account in their proposals (such as through identifying programs that recognize women as a target at-risk group and set gender-specific intake targets).[307] However, EDC notes that despite these and other efforts, from July 1 to September 30, 2009, "most partners face[d] challenges in recruiting the target number of girls for the trainings" because of the trainings' focus on male-dominated fields (such as construction) and "[c]ultural biases."[308] The latter includes the fact that many women are not able to leave their homes unaccompanied and are thus unable to meet men outside their families.[309] Some EDC initiatives try to mitigate these factors that inhibit women's participation in Shaqodoon. For example, EDC interns initiated a girls' group at the Hargeisa Youth Livelihood Resource Center to enable young women to discuss issues.[310] According to EDC, the anonymity of InfoMatch (a "system that uses web-based and cell phone technologies as a means of engaging youth, trainers and employers in an opportunity-matching system)"[311] means that job matching is done without regard to sex or the need for face-to-face meetings and therefore allows women greater access to employment.[312] This focus is not always carried through to other programs. For example, while there were discussions in June 2010 around the establishment of "entrepreneurship training and support for disadvantaged groups, particularly young women";[313] such proposed programs do not in practice focus on women.[314]

- **PDEV in Niger and Chad:** According to AED, its approved Performance Management Plan (PMP) for PDEV did not require gender disaggregation of indicator data, and the original USAID solicitation for PDEV referenced but did not emphasize gender as a cross-cutting theme, calling for offerors to pay attention to under-participation of either gender and to ensure that activities did not serve to further disadvantage women, but ultimately emphasizing the need to focus on issues facing unemployed male youth.[315] Despite this, AED made substantial effort to ensure that women were beneficiaries or specific targets of its activities.[316] This gender inclusion mainly occurred in PDEV's activities that focused on youth, where AED took specific steps to ensure that girls were able to participate.[317] For example, in Chad, AED held sex-segregated activities, whereas in Niger women's participation was somewhat less difficult to achieve.[318] PDEV radio programming also benefited women; in Niger, women's radio-listening groups took action in their communities.[319] Such programming in Niger and Chad also had a gender component, including a chat show in Chad (*Chabab Al Haye (Youth Alive)*) that touches on girls' education and early or forced marriage,[320] and a soap opera in Niger (*Hantsi Leka Gidan Kowa*) that addresses issues such as education of women and forced or early marriage.[321] According to AED, substantial effort was put into achieving women's participation, but to achieve even greater participation of women and girls (say, forty to fifty percent) would require that USAID design the program to emphasize women's participation and set explicit gender-disaggregated targets for the implementer to meet.[322]

While the majority of development-CVE programs target male youth, the USG does have some development programs with a nexus to CVE where the gender component involves focusing on women. However, as the examples below demonstrate, by and large such programming is not part of an overall coherent and coordinated strategy to integrate women and gender into programs to combat violent extremism. Instead, the rationale for these programs varies from promoting women's and girls' rights to counter the conditions that lead to violent extremism (investments in women in Pakistan), to promoting women in their role as mothers who can turn their sons away from violent extremism (Eastleigh, Kenya), to showcasing USG support for populations targeted by extremists (Mali). Some examples that exemplify these patterns are below.

- **War Widows in Iraq:** In Iraq, the economic strain felt by widows has been cited as a reason widows are joining the insurgency and in some instances becoming suicide bombers.[323] The USG has several programs in Iraq that seek to address the needs of vulnerable women, including widows. However, the evident or stated nexus of these programs to CVE objectives varies and the exact nature of the activities—including which USG agency is responsible for each program—is sometimes unclear. For example, in 2007, the Deputy Under Secretary of Defense and Director of the Task Force for Business and Stability Operations stressed the need for economic programs to counter insurgency in Iraq and referenced activities that employed "vulnerable" persons (particularly widows and divorcees) in this regard.[324] In 2010, the DoS Office of Global Women's Issues and the Bureau of Democracy, Human Rights, and Labor also announced a $5 million DoS program to support "Iraqi widows, female heads of household and other vulnerable women."[325] This program, which does not have a stated CVE goal, provides grants to NGOs to conduct projects on "literacy, entrepreneurship, and vocational skills"[326] to "achieve economic empowerment and sustainable livelihoods for the women and their families."[327] USAID has also instituted a variety of programs that assist Iraqi women, including female heads of household and widows.[328] According to USAID, one outcome of programming for war widows in Iraq might be reducing their vulnerability to radicalization.[329] Further, according to USAID, this is one of the few areas where there is an explicit gender element in USAID programs that contribute to CVE.[330] For example, in 2003 USAID instituted the Community Action Program (CAP), which includes the Marla Ruzicka Iraqi War Victims Fund, to:

  > [A]ssist[s] Iraqi civilians, families, communities and organizations that have been directly affected by coalition military operations. The Marla Ruzicka fund supports victims of war, widows and families of war victims, either with direct medical aid, replacing damaged property or helping them establish businesses such as grocery stores, bakeries, electronics shops or farms.[331]

  Additionally, USAID's Office of U.S. Foreign Disaster Assistance "continues to provide humanitarian assistance that benefits widows and female-led households throughout Iraq through the provision of emergency assistance such as relief supplies, food, shelter and livelihood opportunities."[332]

In this photo taken June 13, 2010, an Iraqi widow waits to receive money from a government office in Baghdad, Iraq. Three decades of wars, massacres and sectarian killing have left Iraq with as many as a million widows, by Iraqi government count. It estimates some 100,000 have lost husbands since the U.S.-led invasion, and the postwar government is struggling to meet their needs. *Original Caption*

- **Investments in Women in Pakistan:** The Enhanced Partnership with Pakistan Act of 2009 authorizes activities to "support investments in people, particularly women and children," and encourages the use of local Pakistani organizations where appropriate.[333] In the USG's civilian assistance program to Pakistan, a number of activities focus primarily on women,[334] although the number of activities and amount of funds are not significant in light of the total civilian assistance package. In Pakistan, one of the largest women-specific

programs is the Aurat Foundation's Gender Equity Program (GEP).[335] The GEP is a five-year program that was launched in December 2010 in Karachi, Pakistan,[336] with an award of $40 million[337] to promote women's human rights and empowerment, including through ending gender-based violence and providing political and economic opportunities for women in Pakistan.[338]

- **TSCTP in Mali:** The risk assessment (i.e., the initiative to measure the risk of violent extremism in the community) that underpins USAID TSCTP activities in Mali refers to supporting girls' education through scholarships as a measure to counter violent extremism.[339] In addition, there is an explicit focus on women (along with youth and people with disabilities) in "Trickle Up," which seeks to use microenterprise development to reduce poverty.[340]

- **Kenya:** As of Fall 2010, USAID/OTI Kenya is seeking to establish a program in Eastleigh, a suburb of Nairobi, that would focus on the role of mothers in influencing their children to turn away from extremism.[341] The USG's counter-violent extremism programming in Kenya (particularly through the DoD) has also involved building schools for girls, which can be seen as a positive step provided it also translates into gender-equality outcomes, such as increased school attendance.[342]

- **Yemen:** According to the USG, the Responsive Governance Program will be implemented with "gender sensitivity,"[343] which includes holding general public dialogue forums (PDFs) where "[w]omen are also included in the PDFs, but will be separate."[344] The Responsive Governance Program also funds training courses for local radio services that feature the Yemeni Women's Media Forum (WMF).[345] USAID has also generally engaged with local religious leaders to further its "commitment to gender equity and strengthening the community's knowledge of women's rights vis-à-vis Islamic rules."[346] These programs are coordinated with MEPI's 26 active programs in Yemen, which also, according to the USG, prioritize women's empowerment.[347]

## Gender, CVE Project Design, Stakeholders, and Implementation

### *Gender Analysis and Design of Programs*

The use of gender analysis in the design of development programs with a CVE nexus changes the nature of programming required to ensure their effectiveness from both a CVE and gender perspective. For example, USAID/East Africa and DfID support a program, "Trading for Peace," designed to foster stability in the Great Lakes region by "reducing cross-border barriers to trade and improving trade practices."[348] Trading for Peace is also premised on the recognition that trade has an impact on security at the border.[349] In the Eastern Democratic Republic of the Congo, Trading for Peace works with small-scale traders, most of whom are women. According to CHRGJ's interview with USAID, this fact impacted project design, as women in these circumstances face different issues than men.[350] According to USAID, to enable this specific understanding of gender and women's issues, resources need to be earmarked so that the gender focus is neither secondary nor accidental.[351] These issues are further explored below in Box 3.

### *Participation of Women in Design and Implementation of Programs*

In programs earmarked to counter violent extremism, there is some limited scope to conduct outreach to women and women's groups, but in practice such outreach is often minimal. In terms of the opportunity for outreach, according to the USAID Bureau for Africa, women's associations provide input into the risk assessments that inform CVE program design and implementation.[352] In addition, where USAID uses an

analytical framework for problem analysis that focuses on building the *resilience* of the community rather than seeking to mitigate *risk* (because the particular risk of extremism is minimal to negligible such as in places like Sub-Saharan Africa), this can provide an opportunity for greater focus on women in development programming.[353] Despite these important opportunities, in practice there are significant barriers to women's participation in the design and implementation of programs that seek to counter violent extremism. These factors are explored below in respect to USAID's civilian assistance program in Pakistan. While some of these factors are inherent to traditional development programs that seek to include women (such as cultural barriers to participation), others are very much derived from, or linked to, the program's CVE character. For example, development programs with this nexus raise particular challenges under USG anti-terrorism financing laws and regulations which require certain certifications of implementing partners before USG funding can be provided (discussed below).[354] According to USAID and its implementing partners, challenges in securing women's participation in USAID's civilian assistance program in Pakistan include the following:

- The CVE-nexus of activities limits the extent of implementing partners' outreach to communities, meaning that implementing partners cannot conduct their usual expansive outreach, including to women, and programs cannot be sufficiently driven by community demand.[355]

- USAID's outcome indicators for measuring its FATA livelihood development programs' impact on countering violent extremism are gender neutral in that they do not require a consideration of gender.[356] In the current revision of indicators, the implementing partner has encouraged gender to be included on a more comprehensive, activity-by-activity (as opposed to just sector) basis.[357]

- USAID has identified sensitivities around programming on women's rights in Muslim communities both generally[358] and in the context of their membership in communities that feel under external threat.[359] Indeed, USAID experiences significant challenges in accessing women in Pakistan because of local contexts and suspicion that they are importing Western feminism in their outreach to women.[360] USAID seeks to overcome this by relying on local Pakistani partners,[361] talking about how moderate interpretations of Islam support participation,[362] and emphasizing that women's participation helps the family more broadly.[363]

- Shifts in USG strategy, such as the September 2009 move toward greater involvement of local Pakistani organizations, may fail to consider negative impacts on women that result from implementation without proper gendered safeguards.[364] According to CHRGJ's interviews, while local organizations must be involved in any project implemented by an international organization as they can assist in gaining access to women in these communities and have greater trust in the communities,[365] challenges in ensuring the participation of women and women's groups derive from: the fact that women's organizations are often smaller and lack the capacity to comply with extensive reporting requirements that accompany USAID grants;[366] the fact that leadership of non-women's groups is not gender-sensitive; and the risk of retaliation against women's groups if it was felt that they were receiving too many resources.[367] More generally, according to USAID, the fact that there are not many women-owned construction groups means that they may not be chosen for the large scale infrastructure projects that the USG's program in Pakistan emphasizes.[368]

- Violent extremists target female aid workers in Pakistan[369] and Afghanistan[370] because of their participation in USG programs. According to Amnesty International, "the Taleban also targeted NGOs and warned against any action that could be construed as 'cooperating with the United States of America'—understood by aid workers to refer to programs on literacy, health care for women, and work training (such as technological or computer training)."[371]

These risks of exclusion of women and sexual minorities may increase when the DoD is the primary provider of humanitarian assistance. *See Box 3 (Gender in Military Development Activities: Approaches of AFRICOM and PACOM).*

## Box 3. Gender in Military Development Activities: Approaches of AFRICOM and PACOM

### AFRICOM

In 2006–2008, AFRICOM built approximately 10-15 wells in 10 villages in Garissa, Kenya as part of its effort to change the "hearts and minds" of local communities.[372] According to a USG official, the process of consultation involved the AFRICOM Civil Affairs team meeting "with the district village elders and chiefs and they tell us what they want and that is what is done."[373] The village elders and chiefs did not include women, and there was no separate effort to reach out to women, despite the well-recognized fact that around the world women are particularly affected by development activities that relate to water.[374] Not only did this failure to consult women inadvertently reinforce existing gender hierarchies in the community, but the Civil Affairs team's construction was faulty in many respects (including problems with boreholes, broken pipes, and lack of water),[375] which inherently compromises women's access to water, and also adversely affects the community's perception of the United States.[376] AFRICOM apparently learned of these problems when a Socio-Cultural Research and Advisory Team (SCRAT), which included two women, assessed the impacts of AFRICOM's activities in the community.[377] According to a USG official, the SCRAT found it "beneficial" to speak with local women in this process.[378] Indeed, more generally within the USG,[379] there is an expectation that SCRATs may help to bring a gender perspective to AFRICOM's work; however, CHRGJ was unable to verify this as requests to interview AFRICOM's Social Science Research Center, the SCRAT parent organization, were unanswered.

### PACOM

In contrast to the above, according to JSOTF-P's communication with CHRGJ, "as part of a comprehensive USG approach, DoD's advice and assistance to Philippine Security Force civil-military operations includes gender considerations."[380] According to JSTOF-P, "the gender neutrality and gender specific aspects of our MEDCAPs [medical-dental civil-action projects] have made our engagement with Philippine Security Forces more conducive to their development of positive relations with their indigenous peoples. These efforts result in building security and prosperity for all regardless of gender."[381] This attention to gender considerations apparently includes:

- Engagement and assistance that: "targets populations from a gender neutral position" and encourages local security forces to be "balanced in their engagement with local populations," but also provides "gender specific medical support" in MEDCAPS (e.g., in gender-related medical care such as circumcisions, medical advice for mothers, and sanitation training);[382]
- Tracking gender participation in activities: "we take notice when males or females attend our sessions out of proportion of normal population densities. Misrepresentation of normal population densities indicates that there is a level of mistrust with US or GPH [Government of the Philippines] forces";[383] and
- Acknowledging women's leadership: "[s]ince females carry a significant leadership role in government, teaching responsibilities, and communities, DoD's engagement takes this into consideration."[384]

More generally, in correspondence with CHRGJ, PACOM noted that "[h]uman rights considerations are included in the advice and assistance DoD provides to Philippine Security Forces. In our Subject Matter Expert Exchanges, human rights is an important area that is covered when our program includes the use of force."[385] In light of the significant gender-based violations arising from the Philippines Security Forces' counter-terrorism operations, it is clear that such an approach is warranted and that even more effective integration of gender concerns is necessary. For example, the U.N. and human rights advocates have documented the following relevant human rights abuses by local security forces in the name of countering terrorism: targeting of men, which in turn means that women are tasked with documentation of human rights abuse and its attendant risks;[386] use of counter-terrorism measures to intimidate and chill the activities of women human rights defenders;[387] and rape of indigenous women in Mindanao.[388] Local human rights advocates perceive that U.S. military support in the Southern Philippines gives local security forces the means (such as arms, resources, international legitimacy) to commit these abuses.[389]

Where USAID programming is couched primarily in terms of conflict mitigation—but is nonetheless understood to have some nexus to combating violent extremism—there is potential for increased attention to ensuring women's participation and incorporating gender dynamics in program planning. For example, PEACE II is part of USAID's Conflict Management and Governance Program[390] that focuses on promoting peace in the Horn of Africa and the Great Lakes region, an area USAID considers "vulnerable to emerging violent ideologies."[391] PEACE II is implemented by Pact in partnership with Pact Kenya and operates in the border areas of Kenya, Uganda, Somalia, Sudan, and Ethiopia, with a focus on the "different nomadic and pastoralist populations that move across porous national borders."[392] According to CHRGJ's interview with Pact, there is no involvement of the DoD in PEACE II's activities, and such involvement would likely create issues of trust with local communities.[393] According to Pact, PEACE II has the strongest CVE nexus in the Somali East Corridor, where the CVE aspects of the program focus on resisting the influence of extremism and terrorism in the area through sector-specific responses to conflict.[394] According to Pact, there is strong gender integration in PEACE II's activities,[395] reflecting USAID's recognition that there is a tendency to exclude women from the decision-making processes vis-à-vis peace efforts in the region, despite the impact of conflict on women and children.[396] Unlike some of the explicit countering violent extremism programs discussed above and further below, Pact's monitoring and evaluation of PEACE II focuses on achieving development goals, not on CVE outcomes.[397] USAID also explicitly mandates consideration of gender in all of Pact's monitoring and evaluation of PEACE II.[398]

## *Gender Impacts of CVE Programs*

In addition to the gender impacts identified above, USG development-assistance programs to counter violent extremism that are notionally gender neutral (i.e., not directed toward either male youth or women as widows, etc.) nonetheless may have negative gendered impacts because of the failure to take into account local gender dynamics when planning and implementing development programming. While this risk attaches to USAID programs with a CVE nexus, it is particularly acute when the DoD is carrying out the development project, as the above case study on AFRICOM activities in Kenya clearly demonstrates.[399] In general terms, this militarization or securitization of aid has been critiqued as ineffective in terms of both development[400] and counter-terrorism.[401] A gender and human rights perspective offers additional insights into the extent and consequences of these problems that arise.

In particular, CHRGJ's Stakeholder Workshops (especially in the United States, Africa, and MENA) and interviews with USAID officials in Asia, Africa, and Washington, D.C., emphasized that the U.S. military: fails to consult with stakeholders (including, in some cases, USAID); prioritizes projects with quick impact over long-term gains; is not familiar with gender concerns; lacks transparency and accountability in its disbursement of development funds; fails to ensure the longevity in its staff that is essential for understanding local gender dynamics and gaining trust of women; undermines the good work and reputation of other USG agencies in the field; and is inherently more concerned with security than humanitarian objectives.[402] In the words of one USAID official: "In Afghanistan, in their [the military's] eagerness to do something, they are not looking at power structures. They are empowering the wrong people. They are doing development but they don't know how."[403]

U.S. civil affairs soldiers based with a Provincial Reconstruction Team (PRT) hand out humanitarian relief to local Afghans in Bamiyan province in this picture taken March 26, 2003. *Modified Caption*

These concerns may be present even where the development activity is done through civil-military co-operative arrangements, such as PRTs in Afghanistan and Iraq.[404] In both countries, there have been some U.S.-led PRT activities that have explicitly engaged women. For example, in Afghanistan such projects include teaching women how to weave gabion baskets to facilitate their employment,[405] constructing a women's shelter,[406] and establishing female-literacy programs.[407] In Iraq, U.S.-led PRTs have also engaged with women, including through local governance programs, working with civil society to empower women, and assisting with a conference on "The Roles and Rights of Women in the New Constitution."[408] However, alongside these efforts there have been concerns about whether PRTs have sufficiently engaged women and women's organizations.[409] These concerns have been addressed through some measures: for example, from 2007 onward, NATO increased the integration of a gender perspective in all of its operations, including by initiating a process to implement UNSCR 1325,[410] and some USG military officials have also encouraged prioritizing engagement with women, including through "incorporating FETs (Female Engagement Teams) with the PRTs."[411] However, more remains to be done: according to a women's rights advocate from Afghanistan in our MENA Stakeholder Workshop: "Provincial Reconstruction Teams are doing something good. But the policy is not well coordinated, and there needs to be an assessment of the reactions by people on the ground. Also, the United States and the United Kingdom don't go into areas where security is most needed."[412]

## Gender in the Monitoring and Evaluation of CVE Programs

The full gender impacts of the USG's development activities to counter violent extremism are simply not known because of the lack of effective evaluative tools to measure program impact on either counter-terrorism objectives or gender equality and relations. In almost all of CHRGJ's interviews on development and CVE and in secondary research, USAID officials and implementing partners strongly emphasized the difficulties in measuring whether development activities actually worked to counter extremism.[413] The impediments identified include: the absence of clear goals of particular projects (such as whether this is to reduce the general enabling environment for terrorism or tackle recruitment more directly);[414] the disproportionate reliance on output rather than outcome indicators;[415] the inherent difficulties in measuring a negative (i.e.,

that something did not occur); and the need to collect "perception" data or qualitative data to measure attitudinal changes and the difficulty in so doing.[416]

These observations are borne out in relation to both TSCTP activities[417] and FATA livelihood development programs in Pakistan.[418] In relation to TSCTP, a mid-term evaluation of activities found that TSCTP implementing partners regularly measured program inputs and outputs, however impact or outcome indicators that would enable measurement of the overall effectiveness of their programs from a CVE perspective, were absent from most PMPs.[419] The indicators that are used include, for example, the aggregate number of individuals who participated in TSCTP activities and the number of community-development projects undertaken.[420] As with its implementing partners, USAID itself reports on the aggregate "number of individuals from at-risk groups that have been reached though a wide variety of activities"[421] and also reports using program-dependent[422] or custom indicators (e.g., "[t]he number of intra-faith dialogues facilitated") that reflect TSCTP's "unique nature."[423] However, the absence of output indicators is striking, as performance indicators are intended to measure the impact of a program on its main goal (the program's assistance objective)[424] such that without these indicators, it is impossible to determine whether a project has met its goals, and thus whether the program has been effective. The mid-term evaluation of TSCTP partly attributes the failure to use performance indicators to the fact that some of the most useful data for such purposes is expensive and often unavailable.[425] The mid-term evaluation specifically identifies data captured via surveys measuring attitudes as especially suitable to measuring counter-terrorism impacts such as diminished public support for extremism[426] and recommends the use of some third-party indicators to track country progress in counter-terrorism.[427] Without this type of data, evaluations of programs are reduced to conjecture about how traditionally measurable results, such as digging a well or opening a school, may reduce extremism.

Similarly, in relation to the FATA livelihood development programs in Pakistan, a December 10, 2010, USAID Inspector General's audit for the lower FATA region determined that "little progress was made in reaching the program's outcome and goals,"[428] primarily because of FATA's security situation, but also because of inadequate monitoring and oversight and other issues.[429] Accordingly, the Inspector General recommended "revisit[ing]" of the "Program's Indicators, Targets and Goals,"[430] which USAID is presently undertaking.[431] A December 10, 2010, audit of the program for the upper FATA region similarly concluded that "the program has not achieved its main goal of social and economic stabilization to counter the growing influence of extremist and terrorist groups in upper FATA," particularly noting the absence of baseline data for measuring progress.[432] Indeed, according to Christine Fair: "There is inadequate evidence that instrumentalized and securitized aid programming effectively advances the various U.S. goals that are repeatedly expressed in successive budget justifications, such as persuading Pakistanis to embrace moderation and abjure violent extremism."[433] Fair attributes this partly to the fact that matrices have focused on outputs, not outcomes, and that the monitoring and evaluation is self-administered.[434]

It is striking that when approaching CVE measurement and its challenges, gender analysis is either simply not on USAID's or the DoD's radar as something to be incorporated or to the limited extent that it is contemplated, there is little to no guidance or sense of what this would look like in practice. In the words of one USAID official, "it's difficult to measure CVE, let alone CVE and gender."[435] USAID's Office of Gender Equality & Women's Empowerment is not aware of any indicators specific to gender and CVE, although it notes that "this doesn't mean that gender can't be weighed in that way."[436] There are many reasons for the failure to measure the gender impacts of CVE programs, including particularly that USAID has not required sex-disaggregated data in CVE project reporting. For example, figures from TSCTP implementers are not disaggregated by sex[437] because USAID does not require this in the approved PMP on which partners subsequently report.[438] However, some implementing partners, such as AED, keep data on participants' gender and record gender in the baseline survey data that informs project design, without undertaking data analysis according to gender.[439] In relation to the FATA livelihood development programs in Pakistan, target outcomes are also gender neutral,[440] and implementing partners have not been required to disaggregate data

on the basis of sex.[441] Further, in April 2010, the GAO found that that USAID Pakistan FATA programming "could not be determined" to be in compliance with the general USAID requirement to disaggregate performance indicators by gender wherever possible.[442] In USAID, there is a perception that the extent to which gender is incorporated in FATA programming more generally depends on the mission director's prerogative, and that some do require its inclusion in activities.[443] This failure to require sex-disaggregated data in CVE programs—despite the broader USAID imperative to do so—appears to derive from the underlying assumption that CVE programming is largely about targeting young men for the purposes of violent extremism and that gender analysis (including with respect to women's inclusion and impacts on gender relations) is essentially irrelevant. For example, while the TSCTP mid-term evaluation did disaggregate some data by gender and age, its proposed Results Framework to Better Monitor and Measure the Impact of TSCTP Programs is conspicuously silent on gender.[444]

## Box 4. Measuring Counter-Terrorism Development Programming: The Gendered Challenge

At present, the USG insufficiently evaluates its development activities to counter violent extremism from both a counter-terrorism and gender perspective. However, both efforts are essential and complementary because effective counter-terrorism measures should protect the whole population from terrorism, including particularly women and LGBTI individuals who are often its victims. This brief section seeks to provide a summary of the key challenges of measuring both CVE and gender equality outcomes and offers some ways in which these challenges can be overcome.

**Measuring Counter-Terrorism Impact**

USG programs aimed at countering terrorism present enormous challenges to those designing the programs, monitoring their implementation, and assessing their impact. Social scientists do not fully understand the causes—or "drivers"—of terrorism or violent extremism leading to terrorism.[445] At the same time, USG policies emphasize the importance of ensuring that programming is increasingly evidence based. USAID's 2011 Evaluation Policy, for example, asserts that the agency "bases policy and investment decisions on the best available empirical evidence."[446] The *Programming Guide* identifies the measurement challenges inherent in this endeavor, explaining that "the benchmarks traditionally used to assess developmental and [democracy and governance] activities may not be adequate in isolation to evaluate such activities when they are part of a [counter-extremism] strategy."[447] Instead, indicators and benchmarks, the cornerstone of USAID's Evaluation Policy and practice, should be specifically designed to ensure they can measure counter-terrorism or CVE impacts, not only development impacts. Under USAID's Evaluation and Planning Policies, this means the Assistance Objectives of a program—the "most ambitious result that a USAID Mission/Office, along with its partners, can materially affect, and for which it is willing to be held accountable"[448]—should be explicitly framed to capture counter-terrorism results. A detailed Results Framework should then be designed to identify cause-and-effect relationships between program activities and resources, measurable achievements, and impacts on the Assistance Objective.[449]

The failure to fully use USAID's well-developed planning, monitoring, and evaluation frameworks and processes in counter-terrorism contexts translates into a dynamic in which the "biggest challenge has been demonstrating that the general development results of the [CT] activities are actually contributing to the higher counter-extremism goal."[450] The answer to these criticisms is found in USAID's 2011 Evaluation Policy, which, as noted above, emphasizes that projects should be based on identified hypotheses, and that such hypotheses should be tested through evaluations that link cause (project activities and outputs) with effect (project results). While the policy stresses the importance of a knowledge base for planning interventions, it also recognizes that development programming can produce important new knowledge by operationalizing "untested hypotheses."[451] When evaluating innovative interventions based on such hypotheses, the Evaluation Policy recommends choosing impact evaluations that use experimental methods.[452] In the counter-terrorism realm, using random assignment methods[453] for impact evaluations will, where possible, ensure they yield badly needed new evidence concerning the drivers of extremism and the interventions best suited to reducing vulnerability to extremism or mitigating its impacts. Such evidence can then be used to create new analytic resources for USG development programming to counter violent extremism.

### Gender Data and Inputs

The focus of CVE interventions on young men as the population most "at-risk" for violent extremism does not obviate the need for gender analysis. Instead, on its very terms, it requires it—the *Drivers Guide's* reference to "gender" as a characteristic in the profile of "at-risk" populations extremism,[454] indicates that decisions about targeting of beneficiaries should be based on sound data about how CVE programming can impact the "constraints and opportunities associated with being male or female."[455] This will allow the USG to better understand what methods of countering violent extremism programming are most effective for those most at-risk—including specific sets of young men—in given contexts.

### Gender Impacts

A thorough gender analysis will also reveal the impact on women of programming aimed at men in the relevant community, even when women are not the direct beneficiaries of a specific program. Identifying those indirect impacts will help ensure that unintended effects, such as intensified discrimination against women or changes in patterns of gender-based violence, do not go unnoticed. For example, CVE programming guidance stresses the importance of not provoking backlash through ill-designed gender-equality programming in contexts where perceptions of cultural threat are key drivers of violent extremism.[456] This important warning should be tested in specific circumstances through gendered program evaluations and supplemented by a recognition that programming that is not focused on women can still have significant gendered impacts. Where unintended gendered impacts are identified, programming aimed at ameliorating such effects may be needed.

### Gender Equality and Outcomes

In addition to identifying the different impacts of counter-terrorism programming on men and women, monitoring gender impacts throughout the life cycle of an intervention can help ensure that USG programming protects and enhances women's equality. Even in circumstances in which an intervention is targeted at male beneficiaries, using gender-sensitive indicators and sex-disaggregated data will allow program implementers and evaluators to identify trends and monitor unintended negative impacts. For example, a program might be effective at creating

livelihood opportunities for idle young men in a community, but ineffective at responding to the community-related changes that come with increased income disparities between young men and women. On the other hand, gender-sensitive indicators may also identify unintended positive impacts. When idle young men find jobs, for example, domestic-violence rates may drop appreciably.[457] Such dynamics, if identified, will also help policymakers determine the best program design in a given circumstance, and will contribute to general knowledge benefiting all. For example, new hypotheses about how gender equality improves communities' resilience to violent extremism may be generated and tested through program evaluations using gender-disaggregated data. Most important, the consistent use of gendered indicators and other metrics will ensure that gender equality is not sacrificed for the purpose of advancing counter-terrorism efforts. Finally, it is important to learn lessons from gender-rights advocates, who have analyzed the shortcomings of dominant monitoring and evaluation frameworks for understanding how change occurs in relation to gender.[458] Those shortcomings—which include overly rigid or unidirectional models of social change and the ability to appreciate only what can be readily quantified—can be mitigated through the use of mixed methods in evaluation design, an attention to both positive and negative change, and an appreciation of the complexity of factors relevant to gendered change.

# Case Study: G-Youth, Kenya

## G-Youth and 1207 Funding

In March 2008, USAID/Kenya sought to adopt a preventive approach to countering violent extremism that would bolster the inclusion of marginalized Muslim youth.[459] To further that strategic framework, and with the support of 1207 funds from the DoD, USAID/Kenya commissioned the EDC[460] to undertake an assessment of youth development needs in Garissa, Kenya, and to design a program to address such challenges.[461] The resulting project is the Garissa Youth Project, known as G-Youth, which operates in Garissa Town, the provincial headquarters of the North Eastern Province in Kenya.[462] USAID/Kenya also explicitly characterizes G-Youth as a "response" to the fact that Garissa's high youth-unemployment rate (approximately 90 percent) "provides fertile ground for recruitment of young people into extremist and anti-social activities."[463] Notably, Al-Shabaab is present in the area in which G-Youth operates.[464] The project's original lifespan was October 2008 to October 2010 with a budget of $2 million.[465] A further two-year extension was launched in October 2010, supported by $4.9 million in funds, $3.4 million of which is for counter-terrorism activities.[466] The remaining $1.5 million is for civic education and comes from a variety of other sources within USAID, including the Bureau of Economic Growth, Agriculture, and Trade.[467]

The fact that G-Youth receives 1207 funding is seen as simultaneously restrictive and permissive of the kinds of activities that USAID/Kenya and EDC can undertake. On the former, EDC's assessment and project design explicitly prioritized its 1207 (counter-terrorism) mandate, requiring it to narrow its focus to specific areas and male youth.[468] Conversely, USAID/Kenya identified 1207 funds as more flexible than USAID funding that enabled USAID/Kenya to address critical needs in Garissa, such as giving more youth access to schooling and employment, and providing civic education.[469] According to USAID/Kenya, there are no adverse effects of G-Youth's dual role of keeping youth from extremist behavior while also bettering their lives, although there could potentially be such effects in theory.[470] Despite clear and publicly available information about G-Youth's


The USAID-funded Garissa Youth Project in Kenyva created a Career Resource Center at the local library in order to provide a safe space for youth where they can find up-to-date career information and obtain basic IT skills. *Original Caption*

purpose, funding, and USAID/Kenya's characterization of the program, neither EDC nor USAID/Kenya acknowledges G-Youth's counter-extremism objectives when interacting with local populations.[471]

## G-Youth Targets

From the outset, EDC identified the key at-risk profile as "secondary school students in forms III and IV (11th and 12th grades), graduates and, to a lesser extent, those who dropped out of secondary school."[472] There was a clear gender component to this assessment, with (as noted above) EDC recommending that G-Youth beneficiaries should be sixty-five percent urban male youths and thirty-five percent female.[473] According to EDC, while G-Youth was designed to "provide services to males and females alike, emphasis will be placed upon males, as they are understood to be at higher risk of being pushed or pulled into extremist activities."[474] It is clear that this focus on males was driven by the project's counter-terrorism objectives and funding source (1207) and did not match the development needs of both males and females in the community.[475]

## G-Youth Components

As a result of this explicit focus on male youth, G-Youth's operation from 2008 to 2010 did not have a sustained or systematic approach to addressing the particular issues facing young women and girls in Garissa. However, according to USAID/Kenya and EDC, the program has nonetheless sought to be both gender-inclusive and gender-sensitive. This includes having women in the community feed into program design, and in terms of project administration, having three to four women participate in the ten-member Public Advisory Committee.[476] The reasons for this gender inclusiveness are community demand,[477] gender-sensitive perspectives of key project staff (e.g., at EDC),[478] and the perception that female inclusion in counter-terrorism activities is key because of the role of girls in influencing behavior[479] and as future mothers.[480]

From 2008 to 2010, the main components of the G-Youth Project included:[481]

- **G-Youth Career Resource Center (CRC):** G-Youth established a CRC in 2010 to "provide local youth with structured career development information, skills and opportunities to pursue careers and transition into higher education."[482] At the CRC, separate career-counselling spaces and computer areas are provided for males and females.[483] This approach is designed to respect religious norms;[484] although there have been complaints about inappropriate mixing of the sexes in practice, particularly in Youth Action (discussed below).[485] Additionally, an AFRICOM Civil Affairs team is also meant to build a basketball court at the CRC—this has not yet happened, but EDC is cognizant that working with this team will create a perception issue for G-Youth.[486]

- **North East Province Technical Training Institute (NEPTTI):** EDC "works to strengthen the capacity of NEPTTI to secure, educate and link employment opportunities to students in a manner that lives with market realities in Garissa and surrounding cities."[487] While EDC's campaign to market NEPTTI did not deliberately target women, women expressed interest in attending, and according to EDC, the number of afternoon and evening classes increased as a result.[488]

- **Sub-grants to NGOs:** G-Youth provides sub-grants to partner NGOs that work to "strengthen the livelihood and employment skills of Garissan youth."[489] Notably, local women's groups constituted four of the six potential NGO partners the EDC assessment identified as having the capacity to work with urban youth and to manage grant funding.[490] The extent to which these partnerships actualized and their influence on the role of gender in programming is unclear.

- **The Work Readiness Program (WRP):** G-Youth runs WRP as its "primary activity for out-of-school youth."[491] While the initial intake capped women at fifty out of 150 places because of G-Youth's counter-terrorism focus, women also expressed interest in the workplace training, and the next two intakes were gender balanced.[492] However, from the fourth intake onward, the proportion of female participants dropped noticeably.[493] EDC attributes this to a shift in the course format from an 18-week part-time course to a three-week full-time format—a move that was originally designed to address the number of male and female dropouts from the eighteen-week course[494] but was not sufficiently attentive to local gender dynamics, which make it difficult for girls to be away from their family full-time for the course length.[495] According to USAID/Kenya, the training course itself now involves a component on civic education, which allows young women to do plays that address cultural issues.[496]

- **Youth Action**: G-Youth launched Youth Action in January 2010 "to engage and enable the youth of Garissa to become active participants in the design and implementation of programs and services that impact their lives and futures."[497] G-Youth held a number of summits in 2010, where a male and a female youth representing each of the thirty-six Garissa villages (bullas) are developed as youth leaders.[498] According to EDC, there was a special effort to attract strong female youth leaders to the Youth Action program, and at the conclusion of the program, two women successfully used USAID grants to start a beauty parlor employing other women and a youth-led environmental movement.[499] G-Youth also ran a Youth Action Summit, which included a "Young Women's Village" event to provide "training to young women on how to develop their ideas and how to speak with confidence."[500]

G-Youth's extension may offer some scope for improved gender inclusiveness. The next phase of G-Youth will extend its existing activities to focus on youth workforce-readiness training, Youth Action, youth education, and youth civics.[501] As part of the extension, workforce-readiness training will move to the villages, which USAID/Kenya expects will allow more women to have access to the program.[502] According to USAID/Kenya, the youth-civics component will incorporate a civic-education radio program that is also gender-sensitive and encourages women to be empowered and participate in community life.[503] Additionally, G-Youth will provide scholarships for 1,000 vulnerable youth to attend secondary school, which will be distributed to ensure gender and clan equity.[504] Other features of G-Youth's extension appear to be less gender-inclusive or at least gender-neutral. This includes plans to work with religious leaders to promote moderate views to youth, and English-language tuition in madrassas, as well as an $80,000 "tactical conflict and prevention" project that involves youth conducting surveys to monitor extremism in their communities.[505]

## Monitoring and Evaluation

According to USAID/Kenya, G-Youth is assessed according to the same kinds of indicators used in other development activities in Kenya, such as youth-education access, workforce-readiness training, and new business development.[506] Under the terms of its grant, EDC is not required to include a focus on gender in its project evaluation, but will probably do so because such indicators are useful in tracking progress.[507] However, G-Youth was not evaluated prior to its extension in 2010, and USAID is building on the original assessment, which is less than two years old.[508] This is consistent with the GAO's concerns that "[b]ecause of limited monitoring and evaluation, State and DoD have made decisions about sustaining Section 1207 projects without documentation on project progress or effectiveness."[509]

# RECOMMENDATIONS

- **USAID should provide general policy and operational clarity and transparency around its role in countering violent extremism, including by elaborating on how CVE drivers and traditional development processes are interlinked and how CVE work affects its development mandate.** It should, as a matter of priority, release its "first-ever policy on the role of development assistance in countering violent extremism and counterinsurgency" that was originally scheduled for release in February 2011.

- **In particular, USAID should supplement the existing analytical frameworks for countering violent extremism (the Guides) with a comprehensive gender analysis that, among other things, affirms that CVE projects and partnerships that undermine gender equality cannot be pursued.** This supplement should emphasize that gender analysis is mandatory and should explain in concrete terms how a gender perspective enables USAID and partners to more fully understand the enabling environment in which terrorism occurs and the gendered tools that are available to build a community's resilience to terrorism. The analytical guide should also identify best practices from a gender and CVE perspective on how to foster women and sexual minorities' participation in ways that avoid backlash and reinforcing of stereotypes. Additionally, the analytical framework should reiterate that CVE programming—as with all other USAID programming—should not undermine gender equality or replace gender-equality programming in a particular community. Finally, it should specify that in USAID CVE programs in at-risk communities, activities to address risk should be reconciled with, rather than prioritized over, community needs.

- **Regarding individual projects, USAID and the DoD should provide greater clarity on project goals and targets,** including, for example, whether such activities are directed at combating conditions that lead to violent extremism, challenging violent ideologies, or seeking to reduce terrorist recruitment.[510] This will not only enhance the design of the project from a CVE perspective, but it will also enable the kind of context-specific gender analysis needed to ensure that the program does not negatively impact on gender and that gender equality programming is still being adequately represented in USAID's overall activities.

- **All USAID programs to counter violent extremism should be required to undertake the mandatory gender analysis as set out in the agency's ADS.**

- **In the USAID design document for projects that have a nexus to countering violent extremism, gender should be strongly emphasized as a cross-cutting theme that implementing partners are required to incorporate into program design, implementation, and assessment proposals.** This would include, for example, requiring

proposals to reflect on the specific approaches that would be taken to ensure participation of men and women in the CVE program under consideration, the setting of sex-disaggregated targets (see below), as well as information on how the implementing partner will seek to ensure that USG development assistance helps rather than hinders gender equality.

- **USAID should explicitly require that input, output, and outcome indicators in implementing partners' PMPs and USAID's own reporting take account of gender,** including, at a minimum, requiring that data be disaggregated on the basis of sex for each program activity. The fact that USAID projects are supported by Complex Crises funding (previously known as DoD 1207 funding) does not obviate the need to conduct gender analysis. This will likely require developing custom indicators that fully encompass the unique nature of CVE programming that selects beneficiaries based on risk, not need. For example:

    - Gender-sensitive indicators should be designed for each programming stage, and data sets should be disaggregated by gender and examined for evidence of gendered impacts, even where men and boys are the target beneficiaries of programming. When new CVE-oriented indicators are developed, gender disaggregation should be required wherever feasible.

    - Development hypotheses, including those about the gendered impacts of CVE programming, should be clearly identified in CVE program planning, and impact evaluations should be designed to capture causal links between the intervention and its gendered impacts.

    - Like other USAID impact evaluations, where feasible CVE evaluations should use experimental design aimed at comparing treatment and control groups, but they should also include the use of qualitative methods and data to ensure that relevant gender-related impacts and dynamics that are not easily quantifiable are thoroughly examined. New evidence about gendered dynamics gleaned from such evaluations should be built back into analytical and programming guides.

- **To the greatest extent possible, USAID should bear sole or prime responsibility for the design, implementation, and assessment of USG CVE development activities with a view to mitigating the heightened negative impacts (on both human rights and project efficacy) that occurs when the U.S. military leads aid securitization.**

- **To the extent that the DoD does undertake development programming, it should mandate that development activities require gender analysis and sensitivity, including specific outreach to women and sexual minorities, in the project's design, implementation, and assessment phase** to ensure that ostensibly gender-neutral measures do not have unintended consequences for human rights and that quick gains are not prioritized over the long-term commitment needed to ensure gender equality.

- **The USG should encourage community-led development while also ensuring that strategic shifts toward the use of local partners in programs to counter extremism are first assessed** in terms of the specific impact they will have on women's and sexual-minority organizations, including ensuring that such organizations are not inadvertently excluded from participation in USG assistance because of their limited capacity to comply with USG reporting requirements.[511]

# SECTION III: GENDER AND MmilitarIZED COUNTER-TERRORISM

## Overview

In the aftermath of the events of September 11, 2011, the USG developed an enhanced counter-terrorism role for the U.S. military, characterized by an "increasing role for conventional forces," alongside an "increased emphasis on an indirect approach."[512] The latter is designed to extend traditional military capabilities to the "operational environments within which CT campaigns/operations are conducted" in order to "shape and stabilize those environments...to erode the capabilities of terrorist organizations and degrade their ability to acquire support and sanctuary."[513] This shift has had many consequences, a largely ignored one of which is how this enhanced role extends the U.S. military's reach to more directly impact civilian populations, particularly women and LGBTI individuals, in its operational environments. While the U.S. military has recently paid more attention to integrating a gender approach in its counter-terrorism efforts, it has not yet elevated gender analysis to the level needed to appropriately integrate gender and mitigate deleterious gendered impacts on affected men, women and sexual minorities. These three trends—increased militarization of counter-terrorism; corresponding impacts on women and LGBTI individuals; and failure to enhance gender integration to the level needed to respond to these shifts—are outlined briefly below and then explored in respect of four key areas: (1) gender integration in domestic and foreign national security apparatus; (2) gender impacts of USG and USG-supported military operations; (3) gender impacts of USG security assistance; and (4) gender integration in post-conflict and conflict-resolution programs. These trends are in addition to those observed above on the military's role in development, where case studies showed that the DoD's failure to include women and understand local gender dynamics and needs compromised both the effectiveness of counter-terrorism measures and human rights protection.[514]

- **Expanded militarization of counter-terrorism efforts:** Under the USG's current approach, counter-terrorism is considered to be part of a broader "Irregular Warfare" strategy[515] that "involves a variety of operations and activities that occur in isolation or combined with conventional force operations"[516] and includes five principal activities: counter-terrorism, unconventional warfare, counter-insurgency (COIN), stability operations, and foreign internal defense.[517] In practice, the USG has, for example, used unconventional warfare[518] and COIN[519] tactics against the Taliban in Afghanistan post 9/11, with the latter understood to encompass the "[c]omprehensive civilian and military efforts taken to defeat an insurgency and to address any core grievances"[520] and to consist of political, economic, security, information, and control activities.[521] COIN operations are supported by Civil Military Operations (CMOs) through "decisive and timely employment of military capabilities to perform traditionally nonmilitary activities that assist... in depriving insurgents of their greatest weapon—dissatisfaction of the populace."[522] Alongside the military's extension into non-traditional areas, it increasingly cooperates with other USG agencies to pursue counter-terrorism or COIN objectives. For example, the DoD coordinates stability operations, particularly those involving "large-scale projects," with USAID and these operations also require civil-affairs personnel.[523] As part of its irregular warfare approach, the U.S. military also plays a significant role in developing foreign internal defense through indirect support (such as security-assistance programs);[524] "[d]irect support (not involving combat operations)" such as civil-military operations; and U.S. combat operations.[525]

  Each of the DoD regional commands in Africa, Asia, and the Middle East (United States Central Command [USCENTCOM],[526] AFRICOM,[527] United States European Command [EUCOM],[528] and

PACOM)[529] conduct a range of direct and indirect measures to achieve the USG's counter-terrorism objectives, including military operations, building the capacity of partner nations, and CMOs. These efforts are complemented by those of the U.S. Special Operations Command (USSOCOM).[530] To give one example of how these functions combine, USCENTCOM,[531] conducts combat operations; "develop[s] and implement[s] theater-wide responses in the cyber and physical domains to disrupt and degrade militant networks";[532] cooperates with, equips, trains, and conducts joint exercises with militaries;[533] responds to crises (e.g., by delivering humanitarian aid to Pakistan in September 2010 following heavy flooding);[534] supports development and reconstruction to "establish the conditions for regional security, stability and prosperity";[535] works "as a part of an integrated civil-military effort to prevent security vacuums that foment extremism and provide sanctuary to VEOs [violent extremist organizations]";[536] and counters VEO efforts to use the "information environment to promulgate and reinforce their ideology."[537] USCENTCOM's development and reconstruction work has been particularly marked in the USG's COIN strategy in Afghanistan and Iraq.[538] One significant COIN tool is the use of PRTs in Afghanistan and Iraq that "bring together civilian and military personnel to undertake the insurgency-relevant developmental work."[539] A second is the deployment of Female Engagement Teams (FETs) in Afghanistan and Iraq.[540]

- **New and expanded gender impacts:** In some ways, the expanded militarization of the USG's counter-terrorism efforts causes gender-based impacts that are routinely associated with military interventions: for example, it "serves to stereotype, marginalize and profile those who challenge or fall outside the boundaries of predetermined gender roles";[541] results in civilian casualties; increases widowed populations; and causes mass displacement, refugee flows, and human trafficking with gendered effects (see below). However, militarization in the counter-terrorism context is particularly concerning from a gender perspective by virtue of its sheer breadth: militarization of counter-terrorism means not only the use of traditional military interventions to achieve counter-terrorism objectives, but it is also characterized by an increase in the role of the military in non-traditional military activities such as development and civil affairs, which by definition brings the military into closer contact with civilian populations, where females are predominately civilians. Similarly, the gendered rhetoric that has accompanied USG counter-terrorism military interventions has served to increase female and LGBTI vulnerability to terrorists who identify women and women's rights advocates with foreign oppositional forces (see below).

- **Minimal gender integration and analysis:** There have been a number of recent efforts to incorporate gender analysis into military engagements, security-assistance packages, and military-civil activities.[542] However, overall, systematic and sound gender analysis remains largely absent from USG military efforts to combat

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U.S. Army Sfc. Sawyer Albert, the brigade medical operations noncommissioned officer in charge with the 86th Infantry Brigade Combat Team, Task Force Wolverine, and native of Eden, Vt., and U.S. Army Maj. Lora Bowens, a nurse practitioner with 86th IBCT and a Saint Albans, W. Va., resident, listen to the Women's District Center head contractor discuss some programs that she would like to be funded for the women in the villages surrounding Charikar here Sept. 18. Albert and Bowens are both members of the female engagement team that visited the center to help empower the women of the local villages. *Original Caption*

terrorism despite the new and myriad ways in which these efforts impact on women and sexual minorities. The reasons for this absence vary. According to USG officials: in military-to-military cooperation, gender equality is a lower priority than other human rights problems;[543] gender does not come up in discussions about military operations with counter-terrorism or counter-insurgency objectives, as the discussion is more in terms of not killing civilians;[544] and in the context of inter-agency operations it is primarily the role and responsibility of other agencies (such as USAID) to raise gender concerns.[545] Some USG military officials have explained that it is not that "no one cares" about gender, but rather that no one has raised the issue[546] and officials have not received sufficient information on how to effectively integrate gender into military operations.[547]

# Gender in National Security Apparatus: Opportunities and Challenges

## Overview

Many of the USG officials interviewed for this Report highlighted FETs in Iraq and Afghanistan as emblematic of the USG's increased attention to gender dynamics in U.S. military operations to counter terrorism. In addition, the USG has promoted or supported the development of female counter-terrorism officers and units in other countries, such as Iraq, Afghanistan, Yemen, and Bangladesh. A case study of FETs below is followed by a discussion of these USG efforts to promote female participation in national security operations in other contexts. Both discussions highlight the complex issues that arise in integrating gender into a country's national security apparatus (including the military) and identify areas where integration may promote women's rights and areas where it may undermine them, by considering the effects of inclusion on the women participating in national security institutions and the women in the communities with which they seek to interact. These key issues and areas include, but are not limited to: the viability of the underlying rationale for women's inclusion (such as whether inclusion is premised on national security or broader equality goals); whether security concerns specific to women who may be targeted as a result of their participation are identified and ameliorating measures put into place; whether women are adequately compensated to reflect added burdens where they exist; the extent to which women are being integrated in security forces at various levels of power and not just in junior or entry-level positions; adequacy of steps taken to ensure that male counterparts are properly engaged in inclusion efforts so they appreciate not only the benefit of female inclusion but that women have the right to be included; and, finally, whether women's involvement in national security programming that is premised on female-to-female engagement reflects and responds to the needs of women in the communities in which they operate or instead adversely impacts these women.

## Lessons from Female Engagement Teams (FETs) in Afghanistan and Iraq

- **Gender rationale and origin of FETs:** As expressed by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the participation of women in counter-terrorism efforts should "be grounded on principles of gender equality, recognizing the unique gendered impacts of both terrorism and counter-terrorism measures."[548] While there are a number of rationales that underpin FETs, gender equality does not appear to be prominent. In Iraq, the first FET, a group of 20 female soldiers attached to male combat units, was instituted in 2003 to respond to the fact that women who refused to be searched by male U.S. officers were hiding weapons and other contraband.[549] As the FET, referred to as "Team Lioness," began accompanying male units, military commanders

observed that both Iraqi men and women found them more approachable than their male counterparts.[550] It has also been reported that FETs were able to "collect intelligence from them that the men wouldn't have been able to get."[551] While the original Lioness team focused on searches, FETs' current objective is broader and involves support missions for Civil Affairs Units; collecting information about the local economy; building rapport; providing aid; and discussing reconstruction efforts.[552] In February 2009, the Marines adopted a similar "Lioness" approach in Afghanistan to facilitate interaction with the Afghan female population[553] in light of the failure to previously consult women on quick impact and infrastructure projects.[554] In addition, the use of FETs in Afghanistan was based on notions of the role and influence of Afghan women in their families to combat terrorism. According to one USG military official, "If the women know we are here to help them, they will likely pass that on to their children...If the children have a positive perspective of alliance forces, they will be less likely to join insurgent groups or participate in insurgent activities."[555] One FET trainer also notes, "[t]he women are the biggest influence on the young children who might get swayed into the Taliban. As males, we look up to our mothers as role models."[556] This approach has been criticized as premised on the "dubious assumption" that "Pashtun women not only wield great power at home but also know all that transpires for miles around."[557]

- **Genesis of FETs:** Following the initial FET, their development on a broader scale was "haphazard" or "ad hoc."[558] The military did not begin training FETs formally until March 2010, when it worked with 40 female Marines at Camp Pendleton in California.[559] These teams are trained to make household visits in a structured way: after arriving in the village, the FETs "get permission from the male elder to speak with the women, settle into a compound, hand out school supplies and medicine, drink tea, make conversation and, ideally, get information about the village, local grievances and the Taliban."[560] More recently, FETs have been sent across sixteen locations in Helmand Province and to the more gender-segregated Pashtun areas in southern Afghanistan to assess the needs of Afghan women and "convey information, perform security searches, and whenever possible, win the support of Afghan mothers and daughters."[561]

- **Gender and impacts on affected communities:** From a gender and human rights perspective, the FETs' impact has been mixed and has depended on a wide variety of factors. Some factors are external to the FETs. For example, in the southern Pashtun region in Afghanistan (which is, as noted above, an area of rigid gender segregation where local women are harder to access) Afghan men are more reluctant to allow the female Marines to speak to the Afghan women, female interpreters are a scarcity, and the teams have had their operations scaled back when their roles in combat have become politicized within the United States[562] or when the Taliban has reportedly threatened clinics with bombs.[563] In other cases, the community's limited receptivity to FETs is tied to their status as U.S. soldiers. For example, some female Marines have sympathized with the local women who are reluctant to engage with weapon-carrying Marines in their homes.[564] Further, one women's rights advocate at our MENA Stakeholder Workshop noted in respect of FETs in Iraq that, "female soldiers are associated with abuses such as Abu Ghraib and rude interactions. I doubt that FETs change the acceptability of U.S. presence."[565] In addition to these factors, in some cases, well-intentioned FET projects simply misunderstand local women's priorities. For example, one FET "learned that village women walked more than an hour each day to get water, [and] had a well built in the village. The village women had the well destroyed; that daily walk for water was their only chance to escape the house and be together."[566] In contrast, positive FET engagements reportedly occurred when FETs consulted with the community before developing projects and when program implementation reflected local norms. For example, following consultation, a FET successfully organized a temporary medical clinic where women accompanied by male family members could receive medication

and examinations.[567] However, a broader and more omnipotent concern is the extent to which the presence of FETs—and indeed of the U.S. military more broadly—endangers local women: for example, in one case, elders in a village implored troops (including a FET) not to spend the night there because it would invite insurgent attacks.[568] While the FETs are cognizant of security concerns,[569] these concerns are not always reflected in other parts of the U.S. military. For example, in one particularly egregious case, an abused woman reportedly accepted a FET's repeated offer to help women by walking to a U.S. Army base with her children to provide intelligence about the Taliban.[570] She was refused assistance, reportedly sent to a women's shelter that didn't actually exist, and subsequently imprisoned for several months before an international organization came to her aid.[571]

- **FETs and impacts on women in the U.S. military:** The use of FETs occurs against a larger backdrop in which women in the U.S. military are formally denied combat roles, but in practice, through their attachment (versus assignment) to combat units are exposed to, or facilitate, combat operations.[572] In March 2011, the Military Leadership Diversity Commission[573] presented a report to Congress and the White House recommending that this ban on female assignment to combat operations be revoked.[574] The U.S. Army is also currently reviewing this policy and is expected to release its determination in October 2011 on whether the ban should be revoked.[575] In relation to FETs specifically, it has been argued that this prohibition on women in combat has led to "one of the ironies of FETs that women soldiers, insufficiently trained to defend themselves, must still be escorted by men, just like Afghan women."[576] This increase of women on the battlefield, of which the FETs are a key example, has more generally afforded women the opportunity to have combat experience without the "disruption of discipline and unit cohesion that some feared"[577] (which is particularly relevant given "promotion to many senior positions in the military is dependent on" combat experience[578]), but it has simultaneously exposed female soldiers to sexual violence, the extent of which is such that Representative Jane Harman has stated, "[w]omen serving in the U.S. military are more likely to be raped by a fellow soldier than killed by enemy fire in Iraq."[579] Underreporting has compounded this issue—the DoD's own estimates indicate that eighty to ninety percent of sexual assaults are unreported—as has the military's notable unwillingness to prosecute perpetrators.[580]

- **Gender and FETs, moving forward:** Hurdles to successful FET engagement include internal resistance to supporting FETs such as a lack of willingness "to establish full-time FETs" that are given the "resources and time to train as professionals should"; not involving FETs in the planning of operations; USG commanders' assumption that talking to women "will pay no dividends"; and the assumption, as in Afghanistan, that Pashtun men will be offended by the engagement.[581] The efficacy of FETs is also circumscribed by the military deployment structure (in the words of one advocate at CHRGJ's MENA Workshop, "they come and go" in short deployments)[582] and the fact that FETs make repeat visits less than fifty percent of the time and sometimes fail to follow through on a prior group's undertaking (for example, some Afghan women were angry when a FET returned without seeds promised during its last visit).[583] In such cases, the potential for positive impacts that could result from multiple visits is diminished. While more research is needed to ascertain the impact of FETs on women in the U.S. military and the local women and communities with which they engage, it is possible to make some preliminary observations on gender and best practices in FET engagements. First, it is important that FETs receive gender-sensitive guidance to avoid endangering women in the communities in which they are deployed. However, to date, the training of FETs appears insufficient to enable them to understand the complex gender dynamics in these communities. For example, it has been reported that in some FET training for Afghanistan, none of the recommended readings were about Afghan women, there were no lessons on Afghan manners, and the prepared questions

for Afghan women were based on lessons initially intended for male-to-male conversations that women would be unable to answer.[584] This absence of core training in these areas is lamentable. For example, in one case, Afghan doctors "begged" a FET who tried to teach pregnancy and child-care classes to leave because the soldiers were not expected and the community distrusted FETs after a previous visit, when they had searched female patients at the clinic gate in front of male Afghans and U.S. troops.[585] The result of such insufficient sensitivities is not merely a missed engagement opportunity, but an adverse impact on local women's access to health care. In the example just referenced, female patients who had walked several miles to reach the clinic turned around when they saw the troops.[586] Second, these examples reflect the need observed by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for local consultation on the basis that "marginalization of those voices who understand the realities of gender inequality on the ground...is a significant barrier to the full realization of human rights and should be reversed."[587]

## Promoting Women's Inclusion in Foreign Units to Counter Terror

In addition to deploying FETs, the USG (including through the DoD) has supported or promoted the use of female counter-terrorism officers in other countries. Some of these programs, such as in Iraq and Afghanistan, particularly exemplify the challenges of integrating women in national security apparatus. For example, in October 2008, the USG established and funded the "Daughters of Iraq."[588] The objective of the unit is to work with Iraqi police to search women at checkpoints to reduce increased reliance on female suicide bombers and the threat of male bombers that dress like women.[589] For many Iraqi women, joining the "Daughters of Iraq" was a means of survival, as one officer explains: "Joining the Banat al-Iraq was the only way to survive...Nobody sees how much we have sacrificed, how much trouble we have supporting our families."[590] However, membership in the "Daughters of Iraq" also involves considerable risk, with some officers enduring threatening phone calls for participating in the program.[591] In addition, any initial positive opportunities this engagement may have offered have since diminished: the Iraqi government has taken over management of the program, with the result that many female officers have not been paid in nearly a year and Iraqi officials nonetheless pressure these women, many of whom are war widows or their family's only breadwinners, to keep working "as a matter of duty to Iraq and their slain husbands, even as some sank into debt."[592] The USG also trains policewomen in Afghanistan on the basis that women can conduct certain counter-terrorism operations and "perform tasks men cannot do, including searching women and homes."[593] However, Afghan female police officers routinely face threats (including, in some cases, ambush and assassination); discrimination (including limits on promotion and lower salary than their male peers); and inadequate protective measures (they are not given "new armored cards [sic], body armor, or bodyguards, even though they are more vulnerable" than their male colleagues).[594] Outside of Iraq and Afghanistan, the USG also trains and assists Yemen's Counter-Terrorism Unit, which now includes women.[595] These female units "conduct house, family and female body searches"[596] and are designed to capture terrorists who seek to use women's dress to evade capture.[597] However, they also face endemic gendered challenges and according to one female member of the Counter-Terrorism Unit, "[f]or society it's something strange, for me, that's what I want to be doing."[598]

While the exact scope of the USG's assistance to Bangladesh's counter-terrorism force, the Rapid Action Battalion (RAB), is unclear,[599] RAB activities also provide an insight into both the opportunities and limits of women's participation in national security institutions. The RAB includes women police officers to "deal with women arrestees during raids"[600] and has apprehended a number of alleged female terrorists.[601] This inclusion of women in the RAB and their relative effectiveness in investigating incidents of stalking and sexual harassment have also apparently made the force more approachable to some community members, including women.[602] The RAB has nonetheless been implicated in severe human rights abuses that have drawn international condemnation (including from the United States)[603] and that cast skepticism on claims

that the inclusion of women in national security institutions makes those forces inherently more peaceful and rights-protective. More generally, human rights groups have also expressed concern that the USG has failed to push for RAB's disbandment despite its human rights record because it sees it as a critical counter-terrorism ally, thereby prioritizing security cooperation over human rights.[604]

## Gender Impacts of USG and USG-Supported Military Operations

As the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism notes regarding "[g]endered targeting and militarization": "[t]hose subject to gender-based abuses are often caught between targeting by terrorist groups and the State's counter-terrorism measures that may fail to prevent, investigate, prosecute or punish these acts and may also perpetrate new human rights violations with impunity."[605] This "squeezing effect"[606] is borne out in USG and USG-supported military engagements in countries such as Afghanistan, Iraq, Pakistan, and Yemen, where both terrorists and governments focus on women and LGBTI individuals to advance their agendas and the governments' failure to protect women and sexual minorities from non-State violence emboldens terrorist actors (see below).

### Proliferation of Non-State Violence and Failure to Protect

The DoD's Office of the Special Coordinator for Rule of Law and International Humanitarian Policy[608] notes that the challenge of civilian protection is one that the USG seeks to address in all military operations, including COIN strategy.[609] These challenges of civilian protection can be uniquely gendered. For example, in Afghanistan, it has been widely observed that the USG's rhetoric for going to war in 2001 to "save" Afghan women was heavily gendered.[610] However, less frequently noted are the ways in which this rhetoric further sets women up to be subsequent targets of terrorist violence. According to CHRGJ's interview with an Amnesty International researcher, terrorists are targeting women in Afghanistan partly because of this emphasis on women's rights: "There is 100% targeting of women's groups—even very small ones. There is in both Pakistan and Afghanistan a sense that because women's and girl's rights are championed in the West, they become part of the war."[611] Indeed, one of the complexities of the USG's (and other governments') promotion of Afghan women's rights and participation in public life has been that as women increasingly exercise their rights, they also come under attack from violent extremists who explicitly target them for choosing to work (including for international or foreign organizations), go to school, or run for political office.[612] The explanation for this inadvertent outcome lies in part in the observation of an Amnesty International researcher, that the USG and others "highlight gender issues just enough to make it worse, but not enough to get stuff done."[613] This conundrum is explored more fully below.

> "We suffered under the Saddam Hussein regime; we don't want to suffer more under the U.S. and U.K."
>
> Iraqi Women's Rights Advocate, MENA Stakeholder Workshop[607]

Following the U.S. invasion of Iraq, there has been a surge in State and non-State gender-based violence against women and LGBTI individuals, with patently inadequate responses from both the Iraqi Government[614] and the USG (see below). Women in Iraq currently experience gender-based abuse, including sexual violence, from a multitude of actors, including "members of Islamist armed groups, militias, Iraqi government forces, foreign soldiers within the US-led Multinational Force, and staff of foreign private military security contractors."[615] The DoS has recognized the impact of this pervasive violence, noting that "[t]he security

situation disproportionately affects women's ability to work outside the home."[616] There are numerous examples of gender-based targeting by terrorists since the U.S. invasion. For example, young boys are reportedly raped in order to shame them into becoming suicide bombers.[617] In addition, there have been reports of terrorist groups beheading and raping women trying to be part of public life,[618] and female politicians have been targeted, and in some cases killed, by non-State actors, including Al-Qaeda.[619] Women have also been killed for not veiling and being "made up,"[620] such that "Islamic extremists [have] targeted women for undertaking normal activities, such as driving a car and wearing trousers, in an effort to force them to remain at home, wear veils, and adhere to a conservative interpretation of Islam."[621] Various human rights groups have highlighted the nexus of these and other private acts of violence (such as trafficking [see below]) to the U.S. military presence. For example, the Organization of Women's Freedom in Iraq (OWFI) explains that "[o]usting the government and all systems of security left Iraqi cities vulnerable...to gangs of men who kidnapped women and girls and assaulted them sexually...Borders with other countries were in a state of chaos and made easy the trafficking of kidnapped or destitute females."[622] One Iraqi women's rights advocate at our MENA Stakeholder Workshop attributes the surge in terrorist violence to the U.S. presence by explaining, "[t]he more the U.S. is present in Iraq, the more radicalization takes place...[terrorist] recruits are among the poor, within a small and young age range from impoverished areas...They joined because they felt no other hope. Before the invasion, Iraqis weren't all Al-Qaeda's army."[623]

## Box 5. Targeting of LGBTI Individuals in Iraq: USG Role and Responsibility

### Terrorist and State Violence against LGBTI persons

In October 2009, *New York Magazine* exposed the brutal killing of gay men in Iraq as a means for militias to exploit anti-gay prejudice to shore up public support.[624] There is complete impunity for these actions: in 2010 and 2011, the USG reported that Iraqi "[a]uthorities had not announced any arrests or prosecutions of any persons for killing, torturing, or detaining any LGBT individuals."[625] Moreover, there are numerous reports that Iraqi police and security forces are themselves targeting, apprehending, and torturing Iraqi men who are suspected of being gay,[626] including through torturing and executing gay men in the Interior Ministry in Baghdad[627] and apprehending and handing over gay men to militias for further abuse.[628]

### USG Role and Responsibility

The USG's role in, and responsibility for, these attacks falls into three main areas. First, a number of reports trace the surge in discrimination and violence against Iraqi men to the U.S. invasion, such that "[a]fter the invasion...gays and lesbians were driven underground by sectarian violence and religious extremists."[629] In addition, one non-governmental actor claims he targets Iraqi gay men because "they work with the Zionists, with the Americans."[630] This nexus has also been described as follows:

> In the wake of the surge in American troops and the increase in strength of the Iraqi military and police forces, Iraq's once-powerful Sunni and Shia militias have wound down their attacks against American forces and one another. Now they appear to be repositioning themselves as agents of moral enforcement, exploiting anti-gay prejudice as a means of engendering public support.[631]

In addition, advocates from the region argue that the presence of the occupying forces led many LGBTI individuals to believe that society would be freer and encouraged them to be more public with their sexuality, only to be subsequently targeted by violent extremists for advocating for their rights and left unprotected.[632]


Homosexual Iraqi, Sam*, poses for portraits in the empty apartment where he is staying in an undisclosed location on Sept. 10, 2009. After being tortured in Iraq, many Iraqi homosexuals are seeking refuge. *Original Caption*

Second, the USG trains Iraqi police[633] who, as discussed above, are also implicated in their attacks. The USG has also been criticized elsewhere for providing funding, training, and arms to Iraqi militias that perpetrate gender-based violations.[634] Third, the USG's immediate and long-term response to these allegations has been at best mixed, and at worst, inadequate.[635] While it was reported in 2009 that the DoS was looking into these allegations,[636] in June 2010 the U.S. Embassy in Baghdad stated "[w]e have no evidence that GOI [Government of Iraq] security forces are in any way involved with these militias."[637] More broadly, there is a concern that the USG's failure to take action on this front is attributable either to the sense that "there is only so far Americans can push the Iraqi government without inadvertently causing a backlash on gay Iraqis"[638] or because of more overarching political concerns, including "not upset[ting] the Iraqi government."[639] In addition to failing to take concrete action in Iraq itself, the USG has been criticized for not prioritizing the resettlement of Iraqi LGBTI individuals to the United States,[640] despite the fact that "America has a singular responsibility to protect these men. Although homosexuality was by no means permitted under Saddam Hussein's regime, only after the U.S. invasion did widespread anti-gay rhetoric and violence in Iraq reach a crisis point."[641]

U.S. militarized counter-terrorism activities aiming to eradicate violent extremist forces outside of conflict zones such as Afghanistan and Iraq are also reportedly emboldening extremist forces with adverse gender impacts. In general terms, it has been argued that Al-Qaeda uses increased USG (and U.K.) activity in Yemen as "propaganda to win over the support of locals and discredit the Yemeni government,"[642] and that alongside the growth in the U.S. military presence, Yemen has "transformed from being a place for terrorists to hide out or train to a place where militants can participate in jihad."[643] This shift has implications for women's rights. A national security expert at our MENA Stakeholder Workshop observed that recent Al-Qaeda propaganda claiming that drones were taking photos of Yemeni women may be having a detrimental impact on women who are then forced to stay at home.[644] Relatedly, in late March 2011, Al-Qaeda in the Arabian Peninsula declared the Abyan province in south Yemen an "Islamic Emirate,"[645] and its first decree was to forbid women from leaving their homes except for under urgent circumstances, and even then only if accompanied by a male relative.[646] A Palestinian LGBTI advocate at our MENA Stakeholder Workshop also argues that Israel's occupation, as supported by the United States, increases radicalization and makes it more difficult to organize with Israeli LGBTI organizations, with detrimental impacts on LGBTI individuals.[647]

## Failure to Respect Women's and LGBTI Rights

In addition to likely contributing to, and failing to protect, women and LGBTI individuals from terrorist violence, the U.S. military is implicated in a series of direct gender-based violations against men and women in its pursuit of counter-terrorism or COIN objectives. While the most well-known examples of such violations include the use of rape, sexual assault, and other gendered interrogation techniques against both male and female detainees (such as in Abu Ghraib and Guantánamo Bay),[648] other core gendered impacts include:

- **Civilian casualties:** Women have reportedly borne the brunt of civilian casualties that result from USG-led air raids in Iraq.[649] In addition, an Afghan women's rights advocate in our MENA Stakeholder Workshop notes that in relation to Afghanistan: "Who is suffering the civilian casualties? Women are the first victims and nobody is listening. Talking about women's rights is a joke to those in control."[650] Further, while estimates vary, reports indicate that the USG's use of drone attacks in Pakistan have resulted in a significant number of civilian casualties,[651] despite the fact that the Central Intelligence Agency (CIA) purportedly takes "gender" into account when assessing whether an individual is a civilian and, "[a]s a general rule, a woman is counted as a non-combatant."[652] Family members of targeted individuals are particularly affected, either because they themselves are killed (family members reportedly made up the majority of civilians killed by CIA drone attacks between mid-2008 to mid-2010[653]) or because operations that kill male family members leave female family members particularly vulnerable to marginalization, rights' deprivation, and abuse (see discussion regarding widows below). These adverse impacts in Afghanistan, Pakistan and Iraq, are exacerbated by inadequate civilian casualty compensation schemes. For example, in Afghanistan and Iraq the USG has failed to adequately compensate family members of civilians killed or injured by Coalition Forces.[654] In Pakistan, "[d]rone victims receive no assistance from the Pakistani or US governments, despite the existence of Pakistani compensation efforts for other conflict-victims and US compensation mechanisms currently operating in Iraq and Afghanistan."[655] In Pakistan, one women who lost her husband, son, and home as a result of a drone strike explains that her situation is "desperate" and argues that "definitely the government or military should provide compensation and it should be provided timely and without any further delay...in the short-term I need my house reconstructed and in the long-term I need compensation for my husband's and son's deaths."[656]

- **Widows:** The war in Iraq has created a significant population of widowed women (an estimated one in eleven women aged fifteen to eighty is a widow)[657] who, along with other women face

dire poverty; lack access to government services such as clean water, healthcare, sanitation, and electricity; and are unable to access financial assistance from the Iraqi Government.[658] While in theory the Iraqi Government does provide some assistance to widows, this is only approximately US$50 per month, with an additional US$12 per month for each child, and is difficult to obtain—only approximately 120,000 widows (about one-sixth of the widowed population) have received the government stipend.[659] The USG takes a particular interest in this issue[660] following Secretary of State Clinton's visit to Iraq in 2009,[661] during which she met with Iraqis "including women and war widows...[and] told them the Obama Administration will stand by them in their travails."[662] In Pakistan, women who have lost their spouses—be it from militant violence, the Pakistani government's offensive against militants (supported by the USG[663]), or USG activities such as drone strikes[664]—experience "long-lasting instability" where "[s]trictly defined gender roles leave widows and their children marginalized, and vulnerable."[665] Widowhood under these circumstances also has significant psychological impacts: "One man described the anguish of his sister-in-law, who lost her husband and two sons in a US drone strike: 'After their death she is mentally upset...she is always screaming and shouting at night and demanding me to take her to their graves.'"[666] In addition, gender-based vulnerabilities result from the fact that "[w]idows often must rely on other male relatives to do everything that is required to access assistance and entitlements, such as open bank accounts, cash checks, register with authorities, and physically go to aid distribution points."[667] Women are also susceptible to abuse by male relatives, such as male in-laws, who "may claim to be legal heir of the husband and receive compensation instead of the wife and children."[668] As discussed above, based on publicly available information, these victims receive no compensation from either the USG or the Pakistani government.[669]

- **Trafficked persons:** The situation in Afghanistan and Iraq demonstrates a mixture of both State and non-State involvement in trafficking in persons in the aftermath of the U.S. presence.[670] For example, in Afghanistan it has been argued that the "climate of insecurity and impunity [after the invasion] has produced new forms of powerlessness for many Afghan women and girls, who have been widowed, displaced, trafficked, and forced into marriage as a direct or indirect result of the conflict."[671] Indeed, according to the USG, since the U.S. invasion in 2001, Afghanistan has become a destination country for trafficking.[672] A range of private actors has perpetrated this human trafficking; for example, the USG has stated that international security contractors "may" be involved in trafficking of persons for sexual exploitation[673] and that extremist groups traffic young boys to training camps.[674] As the latter example demonstrates, men and boys have also been victims of human trafficking in the burgeoning security crisis in Afghanistan. Further, according to the USG, "[a]t the end of 2009 and beginning of 2010, an increasing number of male migrants from Sri Lanka, Nepal, and India who migrated willingly to Afghanistan were then subjected to forced labor."[675] Other reports indicate that foreign contractors in Afghanistan have hired Afghan "dancing boys,"[676] a practice which, depending on the circumstances, may constitute trafficking.[677] In addition to these patterns, according to an Afghan women's rights advocate, Afghan women are trafficked by gangs who offer families a sizable bride price on the pretext of marriage and then exploit the women obtained.[678] This advocate also notes that women are being trafficked to Afghanistan from Pakistan and Iran and that law enforcement agencies, for a variety of reasons, fail to act on these reports.[679] Similarly, in Iraq, the "US-led war and the chaos it has generated" is cited as one of the contributing factors to an increase in sex trafficking and prostitution.[680] While it can be difficult to ascertain the exact scope of these impacts—including because some reports on the phenomenon conflate sex trafficking with prostitution—significant questions persist about the extent to which the USG's presence and U.S. personnel in Iraq facilitate sex and labor exploitation. For example, the OWFI has documented one case in which a woman was forced to marry a translator for a U.S. base in Tikrit after U.S. forces detained her brother.[681] She was then coerced into helping her husband use their

apartment to "entertain" U.S. military officers, including through providing different girls.[682] Private military contractors have also allegedly trafficked Nepali men to Iraq to work on U.S. bases.[683] A multitude of human rights violations result from these instances of trafficking. In Iraq, for example, women and girls who allege that they are victims of trafficking have been imprisoned "for unlawful acts committed as a result of being trafficked"[684] and women forced into sex work have been subsequently killed because it shames their families.[685] According to an Iraqi women's rights advocate at our MENA Stakeholder Workshop, in one case a girl was trafficked to Dubai, deported back to Iraq and imprisoned, and then forced into becoming a suicide bomber because *jihadis* pay the families of female suicide bombers for their martyred female relatives.[686]

Further, in an interview with CHRGJ, an Afghan women's rights advocate explained that through its implementing partner, the Colombo Plan, the DoS is supporting temporary transit shelters for female survivors of violence, including trafficked women.[687] This effort is funded by the Bureau of International Narcotic and Law Enforcement Affairs and includes support to a local NGO to train police.[688] These efforts are commendable, as there is a dire need for shelters to provide victim assistance,[689] and shelters need security and long-term financial support to continue providing services and conducting trainings to sensitize the police and prosecutors to victims' needs.[690] However, women housed at these temporary shelters are asked to work with the police to prosecute traffickers and pimps, and it appears that staying at shelters may require such cooperation.[691] While USG support to women's shelters serves a critical need in Afghanistan, it should reject the practice of conditioning assistance on a victim's willingness to cooperate with law enforcement as antithetical to the human rights of trafficked persons.[692]

- **Internal displacement and refugee populations:** USG drone attacks[693] and other USG-supported military activities in Pakistan;[694] USG military operations in Afghanistan[695] and Iraq;[696] and USG drone attacks[697] and other USG-supported military activities in Yemen;[698] have caused mass internal displacement with disproportionate impacts on women and girls. The gender dimensions of the Iraqi refugee problem bear particular reflection here. Among those who have had to leave Iraq since the beginning of the 2003 U.S. invasion, the majority have fled to countries in the region,[699] including Syria,[700] Jordan,[701] and Lebanon.[702] In Syria, Iraqi refugees are unable to legally work, and in Jordan, the vast majority of Iraqi refugees is unable to obtain residency cards and therefore also cannot work.[703] In Syria, acute stress for male refugees and their families results from working illegally, unemployment, and poor living conditions.[704] One identified outcome of this stress has been an increase in domestic violence.[705] In general terms, female refugee victims are reluctant to report any abuse to the police because of their "uncertain legal status and fears of deportation."[706] Similarly, in Jordan, "the stress of living in cramped quarters compounded by the loss of displacement" has reportedly contributed to an increase in domestic violence within the refugee population.[707] Because, as noted above, the vast majority of refugees are not permitted to hold jobs in Syria and Jordan, many women have turned to, or have been forced into, the sex trade to support themselves and their families.[708] Despite this, in 2009, many Iraqi women refugees were still resisting returning to Iraq because of gender-specific concerns about their situation upon return, including the lack of economic support for widows, "rising conservatism," and the potential for "honor killings."[709] Many gay Iraqis have also reportedly fled to Syria, Lebanon, and Jordan to escape the persecution described in detail above.[710] These individuals' needs are under-met because most assistance programs focus on families, women, and children, rather than single men.[711] A LGBTI rights advocate at our MENA Stakeholder Workshop also explains that increased border security in Lebanon and Syria makes it more difficult for refugees fleeing violence in Iraq to get into those countries.[712] The USG has been criticized for failing to adequately respond to this crisis (*see Box 5. Targeting of LGBTI Individuals in Iraq: USG Role and Responsibility*) and has been called upon to facilitate expedited processing for LGBTI refugees and trafficking victims to be resettled in the United States.[713]

## Gender Impacts of USG Security Assistance

As noted above, the USG provides a wide range of security training and assistance to foreign militaries and security sectors, including through the DoS Foreign Military Finance (FMF) program,[715] the IMET Program,[716] the Global Train & Equip Program Section 1206 Funding,[717] the ILEA[718] the Anti-Terrorism Assistance (ATA) Program,[719] and the Transnational Crime Affairs Section.[720] In addition, through COIN, the USG seeks to develop the "affected nation's military force" and the security sector more broadly.[721]

From a gender and human rights perspective there are three main concerns about USG security assistance to achieve counter-terrorism or counter-insurgency objectives. First, the USG's uneven and, in some cases, inadequate vetting of forces it trains or funds can contribute to impunity for human rights violations, including gender-based violence. U.S. law restricts the DoS from providing funds to a unit "of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross human rights," through legislation commonly referred to as the Leahy Amendment.[722] A version of the Leahy Amendment is also found in the DoD Appropriations Act of 2001.[723] However, the GAO has repeatedly identified inadequacies and "lapses" in the USG's vetting procedures, including in respect of assistance in key counter-terrorism partnerships.[724] At CHRGJ's Stakeholder Workshop in Asia, a women's rights advocate raised similar concerns that in Nepal monitoring compliance with the Leahy amendment is still an issue.[725] In addition, there is an unevenness built into vetting processes, with the DoD having more leeway than the DoS in some circumstances. For example, an official from the DoS Bureau of Political-Military Affairs explains that this discrepancy is why the DoS has cut off IMET funding to the Kopassus Unit in Indonesia, whereas in July 2010,[726] the DoD was able to resume Title X funding assistance to Kopassus[727] in the face of much criticism.[728]

> "Police getting more resources is not necessarily a good thing. By increasing their power you increase entrapment...You are giving them money and power and not changing their ideology... where are the hearts and minds campaigns on them?"
>
> LGBTI Rights Advocate, MENA Stakeholder Workshop[729]

Second, in certain instances, USG support and training of local militaries for counter-terrorism exercises increases militarization and military impunity in that country with detrimental gender impacts. In general terms, U.S. partner governments' militarizing to combat terrorism has acute and adverse gender impacts.[729] However, according to CHRGJ's Stakeholder Workshops (particularly in Asia), USG training and assistance does not mitigate such impacts and may instead exacerbate them. For example, the USG supported the Ethiopian invasion of Somalia in late 2006, with the latter regressing women's rights enjoyment and squeezing female leaders between Al-Shabaab and the Transitional Federal Government.[730] In other cases, the concern is that USG training and funding muscularizes militaries which then go on to commit gender-based abuses, including in the name of countering terrorism (see the example from Lebanon below). Rights advocates also argue that USG funding and training to local militaries can deter accountability discussions because the military contends that it is U.S.-trained and therefore has the USG's stamp of approval.[731] This imprimatur of USG support makes it more difficult to oppose local government action, because human rights advocates are by implication seen to be also challenging the United States.[732] In addition, in Nepal, there have been trainings during which U.S. officials share their experiences in handling military cases through commissions, which directly undercuts the efforts of Nepali women's human rights defenders who are resisting militarization and impunity for violations by the military.[733] In a similar vein, it has been argued that AFRICOM's training of local militaries for counter-terrorism exercises undermines gender activists' efforts to promote demilitarization.[734]

Third, the USG fails to sufficiently track and condemn gendered human rights abuses that U.S.-supported forces perpetrate during counter-terrorism and counter-insurgency operations, thereby appearing to enable and legitimize gender-based violence (such as widespread sexual violence by Ethiopian forces in the Ogaden region in eastern Ethiopia).[735] The failure to condemn such abuses is closely linked to a broader failure to track how foreign partners use USG security assistance. For example, in Lebanon, the DoS provides significant security assistance to the Lebanese Government and particularly Lebanon's security services, the Lebanese Armed Forces (LAF) and Internal Security Forces (ISF), to "address border security, counter negative extremist elements, and curb the influence of Syria and Iran."[736] However, LGBTI advocates argue that USG assistance to the ISF increases street surveillance by an intolerant force, which further marginalizes LGBTI individuals.[737] One advocate notes that after receiving U.S. assistance, the police are now "catching people in cruising places because of the new Dodges provided by the USG. It is like a vice squad or morality police."[738] He argues that in an oppressive regime, the more you train or assist police or military forces, the more resources they have to commit rights violations and oppress minorities.[739] The failure of the USG to exercise adequate oversight of this type of assistance compounds these concerns.[740]

## Gender Integration in Post-Conflict and Conflict-Resolution Programs

The USG, particularly under the leadership of Secretary Clinton and Ambassador Verveer, has strongly emphasized the need to address the concerns of women and girls in conflict-resolution and post-conflict measures and to include women as key stakeholders in the reconciliation and reintegration programs that impact their lives.[742] In many ways, Afghanistan represents the starkest current example of the USG's immense challenges in realizing these gender commitments in practice.[743] Indeed, on February 18, 2011, Secretary Clinton announced a "new phase" in USG diplomatic efforts in Afghanistan, characterized by a shift toward communicating with the Taliban.[744] While she specifically highlighted the continued importance of ensuring women's participation and the rights of Afghan women and minorities,[745] it is unclear how this can be guaranteed in negotiations with the Taliban. In this regard, while some local women's rights advocates view negotiations with the Taliban as necessary for peace,[746] other advocates have repeatedly raised concerns about what negotiations with the Taliban, with a view toward including them in the Afghan government, may mean for women's rights and the ability to maintain the minimal gains achieved since the Taliban's ouster.[747]

Accordingly, notwithstanding the support of Secretary Clinton,[748] the concerns moving forward are threefold. The first concern is that Afghan women will not be adequately included in reconciliation processes.[749] This fear is firmly based on women's prior exclusion from peace-building efforts (such as when Afghan women were poorly represented in two key international consultations on Afghanistan, the London Conference[750] and the Kabul Conference)[751] and the fact that while President Karzai has repeatedly stated that women's rights in Afghanistan will not be compromised or sacrificed,[752] his record to date contradicts this claim.[753] The second concern is that there has been a marked shift in rhetoric amongst Western governments, such that "today the treatment of women under the Taliban is increasingly being dismissed as part of local culture.

> "One Afghan woman said to me, 'What would it take for the allies to know that by abandoning us, it will hit them later on?' That violence that manifests itself with us will spread. The Taliban started with us, then Afghan men, then America, and the world."
>
> Zainab Salbi, Founder, Women for Women International[741]

This apparent change in attitude in the west is seen as a consequence of the British and US governments' desire to extricate themselves from a messy, expensive and time-consuming war."[754] Third, advocates worry that the USG and Afghan government will appease extremist forces at the price of gender equality, using women's rights as "currency" in exchange for peace.[755] According to both local and international women's rights advocates, strong international pressure and commitment to supporting Afghan women in their role in reconciliation processes is required to avoid these outcomes.[756]

# RECOMMENDATIONS

**To ensure gender analysis and integration undergirds all USG military efforts to combat terrorism:**

- Prioritize efforts to adopt the USG's UNSCR 1325 National Action Plan and ensure that the National Action Plan specifically contemplates how UNSCR 1325 norms and guidance on women, peace, and security can be brought to bear in situations where military operations have a counter-insurgency or counter-terrorism objective. In addition, the National Action Plan should address how women's advocates and organizations can undertake the types of peace-building and other activities UNSCR 1325 contemplates, in areas where there is terrorist activity, without falling afoul of U.S. anti-terrorism financing law (see below Section IV).

**While promoting inclusion in national security measures to advance counter-terrorism objectives:**

- Recognize the role of women and LGBTI individuals as stakeholders in, and critical contributors to, the design and implementation of counter-terrorism measures and in combating terrorism.

- Ensure that such participation furthers, and does not undermine, the rights of participants, including by premising participation on principles of gender equality and non-discrimination rather than gender stereotypes; ensuring that inclusion is not tokenistic; and engaging male counterparts to appreciate the benefit and the right of inclusion of women and LGBTI individuals.

- Recognize and respond to the fact that as a result of inclusion, women and LGBTI individuals may experience unique and gender-specific security concerns, including as a result of increased targeting from terrorist and insurgent groups.

- Ensure that FETs receive gender-sensitive guidance to avoid endangering women in the communities in which they are deployed; base engagements and programs on adequate advance consultation with women and sexual minorities in the community about their needs; and conduct a gender analysis prior to engagement to assess whether outreach to women will create additional burdens or undermine local movements.

**To protect women and sexual minorities from terrorism:**

- Avoid gendered rhetoric to legitimize counter-terrorism military operations where this rhetoric is seen to have the effect of increasing the likelihood of women and LGBTI individuals becoming targets of terrorist violence and undermines local gender-equality movements.

- Undertake and support efforts to prevent, investigate, and prosecute gender-based abuses perpetrated by terrorist groups, including by ensuring that USG partner nations adequately

prevent, investigate, and prosecute gender-based abuses perpetrated by terrorist groups and do not contribute to or further these abuses.

- Recognize that USG military engagements to counter-terrorism can embolden terrorist activity and make women and LGBTI individuals more insecure and take responsibility for this impact, including by prioritizing arrangements for expedited resettlement of these individuals (including to the United States) if the circumstances require.

**To address unlawful impacts of USG direct military engagement to counter-terrorism or insurgency:**

- Prevent, investigate, and punish gender-based human rights violations committed by the U.S. military in the context of countering terrorism.

- Provide redress for victims through non-discriminatory and equality-enhancing reparations schemes and recognize all forms of gendered harms, including for victims targeted on the basis of sexual orientation and gender identity.

**To ensure full partner vetting and rights-compliant training and assistance:**

- Design and implement robust monitoring mechanisms to ensure that security training, equipment and assistance is only provided to individuals properly vetted in compliance with the Leahy Amendment and is not utilized in furtherance of human rights abuse, including in the context of countering terrorism.

**To effect gender-sensitive reconciliation and reintegration initiatives:**

- Reject the use of rights of women and LGBTI individuals as bartering tools in negotiations with extremist groups.

- Ensure that women and sexual minorities are represented in all discussions and decisions regarding reintegration, negotiation, and reconciliation involving extremist groups in compliance with UNSCR 1325.

- Vet individuals who seek reintegration assistance for gender-based abuse.

# SECTION IV: GENDER AND USG ANTI-TERRORISM FINANCING REGIMES

## Gender Features of Anti-Terrorism Financing

In the aftermath of the events of September 11, 2001, the USG significantly expanded its capacity to combat transnational terrorist financing, implementing widespread institutional changes and adopting a comprehensive approach that relies on the designation of individuals and organizations as terrorists and terrorist supporters or facilitators; intelligence and law enforcement operations; development of international standards through the Financial Action Task Force; and provision of technical assistance to foreign governments to develop domestic anti-terrorism financing regimes.[757] In addition, U.S. strategy has increasingly stressed the need to protect the charitable sector from terrorist abuse that may occur, for example, when terrorists use charities to channel funds (illicit and licit) or provide social services as a means to strengthen support for terrorist organizations and incentivize vulnerable communities to radicalize.[758]

According to the U.S. Department of the Treasury (Treasury or Treasury Department), these anti-terrorism financing measures are designed and implemented without a specific gender lens; in part because anti-terrorism financing regimes are concerned with the overall protection and safety of whole communities, including women.[759] Further, most of the questions Treasury receives about its impact on the charitable giving sector are with respect to Muslim or Arab charities, not women's groups.[760] According to Treasury, gender issues, to the extent that they do come up in anti-terrorism financing actions, would be expected to be brought up through the inter-agency.[761] The one area where Treasury sees a gender dimension to its anti-terrorism financing work is in respect of financial inclusion policies that seek to enhance the security of the financial system.[762] Such measures, including those done in conjunction with the World Bank, seek to reduce the world's unbanked population (e.g., through mobile banks) which often includes women.[763]

Out of all of Treasury's anti-terrorism financing efforts, our USG interviews, interviews with USG implementing partners, and Stakeholder Workshops identify three measures that, in practice, have particularly impacted women and sexual minorities: terrorist designations, regulation of charities, and assistance to foreign governments. These measures are inter-related and can be explained in more detail as follows:

- **Designations and prohibited activities with designated individuals or organizations:** Under U.S. law,[764] the two common terrorist designations for organizations and individuals are FTO (designated by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act [INA], as amended under the Antiterrorism and Effective Death Penalty Act [AEDPA])[765] and Specially Designated Global Terrorist (SDGT) (designated by the Treasury Office of Foreign Assets Control [OFAC] pursuant to the authority of the International Emergency Economic Powers Act [IEEPA] and Executive Order 13224).[766] Both designations block property of the FTO and SDGT, and for FTOs, designation criminalizes the provision of "material support or resources" pursuant to Section 2339B of the material support statute.[767] On June 21, 2010, in *Holder, Attorney General, et al. v. Humanitarian Law Project et al.*, the U.S. Supreme Court interpreted this provision expansively to prohibit support regardless of whether its purpose is non-violent, which includes, among other things, training on "international and humanitarian law to peacefully resolve disputes."[768] Executive Order 13224 also prohibits all transactions with SDGTs, including "the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons."[769] According to Executive Order 13224, this includes donations

of "food, clothing, and medicine, intended to be used to relieve human suffering."[770] There are a number of concerns about U.S. terrorist designations and procedures, including lack of due process in listing and de-listing organizations;[771] the large number, and growth in number, of designated individuals and organizations;[772] the OFAC licensing scheme for transactions that are otherwise prohibited;[773] and the breadth of prohibited transactions with designees (including the absence of adequate exemptions around humanitarian assistance).[774]

- **Regulation of charities:** In terms of scope of impact on charities, as of May 2010, OFAC had designated 547 individuals and entities under EO 13224, of which "there are approximately 60 designated charities, branches and associated individuals."[775] As part of its private-sector outreach, Treasury has issued a number of tools to guide charitable giving, including the *Anti-Terrorist Financing Guidelines: Voluntary Best Practices for U.S.-Based Charities ("Guidelines")*, the *OFAC Risk Matrix for the Charitable Sector ("OFAC Risk Matrix")*, and *Typologies and Open Source Reporting on Terrorist Abuse of Charitable Operations in Post-Earthquake Pakistan and India*.[776] All of these documents are gender neutral in that there is no guidance on how to follow a risk-based approach that reflects the particular local conditions or organizational characteristics of women and LGBTI organizations. Alongside these voluntary guidelines, there are various mandatory rules, including most relevantly for USAID grantees, a rule that requires USAID to obtain an Anti-Terrorism Certification (ATC) from NGO grantees stating that the grantee does not support terrorism.[777] USAID also checks terrorist listings to ensure that grantees are not listed,[778] and USAID contractors both verify sub-grantees against various terrorist lists[779] and require sub-grantees to sign ATCs.[780] Interviews for this Report indicate that the degree to which USAID and its implementing partners are transparent with grantees about these terrorism finance checks varies. While not yet mandatory, USAID also has a proposed Partner Vetting System (PVS) according to which USAID employees would check potential partners' information (including personal and professional data) against a database containing, among other things, intelligence and law enforcement records to "ensur[e] that neither USAID funds nor USAID-funded activities inadvertently or otherwise provide support to entities or individuals associated with terrorism."[781]

- **Assistance to foreign governments:** This assumes many forms, from USG technical assistance and training in the adoption, amendment, and implementation of anti-terrorism financing laws (as in Ethiopia,[782] Bahrain,[783] Saudi Arabia,[784] UAE,[785] Indonesia[786]) to the USG's pressure on countries to adopt anti-terrorism regimes or risk heavy sanctions. For example, in 2010 the USG and international community pressured Nigeria to pass a comprehensive anti-terrorism law (including provisions on terrorism financing),[787] regardless of human rights concerns about earlier versions of the bill.[788] According to the Department of Justice (DoJ) Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) Counterterrorism Unit, its technical support to anti-terrorism financing regimes is gender neutral and limited to providing expertise to ensure that such laws comply with international standards.[789]

The impacts of these anti-terrorist financing measures can be seen in three ways: on women and sexual minorities as *victims* of terrorism and other fundamental human rights violations; on women and sexual minorities as *activists, human rights defenders, and agents* combating terrorism; and women and sexual minorities as *terrorists* subject to designation procedures or bars on material support to terrorism.[790] These three categories can be traced through the concerns explored below.

## Locating Anti-Terrorism Financing in Holistic Counter-Terrorism

CHRGJ's research points to an inherent tension between anti-terrorism financing rules, which by definition view any activity in areas of terrorist threat as inherently suspect, and the USG's broader focus on "soft measures" to combat terrorism, which explicitly relies on local partnerships in these at-risk communities. However, the exact nature and extent of this tension, and the efficacy of steps taken to mitigate it, are hotly contested both within the USG and as between the USG and the human rights community. At its core, this debate addresses the key question: what is the role of anti-terrorism financing laws and policies in the USG's broader counter-terrorism strategy?

Treasury characterizes this debate as one between balancing the more immediate counter-terrorism threat of money going to support terrorist activity (with which Treasury is primarily concerned as part of the USG counter-terrorism community) and servicing long-term development and other needs (with which other agencies such as USAID are primarily concerned but in which Treasury plays a role in its outreach and issuance of guidance).[791] According to CHRGJ's interview with Treasury, while Treasury recognizes its enforcement actions may have repercussions in many cases, Treasury is working with the inter-agency process to try to mitigate any unintended consequences, particularly related to charitable assistance; yet solutions require a sustained inter-agency collaborative effort.[792] According to a Treasury official, Treasury is part of this inter-agency process to combat terrorism and has the unique position of being both operational and having a big picture perspective based on a unique combination of policy expertise and targeted authorities.[793]

However, outside of the Treasury Department, other USG officials, USG implementing partners, and human rights advocates stress the ways in which USG anti-terrorism financing measures have had significant chilling effects on counter-terrorism partnerships and on CVE and broader humanitarian activities. This was clear in the Stakeholder Workshops, but what is marked is how much USG officials and implementing partners themselves are also apprehensive about unwarranted enforcement action and concerned that anti-terrorism financing rules do not correspond to operational reality. For example, according to individuals working on Somalia at the U.S. Embassy in Nairobi, Kenya, the listing of Al-Shabaab as a terrorist entity has had a huge impact on humanitarian aid in Somalia; Treasury and other decision-makers "have no sense of the consequences" of anti-terrorism financing rules; and the OFAC exemption or licensing regime is insufficient to mitigate these consequences.[794] In addition, these USG officials note that there is a comprehensive failure to appreciate conditions on the ground in Somalia ("We don't knowingly provide assistance, but if the FTO controls the seaport, what do you do?") and that fear of prosecution from "gung-ho" attorneys in the United States is the "single biggest problem" that stymies all action in ways that are "ludicrous" because "people won't take the risk that one bag of grain will get into the wrong hands."[795] These concerns are not new; in 2009 the State Department felt it was necessary to seek assurances from Treasury that U.S. officials in Somalia would not be prosecuted if humanitarian aid inadvertently reached the designated entity Al-Shabaab.[796] OFAC accordingly granted a "good faith" exemption by which it assured the DoS that it "would not prosecute American Aid officials if they acted in 'good faith.'"[797]

Alongside concerns within the USG, the charitable sector in the United States and abroad has similarly rejected Treasury procedures (including specifically its *Guidelines* and *OFAC Risk Matrix*) for being unrealistic, unclear, impractical, stigmatizing, dangerous, inhibiting, and intractable.[798] The gulf between the charitable sector and Treasury on this matter cannot be overstated, with discussions to issue revised *Guidelines* breaking down in November 2010 because of the charitable sector's concerns that Treasury was unwilling to make any fundamental changes in its approach to charitable operations.[799] In particular, the charitable sector has pointed to concerns that compliance with the *Guidelines* does not preclude enforcement action, such that "there is no reward for getting it right, but lots of problems if you get it wrong";[800] that Treasury's overregulation of charities is disproportionate to the threat they allegedly pose to national security (for example, as of September 2009, only nine U.S.-based charities were on the OFAC list);[801] and that reliance on inter-agency processes to mitigate the impact of anti-terrorism financing laws is an inadequate safeguard

because of Treasury's dominance of such processes.[802] Another concern is that the USG has not extended a "good faith" exemption to NGOs similar to that which has been issued to USG officials, despite the significant impact this would have in enabling legitimate global philanthropy.[803]

Regarding the latter, the broader concern about incompatibility between anti-terrorism financing measures and "soft" counter-terrorism is that anti-terrorism financing rules hinder the role of civil society in combating the conditions that lead to violent extremism or terrorism. The U.N. has repeatedly stressed the importance of civil society in a holistic and collective strategy to counter terrorism.[804] The USG has also particularly highlighted the key role of women in working to ensure security for whole communities.[805] CHRGJ's Stakeholder Workshops and interviews also provided numerous examples of women in countries such as Yemen at the forefront of the battle to end extremism in their communities at great personal risk. Indeed, according to Urgent Action Fund for Women's Human Rights (UAF), the women's rights organizations that it funds have increased their requests for funding for security purposes because of the threats they face.[806] However, rather than mitigating these challenges, it has been argued that USG laws, the *Guidelines*, and the *OFAC Risk Matrix* fail to recognize global philanthropy's critical role in countering violent extremism and instead characterize charitable activity as inherently risky and suspect.[807] For example, on the *OFAC Risk Matrix*, the risk of charitable giving increases according to the level to which charities engage in areas where there is conflict or terrorist activity,[808] but there is no recognition that these are precisely the areas in which philanthropy is most needed.

Indeed, in light of anti-terrorism financing rules, charities and donors have been changing their programs to avoid "the very global hotspots that would benefit the most from their work,"[809] compounding difficulties that gender-equality organizations in these areas already face. For example, a recent report on funding patterns for women's movements noted that women's organizations in MENA "operated under difficult limitations," and that USG counter-terrorism activity has made "giving to this region much riskier."[810] As the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism notes, overly restrictive anti-terrorism financing provisions cause:

> [I]nterference with efforts by women's rights organizations to resolve conflicts, support victims of terrorism, advance the rule of law and human rights, and realize equality, political inclusion, and socio-economic empowerment [and] may curb efforts that would effectively counter conditions conducive to terrorism organizations that further gender equality may be among the non-profit organizations that reduce the appeal of terrorism by engaging in development measures that can counteract conditions conducive to recruitment to terrorism.[811]

## Gendered Impacts on USG Partners and Partnerships

### Profile of USG and Charitable Sector Grantees

The U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism summarizes the impact of anti-terrorism financing rules on gender-equality organizations as follows:

> The Special Rapporteur is also concerned that terrorism financing laws that restrict donations to non-profit organizations have particularly impacted organizations that promote gender equality, including women's rights organizations. The small-scale and grassroots nature of such organizations means that they present a greater "risk" to foreign donors who are increasingly choosing to fund a limited number of centralized, large-scale organizations for fear of having their charitable donations stigmatized as financing of, or material support to, terrorism. At the

same time, as divergent voices within their communities, it is precisely this foreign funding on which women's rights organizations may be particularly dependent to achieve their objectives.[813]

CHRGJ's Stakeholder Workshops and interviews confirmed and elaborated upon these observations as follows:

- **Anti-terrorism financing rules occur against a backdrop of funding cuts to women and LGBTI organizations because of a shift toward funding of national security activities and partners.**[813] According to the Association for Women's Rights in Development (AWID), while the shift toward national security:

  > [S]hould in theory mean funds for women's rights organizations in Afghanistan and Iraq, especially given the doctrines of the US alongside several other western governments to fight against Islamic extremists for "democracy and women's emancipation," this has not been the case. Women's organizations in Iraq and Afghanistan have had to struggle for resources that most often get absorbed by INGOs or multilateral agencies.[814]

  The general reasons for this absorption are outlined below, but as a starting point it is important to recognize that the "war against terrorism is shrinking women's movements because it has led to a revisiting and development of unfavourable funding policies for women's organizations."[815]

- **Local women's and sexual minority NGOs are characteristically small and often lack the necessary capacity to comply with rigorous auditing and reporting procedures that USG and other anti-terrorism financing regimes require.** According to one USAID official, USAID's push to increasingly use local NGOs faces two challenges: difficulties with ATCs (see below) and the amount of capacity building required to ensure that local NGOs properly receive funds and exercise sub-grant making capacity.[816] These challenges can adversely impact the participation of local women and LGBTI groups in two ways. First, this can create a shift away from local NGO and grassroots involvement in favor of international or northern NGOs that can better absorb the costs and other resources associated with reporting requirements.[817] Second, to the extent that some local NGOs are able to comply with onerous reporting requirements, in many countries this is not likely to include women and LGBTI groups. This has been observed regarding women's organizations in Pakistan,[818] and is consistent with a recent finding that "organizations supporting LGBTI communities typically have small staff sizes and incomes, and tend to be relatively young."[819] The relative youth of LGBTI organizations in some countries presents additional challenges (see below).

- **Anti-terrorism financing regulations are geared toward recognizing established organizations with extensive and verifiable track records, which can exclude women and LGBTI groups.** For example, the *OFAC Risk Matrix* considers factors such as the extent to which a relationship exists between the charity and grantee and whether the grantee has trusted references.[820] As USAID's Office of Gender Equality & Women's Empowerment has noted about anti-terrorism financing rules, "sometimes it is hard to fund small organizations without a track record."[821] These challenges amplify in times when civil-society support is most needed. According to the Office of Gender Equality & Women's Empowerment, a core challenge is "findings ways to certify NGOs after conflict situations because more groups spring up."[822] This concern is particularly acute for women's and LGBTI organizations which, because of unfavorable local conditions (including fear of being penalized by overly broad counter-terrorism laws), may be unregistered, have had their registration significantly delayed, or have a slim public profile compared to their actual advocacy history. For example, in Uganda, some groups do not seek registration because of the fear that harsh anti-terrorism laws will be used to criminalize their activities.[823] In addition, under the Taliban's regime,

Afghan women had to "organise home study groups, sewing centres and community development councils underground" and could register only after the Taliban left power.[824]

- **Women's and LGBTI organizations tend to decline USG funds because grant conditions endanger them and undermine their work.** This is a multifaceted issue. First, certification and due-diligence requirements can suggest undue closeness to the United States. Signing certification requirements "may be perceived as a statement of allegiance to the United States government,"[825] and requiring non-profit organizations to conduct background checks on partners (this is anticipated by the *Guidelines*) risks them being labeled U.S. agents or spies.[826] These challenges are particularly acute in contexts where the USG's determination of which organizations are "terrorist" is heavily politicized or when that organization controls large swathes of territory, such as Al-Shabaab in Somalia, Hamas in Gaza, or Hezbollah in Lebanon. These sensitivities can lead local NGOs to refuse to certify, including because the requirement is perceived as "humilat(ing)."[827]

  Second, according to one USAID official interviewed for this report, a number of NGOs are unwilling to sign the ATC not only because of the risk of association with the United States, but also because of a principled position that all humanitarian work should be impartial, as well as a belief that it is virtually impossible to guarantee that funds will not inadvertently support terrorism.[828] While these concerns apply to almost all USG-backed NGOs working on the counter-terrorism agenda and/or in areas considered to have high terrorist activity, women and LGBTI activists are doubly at risk because their work for gender equality is often already maligned by terrorists as "Western" and foreign.[829] In other areas, the USG recognizes this extraordinary risk and takes steps to protect local women, particularly when they are working on national security;[830] however, anti-terrorism financing rules work against such efforts. Indeed, the Stakeholder Workshops, particularly on MENA and Africa, revealed instances of women's and LGBTI organizations refusing much-needed USG funding because of concerns about stigma, principled objections, or the inability to guarantee that money would not inadvertently go to terrorists given the areas in which they work (e.g., Lebanon).

## Partnerships to Combat Terrorism

- **Anti-terrorism financing rules can undermine trust and frustrate effective partnerships, "damaging the international goodwill and promise for stability that these relationships had helped to create."**[831] While organizations such as Cordaid have explicitly declined USG grants because of this concern,[832] even groups that sign certifications may do so reluctantly.[833] According to the American Institutes for Research (AIR)—the implementer of a number of USAID projects in Pakistan, such as the Links to Learning Education Support to Pakistan (ED-LINKS)[834]—even if local organizations do sign ATCs, the "fact that you have to get local organizations to sign the paper does more harm than good."[835] Indeed, in the occupied Palestinian territory, USAID funding restrictions, including the ATCs, have undermined access to grassroots organizations and "further eroded USAID's local reputation."[836] There is "anger and mistrust" between U.S. and Southern NGOs that occurs when the latter "become aware of the compliance activities they [U.S. NGOs] are undertaking," which can also lead to U.S. NGOs hiding their activities in ways that are also inimical to trust building.[837] The President's Advisory Council on Faith-Based and Neighborhood Partnerships has similarly critiqued USAID's proposed PVS because "as currently designed [it] would significantly harm partnerships with local communities."[838]

- **Even in countries where the ATC requirement does not deter local organizations, the requirement to report back to the USG if support reaches terrorists undercuts goodwill.**[839] According to EDC, the ATC requirement has not been a deterrent in USAID's Shaqodoon project in Somalia, but this report-back requirement has: "The whole NGO community is concerned about this as it can stigmatize you and can put your people and youth at risk."[840]

## Impact on Safety of Women's and LGBTI Organizations

- **Detailed background checks and storing of information on grantees risks unwanted and potentially dangerous attention to organizations, including women's and LGBTI groups.** For example, the *Guidelines* call for "programmatic verification,"[841] and the *OFAC Risk Matrix* emphasizes the need for "due diligence" by charities, including through on-site inspections.[842] USAID's ATCs and the proposed PVS have been similarly critiqued on the basis that they require invasive background checks and potentially violate privacy protections.[843] There is also a concern that USAID "has not established sufficient safeguards for information collected under the PVS."[844] More broadly, there is a fear that when the USG collects data about NGO grantees or participants in its activities, it could inadvertently be transmitted to key counter-terrorism partners that criminalize human rights defenders (such as the Philippines).[845] This unearthing and spotlighting of women's and LGBTI communities is insufficiently attentive to the ways in which such actors may need to operate below the radar in their communities and may unjustifiably increase the operational risks these groups face.

- **Anti-terrorism financing laws may inadvertently embolden terrorist organizations in ways that are inimical to the rights of women and sexual minorities.** A terrorist designation does not always protect local communities; rather, it isolates the community from the kinds of external support necessary to mitigate the impact of terrorism. Where U.S. law prohibits charities from working in areas of high terrorist activity, suspends or removes funding for local groups in territories controlled by terrorists, and bans assistance explicitly designed to make terrorist organizations more peaceful, the pernicious effects of terrorism are strengthened, not undermined. For example, when Hamas (an organization the U.S. considers to be terrorist) won the Palestinian Authority's general legislative elections in January 2006,[846] the USG cut off or put on hold funding to a number of local organizations, including the Association of Women's Committees for Social Work (AWCSW), which had outstanding project proposals "ranging from domestic violence prevention to voter education."[847] As a consequence, AWCSW's founder articulated her "frustration about international isolations that she says will only serve to strengthen Hamas."[848] In a different but related vein, it has also been argued that certification procedures fail to prevent money going to terrorists because terrorist organizations can and will lie when signing requisite documents, such as the ATCs.[849]

- **USG anti-terrorism financing laws may inadvertently compound domestic governments' criminalization of women and LGBTI human rights defenders.** A number of countries have used vague and broad definitions of terrorism and material support of terrorism to target women's rights defenders and LGBTI advocates.[850] By labeling such groups "terrorist," there is a risk that these human rights defenders will then be subject to USG or another entity's terrorism-financing restrictions, rendering them unable to obtain needed funding for their activities. USG anti-terrorism financing laws, regulations, and policy guidance do not contemplate how to avoid these consequences.

> "Displaced women are often refused access to humanitarian assistance because their men are considered terrorists who are hiding in the mountains. Even in distress the terrorism argument is used against them. Nevertheless it is mainly women who socially wage the fight against injustice."
>
> Raissa Jajurie, Mindanao, Philippines, Lawyer and legal aid worker, lawyer for the Alternative Legal Assistance Centre/Saligan[851]

## Gender, Humanitarian Relief and Peace-Building Activities

Anti-terrorism financing rules intersect with humanitarian assistance and peace-building efforts in a number of ways,[852] including by seeking to prevent terrorist organizations from benefiting from natural disasters, such as in the aftermath of Pakistan's extensive flooding in 2010.[853] CHRGJ's Stakeholder Workshops and interviews emphasized two aspects of this intersection as having particular significance for the rights of women and girls. First, the USG's concern about preventing its humanitarian aid from being diverted to terrorist groups has adversely impacted the delivery of aid to women and girls. This can be seen most clearly, for example, in Somalia (*See Box 6. Impacts of Aid Restrictions by the USG and Al-Shabaab on Women in Somalia*), where there is a potent mix of USG aid, acute humanitarian crisis from drought and conflict, and strong presence of designated groups (most notably Al-Shabaab) in control of large areas of territory and resources. Second, in the wake of the U.S. Supreme Court decision in *Holder, Attorney General, et al. v. Humanitarian Law Project et al.*, U.S. law circumscribes the ability of NGOs to provide humanitarian assistance and undertake the very conflict resolution, mediation, and peace-building activities necessary to engage proscribed groups, access areas under control of banned groups, and change "hearts and minds" of affected communities.[854] These effects extend to activities with governments as well, for example, according to one participant in CHRGJ's Stakeholder Workshop in Asia, the USG's designation of the Communist Party of Nepal-Maoist in 2003 puts donors and activists in a "difficult position" in terms of the levels of engagement possible with the now-government of Nepal.[855] Moreover, the U.S. Supreme Court's decision in *Holder, Attorney General, et al. v. Humanitarian Law Project et al.*, also likely compromises the USG's ability to respect the full edicts of UNSCR 1325, such that the USG's forthcoming National Action Plan will need to specifically guide women's organizations on how to undertake peace-building work in areas where there is terrorist activity without running afoul of U.S. law. This guidance will need to be sufficiently robust to overcome the chilling effect that decisions such as *Holder, Attorney General, et al. v. Humanitarian Law Project et al.*, have: the resounding message from our interviews, Stakeholder Workshops, and research is there even where the chances of enforcement action are slim, wide-ranging decisions like *Holder, Attorney General, et al. v. Humanitarian Law Project et al.* stop the humanitarian world, including women and LGBTI activists, in its tracks. This situation is untenable: restrictions on humanitarian relief and peace-building efforts impact women both as victims of humanitarian crisis and activists seeking to mitigate its impacts. As the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism stresses: "The need to ensure accessible, safe and effective channels for donation to such [gender-equality] organizations is particularly acute in situations of humanitarian crisis, which, as noted earlier, often have disproportionate impacts on women and girls."[856]

### Box 6. Impacts of Aid Restrictions by the USG and Al-Shabaab on Women in Somalia

The U.N. World Food Programme (WFP)[857] describes Somalia as "perhaps the most challenging environment in the world for humanitarian operations."[858] The challenge owes to the magnitude of the crisis[859] and the WFP's operating conditions.[860] While the humanitarian crisis in Somalia is worsening,[861] the capacity to address it is diminishing. As of 2009, the USG was the largest financial contributor to Somalia, "providing about 40 percent of the $850 million annual aid budget, intended to feed more than three million people."[862] In 2009, the USG suspended aid to Somalia because of concerns that the U.N. was diverting aid to Al-Shabaab.[863] According to the

WFP, as of September 2009, half the population of southern and central Somalia was in need of food aid and "getting help to them inevitably involves dealing with al-Shabab and other hardline groups now in control of the towns and villages across the region."[864] In January 2010, the WFP temporarily suspended its food aid distribution program in the southern parts of Somalia because of "growing insecurity and threats and unacceptable demands from Al-Shabaab."[865] As of May 2011, the WFP has not resumed operations in Al-Shabaab–controlled areas and will not do so until Al-Shabaab revokes its ban on the WFP, retracts its conditions, and enables the WFP to verify this and provide unimpeded access.[866]

Somali women and their children queue to receive relief food from the hardline al Shabaab Islamist rebel group outside the Somalia capital Mogadishu August 12, 2010. *Original Caption*

The gender dimensions and impacts of aid restrictions by both the USG and Al-Shabaab are acute. In September 2009, the WFP announced that it would "clos[e] 12 feeding centres for mothers and children in Somalia" because of aid cuts that meant the WFP had "only received 40 percent of the funding needed for the year ahead."[867] In November 2009, Al-Shabaab provided the WFP with a list of conditions for continued WFP presence, including that WFP food be handed over to Al-Shabaab for distribution,[868] and that WFP have no female aid workers and no programs for women.[869] As noted above, the WFP rejected the conditions as "totally contrary to the WFP basic principles of transparency and accountability" and has not been operating in Al-Shabaab–controlled areas since then.[870] However, in practice this means the WFP is no longer able to provide assistance to a huge part of the Somali population. The WFP's lack of access to the region makes it impossible to know the exact number of people in need in

Al-Shabaab areas but until the suspension of aid, the WFP provided assistance to approximately one million people (out of the entire beneficiary population of 2.1 to 2.2 million) in those areas.[871] In addition, according to CHRGJ's interview with the WFP, the WFP's floor of funding has "severely" diminished in the past twelve to fourteen months and has significantly reduced the WFP's capacity to provide humanitarian assistance in Somalia generally.[872] This drop can be attributed to many factors, but overall donor support has declined dramatically: historically the USG provided between forty to fifty percent of the WFP's budget but last year support was less than ten percent.[873]

According to the WFP, while this affects everyone in Somalia, the particular vulnerabilities of women and children (particularly girls) in crisis means that they feel the burden of the cuts.[874] While women and children suffer from these cuts, Somali women are also at the forefront of challenging Al-Shabaab's restrictions on aid in areas under its control.[875] This comports with the WFP's view that women's organizations in Somalia are of the "utmost importance" and that their empowerment and capacity building should be supported.[876] According to the WFP, there is a need to acknowledge that working in contexts such as Somalia always implies risk (to staff, beneficiaries, and of possible misuse of international assistance to indirectly funding terrorist groups) and the key question is: "What would the international community accept based on risk appetite compared with the return?," including in situations where humanitarian need is higher than the risk.[877]

# RECOMMENDATIONS

- **Review, assess and report on how anti-terrorism financing measures and their implementation interact with, assist, and impede the USG's broader development, diplomacy, and defense efforts to counter-terrorism, potentially through an Interagency Policy Committee (IPC).**

- **Adopt fair procedures of listing and delisting that afford due process and adequate checks and balances on executive discretion, including adequacy of notice, meaningful opportunity to respond to allegations (including through legal representation), and confidentiality (unless waived by the non-profit).**

- **Require explicit consideration of the conditions under which women's and LGBTI organizations operate, particularly in listing and de-listing processes and in Treasury's tools to guide the charitable sector, to ensure that funds go to the right people and do not fund terrorists and terrorist organizations.** This will likely require withdrawal of the Treasury Department's current *Guidelines* and replacing it with guidelines that provide sufficient information to assist charities, including those that work on gender equality, to carry out needed and legitimate philanthropic activities.

- **Reject USAID's proposed PVS and commission a review of USAID's ATC requirements with a view to better recognizing the ways in which such certification and due-diligence requirements endanger local actors and compromise partnerships needed to counter terrorism.**

- **Reform material support laws to encompass a humanitarian exemption (including enabling humanitarian negotiation, aid, and access to affected populations that complies with the principles of neutrality and impartiality), protect free speech and freedom of association; and enable peace-building and conflict-resolution efforts.**

    - The exemption should also extend beyond medical and religious materials to include, for example, essential supplies (food, water, clothing, and shelter) and health and medical services.

    - This amendment should make humanitarian access consistent with the U.N. Office for the Coordination of Humanitarian Affairs Guidelines on Humanitarian Negotiations with Armed Groups[878] and enable distribution of aid consistent with the Code of Conduct for the International Red Cross Red Crescent Movement and NGOs in Disaster Relief, which prioritizes the humanitarian imperative, calculates aid priorities impartially and "on the basis of need alone," and "recognize[s] the crucial role played by women in disaster-prone communities and...ensure[s] that this role is supported, not diminished, by our aid programmes."[879]

- **Adopt regulatory measures to introduce a "good faith" exemption to terrorism sanctions regimes so that USG and NGO efforts to prevent support and resources from going to terrorism are recognized and so that inadvertent assistance, or activities with designated entities where there is no intent to further the illegal ends of a terrorist organization, are not penalized.** This would enable activities such as human rights training and conflict-resolution activities to fall outside the prohibition. This can be achieved, for example, through rescinding Executive Order 13224 or reissuing a new Executive Order that takes into account specific concerns, such as charitable giving and humanitarian assistance and access.

# SECTION V: GENDER AND TACTICAL COUNTER-TERRORISM: INTELLIGENCE AND LAW ENFORCEMENT MEASURES AND COOPERATION

## Overview

The USG's NSS 2010 references the need to evolve intelligence capacities; promote cooperation between USG law enforcement and intelligence agencies and their foreign counterparts; and recognize the role of both intelligence and law enforcement in strengthening the USG's "homeland security."[880] Similarly, the National Strategy for Counterterrorism highlights the role of law enforcement and intelligence cooperation in advancing counter-terrorism efforts.[881] According to the S/CT, "[o]ver the past 10 years, the United States has made great strides in tactical counterterrorism—taking individual terrorists off the streets, disrupting cells, and thwarting conspiracies."[882] These tactical intelligence and law enforcement measures are largely aimed at preventing, disrupting, and investigating terrorism threats and apprehending, interrogating, detaining, and prosecuting terrorism suspects.[883] In the post-9/11 environment, investigatory and prosecutorial measures have taken on a more preventive orientation, in that the USG regularly engages in "arrests and prosecutions that occur before any dangerous plot can come to fruition."[884]

As noted by the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, "[t]he arrest, detention, interrogation and subsequent treatment of terrorist suspects may involve, and has in the past involved, the violation of several human rights and fundamental freedoms."[885] Indeed, the USG has been responsible for serious human rights violations both abroad (including irregular and forced inter-State transfers [also known as the practice of "rendition" or "extraordinary rendition"],[886] secret detention,[887] prolonged and indefinite detention without trial [e.g., in Guantánamo Bay],[888] and torture of terrorism suspects[889]) and within the United States, with disproportionate impacts on MASA communities (see below). The Obama Administration has discontinued some of the most egregious of these practices.[890] However, it has continued others in modified form,[891] and failed to redress significant rights abuses under the Bush Administration.[892]

While the impact of these intelligence and law enforcement activities on human rights is well known, the gender dimensions of their design and implementation are less understood and documented, particularly in the burgeoning area of pre-detention preventive and investigative efforts. Accordingly, this Report examines a range of these pre-detention measures through a two-pronged approach: first, to describe where gender features in their design and implementation; and second, to assess the gender impacts that flow from these measures. The Report then surveys a range of post-detention measures—the interrogation, detention, prosecution, rehabilitation, and release of terrorism suspects—where the gendered dimensions and primary and collateral impacts are marginally better documented but nonetheless require further exploration.

## Gender Features of Pre-Detention Preventive and Investigatory Measures

The USG undertakes a number of efforts to understand the drivers of violent extremism and to collect information regarding potential or ongoing terrorist activities to prevent violent extremism. The role of gender and gender analysis in the *design* of these methods varies—from its complete absence to measures that are explicitly premised

on perceptions of the different roles of men and women. The following examples highlight this range of gender integration in a number of prominent USG pre-detention preventive and investigatory counter-terrorism measures.

## Drivers of Violent Extremism

The USG devotes resources to understanding the process of violent extremism, including through dedicated research units at the Department of Homeland Security (DHS) and the National Counterterrorism Center.[893] For example, the DHS Human Factors/Behavioral Sciences Division's Actionable Indicators and Countermeasures project "conducts social and behavioral science research to identify indicators that actors are moving toward extremist violence" which consists of three aspects: "community characteristics" ("conduct surveys and archival data analysis to examine the contexts of violent extremism"); "event and perpetrator characteristics" to "develop and analyze datasets focused on extremist violence and violent extremists"; and "countermeasure characteristics" ("use qualitative and quantitative methods to assess initiatives developed to support communities and counter violent extremists.").[894] In this project, according to CHRGJ's interview with DHS, gender would likely be a variable in the datasets analyzed and the focus groups used to assess the perception and efficacy of "countermeasure characteristics" are sometimes divided by sex, but otherwise there is no explicit consideration of gender in the framework for assessing threats and prevention activities.[895] In other USG initiatives or guidelines to counter violent extremism, views on gender equality are sometimes used as an indicator of extremism. For example, the New York City Police Department's report, *Radicalization in the West: The Homegrown Threat*, appears to take this approach through including examples that cite discouraging women from attending community-center events and chastising a secular girlfriend for not being sufficiently devout as indicators of conservative religious and social views that take place during the second phase of "radicalization."[896]

## Surveillance and Investigations

In the post-9/11 environment, the USG has developed and increased its use of tools (such as surveillance) to identify and apprehend terrorism suspects.[897] While such tools are ostensibly gender neutral, in effect these efforts focus on men and reflect conventional wisdom on the predominant role of men in terrorist activity and organizations.[898] In contrast, these tools primarily approach women as being one step removed from terrorism: as influencers (including of terrorist behavior), family members of terror suspects, and informants. For example, post-9/11 Federal Bureau of Investigation (FBI) terrorism investigations, including both that use FBI and paid informants in Muslim communities, primarily investigate males,[899] but at times involve questioning of women based on a familial relationship with those suspects.[900] In other instances, women are used as leverage to pressure male family members to become informants.[901] In others still, women are approached to be informants outside of family contexts. For example, an advocate at our U.S. Stakeholder Workshop noted her perception that the USG sees women as having "a unique role to play in anti-radicalization," and explained that post-9/11 law enforcement officials in Chicago asked some women to spy on their neighbors and to obtain information about other people (including, for example, their employers and the mothers of their children's classmates).[902]

In these ways, the USG and its allies have traditionally overlooked the separate or independent role of women and the prominence of gender narratives in some terrorist organizations.[903] This owes to stereotypes that women lack volition to participate in terrorism[904] and also reflects insufficient attention to the role of gender ideologies in terrorism recruitment. For example, officials from ILEA noted that while there is an effort to increase awareness of women's capacity to act as terrorists, ILEA's trainings of law enforcement do not explicitly focus on this, although some case studies may include examples of women as terrorists.[905] In Turkey, OPDAT also noted that based on the information that is shared with the USG, the Turkish National Police's counter-radicalization programs do not consider the Kurdistan Workers' Party's (PKK)

use of gender equality as a tool to recruit women or provide sex-disaggregated tracking of the success rates of de-radicalization programs.[906] This is the case despite estimates reported in December 2009 that women have perpetrated seventy-five percent of PKK attacks.[907] Within the USG there is some increasing understanding that its needs to pay additional attention to the role of women and gender in terrorism,[908] and, as noted by Secretary of Homeland Security, Janet Napolitano in remarks in June 2011, instead of profiling (which she notes the USG has "no interest in"), the USG needs to be "working with a broad range of partners to gain a better understanding of the behaviors, the tactics, the techniques, the other indicators that could point to anticipated terrorist activity."[909] Further, in response to a question regarding whether DHS should focus its attention on Muslim men under thirty-five because this is the "category of individual who's turned up most often as the suspect," she said that this is not "good logic."[910]

## Community Engagement Programs

The USG has recently expanded its outreach and engagement efforts with communities "that are being targeted by terrorist recruiters," which it understands to be Muslim communities.[911] While at times the USG explicitly describes these activities in terms of counter violent extremism objectives, in other instances it either shies away from making this link and/or insists on the importance of avoiding securitization of its engagement with Muslim communities.[912] This seemingly contradictory and uneven emphasis sets the backdrop for a number of flow-on gender impacts (discussed below). As a preliminary observation, it is important to note that, irrespective of their objectives, according to CHRGJ's interview with the FBI's Community Relations Unit (CRU), community-engagement activities are not explicitly undertaken with a gender lens; for example, there is not an explicit focus on reaching out to women or considering gender in program design.[913]

In terms of the link between community engagement and countering violent extremism, on the one hand the USG explains that engagement empowers communities to become resilient to violent extremism and Al-Qaeda ideology[914] and "build[s] trust and open[s] a constructive dialogue with American Arab, Muslim, Sikh, Somali, and South Asian communities, to name but a few."[915] Such activities include the FBI's Community Outreach Program (to "build trust in communities...facilitating the overall mission of the FBI in keeping communities and the homeland safe"); FBI engagement with "national and local organizations in the United States that have public positions against terrorism and violent radicalization to further a positive image of law enforcement"; Community Relations Executive Seminar Training, or CREST (which is "often the starting point for bridging the gaps of trust...In the context of countering violent radicalization, a key step is to develop relationships within the community based on trust and to do so under non-stressful circumstances rather than in the aftermath of an incident"); Specialized Community Outreach to cities with the largest Somali-American communities; and "youth programs to help us [the FBI] reach new groups of young people, particularly in Muslim communities."[916]


The [FBI] Cincinnati Division—in partnership with the U.S. Attorney's Offices for the Northern and Southern Districts of Ohio, along with the Columbus Police Department—recently hosted a radicalization awareness presentation for more than 100 members of the Somali community, including students, parents, and community leaders. *Original Caption*

However, elsewhere, some within the USG reject characterizing these community-outreach activities as counter-terrorism measures. For example, according to CHRGJ's interview with the FBI CRU, the FBI's community engagement does not have a nexus to countering violent extremism (in explicit contrast to, for example, the U.K.'s *Prevent* program until its recent revision);[917] does not target the Muslim community, although relationships with some communities have "deepened" post-9/11 with closer attention to "where the threat emanates from"; does not differ from the FBI's long-term approach to community engagement; and is unaffected by FBI surveillance activity, given that it is the FBI's perception that the challenges in doing outreach to Muslim communities are no different from other communities.[918] Further, the FBI CRU has emphasized that attention to communities and areas "where the threat emanates from" is undertaken:

> [A]s an effort to build and maintain relationships in communities affected by certain threats, such as the Somali community, which has been affected by young men traveling overseas. We strongly believe that successful engagement in any community is based on open lines of communication and trust. We are committed to our community partners and will continue to foster relationships built on true engagement and open dialogue.[919]

## Gender Impacts of Pre-Detention Preventive and Investigative Measures

While the impacts—including human rights impacts—of USG pre-detention preventive and investigatory measures are somewhat well-known, the gender dimensions of these impacts is far less explored. While more research is required to assess the full nature and extent of these gendered impacts, the following preliminary findings reveal four areas in which gendered impacts flow from such measures.

- **First, efforts to counter violent extremism that largely focus on males can encourage greater terrorist recruitment of women because they receive less scrutiny.**[920] This is consistent with the observations of the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, who notes, "ignoring women as potential terrorists undermines the ability of counter-terrorism measures to identify terrorism suspects and may serve to promote the recruitment of female terrorists."[921] In addition to undermining the efficacy of counter-terrorism measures, ignoring female terrorism also "circumscribes the effectiveness of counter-terrorism measures aimed at their reintegration... Reintegration schemes that rely solely on gender stereotypes of women as victims or that exclude women from benefits provided to male ex-combatants are discriminatory and fail to stem terrorism."[922]

- **Second, the use of individuals' actual or assumed views on gender as a proxy for racial, ethnic, and religious profiling (as noted above in the NYPD's *Radicalization in the West: The Homegrown Threat*) can be discriminatory, marginalizing and harmful.** As the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism notes, where:

> counter-terrorism measures use gender stereotypes as a proxy for profiling on the basis of race, national or ethnic origin or religion....Such terrorist-profiling practices are discriminatory because they equate gender inequality with persons of a certain race, national or ethnic origin or religion and predict that males from these groups are more likely to be terrorists.[923]

This results in "marginalizing individuals from targeted communities and subjecting them to greater discrimination and harassment by both private and public actors."[924] Specifically, these profiles reflect, and contribute to, the stereotype of Muslim men as misogynistic and extremist, which has extensive ramifications outside of the counter-terrorism context. For example, an attorney and Arab-Muslim community rights advocate told CHRGJ that in the years following the events of September 11, 2001 (particularly 2003 to 2006), city and state agencies, when responding to domestic violence calls involving Arab males, also ran national security checks during routine background checks, and in some instances involved Joint Terrorism Task Forces.[925] She further noted that in some divorce and custodial proceedings involving Muslim men, their "religious and cultural background" means that an "automatic predisposition toward violence is also assumed" and that it is a "common tactic among attorneys," particularly in divorce cases, to use these stereotypes about Muslim men, and that in cases where this tactic has not been challenged by attorneys as racist it has been effective.[926]

- **Third, the increased use of surveillance and investigatory powers against MASA communities in the United States raises significant human rights concerns related to profiling and freedom of religion, association, and expression.**[927] As discussed above, while primarily targeting men, these measures have secondary effects on female family members (discussed further below) and female members of the MASA community more generally. For example, the real or perceived targeting of MASA communities through a range of countering violent extremism measures (including FBI surveillance and, for example, the highly critiqued Congressional hearings on "The Extent of Radicalization in the American Muslim Community and that Community's Response" in March 2011[928]) renders these communities suspect to other Americans[929] and may increase the susceptibility of individuals who are visibly members of these communities (such as Muslim women who wear headscarves) to attack.[930] In addition, it may have a chilling effect on reporting of crimes in these communities, which undermines the overall safety and security of the community and leaves female victims of domestic violence particularly susceptible to abuse (see further below in Section VI).[931] Further, specifically in relation to the recruitment of male informants and impact on female family members, women can be adversely impacted both when an individual refuses to become an informant (e.g., as a result of subsequent action taken against their or their relative's immigration status[932]) or when a family member agrees to cooperate (e.g., as a result of being ostracized in their community[933]).

- **Fourth, based on the U.K.'s experience with the Prevent strategy, the USG's increased emphasis on community engagement strategies to counter violent extremism also potentially raises significant gender issues.** As discussed above, the USG's approach to engagement with Muslim communities in the United States has been, on the one hand, to stress its significance to counter-terrorism efforts, and on the other, to indicate that its relationship with these communities will not be solely limited to national security matters. In practice, however, it is unclear how these two objectives can be reconciled. This is particularly the case in light of the recent release of the USG's National Strategy for Counterterrorism, a strategy described by John Brennan, the Assistant to the President for Homeland Security and Counterterrorism, as the "first counterterrorism strategy that designates the homeland as a primary area of emphasis in our counterterrorism efforts," which "depends on strong partnerships between government and communities here at home, including Muslim and Arab Americans" and where a "key tenet" of the Administration's upcoming approach for partnering with communities to prevent violent extremism "is that when it comes to protecting our country, Muslim Americans are not part of the problem, they're part of the solution."[934]

As the USG finalizes its domestic policy on preventing violent extremism through community engagement, it is instructive to consider lessons from the U.K. *Prevent* strategy. Until its

June 2011 reform, the *Prevent* strategy focused solely on Muslim communities and framed community cohesion, integration, and resilience activities as measures to prevent violent extremism.[935] This core feature of the *Prevent* strategy securitized government engagement with, increased discrimination against, and allegedly surveilled, Muslim communities.[936] Accordingly, the new *Prevent* strategy issued in June 2011 notes "the view that the last *Prevent* strategy was disproportionate—in particular, that it stigmatised communities, suggested that they were collectively at risk of radicalisation and implied terrorism was a problem specific to Muslim communities,"[937] and separates *Prevent* from programs to strengthen community integration,[938] while still signaling its intent to focus on Al-Qaeda and similar groups.[939] During a series of interviews in the United Kingdom in February 2011 with U.K. government officials and NGO representatives, CHRGJ learned of a number of gendered impacts resulting from the co-option of community engagement as a counter-terrorism tool. For example, young women disproportionately bore the brunt of increased anti-Muslim racism and discrimination[940] that flowed from such policies. One NGO in Birmingham, U.K. also argued that in cases in which the U.K. government was engaging with Muslim women on a faith-related basis it caused confusion and resentment: "[W]hoever gets funded everybody else is thinking, 'they have been funded because of this, that or the other' and there is this conversation around Muslim women who are supported are women who wear hijab, not the women who do not wear hijab."[941] Additional negative gender impacts resulted from U.K. government partnerships, including with non-violent extremists, where there was minimal vetting of funding recipients to determine whether the partnership was desirable from a gender equality perspective.[942] Finally, channeling of money toward these types of organizations also diverted funding from some women's groups and services.[943] While, the USG's policy toward community engagement to prevent violent extremism is still unknown and engagement is at a nascent stage such that the full extent of impacts is unclear, some communities and their advocates have already rejected such approaches: for example, in the words of one community advocate, the FBI's engagement efforts "have only opened the doors to allow informants into the community."[944] This sentiment, along with the U.K. experience above, raises questions about both the desireability and the effectiveness of such engagement efforts that occur alongside the increased use of surveillance and investigatory powers against MASA communities.

## Gender Impacts of Interrogation, Detention, and Prosecution

As with pre-detention measures, interrogation, prosecution, and detention to counter terrorism have predominantly targeted men—from CIA detention facilities,[945] to Guantánamo Bay,[946] to terrorism-related prosecutions in the United States since 9/11.[947] There are also some limited examples of where women have been direct targets of these measures, at times apparently as terrorism suspects (most notably in the case of Aafia Siddiqui), but elsewhere because of their familial relationship with a suspect. Gender discriminatory techniques have also been used to interrogate and torture both male and female detainees. Alongside these *primary effects*, female family members have also experienced a range of *collateral impacts* of prosecution, detention, and interrogation measures that target their male relatives. The discussion that follows first considers the direct or primary impacts that result from these measures and then the collateral impacts, particularly on female family members.

### Primary Impacts

#### *Gender Discriminatory Interrogation Techniques*

The USG has used a number of "gender-discriminatory interrogation techniques"[948] on both male and female detainees. As noted by the U.N. Special Rapporteur on the promotion and protection of human rights

and fundamental freedoms while countering terrorism:

> As part of its "war on terror", the United States and its private contractors have employed interrogation techniques on male Muslim detainees in Iraq and elsewhere aimed at exploiting perceived notions of male Muslim homophobia (e.g., forced piling of naked male detainees, rape, and forced homosexual acts with other detainees) and inducing feelings of emasculation in detainees (e.g., enforced nudity, forced wearing of women's underwear, smearing of fake menstrual blood on detainees).[949]


A divorced mother of seven and an accountant in Baghdad, she was detained by the U.S. Government in Iraq, January to July 2004, and released without charge: "They put me in a room and they put my son in a cage in front of me." The soldier said to her: "Confess that you know terrorists or I will send you to a place where they will rape you. They will do things to you that you could never imagine." *Modified Caption*

In addition, in Iraq, sexual abuse has been documented against female detainees in U.S. detention facilities, including at Abu Ghraib,[950] and U.S.-trained Iraqi forces have reportedly tortured female suspected insurgents.[951] Individuals detained by the USG have also endured threats against them and their families as a means of extracting confessions.[952] In one case, the USG reportedly threatened to harm the family of Mohamedou Ould Salahi, a Mauritanian citizen held in Guantánamo Bay since August 2002, and falsely told Mr. Salahi that his mother was being sent to Guantánamo Bay and would be gang-raped.[953] Other States have invoked the USG's use of gendered interrogation techniques and torture to deflect attention from their own rights abuses. For example, following Human Rights Watch's extensive reporting on the torture of detainees at the Muthanna detention facility in Iraq (including rape and other sexual abuse),[954] Prime Minister Maliki commented: "We will hold accountable anybody who was proven involved in such acts...America is the symbol of democracy, but then you have the abuses at Abu Ghraib."[955]

## *Detention of Female Family Members of Terrorism Suspects*

Female relatives and children of U.S. terrorism suspects are also detained as a means of putting pressure on their male relatives.[956] This is consistent with the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism's observation that "women (and children) not suspected of terrorism-related offences are unlawfully detained and ill-treated to either gain information about male family members or to compel male terrorism suspects to provide information or confessions."[957] The USG is also alleged to have been involved in apprehending, transferring, and detaining females, including family members of terrorism suspects, where women were subjected to sexual abuse and other gender-specific forms of torture and cruel, inhuman, or degrading treatment.[958] Within the United States, family members of terrorism suspects also face a number of such impacts. For example, the mother, sister, and father of Shahawar Matin Siraj (referred to as the Herald Square Bomber) were taken into custody

by Immigration and Customs Enforcement (ICE) the day after he was sentenced.[959] His mother, Shahina, and sister, Saniya, spent the next eleven days in detention.[960] Saniya noted: "The conditions were really bad... We didn't have any privacy and had to take showers in front of everyone else. They separated us for two days. My mom was crying and crying, yelling 'Don't go, don't take her.' She didn't sleep the entire night."[961] After their release, Shahina and Saniya discovered that their bank account had been seized and passports confiscated.[962] Shahawar's father was detained for the next six months, placing Shahina and Saniya in a desperate financial situation.[963] The seizure of their identity cards meant Shahina and Saniya could not travel by plane to see Shahawar[964] while he was being held in the Communications Management Unit (CMU) in Terre Haute, Indiana.[965] They also cannot enter Federal buildings,[966] so when Shahina attends court proceedings to support families in similar situations, she must wait outside.[967]

## Box 7. Female Terrorism Suspects: The Case of Aafia Siddiqui

As discussed above, the vast majority of USG terrorism suspects are men; however, one prominent case involving a USG female terrorism suspect is that of Aafia Siddiqui—the only woman on the "FBI's list of seven suspected al Qaeda operatives."[968] In March 2003, the FBI issued an alert indicating they were seeking Dr. Siddiqui for questioning.[969] That same month she disappeared in Karachi, Pakistan, along with her three children (aged six months to six years).[970] For the next five years, her fate and whereabouts were unknown, until, according to the FBI, the Afghan National Police located and detained her and her son on July 17, 2008, in Afghanistan.[971] According to the FBI, on or about July 18, 2008, while Dr. Siddiqui was being held in an Afghan police station, she picked up and fired a rifle at FBI and USG armed service officials.[972] She was subsequently shot by a U.S. Army Warrant Officer, and later charged for assault and attempted murder.[973]

Also in July 2008, reports surfaced that the USG was detaining Dr. Siddiqui at the Bagram Airbase Prison in Afghanistan.[974] In 2011, the International Justice Network reported new evidence confirming that Dr. Siddiqui and three of her children were abducted in 2003 with the "knowledge and cooperation of local authorities in Karachi, Pakistan, and subsequently interrogated by Pakistani military intelligence (ISI) as well as U.S. intelligence agencies, including the [FBI]."[975] In Dr. Siddiqui's trial in the Southern District of New York, she referenced being "tortured in a secret prison," where she was forced to incriminate herself (such as copying over suspicious-looking documents) and also endure threats of torture against herself and her children.[976]

Dr. Siddiqui was subsequently convicted and sentenced to eighty-six years in prison.[977] Her two older children currently reside with her mother.[978] Her youngest child reportedly died after her apprehension in 2003.[979] Beyond the immediate impact that Dr. Siddiqui's case has had on her and her family, it has fueled protests in Pakistan and furthered anti-U.S. sentiments in the country[980] and pervasive doubts remain about her fate and whereabouts between 2003 and 2008.[981]

## Government Reprisal and Risks to Liberty and Security

Family members of individuals detained and/or disappeared either by or with the involvement of the USG may suffer direct government reprisal and risks to their liberty and security. As noted by the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, in general terms:

> Female family members of disappeared persons are exposed to similar risks to liberty and security because, as noted by the Working Group on Enforced or Involuntary Disappearances, "it is they who are most often at the forefront of the struggle to resolve the disappearances of members of their family, making them susceptible to intimidation, persecution and reprisals."[982]

For example, Usra al-Hussein, the wife of Guantánamo detainee Jehad Diab, was arrested by Syrian State Security on July 31, 2008, and held in incommunicado detention without charge or trial until mid-July 2009, likely because of her efforts to communicate with an international organization about the conditions of her husband's confinement.[983] She was arrested again on January 2, 2010, apparently by State Security.[984] In Amina Janjua's case (who believes her husband is in detention in Pakistan and cannot be released because of pressure from the CIA[985]) (explained further below), Pakistani authorities have arrested her, her two children and other victims' families, for her advocacy on behalf of her husband and other disappeared individuals.[986] Similarly, female family members of detainees in Saudi Arabia, the majority of whom were arrested in sweeps following the attacks on 9/11, have been detained for calling for their male relatives' release.[987] Given these reprisals and threats against family members,[988] it is not surprising that, as noted at our Africa Stakeholder Workshop, victims' families are fearful to pursue a remedy and ask for assistance, including in cases involving the USG.[989]

## Gender and Material Support Prosecutions

According to the European Center for Constitutional and Human Rights (ECCHR), the:

> [P]referred approach of states to date (including the UK government) has been to use the "indirect support" provisions of the blacklisting regime to criminalise the most basic of activities (such as sharing of food and other material resources) between the family members of those affected—that is, activities which women are often responsible for undertaking and so disproportionately targeted by the provisions.[990]

While the gendered impacts of material support provisions in the asylum context are well documented,[991] and there have been some high-profile cases in the United States of women being prosecuted for material support (such as Colleen LaRose),[992] more information is required to fully unpack the gender dimensions of USG federal prosecutions for material support and to assess the extent to which such prosecutions unduly penalize family relationships.

## Gender and Development of Foreign Prosecutorial Capacity

The OPDAT Counterterrorism Unit "assists DOJ in achieving its key strategic goal of countering terrorism, while also supporting efforts to build effective criminal justice sectors that respect the rule of law."[993] It does so partly through deploying Resident Legal Advisors (RLAs) to a number of USG counter-terrorism partner States.[994] In Turkey, for example, OPDAT works "on methods to combat acts of violence supported or committed by the Kurdish Workers Party (PKK) and other terrorist organizations"; assists the Turkish government in developing anti-terrorism legislation; and enhances its ability "to effectively investigate and prosecute criminal cases involving the freezing/seizing of assets, financial fraud, and public corruption."[995]

OPDAT also has eight RLAs in Iraq.[996] According to CHRGJ's interview with the OPDAT Counterterrorism Unit, gender emerges in its work with prosecutors on litigation skills (e.g., through assisting prosecutors to ensure gender-sensitive preparation of witnesses and victims of terrorism).[997] In developing anti-terrorism legislation, OPDAT seeks to be gender neutral (such as in the curriculum for capacity building) while also trying to avoid any issues that female participants may have with particular examples in the course material.[998] OPDAT has noted that gender would be less of a concern in training on issues such as evidence collection.[999] Both OPDAT and the S/CT note that programs focused on first responders to incidents of terrorism raise gender concerns,[1000] meaning that women should be integrated in such programs given the extent to which they are victims of terrorism.[1001]

## *Gender and Prison Programs*

Domestically, the USG has a program that seeks to prevent prisoners in the United States from using jails to foster terrorism and enable terrorist recruitment, and has "designed a special rehabilitation programme that focuses on traditional methods to assist offenders in developing skills necessary for a successful reintegration into society."[1002] Indeed, post 9/11, the Federal Bureau of Prisons (BoP) identified counter-terrorism as a strategic goal[1003] and developed programs to identify and isolate individuals to further this objective. First, in 2006 the BoP established the Counter-Terrorism Unit to "assist in identifying inmates involved in terrorist activities" and "monitor/analyze terrorist inmate communications."[1004] Second, in fiscal year 2007 the BoP also established the first CMU to "house inmates who, due to their current offense, conduct, or other verified information, require increased monitoring of communications with persons in the community."[1005] *See Box 8 (Collateral Gender Impacts: Restrictive Family Access and Communication Management Units in the United States)*

Internationally, the USG has operated (Iraq), supported (Indonesia), and populated (Saudi Arabia) rehabilitation initiatives designed to prevent terrorism detainees from committing terror acts after release. Gender features in the design and implementation of some of these initiatives (primarily through engaging female family members of male terrorism suspects), but gender analysis and integration is absent from other programming aspects, including the programs' emphasis on mainstreaming religious views and the exclusion of female detainees.

- **Inclusion of female family members:** In Iraq, the DoD Multi-National Force-Iraq Joint Task Force 134 Detainee Operations (Task Force 134) established a prisoner rehabilitation program that incorporates education, vocational training, civics, and "pay for work" programs to earn money for families, and encourages family visitation[1006] on the basis that "the family structures are very strong in this country. We want families to become accountable."[1007] The USG also funds Indonesia's Detachment 88 program,[1008] which "seeks to bring both the extremist and their families back into the fold of normal society"[1009] through financial support to families (such as livelihood programs and paying for children's school fees and wives' employment),[1010] paying travel expenses for families seeking to visit detainees,[1011] and funding prison weddings for detainees.[1012] Finally, a number of Guantánamo returnees are subject to Saudi Arabia's Prevention, Rehabilitation, and Aftercare (PRAC) program, which also emphasizes the role of the family[1013] and "extended social network" in the rehabilitation process.[1014] In PRAC, families are considered key to rehabilitation, and the government alleviates financial and domestic burdens on the family to secure its support and to mitigate the risk that family members will turn to extremism.[1015] The government also encourages rehabilitated prisoners to marry (by paying for weddings, donating dowries, and covering other pre-marriage costs) and have children, "in part because it is understood that it is much less likely that young men will get into trouble once they become obligated with family responsibilities."[1016] While these schemes have sought to include female family members of detained individuals (with a potential positive social and economic impact on these women), further consideration is needed to assess the extent to which these

programs rely on gender and cultural stereotypes and how this determines both program effectiveness and the treatment of female family members. For example, the Detachment 88 program has been criticized for "rest[ing] on questionable assumptions, such as the idea that prisoners' wives and families are necessarily in need of economic assistance, or that families are always pro-government and will honour their commitment to ensuring 'good behavior.'"[1017]

- **Exclusion of female terrorists:** With the notable exception of the Iraq Task Force 134 program,[1018] the rehabilitative schemes discussed above have been less focused on women as terrorists themselves despite the active role of women in Saudi Arabia[1019] and Indonesia[1020] in terrorist organizations and activities. For example, the PRAC program does not include female detainees,[1021] confirming the view of one national security expert at our MENA Stakeholder Workshop, who explained that Saudi Arabia does not take women as seriously as men as terrorists.[1022] Similarly, in Indonesia, all the detainees participating in the Detachment 88 initiative are men.[1023] As noted above, failure to include women in de-radicalization and rehabilitation schemes or to design rehabilitation schemes that address gender dynamics results in rehabilitative programs that do not reflect the needs of female ex-combatants and may "exclude women from benefits provided to male ex-combatants."[1024]

- **Emphasis on mainstreaming religious views:** Finally, the Iraq Task Force 134 prisoner rehabilitation program, Detachment 88, and PRAC each emphasize using "moderate" or "state sanctioned" Islam to compete with extremist ideologies.[1025] For example, according to Major General Douglas Stone, who oversaw the Task Force 134 rehabilitation program, the objective of using "moderate Iraqi clerics" to tutor detainees is "[r]eligious enlightenment."[1026] The emphasis on moderating religious views to "de-radicalize" terrorists raises many human rights concerns (e.g., with regard to freedom of religion and expression), including a concern that participants in the Stakeholder Workshops articulated regarding how the promotion of "moderate" religious views, where it is unclear what is encompassed by "moderate," may not translate into respect for the rights of women and sexual minorities.[1027] Indeed, these initiatives appear to be undertaken without consideration for whether in a particular context the promotion of "moderate" religious views includes the promotion of ideas that are antithetical to gender equality. For example, in the Indonesian context it has been noted that reformed extremists hired to work with Detachment 88 detainees are often "only marginally less militant than those being lectured to."[1028]

## Collateral Impacts

As noted by the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, "[c]ounter-terrorism measures have had impermissible gendered collateral effects that are often neither acknowledged nor compensated."[1029] The following provides an overview of these collateral impacts felt particularly by female family members of terrorism suspects who have been apprehended, rendered, interrogated and/or detained by or with the involvement of the USG.

### *Undermined Economic, Social, and Cultural Rights*

As noted by the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism:

> Enforced disappearances of male detainees in the name of countering terrorism have had "special resonance" for female family members, who bear the burden of anxiety, harassment, social exclusion

> and economic hardship occasioned by the loss of the male breadwinner. Similar effects ensue from the prolonged detention without trial of male family members, the practice of extraordinary rendition, and forced deportations of male family members, undermining the enjoyment of economic, social and cultural rights, such as the right to adequate housing, and the right to family life.[1030]

As advocates at our Africa Stakeholder Workshop explained, families in Africa have become destitute when men are transferred to third countries and/or detained as terrorism suspects, including with USG involvement.[1031] This is also the case in various parts of the Middle East,[1032] Asia,[1033] and the United States.[1034] Families of Guantánamo returnees have had to sell assets (including family homes and agricultural land) and borrow money[1035] to survive, such that "families were forced to sell property, borrow money, and/or quit jobs in order to finance efforts to secure their freedom," including through paying bribes to corrupt officials.[1036] For example, Amina Janjua describes how her husband's disappearance has had a devastating economic impact on her and her family: "As the fight for the release of my illegally detained husband grew tougher and tougher, so was my pocket becoming emptier and emptier."[1037] Her fight, on behalf of her family and hundreds of other families of missing persons through the Defence of Human Rights, a network of victim families she founded after her husband's disappearance, continues despite the severe financial problems of most of the families in the network—which, in Ms. Janjua's words, are so dire "that even the basic necessities of life…[a]re hard to meet."[1038] In some countries, social restrictions on women compound financial difficulties experienced by female family members. For example, in Saudi Arabia, wives of post-9/11 male terrorism detainees have difficulty enrolling their children in school, accessing the family's savings, and finding employment (women can only work in sexually segregated workplaces) because these transactions require the presence of a male guardian.[1039]

As with other families of disappeared and detained individuals, Ms. Janjua has described the psychological and emotional toll that the "heart-piercing grief" of her husband's disappearance has on her family.[1040] She explains, "This is the worst thing to happen to anyone. If someone dies you cry and people console you and after some time you come to terms with it but if someone disappears…it is the bitterest of agonies."[1041] In describing the impact that his USG-led rendition and secret detention has had on his family, former secret CIA detainee Mohammed Abdullah Saleh al-Asad similarly notes, "I worry that my wife and children suffered much more than I have. Not knowing where your husband or father is, whether he is dead or alive, and why he was disappeared, is a horrible thing to experience."[1042]

## *Increase in Female Economic Activity and Advocacy*

At all Stakeholder Workshops it was noted that since 9/11 there has been an increase in women's involvement in human rights advocacy because of the disproportionate impact of counter-terrorism measures on men. For example, at the U.S. Stakeholder Workshop, one advocate explained that the post-9/11 environment has pushed some women to organize.[1043] Others noted that over the past ten years, women have been the primary organizers in MASA communities in the United States, and that they have been advocating for family members and challenging cases of loved ones who are detained or convicted.[1044] This new role may be empowering for some women, but the positive impact must be understood in light of government reprisal (see above), and the range of negative collateral impacts discussed above and below. Similarly, advocates at our U.S. and Africa Stakeholders Workshops said that in some cases women have become increasingly economically active as a result of their male relative's targeting because his detention or the stigma attached to being targeted has meant he can no longer support his family.[1045] At the Africa Stakeholder Workshop, one advocate explained, "once men are dubbed terrorists, they can't keep a regular job, and women have to head the household, which could be empowering if they did not get harassed by the government."[1046]

## *Limited Family Contact with Individuals in USG Custody*

The USG's rules concerning families' visitation and correspondence with detainees vary, but by and large are extremely limited. For example, some family members have been able to communicate (albeit in a limited and regulated way) with detainees at Guantánamo Bay, but other "families believed their loved one was dead and learned what had befallen him only at the time of his release."[1047] In all Guantánamo detainee cases—some nearing a decade of confinement—family members have not been allowed to visit their relatives, a condition the International Committee of the Red Cross is in discussions with the Pentagon to try and change.[1048] In contrast, the USG does allow face-to-face family visitation at Bagram Air Base in Afghanistan.[1049]

### Box 8. Collateral Gender Impacts: Restrictive Family Access and Communication Management Units in the United States

In the United States, as mentioned above, some individuals, including those convicted of terrorism crimes and "prisoners who have...tried to recruit or radicalize others behind bars"[1050] are detained in CMUs (known as "terrorist" units) in Marion, Illinois, and Terre Haute, Indiana.[1051] The basis on which the BoP determines that an individual is seeking to recruit or radicalize other prisoners is unclear. According to the Center for Constitutional Rights, the BoP does not "actually disclos[e] what it means when it accuses a prisoner of 'recruitment and radicalization of other inmates'" and instead "unsubstantiated allegations have been used to justify disproportionably assigning Muslim prisoners" to CMUs.[1052] Indeed, the majority of detainees in the CMUs are Muslim—at Marion, "approximately 72 percent of the population is Muslim, 1,200 percent higher than the national average of Muslim prisoners in federal prison facilities. The Terre Haute CMU population is approximately two-thirds Muslim, an overrepresentation of 1,000 percent."[1053] The location of these facilities—in Indiana and Illinois—has made it difficult for families who are across the country to visit detainees.[1054] In addition, "[t]he CMUs' visitation policy is in some ways even more restrictive than that of the BOP's notorious 'supermax' prisons, where prisoners have over four times more time allotted for visits than prisoners in the CMU."[1055] The conditions of confinement in CMUs severely restrict family contact: "individuals detained in the CMUs are completely banned from any physical contact with visiting family members and friends. Other types of communication are also severely limited, including interactions with other prisoners and phone calls with friends and family members."[1056]

## Marginalization and Stigmatization

Many terrorism suspects and their families report instances of stigmatization and marginalization as a result of the suspect's alleged or presumed connection to terrorism. For example, in the United States, Zurata Duka, the mother of Eljvir, Dritan, and Shain Duka (three of five individuals commonly referred to as the "Fort Dix Five") has described how she was evicted from her apartment following the terrorism charges against her sons ("[the landlord] said 'get out of the apartment these are terrorists'") and how the neighborhood she and her family "called home for more than a decade has become inhospitable to them."[1057] She also "[e]xpressed fear

of retaliation against herself, or even against 13-year-old Lejla [her granddaughter], for speaking out about the case."[1058] Speaking about her experience following the apprehension, indictment, and subsequent conviction of her son Josa Padilla,[1059] Ms. Ortega-Lebron described how her family, including her grandchildren, was called the "Al-Qaeda family" and how the Muslim community was too afraid to speak out about these issues.[1060] This stigma and fear affects service provision to, and community support of, returnees and their families. For example, according to our MENA Stakeholder Workshop, in Yemen the stigma and isolation of Guantánamo returnees prevents NGOs from accessing them and makes other community members want to avoid them for fear that they will also be investigated.[1061]

## Enduring Post-Detention Impact

Collateral impacts on family members persist following release of their relatives. For example, in discussing the enduring impacts of indefinite detention, including of Guantánamo detainees, Physicians for Human Rights notes that prolonged indefinite detention results in harmful psychological effects, including: "Enduring personality changes and permanent estrangement from family and community that compromises any hope of the detainee regaining a normal life following release."[1062] In some instances, there are concerns about how the psychological trauma of male returnees impacts their families.[1063] In others, the impact of torture on male returnees also affects women, as they have to follow up on getting assistance for male relatives while also taking care of household responsibilities.[1064] In addition, in many cases, the adverse economic impacts of detention and disappearance discussed above persist after male relatives are released. For example, returnees from CIA secret detention, victims of USG rendition, and Guantánamo returnees have been unable to find jobs or resume careers because their detention has caused stigma, loss of reputation, concern about their capabilities, and accumulation of debt.[1065] In some cases, family separation and destitution go hand in hand; for example, in one case,"[t]he family of...[a] destitute and unemployed respondent forced him to leave home, and his wife returned to her family for support."[1066] He explained, "I have a plastic bag holding my belongings that I carry with me all the time...[a]nd I sleep every night in a different mosque. And that is my situation."[1067]

Moreover, in a number of cases, including those involving former Guantánamo detainees who have been resettled in Europe, returnees remain separated from and unable to see their families even after release.[1068] In one case, former Guantánamo detainee Adel El-Gazzar was resettled in Slovakia in January 2010[1069] because the USG deemed it unsafe for him to return to his native Egypt for fear that he would be persecuted.[1070] However, while living in Slovakia he saw no prospect of seeing his family again because of legal and financial constraints restricting their ability to travel.[1071] As a result, despite the fear of persecution and fueled by his desire to end his family's separation, he "became increasingly desperate to return home to look after his elderly mother, wife and children, whom he had not seen for 11 years."[1072] Given the recent transition in Egypt, Mr. Gazzar "felt confident enough in the 'new' regime to travel home," but he was arrested on arrival at Cairo airport on June 13, 2011.[1073] His arrest was based on a sentence he received in absentia in 2002[1074] following a military court trial of a group of civilians—a practice that has been widely criticized, including by the USG.[1075] Mr. Gazzar was permitted to see his wife and four children at the airport in Egypt for only about one hour before being arrested.[1076] In a conversation with his attorney in the United States on June 16, 2011, he expressed that being in jail was worth it, because at least he gets family visits.[1077] Finally, while many families hold out hope that their detained relatives will be able to return home, for those relatives of individuals who died while in USG custody, the separation is permanent. The shroud of secrecy surrounding the circumstances of their relatives' death, as has been the case when terrorism suspects die in U.S. custody,[1078] exacerbates this loss.

# RECOMMENDATIONS

**In designing and implementing pre-detention preventive and investigatory measures:**

- Ensure measures are based on sound gender analysis that, for example, addresses the roles of women in terrorism; uses a gender lens to understand the drivers of violent extremism; and rejects the use of gender stereotypes as a proxy for profiling on the basis of race, national or ethnic origin, or religion.

- Ensure imminent release of the anticipated policy on community partnerships and preventing violent extremism to provide clarity and enhance transparency; reject an emphasis here (and elsewhere) on any particular racial or religious group that further securitizes relationships with, and increase discrimination against, these communities (with particular flow on effects for women in these communities); and require transparent partner selection and rigorous vetting requirements to ensure that partnerships do not undermine gender-equality.

**To address direct or primary impacts of prosecution, detention, and interrogation efforts:**

- Ensure USG prosecutorial and related assistance to third countries is gender-sensitive, including by ensuring that first responders to terrorism incidents are equipped to address the gender-specific needs of women and sexual minorities who are victims of terrorism.

- End the use of gender-discriminatory interrogation techniques that violate human rights.

- End and provide redress to all victims of USG torture and cruel, inhuman or degrading treatment or punishment, rendition, disappearances, and indefinite detention in the name of countering terrorism.

- Prevent, investigate, and punish the unlawful detention and ill-treatment of women and children to produce information concerning male family members suspected of terrorism.

- Ensure family members are not penalized for lawfully investigating or protesting their relatives' disappearance or detention.

- Review and analyze USG federal material support prosecutions to ensure that material support laws do not unduly penalize family relationships.

- Ensure that USG-supported or USG-run prison de-radicalization programs that promote "moderate religious views" do not encourage views that are antithetical to gender equality or compromise other human rights, including those in relation to freedom of religion and expression.

**To address collateral impacts of prosecution, interrogation, detention, and disappearances:**

- Provide redress to family members of victims of torture and cruel, inhuman or degrading treatment or punishment, rendition, disappearances, and indefinite detention in the name of countering terrorism, including reparations for collateral gender-based human rights violations.

- End unduly restrictive family visitation and communication practices in U.S. custody, including at Guantánamo Bay and in CMUs.
- Ensure that countries that agree to resettle Guantánamo returnees afford the opportunity for family reunion.

# SECTION VI: GENDER, BORDER SECURITIZATION, AND IMMIGRATION ENFORCEMENT

## Overview

U.S. counter-terrorism strategy emphasizes (1) strengthening border security both at home and abroad to circumscribe entry into the United States and (2) expanding enforcement of immigration law within the United States. As the NSS 2010 explains, the USG "relies on our shared efforts to identify and interdict threats; deny hostile actors the ability to operate within our borders; maintain effective control of our physical borders; [and] safeguard lawful trade and travel into and out of the United States."[1079] It further asserts that "effective border security and immigration enforcement must keep the country safe and deter unlawful entry."[1080] The National Strategy for Counterterrorism also emphasizes the importance of "capabilities related to border protection and security [and] aviation security and screening" and explains that the USG has improved "aviation, maritime, and border-security capabilities and information sharing."[1081]

In practice these enhanced capabilities have translated into enhanced and controversial passenger vetting and screening procedures at airports;[1082] expanded use of immigration detention and deportation, particularly of men from MASA communities;[1083] overly broad definition and application of inadmissibility bars to the United States;[1084] and the unprecedented empowerment of law enforcement agencies to enforce immigration rules.[1085] Following the events of September 11, 2001, the United States has also paid increased attention to the linkages between terrorism and trafficking (drug trafficking and trafficking in persons),[1086] with the latter focusing on the extent to which trafficking enables terrorist mobility and finances terrorist organizations.[1087]

From a gender perspective, the USG's enhanced border security and immigration enforcement measures incorporate a specific focus on gender, men, or women in three areas: in passenger vetting and airport screening procedures; the collection of Secure Flight Passenger Data; and the mass registration, detention, and removal of MASA males from the United States. These gender dimensions are discussed below in the survey of how these measures cause differential and adverse impacts on women and men (including transgender individuals) in terms of (1) cross-border movement; (2) the failure to protect victims of trafficking and terrorism; and (3) the use of U.S. immigration law as counter-terrorism policy.

## Gendered Impacts on Cross-Border Movement

### Passenger Screening and Vetting

#### *TSA Screening Procedures*

TSA screening procedures have developed in ways that differentially impact men and women from minority religious communities. This concern relates both to the nature of primary screening methods (metal detectors or advanced imaging technology [AIT] units[1088]) and the resort to, and nature of, secondary screening procedures, such as the "pat-down." In terms of when secondary screening is required, in October 2010 the TSA announced it was in the process of implementing new "pat-down" procedures nationwide[1089] to be performed as a secondary screening "whenever a traveler sets off traditional metal detectors, wears bulky clothing, or chooses not to remove headwear," and in some cases randomly.[1090] In addition, there are earlier reports of mandatory secondary screening for those wearing a headscarf: for example, on January

5, 2010, TSA staff at Washington Dulles International Airport reportedly said to a traveler that secondary screening of anyone wearing a headscarf is required.[1091] Mandatory secondary screening under these circumstances appears to depart from TSA's 2007 "bulky clothing" policy, which on January 3, 2010, the TSA stated was still applicable, and pursuant to which screeners have discretion as to whether a passenger's headwear is "bulky" and requires additional screening.[1092]

Concerns about mandatory secondary screening on impermissible bases have continued with the introduction of AITs. In March 2010, the TSA began using AIT units, commonly referred to as full-body scanners, in airports across the United States.[1093] According to the TSA: "Advanced imaging technology safely screens passengers for metallic and nonmetallic threats including weapons, explosives and other objects concealed under layers of clothing without physical contact to help TSA keep the traveling public safe."[1094] However, Sikh men who wear the dastaar (turban) are reportedly always required to undergo secondary screening (either a pat-down and/or use of a metallic detector wand) on the basis that the "AIT is deficient in looking through folds/layers of the turban."[1095] While it is unclear if this policy would also apply to women who wear headscarves, these secondary screening procedures occur against a larger backdrop of concerns about TSA profiling of Muslim women wearing headscarves and Sikh men wearing turbans.[1096] Accordingly, community advocates have raised questions regarding why turbans and headscarves seem to be singled out for mandatory secondary screening when other clothing items that could readily hide non-metallic threat items are not.[1097] In terms of the gender dimensions of the ways in which secondary screening is conducted, the TSA argues that:

> [T]o protect passenger privacy and ensure anonymity, strict privacy safeguards are built into the procedures for use of the AIT. For example, the officer who assists the passenger does not see the image that the technology produces, and the officer who views the image is remotely located in a secure resolution room and does not see the passenger.[1098]

However, these explanations have not always provided assurance and a number of passengers have chosen not to be screened by AIT scanners, citing a range of concerns including privacy[1099] and religious propriety.[1100] In addition, passengers that forgo AIT screening must undergo secondary screening via the new pat-down procedure referenced above.[1101] While at a policy level, TSA guidelines require some gender sensitivity in conducting secondary screenings involving pat-downs (e.g., pat-downs can be done in private, screening officers are of the same gender,[1102] and there are limits on the areas that can be patted down if secondary screening is required because of headwear),[1103] the extent to which this is realized in practice is unclear,[1104] with community groups finding it necessary to issue travel advisories to remind individuals of their rights.[1105] Further, the pat-down procedure itself, which allows TSA officials to use the fronts instead of the backs of their hands,[1106] has been roundly criticized for being overly invasive (e.g., a breast cancer survivor explained that the TSA made her take off her prosthetic breast and another passenger has described an agent searching inside her underwear),[1107] and akin to "molestation" for both male and females.[1108] Some religious groups have argued that the AIT scanners violate their religious edicts,[1109] and some religious passengers indicate that they are forgoing air travel to avoid the invasive procedures.[1110]

## *The Secure Flight Program*

The Secure Flight program may encumber the movement of transgender individuals. In October 2009, the TSA began requiring all airlines to request and collect Secure Flight Passenger Data, including, for the first time, passengers' date of birth and gender, to help reduce the number of passengers misidentified as matches on terror watch lists.[1111] While such efforts to reduce misidentification are key (see below on the No Fly List), an unintended side effect of this new requirement is to potentially complicate air travel for transgender individuals, many of whom do not have identity documents that match their current gender expression and who may have to

reveal their transgender identity at the airport and therefore potentially be subjected to "harassment, disrespect and discrimination by airline personnel, security, customs officials if they're traveling internationally and other passengers."[1112] As noted by the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, "counter-terrorism measures that involve increased travel document security, such as stricter procedures for issuing, changing and verifying identity documents, risk unduly penalizing transgender persons whose personal appearance and data are subject to change."[1113] The TSA has reportedly reached out to transgender rights organizations to reduce the potential negative impacts of the Secure Flight program and has committed to providing training on transgender issues to airport employees.[1114]

### *The No Fly List*

The No Fly List may penalize and encumber female travelers because of their familial ties. For the FBI Terrorist Screening Center (TSC) to include an individual on the No Fly List, he or she must be a "known or suspected terrorist [who] must present a threat to civil aviation or national security."[1115] Rights advocates have raised a number of concerns regarding the No Fly List, including that it unlawfully restricts the travel of U.S. citizens and legal permanent residents and violates due process.[1116] In addition to these broader concerns, a number of gendered impacts also result from erroneous and over-inclusive listings. For example, family members of individuals who are on the No Fly List will sometimes also be prevented from flying (in one case because tickets were booked together);[1117] individuals may experience long travel delays as a result of their family member's erroneous inclusion on the list (as parents whose children have the same or similar names to individuals on the No Fly List have experienced);[1118] and entire families have sometimes been listed where there are no allegations of terrorism against all members.[1119] As noted by the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, "inclusion of entire families on 'no-fly' lists...unduly penalizes family relationships."[1120] These impacts are compounded by difficulties in seeking redress through the DHS Security Traveler Redress Inquiry Program (DHS Trip) (including, for example, the challenges in being removed from the list).[1121]

## Border Securitization and Migrants, Trafficked Persons and Refugees

The USG's global effort to increase border security measures has undermined the human rights of migrants, refugees, and trafficked persons. U.S. counter-terrorism strategy reflects a concern that "weak border controls" and porous borders abroad increase vulnerability to terrorist attack.[1122] As such, its focus includes strengthening border security in locations such as the Egypt-Gaza Strip border,[1123] around the Iraq border,[1124] in Malaysia,[1125] and at the Somalia-Kenya border.[1126] Human-rights advocates at our Asia Stakeholder Workshop noted that increased border security to counter terrorism is serving to demonize and criminalize migrant workers (e.g., in Malaysia); making cross-border movement more difficult and increasing reliance on and vulnerability to third parties such as smugglers to facilitate movement; criminalizing victims of trafficking involved in cross-border movement (see below); and resulting in the prioritization of law enforcement and national security over human rights.[1127] At our Africa Stakeholder Workshop, advocates similarly noted that increased border security in Africa resulted in a range of rights infringements,[1128] such as profiling of Somalis, including Kenyans of Somali origin, at the Ugandan and Kenyan borders.[1129] It was noted that young Muslim men traveling internationally experienced the greatest problems, but that women may also be harassed, and that women experienced additional problems at the border because they have special problems proving their national origin or may be wearing visible signs of their faith (like a headscarf) that attract increased scrutiny.[1130] It was noted that tightened border security in the name of countering terrorism, including through border closures, negatively impacted refugees, particularly women and children.[1131]

# Failure to Protect: Material Support Bars and the Trafficking-Terror Nexus

## Scope and Application of Material Support Bars

Under U.S. law, coerced and/or *de minimus* support to any non-State armed group is construed as "material support" to terrorism.[1132] These over-broad material support provisions fail to recognize female vulnerability to coerced domestic service and sexual assault,[1133] and have resulted in already-victimized female asylum seekers, refugees, and green-card applicants having their petitions and applications denied or placed on hold.[1134] For example, in 2005, a Liberian woman seeking resettlement to the United States had her refugee resettlement application placed on hold when DHS asserted that her coerced domestic service to rebels that had raped and held her hostage constituted material support.[1135] Further, extremely expansive interpretations of the term "material support" have been applied to unduly encompass the acts of women providing care or household services to their own family members. For example, in one case, an Ethiopian woman had her U.S. asylum application placed on hold for three years because she brought her son, who was arrested for "political reasons," food and drink while he was in jail in Ethiopia.[1136] Similar re-victimization occurs when individuals who have paid ransom to terrorists for their own and/or their children's release are denied relief.[1137] Entire families feel the impact of the over-application of these provisions: under U.S. immigration law, spouses and children of persons that are inadmissible under these terrorism-related provisions are also rendered inadmissible.[1138]

While the DoS and DHS have issued duress waivers on a case-by-case basis for asylum and refugee applicants who have provided coerced "material support,"[1139] problems with the waiver system persist, including the burdensome nature of the process, the failure to provide status updates to applicants, lack of transparency, prolonged delay, and the inability of applicants to challenge a denial.[1140] In March 2010, Senator Patrick Leahy introduced the Refugee Protection Act of 2010,[1141] which excludes coerced acts from the definition of terrorist activity (and thus material support); narrows the definition of terrorist activity and terrorist organization in the INA, relieving concerns pertaining to *de minimus* support; and repeals inadmissibility bars for children and spouses for the acts of the parent/spouse.[1142] While passage of this bill would help to ensure that victims of terrorism are not re-victimized through the U.S. refugee and asylum systems, the Bill, introduced in the Senate in March 2010 and referred to committee in May 2010, did not pass and has not yet been reintroduced.[1143]

## Securitized Approaches to Trafficking

While the fact that the USG links terrorism and trafficking is publicly known, the basis for, veracity of, and operational contours of this link are not. In 2004, the Human Smuggling and Trafficking Center (HSTC) was established by inter-agency charter to "address the separate but related issues of alien smuggling, trafficking in persons, and criminal support of clandestine terrorist travel."[1144] In 2006, the Center "completed an analysis of the linkage between trafficking in persons and terrorism, including the use of profits from trafficking in persons to finance terrorism"[1145] for Congress, however these findings remain classified.[1146] USG officials interviewed for this Report nonetheless query the USG's link between terrorism (and other organized crime) and trafficking in persons.[1147] Regardless of the veracity of the terrorism-trafficking nexus, in practice, significant human rights issues flow from this link.

First, the terrorism-trafficking nexus prioritizes a law enforcement rather than human rights approach to trafficking that views trafficked persons first as potential criminals and national security threats, and second as human rights victims.[1148] This can diminish service provision to trafficked persons and may also place

increased pressure on trafficked women to fulfill gender-based stereotypes about passivity to be seen as "true" victims.[1149] These challenges occur against a backdrop in which advocates experience increasing difficulty in "securing assistance and resources from governments that are 'preoccupied' with fighting terrorism."[1150] Indeed, as one U.S. anti-trafficking advocate in our U.S. Stakeholder Workshop noted: "The T-visa for trafficked persons requires cooperation with law enforcement, but if local law enforcement is working on a case then ICE sometimes won't sign off to certify cooperation because they are afraid the person may be a terrorist."[1151]

Second, as noted above, strict border-control policies make migration more insecure and expensive, increasing migrants' vulnerabilities to traffickers and other irregular forms of movement, and in some cases turning an act of smuggling into a case of trafficking.[1152] As such, according to Transparency International Kenya, in the policing of the Kenya-Somalia border, it is not terrorists, criminals, or insurgents who are usually stopped, but rather:

> While border security is meant to stop such people, it is instead the vulnerable who are disadvantaged. It is the people who don't have the means to cross, the refugees, that are the ones who have a very hard time at the border and those who the government seeks to keep out will not even use the designated border points.[1153]

Third, as one participant in our Asia Stakeholder Workshop noted, the trafficking-terrorism nexus augments border control as a strategy for combating trafficking, which has detrimental impacts because "[s]ecurity approaches do not prioritize systemic changes that would decrease trafficking. Security approaches prioritize anti-trafficking. They do not prioritize safe migration or reduction of exploitation in workplaces which will systematically reduce trafficking."[1154]

Fourth, the terrorism-trafficking nexus increases the scope for violations by State actors against trafficked persons because a security approach to trafficking privileges cooperative anti-trafficking arrangements that are dominated by "coercive actors," such as Ministries of Interior, who are often ill suited to identifying and providing assistance to trafficked persons.[1155]

## Gender Impacts of Immigration Enforcement to Counter Terrorism

### Disproportionate Focus on Male MASA Immigrants

The use of U.S. immigration law as a counter-terrorism measure in the United States has by and large explicitly and predominantly focused on males in MASA communities. For example, the now-suspended[1156] National Security Entry and Exit Registration System (NSEERS) program specifically required male non-immigrants older than sixteen from "countries of interest" (mostly Muslim or Arab countries) to register with the then-INS.[1157] The human rights impacts of this focus are pervasive. In part, this


DRUM Desis Rising Up and Moving outside the Flushing Public Library. *Original Caption*

owes to the staggering breadth of NSEERS: according to DHS, by September 2003, of the 83,519 men who registered domestically with NSEERS, 13,799 were issued with notices to appear and 2,870 were detained.[1158] The ACLU has also noted that post 9/11, MASA communities were subject to an extensive "preventive detention campaign" that "resulted in the secret detention and deportation of close to 1000 immigrants designated as 'persons of interest' in its investigation of the [9/11] attacks."[1159] However, these human rights impacts also derive from the inherently problematic features of such programs. For example, NSEERS has been critiqued for the ways in which it discriminated against individuals on the basis of country of origin and religion; enabled deportation of individuals based on minor immigration infringements; and was also counterproductive to the goal of countering terrorism.[1160] Gay, bisexual, and transgender men required to register for NSEERS (who, notably, cannot be sponsored for family-based immigration by their same-sex partners) were also "left fearful of long-term separation with one or both vulnerable to deportation, often back to countries that they had fled because of persecution or dangerous situations."[1161] Accordingly, in May 2008, the U.N. Committee on the Elimination of Racial Discrimination called on the USG "to put an end to the National Entry and Exit Registration System [sic] (NSEERS) and to eliminate other forms of racial profiling against Arabs, Muslims and South Asians."[1162] Indeed, on April 27, 2011, DHS announced that it was relieving affected individuals from the requirement to register with NSEERS,[1163] stating, "[a]s threats to the United States evolve, DHS seeks to identify specific individuals and actions that pose specific threats, rather than focusing on more general designations of groups of individuals, such as country of origin."[1164]

## Collateral Impacts on Female Family Members

As explained by an advocate at our U.S. Stakeholder Workshop, while NSEERS and other similar programs have largely targeted men (who, as a result, face most of the direct impacts), the collateral impacts on women are also present but just less visible, and may also be indirect, unintended, or hidden.[1165] In 2003, the DOJ's Office of the Inspector General released a highly critical report on the treatment of "September 11 detainees" (INS-detained individuals who were arrested in connection with September 11 terrorism investigations),[1166] noting the initial failure to provide access and information to family members and that restrictive policies also hindered family visitation for "even many months after September 11."[1167] Other reports reveal that the DOJ also "refused to release the names of or charges against these detainees and instituted a controversial policy of secret immigration hearings that were closed even to the press and family members."[1168] Many of the men who faced subsequent deportation pursuant to programs such as NSEERS left behind wives with heavy community, financial, familial, and emotional burdens, ranging from coping with psychological effects on children to increased economic insecurity to organizing on behalf of those most directly affected.[1169] The children of gay, bisexual, and transgender men "are no less traumatized [than the children of heterosexual couples] by separation from their parents."[1170] Burdens on families were particularly acute where the deportee was the primary breadwinner, such that "if the father is removed from the country, the effect is either a broken family or the de facto deportation of the whole family."[1171] Accordingly, while immigrant rights advocates have welcomed the suspension of the NSEERS program, they also have called on DHS to repeal it entirely, and to remedy ongoing rights impacts resulting from the program, including by granting relief including for "adverse immigration consequences on thousands of families."[1172]

## Community Insecurity

After September 11, 2001, Section 287(g) of the INA, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, was used to increase the role and authority of local law enforcement officers in enforcing immigration law.[1173] Section 287(g) has been accompanied by other efforts to increase law enforcement's coordination with immigration authorities including through Arizona law SB 1070[1174] and the Secure Communities Program.[1175] These developments have been critiqued for involving or facilitating racial profiling,[1176] and leading to "[u]nnecessary or prolonged detention."[1177] This shift also raises a range of concerns with gender dimensions. First, it has further deterred immigrant women from reporting crimes,

such as domestic violence and trafficking, because "they have a justifiable fear that their lack of immigration status will trump the criminal justice protections afforded crime victims under the law."[1178] One case that exemplifies this concern occurred in February 2009, when police officers responding to a domestic violence call asked that everyone at the scene provide proof of citizenship.[1179] The caller, who had bruises on her neck, asked the officers to arrest her boyfriend, but instead they arrested her sister because she was unable to prove her citizenship.[1180] Second, local enforcement of immigration increases fear and mistrust of police and may deter reporting of crimes more broadly, thus increasing insecurity within communities as a whole.[1181] Third, local enforcement allows unscrupulous police officers and employers to more readily abuse and exploit immigrant women who may be more reticent to report such abuses for fear of adverse immigration consequences.[1182] Indeed, women detained as a result of 287(g) interventions and women in immigration detention more broadly (discussed further below) have been treated egregiously.[1183]

> "There are concerns about the implementation of the program as well as its impact on families, immigrant communities and law enforcement in New York...As a result, New York is suspending its participation in the program."
>
> Governor Andrew Cuomo, June 1, 2011, explaining that New York State ended its participation in the Secure Communities Program[1184]

### Female Immigration Detention

The post-9/11 policy environment has contributed to the spike in the size of the female population in immigration detention facilities.[1185] Their conditions of confinement are egregious and include limited access to family members (particularly troubling, as studies indicate that the "majority of the women in custody are mothers of children under ten years of age"),[1186] lack of communication and legal representation;[1187] detention in prison-like facilities because of the post-9/11 trend toward a penal approach to immigration;[1188] absence of adequate gender-appropriate and basic health care (including gynecological care, hormonal contraceptives, prenatal care, breast pumps, and sanitary pads),[1189] and heightened risk of sexual assault and abuse.[1190] These concerns may be amplified for women who are deemed to present a national security risk. For example, on November 7, 2007, ICE informed its field officers that when considering taking a nursing mother into custody, that "[a]bsent any statutory detention requirement or concerns such as national security, threats to public safety or other investigative interests, the nursing mother should be released...and the Alternatives to Detention programs should be considered as an additional enforcement tool".[1191] While ICE has proposed a number of policy changes, including preventive measures (e.g., only allowing same-sex detainee searches, and restricting when guards can move detainees of the opposite gender) and publishing a revised detention standard on sexual assault,[1192] Human Rights Watch has also called for limiting unnecessary searches and informing victims of abuse-related crime about the availability of visas that would allow them to remain in the country.[1193]

## RECOMMENDATIONS

**To ensure that passenger screening and vetting procedures are non-discriminatory and do not unduly interfere with cross-border movement:**

- Undertake an independent audit of TSA screening policy and practices to ensure that screeners do not profile on proscribed grounds, including on the basis of sex, race, ethnicity, nationality, or religion,

and to clarify the exact scope of the TSA current secondary screening policy as it pertains to "bulky clothing" and headwear.

- Ensure that relevant USG officials are adequately trained on, and apprised of, the TSA screening policy, and that passengers are given notice of the policy and their rights, including to be screened in private and by persons of their own gender.

- Review and narrow terror watch lists, such as the "No Fly List," to ensure focus on those who are potentially dangerous to the United States. This includes, at a minimum, ensuring that individuals are not listed or unduly penalized solely as a result of family ties to someone who has been identified as suspect.

- Adequately train TSA officials and work with transgender rights organizations to mitigate the potential negative impacts of the Secure Flight program and similar initiatives, including on transgender individuals.

- Reform or replace DHS TRIP with a mechanism that provides listed individuals with notice of the reasons for their listing, access to underlying evidence, and a meaningful opportunity to challenge their listing, and if successful, to be de-listed without excessive delay.

**To ensure that USG laws to counter terrorism do not re-victimize and penalize victims of terrorism and other human rights abuse:**

- Reform material support and other terrorism-related inadmissibility bars to ensure that gender-based harms, such as coerced domestic service to terrorism, are recognized as rights violations and are not grounds for exclusion from the United States. This could, for example, include reintroducing and enacting the Refugee Protection Act of 2010 and reforming the duress waiver process so that decisions are made without delay and with essential safeguards, including the meaningful opportunity to appeal.

- Release the HSTC's 2006 analysis of the linkage between trafficking in persons and terrorism, along with information regarding related strategic assessments and anti-trafficking initiatives coordinated by HSTC or other USG entities and information regarding safeguards to ensure that the trafficking-terrorism linkage does not re-victimize trafficked persons.

**To prevent gender-based harms arising from local police enforcement of immigration laws:**

- Take steps to end undue enforcement of immigration laws by police. In the interim, ICE should increase oversight of local enforcement of immigration law, including through inspections of partner law enforcement agencies and requiring data collection and reporting to check that law enforcement is neither profiling individuals nor subjecting female immigrants to sexual or other abuse.

- Track patterns in reporting of crime by immigrants, including immigrant women, with a view to identifying where police enforcement of immigration law has deterred crime-reporting and compromised community safety. Where such patterns are revealed, corrective measures are required.

**To end and redress gender-specific effects of detention and deportation:**

- Revoke immigration policies that wrongly target MASA communities (such as NSEERS) and

reject selective immigration enforcement practices. Provide redress for immigration and other consequences that flow from these current and discontinued measures, including by granting relief for adverse immigration consequences.

- Return immigration detention to its function to guard against flight risk and restrain dangerous individuals pending removal hearings, including by replacing mandatory detention with case-by-case determinations

- Supplement and then implement existing gender-specific detention standards, including those that apply to national security detainees, that reflect the medical needs of female detainees, reduce their sexual abuse, and ensure accountability for rights violations.

# SECTION VII: GENDER, DIPLOMACY, AND STRATEGIC COMMUNICATION TO COUNTER TERRORISM

## Overview

A hallmark of the Obama Administration's counter-terrorism strategy is a shift to more preventive, strategic, and "non-coercive" approaches that seek to complement traditional tactical efforts involving intelligence, law enforcement, and military operations.[1194] This strategic approach is most often referred to under the rubric of "countering violent extremism," and its core goal is to "stop those most at risk of radicalization from becoming terrorists."[1195] The USG's drive to reduce terrorist recruitment has three elements: "Delegitimizing the violent extremist narrative in order to diminish its 'pull'; developing positive alternatives for youth vulnerable to radicalization to diminish the 'push' effect of grievances and unmet expectations; and building partner capacity to carry out these activities."[1196] This first element of de-legitimizing extremist narratives encompasses a range of public diplomacy efforts and includes components such as "counter-ideology initiatives" and "working with civil society to de-legitimize the al-Qa'ida narrative and, where possible, provid[ing] positive alternative narratives."[1197]

There are both domestic and international aspects to this strategy. Domestically, the USG seeks to expand engagement with "the communities being targeted most directly by al Qaeda," including through enhancing the role of state and local governments; increased support to local community initiatives to provide the "information and tools they need to build their own capacity to disrupt, challenge and counter propaganda, in both the real world and the virtual world"; and increased government efforts to "improve how we communicate with the American people about the threat of violent extremism in this country and what we're doing to address it...[t]his includes dispelling the myths that have developed over the years, including misperceptions about our fellow Americans who are Muslim."[1198]

On the international side, the DoS leads overseas efforts through the newly-established inter-agency Center for Strategic Counterterrorism Communications (CSCC) which is designed to "coordinate, orient, and inform whole-of-government communications activities targeted against violent extremism to audiences abroad."[1199] The domestic and international strategies inevitably overlap because the USG and its partners (such as the U.K. government) are increasingly examining the links between diaspora communities and their countries of origin.[1200] The modes of delivery for the USG's strategic communications overseas include person-to-person engagement;[1201] the "power of social media"[1202] and increased online campaigns, including through the CSCC's Digital Outreach Team;[1203] local projects funded through the Ambassador's Fund for Counterterrorism (e.g., a de-radicalization program in Indonesia, work with madrassas in Bangladesh, and "Empowering Women Against Religious Violence in India");[1204] "educational and cultural programs, libraries, publications and English teaching";[1205] radio programs such as "Greetings from America";[1206] "messaging from moderate leaders";[1207] and support to "Islamic schools" or madrassas (e.g., in Indonesia).[1208]

## Gender Dimensions: Audience, Messengers, and Message

In the USG's strategic communication strategies to combat violent extremism, women feature as the audience of the narratives (both as potential terrorists and influencers of terrorist behavior); as deliverers of the message (primarily from the perspective of victims of terrorism and as mothers seeking to dissuade terrorist activity); and in the counter-narrative content itself, primarily in terms of the effort to stress that Muslim women and children are among Al-Qaeda's innocent victims. Each of these elements is explored below.

## Audience

In 2007, the USG indicated that some of its communication efforts had shifted away from "elite audiences and key opinion-makers to ones aimed at a broader audience, which includes potential recruits to terrorism."[1209] Both the U.S. international and domestic strategies make clear that the audience is Muslim, but also stress that engagement with Muslim communities cannot be framed solely in terms of terrorism or counter-terrorism.[1210] According to CHRGJ's interview with the CSCC, their CVE direct communication efforts focus not on those who are engaged in violent extremism but on those who are susceptible to it—this could include women who may be asked to support extremism and those who have a role in influencing others.[1211] On the latter, CSCC members suggested potential value in leveraging matriarchs and powerful mother figures to "influence family members to contribute to resiliency to radicalization."[1212] According to CSCC, while current USG CVE communications efforts have focused on specific audiences, they have not at this time dealt specifically with women as a distinct audience, in terms of engaging specifically with Al-Qaeda ideological efforts to recruit women to perform acts of terrorism or raise their sons as terrorists.[1213]

## Credible Voices

The USG's counter-terrorism communication strategy stresses the need for "credible messengers"[1214] or "Credible Voices" at the individual, community, and national levels.[1215] This has an explicitly religious aspect and includes engaging "clerics and other influential voices with credibility in local communities"[1216] on the basis that, according to the USG, "[o]f course, the most effective voices against al Qaeda's warped worldview and interpretation of Islam are other Muslims."[1217] The USG Special Representative to Muslim Communities has similarly stated:

> What we know for sure is that the most credible voices to be able to push back against that violent ideology are Muslims themselves...What our job should be is to work with these communities—with civil society—and governments around the world...so that they can push back and create an alternative narrative to the narrative of violent extremism...[1218]

According to CHRGJ's interview with the Office of the Special Representative to Muslim Communities, the Office has, for example, hosted "wisdom sessions" with thought leaders, including one that focused solely on Muslim women (all of whom were American) who discussed the need to change perceptions that non-Muslims have of Muslim women around the world so that they can get their voices heard and counter stereotypes.[1219] The USG particularly emphasizes promoting "moderate" Muslim voices, which can include working with nations the USG considers to exhibit "moderate Islamic tradition," such as Bangladesh,[1220] or the "promotion of moderate authors and textbooks for local schools" in North Africa and the Sahel to "generate support for the United States and for moderate Islamic viewpoints."[1221] The domestic and international aspects of the strategy intersect through activities such as the "Citizen Dialogue" program, through which the USG had by 2007 "sent out dozens of American Muslims to predominantly Muslim countries to engage with counterparts" as part of its commitment to "finding new ways to empower credible Muslim voices throughout the Muslim world."[1222] Both the U.S. international and domestic strategies also stress that the USG itself can "only go so far" as an overt credible voice and that local partners and particularly "non-traditional" ones should lead these efforts.[1223]

In some specific ways, the USG's outreach to "non-traditional" actors is strongly focused on women, although not at all on sexual minorities. For example, according to the S/CT, amplifying women's voices is a big part of enabling other voices to speak, and this includes working with female victims of terrorism to share their stories and supporting women's leadership to develop counter-narratives in difficult environments, such

as in Afghanistan.[1224] For example, the S/CT describes the Afghanistan Leadership in Instability program as providing leadership training for women in two components. The first teaches basic leadership skills like standing up for yourself and public speaking and the second is focused on how to lead in an insurgency.[1225] According to the Office of the Special Representative to Muslim Communities, "women have to be part of the counter-narrative to extremism" because "to ignore their voices is to leave out half—and a very influential part—of the Muslim community."[1226] The USG, through the DoS, is also very supportive of, and raises awareness of, victim-run initiatives.[1227] In addition, the USG has supported other countries' efforts to incorporate women and gender equality in strategies to counter the ideology that underpins violent extremism. For example, the USG has described Morocco's training and use of *mourchidates* (female spiritual leaders) to promote moderate Islam as "pioneering"[1228] and in 2009 held a visit with the *mourchidates* in the United States.[1229]

### Content of Message

The goal of the USG's communication strategy is to both undermine Al-Qaeda narratives and to provide an alternative by which the USG can "replace the radical narrative with something more hopeful and empowering."[1230] One core of the alternative message is to emphasize that the United States is not at war with Islam.[1231] Another key plank of the USG's counter-narrative strategy is to emphasize that the majority of Al-Qaeda's victims are Muslim.[1232] The gender of victims may feature in this message.[1233]

## Gender Outcomes: Space for Women's and LGBTI Rights?

There are three key issues from a gender perspective that flow from the USG's approach to strategic communications to combat terrorism: the risk of backlash, increased scope for problematic partnerships, and inadvertent reinforcement of gender stereotypes. These impacts take place against a larger backdrop of concerns about the extent to which the USG's emphasis on moderating religious views implicates various human rights, including freedom of religion,[1234] as well as freedom of expression and association.

First, as the USG correctly notes, in countering violent extremism "[s]ome potential partners will not want any formal affiliation with the USG, because they fear it would undermine their legitimacy among constituents."[1235] As explained in Sections I, III, and IV, for women's and LGBTI groups, overt, implied or imputed partnerships with Western governments or NGOs can not only undermine legitimacy but also fundamentally compromise safety.[1236] For example, according to one women's rights advocate in Yemen, her work is "constantly criticized, because it is seen as having a Western agenda" and "it is very difficult to convince ordinary women because we are suspected of either working with the government or the West."[1237] Indeed, several aspects of the USG's strategic communication strategy may inadvertently strengthen these pressures or extremist narratives and result in marginalizing voices within those communities. In particular, the explicit focus on Muslims, and in particular "moderate" Muslim voices, is particularly problematic because it not only locates the problem of terrorism in Muslim communities (with flow on gendered effects),[1238] but also equates religiosity or faith with violence and can suggest that the USG wants to engage only with those it considers to be "marginally religious."[1239] While the USG is rhetorically at pains to suggest that it does not view all Muslims as terrorists, until terminology such as "moderate" Muslim is rejected and, more importantly, matched by concrete action (what the USG has aptly described as either the "message of our deeds"[1240] or "Diplomacy of Deeds"[1241]), it is will be impossible to turn back the tide of Islamophobia that undermines human rights or avoid the allegation that the USG is seeking to promote a particular version of Islam at home and abroad.[1242] It is notable that the CSCC Digital Outreach team does not directly attempt to engage with the religious aspects of extremist narratives.[1243]

Second, the USG's approach to identifying "moderate" and "non-traditional" voices can potentially present significant challenges for the rights of women and sexual minorities if it prioritizes partnerships inimical to human rights. First, across all of CHRGJ's Stakeholder Workshops there were concerns about how the USG defines and identifies "moderate" individuals, groups, or nations and the ways in which this may create or replicate local hierarchies. For example, according to one women's rights advocate from Bangladesh at CHRGJ's Asia Stakeholder Workshop:

> The USG needs to stop identifying Bangladesh as a moderate Muslim nation. We are a majority Muslim country but not defined by being one kind of Muslim or another kind of Muslim... the best way to engage with societies where there are poorer communities is to engage with everyone; to give everyone a stake in the system. Otherwise, again it creates and brings up the question of definition of who is moderate...and allows people to occupy that space for their own purposes and to be interlocutors with the United States.[1244]

A human rights advocate from Malaysia similarly echoed that engagement with moderate Islam is "where the problem starts...it goes back to the definition of moderate."[1245] The concern is that USG support of "moderate Islam" may privilege groups that in their local contexts do not espouse progressive views on gender equality. In the words of one Palestinian LGBTI activist, "We have the same problems with 'moderate Islam' programs and empowering of religious figures. 'Moderate' does not equal tolerant to human rights and LGBT rights."[1246] According to an advocate from Indonesia, "The promotion of moderate Islam leads to marginalization of individuals that are different," such as LGBTI persons.[1247] In relation to Bangladesh, it was felt that prioritizing the promotion of "moderate Islam" and strategies that seek to work with religious leaders to empower women's rights (e.g., through arguing for women's rights under Sharia'a law) would be a "regressive move" and disrupt local strategies that instead rely on human rights and constitutional arguments to protect women's rights.[1248]

In this vein, in 2010, the Special Representative to Muslim Communities was specifically asked about the USG's engagement with religious actors, and how the USG would "plan on working with traditional gender values when promoting women's rights."[1249] The response of the Special Representative was:

> There are channels within the State department that work on women's rights issues. My office is not directly responsible for promoting human or women's rights...We often conduct specific meetings with young women and female activists to hear what's going on the ground and to be supportive by relaying their points of view to the US government.[1250]

However, according to the Stakeholder Workshops, the preferred response in such circumstances is not to institutionally and rhetorically separate engaging religious actors from women's rights—which relies on, and perpetuates a number of gender and religious stereotypes—but instead to promote a narrative that focuses on human rights, gender equality, justice, and the rule of law. In the words of a human rights advocate from Malaysia at CHRGJ's Stakeholder Workshop in Asia, "I have a problem with support of moderate Islam. I would rather speak about justice and equality."[1251]

Second, within the USG there is ongoing debate about the extent to which it should engage former or reformed extremists as "credible voices" in its strategic communication work.[1252] This debate is similar to that which has been exhaustively undertaken in the United Kingdom in the context of its strategies to prevent violent extremism. As briefly mentioned above, until June 2011, the U.K.'s *Prevent* strategy explicitly relied on partnerships with non-violent extremists to combat violent extremism.[1253] From a gender perspective, one of the critiques of this approach—now firmly rejected in the new *Prevent* strategy[1254]—was that "ethnic minority women may become more vulnerable because *Prevent* and cohesion policy puts more power and

authority into the hands of religious leaders and interfaith networks."[1255] In addition to concerns that the U.K. government was partnering with the wrong organizations, it was also argued that *Prevent* diverted funding from specialist women's organizations to mainstream organizations with ramifications for Black and Minority Ethnic (BME) women.[1256] These observations are particularly pertinent to the USG's approach given that Quintan Wiktorowicz has recently been appointed to the National Security Council as Senior Director for Global Engagement after a period at the U.S. Embassy in the United Kingdom, where he examined the U.K.'s *Prevent* strategy and is a known proponent for a "broad-tent" approach that incorporates non-violent extremists into strategies that seek to counter violent extremism.[1257]

Third, the USG should be mindful that its strategies to incorporate women as "credible voices," as audience, and in the content of messages do not unduly replicate gender stereotypes about women as victims or mothers that may inadvertently cripple their status as agents of change or fail to recognize that women are also capable of committing terrorist acts.[1258]

# RECOMMENDATIONS

- **The USG's strategic approach to countering violent extremism should focus on all forms of violent extremism; reject terminology such as "moderate Muslim" that seemingly equates strong observance of faith with terrorism; and not define engagement with Muslim communities in the United States and abroad solely through a security lens.**

- **The USG's approach to undercutting violent ideologies should be consistent with human rights protections pertaining to non-discrimination and freedom of religion, expression, and association while also recognizing the USG's obligation to combat terrorism in all its forms.**

- **The USG should vet all partners and messages in its strategic communication strategies to ensure that it does not sponsor messages or institutionalize power dynamics that exclude women and sexual minorities, undermine gender equality, or de-legitimize local advocacy efforts to use international human rights as a means to secure rights enjoyment.** This includes avoiding sole reliance on stereotypes of women as mothers and victims, as well as rejecting partnerships that are considered to be effective for terrorism but in practice would be inimical to the rights of women and sexual minorities.

- **To the extent that the USG seeks to engage with Muslim communities it should not see this as inherently separate from its activities on women's rights and should instead promote narratives and practices that reflect the importance of human rights, rule of law, and tolerance as key to undermining terrorism.**

# SECTION VIII: MOVING FORWARD: TOOLS FOR GENDER INCLUSION AND ASSESSMENT

## Gender Matters in Evaluating Counter-Terrorism Efforts

This Report demonstrates that U.S. counter-terrorism measures, like all interventions related to complex human phenomena, have gendered impacts. This is the case even when the measures are designed to be gender-neutral, when they explicitly target men alone, or when they appear so technical as to be removed from social dynamics like gender relations. For this reason, the use of gender-specific tools are needed to identify, understand, and take into account the gender features and outcomes of the USG's actions. Given the well-acknowledged limits of existing tools to measure the effectiveness of the USG's efforts from a counter-terrorism perspective, known and tested gender-specific tools can assist to measure the inputs, outputs, and outcomes of counter-terrorism measures from a gender perspective and often from a counter-terrorism one (e.g., where a program seeks to address the role of gender in the drivers of violent extremism). Both measurement efforts are essential because effective counter-terrorism measures should protect the whole population from terrorism, including particularly women and LGBTI individuals who are regularly its victims.

Such tools should be used at every stage of an intervention—from planning to implementation, monitoring, and evaluation—and can help elucidate the full range of gendered dimensions and impacts, by encouraging a focus on:

- How and when ideas about gender differences are built into counter-terrorism programming and whether such programming choices are based on sound judgments about the different needs of men and women, or about stereotyped views of the roles of men and women.
- How counter-terrorism measures may have both direct gendered effects and indirect gendered impacts.
- How gender and sexuality intersect with other forms of discrimination and marginalization such as race, ethnicity, religion, and class in the specific context in which counter-terrorism measures are being implemented.
- How the USG's counter-terrorism measures impact discrimination on the basis of gender, gender identity and sexual orientation in both the private and public spheres.
- The extent to which the USG's counter-terrorism measures alleviate or exacerbate the impacts of terrorism on communities, including women and sexual minorities.
- Whether and how counter-terrorism measures impact the relationships between men and women in a given setting.
- Whether stereotypes about gender or sexuality or sex-based discrimination are inadvertently reflected in the terminology, approach, or materials associated with a counter-terrorism measure or intervention.

## Use of Gender-Sensitive Tools to Evaluate Counter-Terrorism Efforts

The tools for undertaking these analyses are summarized briefly below, with some concrete suggestions as to how these can be applied in the context of measuring the outcomes of activities to counter violent extremism.

### Overview of Gender Tools: General

#### *Tools to Undertake Gender Analysis*

- **Gender analysis policies and frameworks.** Agencies that have recognized the importance of gender analysis to their work often create specific policies,[1259] frameworks,[1260] and technical assistance packages[1261] for such analyses.

- **Gender assessments.** Commonly used by development agencies, including USAID, such program assessments identify and analyze relevant gender issues, formulate appropriate gender-related goals, and recommend effective programming approaches related to gender in a given context.[1262]

- **Gender mainstreaming guidelines.** Guidelines for staff to use in ensuring that gender analysis is employed in all programming provide helpful terminology, present methods, and often provide case studies. This enables all actors to ensure that gender analysis is employed in all programming.[1263]

#### *Tools to Ensure Gender Inclusion*

- **Gender markers.** In 2009-2010, the international humanitarian assistance community launched a "gender marker," through which individual programs funded by the international community are given a code of 0-2 denoting how successful the program's design is at ensuring the advancement of gender equality.[1264] This simple code has been successfully piloted in 10 disasters and has led to measureable improvements by making programming more gender-sensitive.[1265]

- **Gender targets or set-asides.** Specifying a target number of women for inclusion in a sector, program or project—as beneficiaries, staff, or experts—can be an important motivator to ensure equal treatment and inclusion.[1266]

#### *Tools to Integrate Gender into Programming Processes*

- **Gender checklists.** Checklists specifying steps to be taken during the program cycle and questions to be asked during the course of an agency's regular business can be especially helpful as a simple way to ensure gender is addressed concretely.[1267]

- **On-call gender experts.** Agencies can ensure their operational and policy staff have access to gender expertise by hiring gender experts who ensure their work is promoting gender inclusion and equality.

- **Gender-sensitive indicators.** Where agencies use indicators to monitor their performance or that of partners, they should be selected or designed to demonstrate gendered outputs, and to measure the gendered impact of programs or interventions.[1268]

### *Tools to Monitor and Assess Gendered Impacts*

- **Sex-disaggregated data.**[1269] Government agencies use data to plan, implement, and evaluate their efforts and those of their partners. Gender analysis is greatly hampered when such data is not disaggregated by sex as a matter of course.

- **Gender audits.** Gender audits are designed to assess how successful an agency has been in its internal efforts to mainstream gender into its procedures and processes.[1270] Such audits can identify best practices as well as gaps, missed opportunities, and unmet needs for mainstreaming gender within an agency.

- **Gendered impact evaluations using state-of-the-art methods.** Demands for policy to be increasingly evidence-based have led to agency policies preferring experimental and quasi-experimental impact evaluation design.[1271]

## Gender Tools as Applied to Counter-Terrorism

In Section II, the Report sets out in detail how the USG should overcome the gendered challenge of measuring the outcomes of development activities to counter-terrorism. *See Box 4 (Measuring Counter-Terrorism Development Programming: The Gendered Challenge).* Many of those lessons can be extrapolated to other counter-terrorism measures, particularly those which are preventive in nature, and will not be repeated here. In addition to those observations, some ways in which the tools above can be readily carried into the counter-terrorism or countering violent extremism context, include:

- Using *gender targets or set-asides* to ensure that women partake in the USG's national security assistance programs (e.g., trainings of law enforcement).

- Developing *gender-sensitive indicators* both generally (for example, through the forthcoming National Action Plan for UNSCR 1325) and specifically (such as in project solicitations for organizations to implement counter-terrorism or CVE projects).

- Applying *gender audits* to determine what additional resources and tools an agency may need to integrate gender into its counter-terrorism work.

- Tasking *on-call gender-experts* to provide gender assessments and tools designed specifically for counter-terrorism programming.

- Undertaking *gendered impact evaluations using state-of-the-art methods*, such as evaluations that can test the causal connections between project interventions and their outcomes through random assignment to intervention and control groups, should be explored. If gender is integrated into these approaches, and if qualitative data is used to supplement quantitative evaluation strategies, impact evaluations can be powerful tools for demonstrating what is most effective from both a gender and counter-terrorism perspective.

In addition, data collected and analyzed in counter-terrorism and countering violent extremism contexts should, as a rule, be *disaggregated by sex* to identify problems in targeting beneficiaries; highlight differential impacts on men and women; enable analysis of changes in gender dynamics over time; and provide corrective information about gendered assumptions in some circumstances. These efforts are not without precedent. For example, pursuant to the U.K.'s revised *Prevent* strategy, the Office for Security and Counter-Terrorism in the Home Office will "put in place a Case Management Information System to monitor data," including the gender, race, religion/belief, and age, "of all individuals subject to Prevent interventions."[977]

While these tools above are essential, for many of the patterns uncovered in this Report, action to avoid gender discrimination and inequality is not always contingent on the use of highly-developed measurement and evaluation tools or completely new modes of analysis. Instead, observing some very core starting points—from do no harm to the importance of consulting with affecting communities to rejecting stereotypes—alongside the more detailed recommendations and tools contained in this Report, will go a long way toward ensuring that rights are recognized, remedied and furthered rather than at best, ignored, and at worst, violated. Accordingly, this Report calls for the USG to deploy all of the tools at its disposal to uncover, understand, and take into account the gender features and outcomes of its counterterrorism actions, and to end the silence that has shrouded women and sexual minorities to date.

# ENDNOTES

[1] Hillary Rodham Clinton, Sec'y of State, Remarks at the U.N. Commission on the Status of Women (Mar. 12, 2010), *available at* http://www.state.gov/secretary/rm/2010/03/138320.htm [hereinafter Status of Women Remarks].
[2] Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, *Rep. of the Special Rapporteur on the Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, transmitted by Note of the Secretary-General*, U.N. Doc. A/64/211 ¶ 23 (Aug. 3, 2009) [hereinafter *Rep. of the Special Rapporteur*].
[3] CHRGJ Stakeholder Workshop: United States, New York, N.Y. (Apr. 2010) [hereinafter U.S. Stakeholder Workshop].
[4] CHRGJ Stakeholder Workshop: Africa, Nairobi, Kenya (Aug. 2010) [hereinafter Africa Stakeholder Workshop].
[5] CHRGJ Stakeholder Workshop: Asia, Bangkok, Thai. (Sept. 2010) [hereinafter Asia Stakeholder Workshop].
[6] CHRGJ Stakeholder Workshop: Middle East and North Africa, Istanbul, Turkey (Oct. 2010) [hereinafter MENA Stakeholder Workshop].
[7] The exception is the *Rep. of the Special Rapporteur, supra* note 2.
[8] *See generally* KRISTA HUNT & KIM ROYGBI, (EN)GENDERING THE WAR ON TERROR: WAR STORIES AND CAMOUFLAGED POLITICS (2006).
[9] *See, e.g.*, TARA MCKELVEY, ONE OF THE GUYS, WOMEN AS AGGRESSORS AND TORTURERS (2007); Timothy Kaufman-Osborn, *Gender Trouble at Abu Ghraib?*, 1 POLITICS & GENDER 597 (2005); Carol D. Leonnig & Dana Priest, *Detainees Accuse Female Interrogators*, WASH. POST, Feb. 10, 2005, http://www.washingtonpost.com/wp-dyn/articles/A12431-2005Feb9.html.
[10] *See generally* WHITE HOUSE, THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA (2002), *available at* http://www.au.af.mil/au/awc/awcgate/nss/nss_sep2002.pdf; WHITE HOUSE, THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA (2006), *available at* http://www.comw.org/qdr/fulltext/nss2006.pdf; WHITE HOUSE, NATIONAL SECURITY STRATEGY (2010), *available at* http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf [hereinafter NSS 2010].
[11] NSS 2010, *supra* note 10, at 28–35 (outlining efforts to ensure "prosperity"), 35–40 (describing the role of "values" in USG national security activities); 40–50 (articulating USG activities to strengthen the "international order").
[12] *See generally* U.S. DEP'T OF STATE, LEADING THROUGH CIVILIAN POWER: THE FIRST QUADRENNIAL DIPLOMACY AND DEVELOPMENT REVIEW (2010), *available at* http://www.state.gov/documents/organization/153108.pdf [hereinafter QDDR].
[13] WHITE HOUSE, NATIONAL STRATEGY FOR COUNTERTERRORISM 2 (2011), *available at* http://www.whitehouse.gov/sites/default/files/counterterrorism_strategy.pdf [hereinafter NATIONAL STRATEGY FOR COUNTERTERRORISM].
[14] *See, e.g.*, S.C. Pres. Statement 2010/19, U.N. Doc. S/PRST/2010/19 2 (Sept. 27, 2010) [hereinafter 2010 Sec. Council Pres. Statement] (in which the Security Council "...*recognizes* that terrorism will not be defeated by military force, law enforcement measures, and intelligence operations alone, and *underlines* the need to address the conditions conducive to the spread of terrorism..." through conflict resolution, human rights, good governance, tolerance and inclusiveness); The United Nations Global Counter-Terrorism Strategy, G.A. Res 60/288, U.N. Doc. A/RES/60/288 (Sept. 20, 2006) [hereinafter U.N. Global Counter-Terrorism Strategy] (calling on Member States to adopt "measures to address the conditions conducive to the spread of terrorism" (e.g., through development and victim assistance programs) (at Section I) and "measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism." (Section IV) alongside other measures such as law enforcement and international cooperation (at Sections II–III)).
[15] *See, e.g.*, 2010 Sec. Council Pres. Statement, *supra* note 14, at 2; U.N. Global Counter-Terrorism Strategy, *supra* note 14, §§ IV ¶ 8, II ¶ 17, IV; U.N., EXECUTIVE OFFICE OF THE SECRETARY-GENERAL, SYMPOSIUM ON SUPPORTING VICTIMS OF TERRORISM (2009), *available at* http://www.coe.int/t/dlapil/codexter/3_CODEXTER/Working_Documents/UN_Report_on_Supporting_Victims_of_Terrorism.pdf.
[16] Interview with U.S. Gov't Official, U.S. Agency for Int'l Dev. in Wash. D.C. (Oct. 2010).
[17] *See, e.g.*, Karima Bennoune, *Terror/Torture*, 26 BERKELEY J. INT'L L. 1, 47–50 (2008); Gilles de Kerchove, Eur. Union Counter-Terrorism Coordinator, Statement on European Day on Remembrance of the Victims of Terrorism (Mar. 11, 2010), *available at* http://tvnewsroom.consilium.europa.eu/relfile/download/vocabulary_id/tags/term_id/1429/page/2/story_id/15129/media_id/32253/media_type/video/relfile_id/10336 ("We support organization dealing with victims, especially women because many women are unfortunately the direct victims of terrorism and insurgency."). *See also Rep. of the Special Rapporteur, supra* note 2, ¶ 36 (referencing the ways in which some governments barter the rights of LGBTI individuals as a means of appeasing opposition movements and indicating "religious legitimacy").
[18] NSS 2010, *supra* note 10, at 38 ("Supporting the Rights of Women and Girls: Women should have access to the same opportunities and be able to make the same choices as men. Experience shows that countries are more peaceful and prosperous when women are accorded full and equal rights and opportunity. When those rights and opportunities are denied, countries often lag behind. Furthermore, women and girls often disproportionally bear the burden of crises and conflict. Therefore the United States is working with regional and international organizations to prevent violence against women and girls, especially in conflict zones. We are supporting women's equal access to justice and their participation in the political process. We are promoting child and maternal health. We are combating human trafficking, especially in women and girls, through domestic and international law enforcement. And we are supporting education, employment, and micro-finance to empower women globally.").
[19] *See* QDDR, *supra* note 12, at 23.
[20] Press Release, U.N. Under-Secretary-General for Political Affairs, Political Affairs Head Says UN Efforts to Assist Elections in High Demand as Third Committee's Debate on Promotion of Human Rights Continues, U.N. Press Release GA/SHC/3959 (Oct. 26, 2009), http://www.un.org/News/Press/docs/2009/gashc3959.doc.htm (recording the USG's response to the *Rep. of the Special Rapporteur, supra* note 2).
[21] *See, e.g.*, *US Continues to Look the Other Way on 'War on Terror' Abuses*, AMNESTY INT'L (Jan. 20, 2010), http://www.amnesty.org/en/news-

and-updates/feature/us-continues-look-other-way-war-terror-abuses-20100120; *US: Act on Pledge to Close Guantanamo*, HUMAN RIGHTS WATCH (Jan. 10, 2011), http://www.hrw.org/en/news/2011/01/10/us-act-pledge-close-guantanamo.

[23] *Rep. of the Special Rapporteur*, *supra* note 2, ¶¶ 31, 44–45.

[24] *See generally* Bennoune, *supra* note 17; Gita Sahgal & Meredith Tax, Remarks at the Columbia University Human Rights Seminar: Terror, Torture and Women's Human Rights (Feb. 7, 2011) (on file with CHRGJ).

[25] *See, e.g.*, Richard Kerbaj, *Amnesty International is Damaged by Taliban Link*, TIMES (London), Feb. 7, 2010, *available at* http://www.timesonline.co.uk/tol/news/world/afghanistan/article7017810.ece (containing the original allegations of Gita Sahgal about Amnesty International's relationship with Begg); Guy Raz, Gita Sahgal & Widney Brown, *Is Amnesty International Supporting a Jihadist?*, NAT'L PUB. RAD., Feb. 27, 2010, *available at* http://www.npr.org/templates/story/story.php?storyId=124156482; MINDY SAWHNEY & RAVINDRAN DANIEL, AMNESTY INT'L, WORKING WITH OTHERS: AN INDEPENDENT REVIEW, (July 2010), *available at* http://www.amnesty.org/sites/impact.amnesty.org/files/Working_with_others.pdf (outlining the outcomes of the commissioned review of Sahgal's concerns); Diana Hortsch, *The Paradox of Partnership: Amnesty International, Responsible Advocacy, and NGO Accountability*, 42 COLUM. HUM. RTS. L. REV. 119 (2010).

[26] *See, e.g.*, Karima Bennoune, *Why I Spoke Out On Anwar al-Awlaki*, GUARDIAN (London), Nov. 19, 2010, http://www.guardian.co.uk/commentisfree/cifamerica/2010/nov/19/human-rights-usa.

[27] *See supra* notes 23–25 and accompanying text.

[28] Sahgal & Tax, *supra* note 23, at 31.

[29] Bennoune, *supra* note 17 at 40 ("The human rights community, as a matter of basic principles of human rights, must hear (and respond to) the voices of victims of terrorism, their survivors, and all those who live in fear of such violence—just as it hears and responds to the voices of victims of counter-terror, their survivors and all those who live in fear of that violence...A human rights analysis of terrorism centers the discussion on victims and human dignity, instead of only on national security."). *See also* D.D. Guttenplan & Maria Margaroni, *Who Speaks for Human Rights?*, NATION, Apr. 5, 2010, *available at* http://www.thenation.com/article/who-speaks-human-rights (recording statement of Amnesty International's Widney Brown that "Gita spoke to me several times over the last four years saying that our work on terrorism was not sufficiently focused on how it affects women. This is a very legitimate concern.").

[30] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 26 (noting this general practice in respect of States' counter-terrorism activities).

[31] Hillary Charlesworth et al., *Feminist Approaches to International Law*, 85 AM. J. INT'L L. 613, 627–28 (1991) (noting, for example, the use of only the masculine pronoun in the definition of torture, as a way to illustrate how the public/private dichotomy is pervasive in international law and succeeds in excluding women's voices); Rosa Ehrenreich Brooks, *Feminism and International Law: An Opportunity for Transformation*, 14 YALE J.L. & FEMINISM 345, 345–47 (2002).

[32] *See, e.g.*, Meredith Tax, *Women Have Rights Too*, GUARDIAN (London), Dec. 13, 2010, http://www.guardian.co.uk/commentisfree/cifamerica/2010/dec/13/international-criminal-court-moreno-ocampo?INTCMP=SRCH ("But the 'war on terror' has returned us, in many ways, to status quo ante: today, the normative human rights victim is once more a male prisoner, this time in Guantánamo; human rights offences by states are back at centre stage; and crimes against women and children are again being marginalized.").

[33] Sahgal & Tax, *supra* note 23, at 25–28. *See also* Karima Bennoune, *Remembering the Other's Others: Theorizing the Approach of International Law to Muslim Fundamentalism*, 41 COLUM. HUM. RTS. L. REV. 635, 659–660, 698 (2010).

[34] S.C. Res. 1325, U.N. Doc. S/RES/1325 (Oct. 31, 2000).

[35] S.C. Res. 1820, U.N. Doc. S/RES/1820 (June 19, 2008); S.C. Res. 1888, U.N. Doc. S/RES/1888 (Sept. 30, 2009); S.C. Res. 1889, U.N. Doc. S/RES/1889 (Oct. 5, 2009); S.C. Res. 1960, U.N. Doc. S/RES/1960 (Dec. 16, 2010).

[36] *See, e.g.*, U.N. INTERAGENCY TASK FORCE ON WOMEN, PEACE AND SEC., WOMEN, PEACE AND SECURITY: A STUDY SUBMITTED BY THE SECRETARY-GENERAL PURSUANT TO S.C. RES. 1325 (2000), U.N. Sales No.E.03.IV.1 (2002), *available at* http://www.un.org/womenwatch/daw/public/eWPS.pdf [hereinafter WOMEN, PEACE AND SECURITY STUDY].

[37] *See Rep. of the Special Rapporteur*, *supra* note 2.

[38] *See supra* note 20.

[39] *See Rep. of the Special Rapporteur*, *supra* note 2, ¶ 20.

[40] *Id.* ¶¶ 20-22.

[41] In November 2009, USAID announced a new policy and procedure to strengthen gender integration in USAID Planning and Programming, and subsequently issued revised Automated Directives System (ADS) Chapters 201, 203, 302, and 303 to that end. *See* U.S. AGENCY FOR INT'L DEV., ADS 201.3.9.3, GENDER ANALYSIS (2011), *available at* http://www.usaid.gov/policy/ads/200/201.pdf; U.S. AGENCY FOR INT'L DEV., ADS 201.3.11.6, PROJECT/ACTIVITY PLANNING STEP 2: CONDUCT PROJECT-LEVEL ANALYSES AS NEEDED (2011), *available at* http://www.usaid.gov/policy/ads/200/201.pdf (making gender analysis mandatory for the development of strategic plans and assistance objectives and project-level analyses effective 03/17/2011); U.S. AGENCY FOR INT'L DEV., ADS 203.3.4.3, REFLECTING GENDER ISSUES IN PERFORMANCE INDICATORS (2009), *available at* http://www.usaid.gov/policy/ads/200/203.pdf (requiring gender issues be reflected in performance indicators effective 11/05/2009); U.S. AGENCY FOR INT'L DEV., ADS 302.3.5.15, INCORPORATING GENDER ISSUES INTO SOLICITATIONS (2009), *available at* http://www.usaid.gov/policy/ads/300/302.pdf (requiring gender issues be incorporated in solicitations effective 11/05/2009); U.S. AGENCY FOR INT'L DEV., ADS 303.3.6.3, EVALUATION CRITERIA (2009), *available at* http://www.usaid.gov/policy/ads/300/303.pdf (requiring gender to be incorporated into the evaluation criteria to be used when determining grants and cooperative agreements to NGOs effective 11/05/2009); GLOSSARY OF ADS TERMS, U.S. AGENCY FOR INT'L DEV. 112 (2010) http://www.usaid.gov/policy/ads/glossary.pdf (defining gender). A practical guide to gender integration is found in U.S. AGENCY FOR INT'L DEV., GUIDE TO GENDER INTEGRATION AND ANALYSIS: ADDITIONAL HELP FOR ADS CHAPTERS 201 AND 203 4 (2010), *available at* http://www.usaid.gov/policy/ads/200/201sab.pdf. *See generally The ADS and Gender*, U.S. AGENCY FOR INT'L DEV. http://www.usaid.gov/our_work/cross-cutting_programs/wid/gender/ads_gender.html (last visited June 16, 2011).

[41] N. Atl. Treaty Org., Bi-SC Directive 40-1, Integrating UNSCR 1325 and Gender Perspectives in the NATO Command Structure Including Measures for Protection During Armed Conflict A-1 (2009), *available at* http://www.nato.int/nato_static/assets/pdf/pdf_2009_09/20090924_Bi-SC_DIRECTIVE_40-1.pdf [hereinafter NATO Bi-SC Directive 40-1] (defining gender in Annex A to refer to "the social differences and social relations between women and men. The term gender therefore goes beyond merely the sex of the individual, to include the way relationships are socially constructed. A person's gender is learned through socialisation and is heavily influenced by the culture of the society concerned. The gender of a person may result in different roles, responsibilities, opportunities, needs and constraints for women, men, girls and boys.").

[42] *See Rep. of the Special Rapporteur, supra* note 2, ¶ 27.

[43] *See generally* NSS 2010, *supra* note 10, at 14–16; *see also* National Strategy for Counterterrorism, *supra* note 13, at 2.

[44] *The State Department's Counterterrorism Office: Budget, Reorganization, Policies, Hearing Before the Subcomm. on Terrorism, Nonproliferation, and Trade of the H. Comm. on Foreign Affairs*, 112th Cong. 7 (2011) (statement of Daniel Benjamin, Coordinator for Counterterrorism, U.S. Dep't of State), *available at* http://www.internationalrelations.house.gov/112/65798.pdf [hereinafter *DoS Counterterrorism Office: Budget, Reorganization, Policies*].

[45] *Id.*

[46] In terms of relevant treaties that bind the United States, the principle of non-discrimination on the basis of "sex" is contained in the International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), Art. 2(1), 26, U.N. Doc. A/6316 21 U.N. GAOR Supp. (No. 16), U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1967 [hereinafter ICCPR] (*see generally* H.R. Comm., *General Comment No. 18: Non-Discrimination*, 37th Sess., U.N. Doc. HRI\GEN\1\Rev.1 (Nov. 10, 1989) *and* H.R. Comm., *General Comment No. 28: Equality of Rights Between Men and Women*, Article 3, ¶¶ 5, 8, 17, 24 U.N. Doc. CCPR/C/21/Rev.1/Add.10 (Mar. 29, 2000) [hereinafter H.R. Comm., *General Comment No. 28*] (stating that "[i]nequality in the enjoyment of rights by women throughout the world is deeply embedded in tradition, history and culture, including religious attitudes," and referencing "gender-based violence," "gender-specific violations," and "the existence of social attitudes which tend to marginalize women")) and the U.N. Committee on the Elimination of Racial Discrimination (the monitoring body for the International Convention on the Elimination of All Forms of Racial Discrimination, G.A. Res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14), U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, *entered into force* Jan. 4, 1969 [hereinafter ICERD]) also addresses the gender related dimensions of racial discrimination (*see* Comm. on the Elimination of Racial Discrimination, *General Recommendation No. 25: Gender related dimensions of racial discrimination*, 56th Sess., (Mar. 20, 2000) *available at* http://www.unhchr.ch/tbs/doc.nsf/0/76a293e49a88bd2380256 8bd00538d83?Opendocument). Although not binding on the United States, discrimination is also proscribed on the basis of sex in the International Covenant on Economic, Social and Cultural Rights G.A. Res. 2200A (XXI), Art. 2(2), U.N. Doc. A/6316 (1966), *entered into force* Jan. 3, 1976 [hereinafter ICESCR]) and the Convention on the Elimination of all Forms of Discrimination Against Women, G.A. Res. 34/180, A/t.2, 34 U.N. GAOR Supp. (No. 46), U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981 [hereinafter CEDAW]. To the extent that the latter treaty, "is part of a comprehensive international human rights legal framework directed at ensuring the enjoyment by all of all human rights and at eliminating all forms of discrimination against women on the basis of sex and gender" (Comm. on the Elimination of Discrimination against Women (CEDAW), *General Recommendation No. 28: The Core Obligations of States Parties Under Article 2 of the Convention on the Eliminations of All Forms of Discrimination against Women*, 47th Sess., ¶3, U.N. Doc. CEDAW/C/GC/28 (Dec. 16, 2010) [hereinafter CEDAW, *General Rec. No. 28*]), it can provide helpful guidance for non-ratifying States such as the United States to realize the non-discrimination and equality required in other binding treaties and to ensure that as signatory to CEDAW, the United States complies with the obligation to not defeat CEDAW's object and purpose (*see* Vienna Convention on the Law of Treaties art. 18, May 23, 1969, 1155 U.N.T.S. 331). Similarly, interpretations of common terms in the ICCPR and ICESCR (such as "sex" and "other status") can be usefully drawn upon in realizing the obligation to ensure non-discrimination and equality. In this respect, the term "sex" has been explicitly defined to cover sexual orientation (*see, e.g.*, Toonen v. Australia, H.R. Comm. Communication No. 488/1992, ¶8.7, U.N. Doc CCPR/C/50/D/488/1992 (1994) ("The Committee confines itself to noting, however, that in its view the reference to 'sex' in articles 2, paragraph 1, and 26 is to be taken as including sexual orientation.") and gender-based discrimination where gender is understood to be a social construct (*see, e.g.*, Comm. on Economic, Social and Cultural Rights, *General Comment No. 20: Non-discrimination in economic, social and cultural rights* Art. 2, ¶ 2, ¶ 20, U.N. Doc. E/C.12/GC/20 (Jul. 2, 2009) [hereinafter ESCR, *General Comment No. 20*]; CEDAW, *General Rec. No. 28*, ¶ 5). The term "other status" (also a proscribed ground for discrimination in Articles 2(1) and 26 of the ICCPR, *supra* above) has been defined to include sexual orientation and gender identity: *see, e.g.*, ESCR, *General Comment No. 20*, ¶ 32. *See generally* International Commission of Jurists, Sexual Orientation and Gender Identity in Human Rights Law: References to Jurisprudence and Doctrine of the United Nations Human Rights System (3d ed. 2007), *available at* http://www.icj.org/IMG/UN_References.pdf; Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (2007), *available at* http://www.yogyakartaprinciples.org/principles_en.pdf.

[47] The obligation to ensure equality is referenced in Article 3 of the ICCPR (*supra* note 46) and binds the United States. *See* H.R. Comm., *General Comment No. 28, supra* note 46 ¶¶ 2, 3. It is also referenced in non-binding instruments such as the ICESCR (art. 3) (where the pertinent clause, "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of…" is identical to that contained in the ICCPR) and CEDAW (art. 3). *See also* Comm. on Economic, Social and Cultural Rights, *General Comment No. 16: The equal right of men and women to the enjoyment of all economic, social and cultural rights*, 34th Sess., U.N. Doc. E/C.12/2005/4 (Aug. 11, 2005); Comm. on the Elimination of Discrimination against Women (CEDAW), *General Recommendation No. 25: Temporary Special Measures*, Article 4(1), 30th Sess., 2004 [hereinafter CEDAW, *General Rec. No. 25*].

[48] *See* H.R. Comm., *General Comment No. 28, supra* note 46, ¶5. CEDAW contains the additional explicit requirement for States Parties to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped

roles for men and women." *see* CEDAW, *supra* note 46, art. 5(a); CEDAW, *General Rec. No. 25*, ¶7.

[59] In relation to the concept of "intersectionality" and proscribed grounds of discrimination, *see* H. R. Comm., *General Comment No. 28*, *supra* note 46, ¶30; *and* Comm. on the Elimination of Racial Discrimination, *General Comment No. 32: The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination*, 75th Sess., ¶7, U.N. Doc. CERD/C/GC/32 (Sept. 24, 2009), *and* CEDAW, *General Rec. No. 25*, *supra* note 46, ¶18.

[60] *See* ICCPR, *supra* note 46, at art. 25(a); *see also* H. R. Comm., *General Comment No. 28*, *supra* note 46, ¶ 29 ("The right to participate in the conduct of public affairs is not fully implemented everywhere on an equal basis"); H. R. Comm., *General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, 57th Sess., U.N. Doc. A/51/40 vol. I (July 12, 1996). *See* ICERD, *supra* note 46, art. 5(c). *See also* CEDAW, *supra* note 46, art. 7; Comm. on the Elimination of Discrimination against Women, *General Recommendation No. 23: Political and Public Life*, 16th Sess., U.N. Doc. A/52/38 (1997). On the scope and nature of participation required: *see, e.g., Rep. of Special Rapporteur*, *supra* note 2, ¶34; *Thematic Study on Participation of Persons with Disabilities in Political and Public Life*, Office of the U.N. High Comm'r for Human Rts., http://www.ohchr.org/EN/Issues/Disability/Pages/ParticipationPoliticalAndPublicLife.aspx (last visited July 12, 2011); World Conference on Human Rights, June 12-25, 1993, *Vienna Declaration and Programme of Action*, ¶18, U.N. Doc. A/CONF.157/23. (July 12, 1993).

[61] *See, e.g.*, H.R. Comm., *General Comment No. 31: Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, 80th Sess., ¶ 4, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (May 26, 2004).

[62] *See, e.g., id.* ¶¶ 4, 8, 31. *See generally* Special Rapporteur on Violence Against Women, its Causes and Consequences, *The Due Diligence Standard as a Tool for the Elimination of Violence Against Women*, Comm'n H.R., U.N. Doc. E/CN.4/2006/61 (Jan. 20, 2006); CEDAW, *General Rec. No. 28*, *supra* note 46, ¶13.

[63] Office of the U.N. High Comm'r for Human Rts., Fact Sheet No. 32: Human Rights, Terrorism and Counter-Terrorism, No. 32, July 2008, *available at* www.ohchr.org/Documents/Publications/Factsheet32EN.pdf.

[64] See *supra* note 20. These debates also continued at the U.N. Commission on the Status of Women, 55th Session, Feb. 22-Mar.4, Mar. 14, 2011, New York, N.Y. *See Commission on the Status of Women*, U.N. Women, http://www.un.org/womenwatch/daw/csw/55sess.htm (last visited July 11, 2011).

[65] Glossary of ADS Terms, *supra* note 40, at 112. *See also* NATO Bi-SC Directive 40-1, *supra* note 41, at A-1.

[66] *OSAGI Gender Mainstreaming – Concepts and Definitions*, U.N. Women, http://www.un.org/womenwatch/osagi/conceptsandefinitions.htm (last visited Jul. 11, 2011).

[67] Glossary of ADS Terms, *supra* note 40 at 244.

[68] *Key Terms in Gender and Development*, U.S. Agency for Int'l Dev., http://www.usaid.gov/our_work/cross-cutting_programs/wid/gender/gender_analysis_terms.html (last updated June 22, 2011).

[69] U.S. Agency for Int'l Dev., ADS 201.3.9.3, Gender Analysis, *supra* note 40.

[70] *OSAGI Gender Mainstreaming – Concepts and Definitions*, *supra* note 56. *See also* Glossary of ADS Terms, *supra* note 40, at 112 (defining gender equality in the development context to also reference "when men and women have equal rights, freedoms, conditions, and opportunities for realizing their full potential and for contributing to and benefiting from economic, social, cultural, and political development.").

[71] NATO Bi-SC Directive 40-1, *supra* note 41 at A-1.

[72] *Key Terms in Gender and Development*, *supra* note 58.

[73] *See supra* notes 33 and 34; *see generally* U.N. Secretary-General, *Women and Peace and Security: Rep. of the Secretary-General*, U.N. Doc. S/2010/173 (Apr. 6, 2010), *available at* http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/173.

[74] U.N. Dep't of Peacekeeping Operations, Ten-year Impact Study on Implementation of UN Security Council Resolution 1325 (2000) on Women, Peace and Security in Peacekeeping 24–27, 42 (2010), *available at* http://www.un.org/en/peacekeeping/documents/10year_impact_study_1325.pdf.

[75] *See* Hillary Rodham Clinton, Sec'y of State, Remarks at the 10th Anniversary of UN Security Council Resolution 1325 on Women, Peace and Security (Oct. 26, 2010), *available at* http://www.state.gov/secretary/rm/2010/10/150010.htm [hereinafter Resolution 1325 Remarks]; Official Statement, U.S. Dep't of State, U.N. Security Council Resolution 1325 on Empowering Women (October 26) (Oct. 26, 2010), *available at* http://georgia.usembassy.gov/latest-news/official-statements-2010/u.n.-security-council-resolution-1325-on-empowering-women-october-26.

[76] *See, e.g.*, Resolution 1325 Remarks, *supra* note 65; Melanne Verveer, Ambassador-at-Large for Global Women's Issues, Women, Peace and Security (Apr. 7, 2011), *available at* http://www.state.gov/s/gwi/rls/rem/2011/161196.htm.

[77] Status of Women Remarks, *supra* note 1.

[78] Press Release, White House, Fact Sheet: "A Moment of Opportunity" in the Middle East and North Africa (May 19, 2011), *available at* http://m.whitehouse.gov/the-press-office/2011/05/19/fact-sheet-moment-opportunity-middle-east-and-north-africa.

[79] *See, e.g.*, Resolution 1325 Remarks, *supra* note 65; Verveer, *supra* note 66. *See also* QDDR, *supra* note 12, at 23.

[80] Juan Lozano, *Clinton Champions Women's Rights Worldwide*, Houston Chron., Mar. 27, 2009, http://www.chron.com/disp/story.mpl/metropolitan/6347110.html.

[81] Hillary Rodham Clinton, Sec'y of State, Remarks at the Women in the World Stories and Solutions Summit (Mar. 11, 2011), *available at* http://www.state.gov/secretary/rm/2011/03/158220.htm. Ambassador Verveer has also articulated the link in similar terms. *See International Violence Against Women: Stories and Solutions, Hearing Before the Subcomm. on Int'l Orgs., Human Rights, and Oversight of the H. Comm. on Foreign Affairs*, 111th Cong. 1 (Oct. 21, 2009) (statement by Melanne Verveer, Ambassador-at-Large, Office of Global Women's Issues),

*available at* http://foreignaffairs.house.gov/111/ver102109.pdf ("Around the world, the places that are the most dangerous for women also pose the greatest threats in international peace and security. The correlation is clear: where women are oppressed, governance is weak and terrorists are more likely to take hold.").

[72] Rahim Kanani, *An In-depth Interview with Melanee Verveer, U.S. Ambassador-at-Large for Global Women's Issues*, World Aff. Comment., Mar. 8, 2011, http://www.rahimkanani.com/2011/03/08/an-in-depth-interview-with-melanee-verveer-u-s-ambassador-at-large-for-global-womens-issues/.

[73] Mark Landler, *A New Gender Agenda: Interview with Hillary Clinton*, N.Y. Times Mag., Aug. 18, 2009, http://www.nytimes.com/2009/08/23/magazine/23clinton-t.html?hpw=&pagewanted=all.

[74] *Hearing on Nominations Before the S. Comm on Foreign Relations*, 111th Cong. 2 (2009) (statement of Melanne Verveer, Ambassador-at-Large-Designate for Global Women's Issues), *available at* http://foreign.senate.gov/imo/media/doc/VerveerTestimony090324p.pdf.

[75] *See, e.g.*, Verveer, *supra* note 66 ("Investing in women's protection and participation in all areas of society – in ensuring that violence against women is prosecuted – is not just the right thing to do, but the smart thing to do."); Resolution 1325 Remarks, *supra* note 65 ("Including women in the work of peace advances our national security interests, promotes political stability, economic growth, and respect for human rights and fundamental freedoms.").

[76] Status of Women Remarks, *supra* note 1 ("We are consulting with women as we design and implement our policies. We are taking into greater account how those policies will impact women and girls. And we are working to identify women leaders and potential leaders around the world to make them our partners and to help support their work.").

[77] *See, e.g.*, Landler, *supra* note 73 (according to Secretary Clinton, "When we did our strategic review on Afghanistan, we said very clearly, we can't be all things to all people in Afghanistan. We have to focus on a few critical concerns. But one of them was the role of women, and women's participation in society."); Hillary Clinton, Sec'y of State, Remarks with Afghan Women Ministers Before Their Meeting (May 13, 2010), *available at* http://www.state.gov/secretary/rm/2010/05/141806.htm ("[I]t is essential that women's rights and women's opportunities are not sacrificed or trampled on in the reconciliation process"); *Afghan Women and Girls: Building the Future of Afghanistan, Hearing Before the Subcomm. on Int'l Operations and Orgs, Human Rights, Democracy and Global Women's Issues of the S. Comm. on Foreign Relations*, 111th Cong. 13 (2010) (statement of Melanne Verveer, Ambassador-at-Large for Global Women's Issues), *available at* http://foreign.senate.gov/imo/media/doc/VerveerTestimony100223p.pdf [hereinafter *Afghan Women and Girls*] ("Women's inclusion is critical for negotiations on lasting peace worldwide, but perhaps nowhere is this more critical than in Afghanistan. Their voices must be heard.").

[78] Hillary Clinton, Sec'y of State, Remarks with Dutch Foreign Minister Uri Rosenthal After Their Meeting (Apr. 21, 2011), *available at* http://www.state.gov/secretary/rm/2011/04/161420.htm.

[79] Resolution 1325 Remarks, *supra* note 65.

[80] QDDR, *supra* note 12, at 23. *See also* Resolution 1325 Remarks, *supra* note 65 ("Now, in defense, diplomacy, and development, which we consider the three pillars of our foreign policy, we are putting women front and center, not merely as beneficiaries of our efforts but as agents of peace, reconciliation, economic growth, and stability.").

[81] Interview with Office of the Coordinator for Counterterrorism (S/CT), U.S. Dep't of State, in Wash. D.C. (Apr. 2011).

[82] *Id.*

[83] *Id.*

[84] *Id.*

[85] *Id.*

[86] Interview with Bureau of Political-Military Affairs, U.S. Dep't of State, in Wash., D.C. (Apr. 2011); Interview with Office of the Coordinator for Counterterrorism (S/CT), U.S. Dep't of State, *supra* note 81.

[87] Interview with Office of the Special Coordinator for Rule of Law and Int'l Humanitarian Policy (RHP), U.S. Dep't of Def., in Wash., D.C. (Apr. 2011).

[88] Interview with Office of the Coordinator for Counterterrorism (S/CT), U.S. Dep't of State, *supra* note 81; Interview with Int'l Law Enforcement Acads. (ILEA), in Bangkok, Thai. (Sept. 2010) [hereinafter Interview with ILEA].

[89] Interview with ILEA, *supra* note 88.

[90] Interview with Bureau of Political-Military Affairs, U.S. Dep't of State, *supra* note 86; Interview with ILEA, *supra* note 88.

[91] Interview with Office of the Special Rep. to Muslim Communities, U.S. Dep't of State, in Wash., D.C. (Apr. 2011).

[92] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 34.

[93] Clinton Global Initiative, *Melanne Verveer: Investing in Women, Fighting Extremism* (Mar. 5, 2010), http://vimeo.com/9949885.

[94] *See, e.g.*, Interview with Ctr. for Strategic Counterterrorism Commc'ns, U.S. Dep't of State, in Wash., D.C. (Apr. 2011) [hereinafter Interview with CSCC]; Interview with Office of Transition Initiatives, U.S. Agency for Int'l Dev., in Wash. D.C. (Apr. 2011).

[95] Anne Witkowsky, U.S. Deputy Coordinator for Homeland Sec. and Multilateral Affairs, U.S. Dep't of State, Preventing Terrorism: Strategies and Policies To Prevent and Combat Transnational Threats, Remarks at the Org. for Sec. and Cooperation in Eur. (OSCE) Expert Conference (Oct. 14, 2010), *available at* http://www.state.gov/s/ct/rls/rm/2010/150068.htm.

[96] Interview with Office of the Special Rep. to Muslim Communities, U.S. Dep't of State, *supra* note 91.

[97] Interview with Office of the Coordinator for Counterterrorism (S/CT), U.S. Dep't of State, *supra* note 81.

[98] Witkowsky, *supra* note 95.

[99] Interview with Office of Afg. & Pak. Affairs (OAPA) Techn'l Support Div., U.S. Agency for Int'l Dev., in Wash., D.C. (Apr. 2011); Interview with Office of Transition Initiatives, U.S. Agency for Int'l Dev., *supra* note 94.

[100] *Afghan Women and Girls*, *supra* note 77.
[101] Melanne Verveer, *Secretary's International Fund for Women and Girls: Letter from Ambassador Verveer*, U.S. DEP'T OF STATE, http://www.state.gov/s/gwi/womensfund/mv/index.htm (last visited June 17, 2011). *See also Secretary's International Fund for Women and Girls*, U.S. DEP'T OF STATE, http://www.state.gov/s/gwi/womensfund/index.htm (last visited June 8, 2011).
[102] U.N. Global Counter-Terrorism Strategy, *supra* note 14, § IV.
[103] 2010 Sec. Council Pres. Statement, *supra* note 14, at 2 ( "...*underscores* that effective counter-terrorism measures and respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing, and are an essential part of a successful counter-terrorism effort, and *notes* the importance of respect for the rule of law so as to effectively combat terrorism.").
[104] *See supra* notes 15 and 17and accompanying text.
[105] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 32.
[106] *See, e.g.*, INT'L COMM'N OF JURISTS, EMINENT JURISTS PANEL ON TERRORISM, COUNTER-TERRORISM AND HUMAN RIGHTS, ASSESSING DAMAGE, URGING ACTION 49–66 (2009), *available at* http://ejp.icj.org/IMG/EJP-Report.pdf (discussing the USG's invocation of the war paradigm in connection with the "War on Terror" and the adverse human rights consequences that flow from this paradigm).
[107] *See, e.g.*, MENA Stakeholder Workshop, *supra* note 6.
[108] *See, e.g.*, *Asia Stakeholder Workshop*, *supra* note 5; MENA Stakeholder Workshop, *supra* note 6. *See also* ANTONIA POTTER & JAIME PETERS, INT'L WOMEN LEADERS GLOBAL SECURITY SUMMIT (IWLGSS) REPORT 5 (2008), *available at* http://www.realizingrights.org/pdf/International_Women_Leaders_Global_Security_Summit_Report.pdf [hereinafter IWLGSS REPORT] ("The response of many states to the threat of terrorism has served to engage as well as polarize both their domestic constituencies and the broader international community. Military responses and what can be interpreted as a disregard for international law and human rights can feed into radical narratives about societies, such as Iraq, under attack by the West and by their own governments.").
[109] *See infra* Section II Gender and Militarized Counter-Terrorism; *see infra* Box 6.
[110] Designation of al-Shabaab as a Foreign Terrorist Organization, 74 Fed. Reg. 53,14550 (Mar. 18, 2008), *available at* http://www.state.gov/s/ct/rls/other/des/102446.htm.
[111] Sahra Abdi, *Somali Women Say Islamists Becoming More Draconian*, REUTERS, Jan. 15, 2011, *available at* http://in.reuters.com/article/2011/01/15/idINIndia-54179120110115. There have been earlier efforts to impose veiling on women: *see* Shafii Mohyaddin Abokar, *Al-Shabaab Orders Women to Wear Veils in Somalia*, NEWSTIME AFR., Dec. 10 2009, http://www.newstimeafrica.com/archives/9511.
[112] Abdi, *supra* note 111.
[113] AMNESTY INT'L, SOMALIA – AMNESTY INTERNATIONAL REPORT 2010 (2010), *available at* http://www.amnesty.org/en/region/somalia/report-2010 ("On 2 November, al-Shabab reportedly closed three women's organizations in Beled Hawo in Gedo region, claiming that Islam does not allow women to work.").
[114] Hugh Macleod & Annasofie Flamand, *Fleeing Somali Women Recount Tales of Terror*, BBC NEWS, Oct. 7, 2010, *available at* http://www.bbc.co.uk/news/world-africa-11437595.
[115] Zoe Alsop, *Somalis Recall Islamic Rule as Brief Visit of Peace*, WOMEN'S ENEWS, Feb. 24, 2008, http://www.womensenews.org/story/080224/somalis-recall-islamic-rule-brief-visit-peace.
[116] *See infra* Box 6.
[117] MENA Stakeholder Workshop, *supra* note 6.
[118] *See* Landler, *supra* note 73.
[119] Asia Stakeholder Workshop, *supra* note 5.
[120] *Id.*
[121] MENA Stakeholder Workshop, *supra* note 6.
[122] *See Rep. of the Special Rapporteur*, *supra* note 2, ¶ 23 (discussing this pattern generally).
[123] *See infra* notes 1132–1155 and accompanying text.
[124] Bennoune, *supra* note 17, at 39–50.
[125] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 36.
[126] *See, e.g.*, Declan Walsh, *Pakistan Bows to Demand for Sharia Law in Taliban-controlled Swat Valley*, GUARDIAN (London), Apr. 14, 2009, http://www.guardian.co.uk/world/2009/apr/14/sharia-law-in-pakistans-swat-valley; Zofeen Ebrahim, *Peace Deal with Taliban Setback for Women*, IPS NEWS AGENCY (Karachi), Feb. 23, 2009, http://ipsnews.net/news.asp?idnews=45851.
[127] Bill Roggio, *Analysis: Pakistan Peace Agreement Cedes Ground to the Taliban*, THE LONG WAR J., Feb. 18, 2009, http://www.longwarjournal.org/archives/2009/02/analysis_pakistan_pe.php; Zahid Hussain, *Pakistan Peace Deal Gives New Clout to Taliban Rebels*, WALL ST. J., Apr. 14, 2009, http://online.wsj.com/article/SB123963706622913745.html; Khalid Qayum, *Taliban Pledge Peace as Pakistan Approves Islamic Law*, BLOOMBERG, Apr. 14, 2009, http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aHPK0NVAcQug&refer=india.
[128] Dean Nelson et al., *U.S. Privately Backs Pakistan's 'Sharia law for Peace' Deal with Taliban*, TELEGRAPH (London), Feb. 17, 2009, http://www.telegraph.co.uk/news/worldnews/asia/pakistan/4681480/US-privately-backs-Pakistans-Sharia-law-for-peace-deal-with-Taliban.html.
[129] Amnesty Int'l, *'As If Hell Fell on Me': The Human Rights Crisis in Northwest Pakistan*, AI Index ASA 33/004/2010 9, 11, 41–42 (June 2010), *available at* http://www.amnesty.org/en/library/asset/ASA33/004/2010/en/1ea0b9e0-c79d-4f0f-a43d-98f7739ea92e/asa330042010en.pdf [hereinafter *As If Hell Fell on Me*].
[130] *See infra* Box 5.
[131] Bill Steiden, *Crisis Spotlights Vulnerability*, ATLANTA J. CONST., Feb. 6, 2011, at A17 ("Policy experts have long warned that a major weakness in U.S. efforts to maintain stability and fight terrorism in the Middle East and North Africa is its reliance on undemocratic regimes headed by

strong-man leaders."); *see also* Thomas Eddlem, *The Toll of U.S. Foreign Aid*, NEW AM., Feb. 23, 2011, *available at* http://www.thenewamerican.com/index.php/usnews/foreign-policy/6423-the-toll-of-us-foreign-aid.

[132] *See, e.g.*, Aida Akl, *Will Women Benefit from Middle East Revolution?* VOANEWS.COM, Mar. 9, 2011, http://www.voanews.com/english/news/middle-east/Will-Women-Benefit-from-Middle-East-Revolution-117148148.html (noting the ways in which prior authoritarian regimes e.g., in Egypt narrowed the space for women's rights advocacy).

[133] *See, e.g., id.*; Houssain Alizadeh, *100 Years of International Women's Day – Will the "New Middle East" be a Welcoming Place for Gays and Lesbians?*, TRUSTLAW, Mar. 6, 2011, http://www.trust.org/trustlaw/blogs/100-years-of-international-womens-day/will-the-new-middle-east-be-a-welcoming-place-for-gays-and-lesbians/.

[134] *See, e.g.*, Tom Gjelten, *In Egyptian Uprising, A Tale of Two Risks for U.S.*, NAT'L PUB. RAD., Feb.9, 2011, http://www.npr.org/2011/02/09/133605183/in-egypt-uprising-a-tale-of-two-risks-for-u-s (noting the risks that the movement in Egypt could result in a "new government unsupportive of U.S. priorities"); Thomas Fuller, *Next Question for Tunisia: The Role of Islam in Politics*, N.Y. TIMES, Feb. 20, 2011, at A1, *available at* http://www.nytimes.com/2011/02/21/world/africa/21tunisia.html ("Women's groups say they are concerned that in the cacophonous aftermath of the revolution, conservative forces could tug the country away from its strict tradition of secularism.")

[135] NATIONAL STRATEGY FOR COUNTERTERRORISM, *supra* note 13, at 6-7.

[136] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 36.

[137] *See infra* notes 610-613; 670-692; 742-756.

[138] MENA Stakeholder Workshop, *supra* note 6.

[139] *See, e.g.*, Jasbir Puar, *Israel's Gay Propaganda War*, GUARDIAN (London), Jul. 1, 2010, http://www.guardian.co.uk/commentisfree/2010/jul/01/israels-gay-propaganda-war.

[140] *See also Rep. of the Special Rapporteur*, *supra* note 2, ¶ 32 ("While Governments are required to ensure the right to gender equality and non-discrimination as ends in themselves, a gender perspective is also integral to combating conditions conducive to the spread of terrorism.").

[141] On Afghanistan, *see* Aryn Baker, *Afghan Women and the Return of the Taliban*, TIME, Jul. 29, 2010, http://www.time.com/time/world/article/0,8599,2007238-2,00.html; with respect to Iraq *see* MENA Stakeholder Workshop, *supra* note 6.

[142] IWLCSS REPORT, *supra* note 108, at 5 (emphasis in original).

[143] Thomas Joscelyn & Bill Roggio, *Mullah Omar Orders Taliban to Attack Civilians, Afghan Women*, THE LONG WAR J., July 28, 2010, http://www.longwarjournal.org/archives/2010/07/mullah_omar_orders_t.php.

[144] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 34-35.

[145] *See generally* Katherine Brown, Gender and Counter-Terrorism: UK Prevent and De-Radicalisation Strategies 3–12 (Aug. 31 2010) (unpublished manuscript), *available at* http://www.britishpoliticsgroup.org/BPG%202010-Brown.pdf (describing the stereotypes about Muslim women that inform the U.K.'s counter-terrorism strategy).

[146] *See, e.g.*, Haroon Siddique, *Muslim Women: Beyond the Stereotype*, GUARDIAN (London), Apr. 29, 2011, *available at* http://www.guardian.co.uk/lifeandstyle/2011/apr/29/muslim-women-fighting-islamic-extremism/ (recording the various stereotypes faced by Muslim women seeking to be part of the effort to combat extremism).

[147] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 34.

[148] Africa Stakeholder Workshop, *supra* note 4.

[149] *See, e.g., Rep. of the Special Rapporteur*, *supra* note 2, ¶ 35.

[150] *Id.*, ¶¶ 37, 44–45.

[151] See *supra* note 40.

[152] *See infra* Section IV Gender and USG Anti-Terrorism Financing Regimes.

[153] *See infra* notes 1244–1247 and accompanying text.

[154] *Id.*

[155] *See infra* Section II Gender and Development Activities to Counter Violent Extremism.

[156] Interview with Offices of E. Asia Affairs, S. and Central Asian Affairs, Asia Bureau, and Middle E./Tech'l Support, U.S. Agency for Int'l Dev., in Wash., D.C. (Apr. 2011) [hereinafter Interview with Asia Bureau and Middle E./Tech'l Support, U.S. Agency for Int'l Dev.]; Interview with Bureau for Afr., U.S. Agency for Int'l Dev., in Wash., D.C. (Oct. 2010); Interview with CSCC, *supra* note 94. *See also* U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-01-822, COMBATING TERRORISM: ACTIONS NEEDED TO ENHANCE IMPLEMENTATION OF TRANS-SAHARA COUNTERTERRORISM PARTNERSHIP 26– 27 (2008) (noting the factors inhibiting measurement of goals of USG counter-terrorism efforts through the Trans-Sahara Counterterrorism Partnership); RAPHAEL PERL, CONG. RESEARCH SERV., RL 33160, COMBATING TERRORISM: THE CHALLENGE OF MEASURING EFFECTIVENESS (2007).

[157] Interview with CSCC, *supra* note 94.

[158] SECRETARY OF STATE FOR THE HOME DEPARTMENT, *PREVENT* STRATEGY, 2011, Cm. 8092 23 (U.K.), *available at* http://www.homeoffice.gov.uk/publications/counter-terrorism/prevent/prevent-strategy/prevent-strategy-review?view=Binary [hereinafter *PREVENT* STRATEGY].

[159] *Id.* at 36.

[160] *See infra* Section II Gender and Development Activities to Counter Violent Extremism.

[161] Interview with Office of the Coordinator for Counterterrorism (S/CT), U.S. Dep't of State, *supra* note 81.

[162] *Id.*

[163] *See, e.g., id.*

[164] *See infra Box 3.*

[165] Asia Stakeholder Workshop, *supra* note 5; MENA Stakeholder Workshop, *supra* note 6; Africa Stakeholder Workshop, *supra* note 4.
[166] Africa Stakeholder Workshop, *supra* note 4.
[167] *See e.g.*, Asia Stakeholder Workshop, *supra* note 5.
[168] *See, e.g., Hearing to Receive Testimony on U.S. Government Efforts to Counter Violent Extremism: Before the Emerging Threats and Capabilities Subcomm. of the S. Comm. on Armed Servs.*, 111th Cong. 8 (2010) (statement of Daniel Benjamin, Coordinator for Counterterrorism, U.S. Dep't of State), *available at* http://armed-services.senate.gov/statemnt/2010/03%20March/Benjamin%2003-10-10.pdf [hereinafter *USG Efforts to Counter Violent Extremism*] ("Framing our interaction with the rest of the world, especially with Muslim communities, through the lens of counterterrorism can be counter-productive."); Denis McDonough, Deputy Nat'l Sec. Advisor to the President, Partnering with Communities to Prevent Violent Extremism in America (Mar. 6, 2011), *available at* http://www.whitehouse.gov/the-press-office/2011/03/06/remarks-denis-mcdonough-deputy-national-security-advisor-president-prepa [hereinafter Partnering with Communities] ("But we've also recognized that this engagement can't simply be about terrorism. We refuse to 'securitize' the relationship between the government and millions of law-abiding, patriotic Muslim Americans and other citizens.").
[169] NSS 2010, *supra* note 10, at 15 ("Through an aggressive and affirmative development agenda and commensurate resources, we can strengthen the regional partners we need to help us stop conflict and counter global criminal networks; build a stable, inclusive global economy with new sources of prosperity; advance democracy and human rights; and ultimately position ourselves to better address key global challenges by growing the ranks of prosperous, capable and democratic states that can be our partners in the decades ahead.").
[170] QDDR, *supra* note 12, at ix.
[171] Press Release, White House, Fact Sheet: U.S. Global Development Policy (Sept. 22, 2010), *available at* http://www.whitehouse.gov/the-press-office/2010/09/22/fact-sheet-us-global-development-policy.
[172] QDDR, *supra* note 12, at ix.
[173] National Strategy for Counterterrorism, *supra* note 13, at 10; *see id.* 2, 13-14.
[174] *See infra* notes 512-540.
[175] Mark Bradbury & Michael Kleinman, Feinstein Int'l Ctr., Tufts Univ., Winning Hearts and Minds: Examining the Relationship Between Aid and Security in Kenya 4 (2010), *available at* http://www.humansecuritygateway.com/documents/FEINSTEIN_WinningHeartsAndMinds_ExaminingTheRelationshipBetweenAidAndSecurityInKenya.pdf (describing the objectives underlying AFRICOM's Combined Joint Task Force–Horn of Africa (CJTF-HOA) civil affairs activities in Kenya).
[176] *Prevent* Strategy, *supra* note 158, at 38, 62, 94, 102.
[177] Interview with Conflict Prevention Group, Conflict Humanitarian and Sec. Dep't, U.K. Dep't for Int'l Dev., in London, U.K. (Feb. 2011).
[178] *Prevent* Strategy, *supra* note 158, at 102.
[179] Interview with Conflict Prevention Group, Conflict Humanitarian and Sec. Dep't, U.K. Dep't for Int'l Dev., *supra* note 177.
[180] *See supra* note 40.
[181] *See* U.S. Agency for Int'l Dev., ADS 201.3.9.3, Gender Analysis, *supra* note 40; U.S. Agency for Int'l Dev., ADS 201.3.11.6, Project/Activity Planning Step 2: Conduct Project-Level Analyses as Needed, *supra* note 40 (making gender analysis mandatory for the development of strategic plans and assistance objectives and project-level analyses effective 03/17/2011).
[182] U.S. Agency for Int'l Dev., ADS 203.3.4.3, *supra* note 40; U.S. Agency for Int'l Dev., ADS 302.3.5.15, Incorporating Gender Issues into Solicitations, *supra* note 40; U.S. Agency for Int'l Dev., ADS 303.3.6.3, Evaluation Criteria, *supra* note 40.
[183] U.S. Agency for Int'l Dev., USAID Evaluation Policy 7, 9 (2011), *available at* http://www.usaid.gov/evaluation/USAID_Evaluation_Policy.pdf [hereinafter USAID Evaluation Policy].
[184] Interview with Office of Women in Dev. (now Office of Gender Equal. & Women's Empowerment), U.S. Agency for Int'l Dev., in Wash., D.C. (Feb. 2011).
[185] Press Release, U.S. Agency for Int'l Dev., Strengthening USAID's Gender Programming and Organizational Structure (Apr. 26, 2011), *available at* http://www.usaid.gov/press/releases/2011/ps110426.html.
[186] Interview with Office of Women in Dev., U.S. Agency for Int'l Dev., *supra* note 184.
[187] *See Interview with Donald Steinberg*, FrontLines, Feb./Mar. 2011, http://www.usaid.gov/press/frontlines/fl_feb11/FL_feb11_WDSteinberg.html. *See also* Dr. Rajiv Shah, Adm'r, U.S. Agency for Int'l Dev., Remarks at the Ctr. for Global Dev. (Jan. 19, 2011), *available at* http://www.usaid.gov/press/speeches/2011/sp110119.html.
[188] *USAID Forward*, U.S. Agency for Int'l Dev., http://forward.usaid.gov/about/overview (last updated June 9, 2011).
[189] Shah, *supra* note 187.
[190] *Id.*
[191] Interview with Asia Bureau and Middle E./Tech'l Support, U.S. Agency for Int'l Dev., *supra* note 156.
[192] *Id.*
[193] TSCTP is an inter-agency effort of DoD, DoS, and USAID that is "[t]he United States' primary instrument to advance counterterrorism objectives in the Sahel and the Maghreb." *See Opening Remarks: Hearing Before the Subcomm. on Africa on Counterterrorism in Africa (Sahel Region) of the S. Comm. on Foreign Relations*, 111th Cong. (2009) (testimony by Phillip Carter, III, Assistant Sec'y, Bureau for African Affairs), *available at* http://www.state.gov/p/af/rls/rm/2009/132062.htm. It "strengthens the capacity of North African and northern Sahelian states to combat AQIM operations, activities, and ideology, and prevent AQIM from expanding its operational reach in sub-Saharan Africa." *See* U.S. Dep't of State & U.S. Agency for Int'l Dev., Trans-Sahara Counterterrorism Partnership (TSCTP): U.S. Foreign Assistance Performance Publication, Fiscal Year 2009 1 (2009), *available at* http://www.state.gov/documents/organization/159220.pdf. *See generally The Trans-Sahara Counterterrorism Partnership*, U.S. Afr. Command, http://www.africom.mil/tsctp.asp (last visited June

17, 2011); U.S. Gov't Accountability Office, GAO-08-860, Combating Terrorism: Actions Needed to Enhance Implementation of Trans-Sahara Counterterrorism Partnership (2008), *available at* http://www.gao.gov/new.items/d08860.pdf [hereinafter Trans-Sahara Counterterrorism Partnership].

[194] *See, e.g.*, Fact Sheet, Acad. for Educ. Dev., Peace Through Development: Chad and Niger (2010), *available at* http://www.aed-ccsg.org/Factsheets/PDEV%20Fact%20Sheet.pdf [hereinafter Peace Through Development: Chad and Niger]. *See generally* U.S. Agency for Int'l Dev., Mid-Term Evaluation of USAID's Counter-Extremism Programming in Africa (2011) [hereinafter Mid-Term Evaluation of Counter-Extremism Programming in Africa] (on file with author) (surveying PDEV activities in Niger and Chad, and other TSCTP activities in Mali).

[195] *See, e.g.*, Johnnie Carson, U.S. Assistant Sec'y of State for African Affairs, Address at the Senior Leaders Seminar Hosted by the African Center for Strategic Studies 6 (June 22, 2010), *available at* http://africacenter.org/wp-content/uploads/2010/06/SLS-2010-Carson-speech_ENG.pdf ("A similar program [to TSCTP] called East Africa Regional Strategic Initiative (EARSI) has an annual budget of about $24 million for assistance to Comoros, Djibouti, Ethiopia, Kenya, Mauritius, Somalia, Tanzania, and Uganda.").

[196] U.S. Agency for Int'l Dev., Description/Specifications/Statement of Work: Mid-Term Evaluation of the Counter-Extremism Programming in Africa 2–3 (2010), *available at* http://amexdc.com/Pictures/SOW%20for%20Counter-extremism%20Evaluation.doc [hereinafter SOW for Mid-Term Evaluation] ("USAID activities that contribute to EARSI include youth programming in Garissa, Kenya, and livelihood activities in Somaliland.").

[197] *See infra*, notes 257-262; 404-412.

[198] *See infra*, notes 255-256.

[199] *See infra*, notes 240-246.

[200] Bradbury & Kleinman, *supra* note 175, at 37.

[201] Interview with Asia Bureau and Middle E./Tech'l Support, U.S. Agency for Int'l Dev., *supra* note 156.

[202] *Id.*

[203] U.S. Dep't of State & U.S. Agency for Int'l Dev., Bangladesh: U.S. Foreign Assistance Performance Publication, Fiscal Year 2009 7 (2009), *available at* http://pdf.usaid.gov/pdf_docs/PDACR007.pdf [hereinafter Bangladesh: U.S. Foreign Assistance Performance Publication]. *See generally* Int'l Crisis Grp., The Threat from Jamaat-Ul Mujahideen Bangladesh (2010), *available at* http://www.crisisgroup.org/~/media/Files/asia/south-asia/bangladesh/187_the_threat_from_jamaat_ul_mujahideen_bangladesh.ashx.

[204] Bangladesh: U.S. Foreign Assistance Performance Publication, *supra* note 203, at 1, 6. *See also* U.S. Agency for Int'l Dev., USAID/Bangladesh Country Strategic Statement, FY 2006–2010 11 (2005) *available at* http://pdf.usaid.gov/pdf_docs/PDACF517.pdf.

[205] *USAID/Sri Lanka: Programs*, U.S. Agency for Int'l Dev., http://srilanka.usaid.gov/programme_ti_description.php?prog_id=5 (last updated Aug. 31, 2009).

[206] Interview with Asia Bureau and Middle E./Tech'l Support, U.S. Agency for Int'l Dev., *supra* note 156.

[207] *Id.*

[208] Press Release, U.S. Agency for Int'l Dev., USAID Launches Five-Year, $30-Million Program In Thailand to Promote Citizen Engagement and Reconciliation (Apr. 1, 2010), *available at* http://www.usaid.gov/rdma/articles/press_release_1124.html.

[209] Interview with U.S. Agency for Int'l Dev./Bangkok in Bangkok, Thai. (Sept. 2010); Interview with Dev. Alts., Inc., in Bangkok, Thai. (Sept. 2010).

[210] Interview with Transnat'l Crime Affairs Section (TCAS), U.S. Embassy, in Bangkok, Thai. (Sept. 2010).

[211] *Peace and Security*, U.S. Agency for Int'l Dev./W. Afr., http://www.usaid.gov/westafrica/peaceandsecurity/index.htm (last updated June 1, 2011) ("USAID/WA currently manages TSCTP programs in Chad, Niger and Mauritania."); Peace Through Development: Chad and Niger, *supra* note 194 (explaining program modifications).

[212] Memorandum of Justification Consistent With the Trafficking Victims Protection Act of 2000, Regarding Determinations With Respect to "Tier 3" Countries, U.S. Dep't of State (Sept. 14, 2009), *available at* http://www.state.gov/g/tip/rls/other/2009/129593.htm.

[213] *Examining U.S. Counterterrorism Priorities and Strategy across Africa's Sahel Region, Hearing Before the Subcomm. on African Affairs of the H Comm. Foreign Affairs*, 111th Cong. (Nov. 17, 2009) (statement by Earl Gast, Senior Deputy Assistant Adm'r for Afr., U.S. Agency for Int'l Dev.), *available at* http://www.usaid.gov/press/speeches/2009/ty091117.html [hereinafter *Examining U.S. Counterterrorism Priorities*].

[214] Peace Through Development: Chad and Niger, *supra* note 194.

[215] *Id.*

[216] *Peace Through Development (PDEV): Chad*, Equal Access, http://www.equalaccess.org/country-project-td01.php (last visited June 20, 2011).

[217] *Examining U.S. Counterterrorism Priorities*, *supra* note 213.

[218] SOW for Mid-Term Evaluation, *supra* note 196, at 4.

[219] *See* Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 26, 54 (regarding PGP2); *id.* at 54 (regarding RPNP); *id.* at 26, 54 (regarding Trickle Up). *See also USAID/Mali Trickle Up Partner Page*, U.S. Agency for Int'l Dev., http://www.usaid.gov/ml/en/AEG/TrickleUp.html (last updated May 23, 2011); Trickle Up, http://www.trickleup.org/.

[220] *See infra*, notes 459-509.

[221] *See generally* Educ. Dev. Ctr., http://www.edc.org/ (last visited June 21, 2011).

[222] *Shaqodoon Somalia: Somali Youth Livelihood Program*, Equip3, http://www.equip123.net/webarticles//anmviewer.asp?a=665&z=123 (last visited June 20, 2011); *Where We Work*, Shaqodoon, http://shaqodoon.org/WhereWeWork.aspx (last visited June 21, 2011).

[223] Educ. Dev. Ctr., Somalia Youth Livelihood Program Quarterly Report (January 1 – March 31 2009) 1–2 (2009), *available at* http://shaqodoon.org/Documents/EDC%20SYLP%20Quarterly%20Report%20JAN%20MAR%2009%20FINAL.pdf.

[224] *Country Profile: Somalia*, U.S. Agency for Int'l Dev. 1, *available at* http://www.usaid.gov/locations/sub-saharan_africa/countries/somalia/

somalia_profile.pdf (last updated June 22, 2010).

[227] *See, e.g.*, Barack Obama, President of the U.S., Remarks by the President on a New Strategy for Afghanistan and Pakistan (Mar. 27, 2009), *available at* http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-on-a-New-Strategy-for-Afghanistan-and-Pakistan/ (hereinafter New Strategy for Afghanistan and Pakistan).

[228] *See, e.g.*, U.S. Gov't Accountability Office, GAO-10-289, Planning and Documentation of U.S. Development Assistance in Pakistan's Federally Administered Tribal Areas Need to Be Improved 1 (2010), *available at* http://www.gao.gov/new.items/d10289.pdf [hereinafter Development Assistance in Pakistan's Tribal Areas] (noting that since 2008 and 2009, "the United States has increased its focus on the use of nonmilitary efforts in Pakistan. In addition to the U.S. pledge to provide $750 million between 2007 and 2011 toward sustainable development efforts in Pakistan, the U.S. passed the Enhanced Partnership with Pakistan Act of 2009 (Pub. L. 111-73) in October 2009, with the goal of providing $7.5 billion in new nonmilitary assistance to Pakistan over the next 5 years (2010 to 2014)."); Press Release, White House Press Sec'y, Statement on the Signing of Kerry-Lugar-Berman (Oct. 15, 2009), *available at* http://www.whitehouse.gov/the-press-office/statement-press-secretary-signing-kerry-lugar-berman (noting that the President signed the law on October 15, 2009 and referring to the law as "the tangible manifestation of broad support for Pakistan in the U.S., as evidenced by its bipartisan, bicameral, unanimous passage in Congress.").

[229] New Strategy for Afghanistan and Pakistan, *supra* note 225 ("Al Qaeda's (sic) offers the people of Pakistan nothing but destruction. We stand for something different…we must isolate al Qaeda from the Pakistani people."); Daniel Benjamin, Coordinator for Counterterrorism, U.S. Dep't of State, Briefing on U.S. Counterterrorism Efforts, (Nov. 17, 2010), *available at* http://www.america.gov/st/texttrans-english/2010/November/20101118155310su0.4318898.html ("[I]t is critically important that Pakistan continue to develop its institutions and develop the ability to provide the services to its people so that other organizations with a radical agenda are not in there subverting the state:…And of course, in the aftermath of those devastating floods, it's all the more important that we be able to ensure that the Pakistani people have the basic resources they need to get on with their lives, and that it's not being delivered to them with an extremist message.").

[230] *See, e.g.*, Development Assistance in Pakistan's Tribal Areas, *supra* note 226 at 43-44.

[231] U.S. Office of Inspector Gen., Audit Report No. G-391-11-001-P, Audit of USAID/Pakistan's Livelihood Development Program for the Lower Region of the Federally Administered Tribal Areas 1 (2010), *available at* http://www.usaid.gov/oig/public/fy11rpts/g-391-11-001-p.pdf [hereinafter Audit of USAID/Pakistan's Livelihood Development Program For Lower Fata].

[232] *Id.*

[233] Development Assistance in Pakistan's Tribal Areas, *supra* note 226, at 43 (also describing the programs).

[234] Interview with Cooperative Housing Found. in Wash., D.C. (Apr. 2011).

[235] *Yemen on the Brink: Implications for U.S. Policy: Hearing Before the H. Comm on Foreign Affairs*, 111th Cong. (2010) (statement of Jeffrey D. Feltman, Assistant Sec'y, Bureau of Near E. Affairs, U.S. Dep't of State), *available at* http://www.state.gov/p/nea/rls/rm/136499.htm [hereinafter *Yemen on the Brink*].

[236] *USAID/Yemen*, U.S. Embassy Sana'a Yemen, http://yemen.usembassy.gov/usaidpro.html (last visited June 20, 2011); Nasser Arrabye, *US Pumps in $114m for Yemen Development*, GulfNews (July 15, 2010), http://gulfnews.com/news/gulf/yemen/us-pumps-in-114m-for-yemen-development-1.654405 (describing an award of $80 million to Creative Associates International and a consortium to implement the Community Livelihoods Project).

[237] *USAID/Yemen*, *supra* note 234; *Responsive Governance Program in Yemen*, Counterpart Int'l, http://www.counterpart.org/our-work/projects/rgp-in-yemen (last visited June 21, 2011); Ali Saeed, *Responsive Governance Training to Reduce Instability*, Yemen Times, Sept. 12, 2010, http://www.yementimes.com/defaultdet.aspx?SUB_ID=35188 (describing the project as one that "aims to assist Yemeni government institutions to be more responsive to citizen's needs and demands in order to strengthen stability in the country.").

[238] *USAID/Yemen*, *supra* note 234 (explaining that the program seeks to "reduce frustration, alienation, and the attraction of extremist ideologies by supporting the productive involvement of youth in their communities and by offering them opportunities to build their skills and experience.").

[239] *Yemen on the Brink*, *supra* note 233.

[240] *Id.* (noting that that as of February 2010, MEPI has twenty-six projects ongoing in Yemen on good governance, rule of law, and capacity-building.).

[241] *See* U.S. Pac. Command, http://www.pacom.mil/ (last visited June 20, 2011).

[242] *JSOTF-P Fact Sheet*, JSOTF-P: Joint Special Operations Task Force – Philippines (Apr. 1, 2009, 8:57 AM), http://jsotf-p.blogspot.com/2009/04/jsotf-p-fact-sheet.html.

[243] Thom Shanker, *U.S. Military to Stay in Philippines*, N.Y. Times, Aug. 20, 2009, at A10, *available at* http://www.nytimes.com/2009/08/21/world/asia/21military.html?_r=1&ref=moro_islamic_liberation_front; Adrienne Mong, *America's Forgotten Frontline: The Philippines*, NBC News, Oct. 1, 2010, http://www.msnbc.msn.com/id/39444744/ns/world_news-asiapacific/

[244] Thomas Lum, Cong. Research Serv., RL 33233, The Republic of the Philippines and U.S. Interests 17 (2011), *available at* http://www.fas.org/sgp/crs/row/RL33233.pdf (internal citation omitted).

[245] *See, e.g.*, U.S. Assistance in the Philippines, USAID/Philippines, 2 http://pdf.usaid.gov/pdf_docs/PDACQ296.pdf (last updated Sept., 2010) ("About 60% of economic assistance resources are targeted to Mindanao, for programs that promote economic growth, mitigate conflict, and promote peace and security."); Max Boot & Richard Bennett, *Treading Softly in the Philippines*, Wkly. Standard, Jan. 5–Jan.12, 2009, at 22, *available at* http://www.weeklystandard.com/Content/Public/Articles/000/000/015/956zznwj.asp ("The U.S. Agency for International Development is also active in Mindanao, with $130 million worth of projects planned over the next five years."); T.D. Flack, *US Aid agency Focuses Its Efforts on Mindanao*, Stars & Stripes, (Mar. 10, 2007), http://www.stripes.com/news/u-s-aid-agency-focuses-its-efforts-on-mindanao-1.61300 (noting

that USAID "has spent about $250 million in the past six years on Mindanao…").
[240] *See USAID/Philippines Role in Civilian-Military Cooperation*, U.S. Agency for Int'l Dev./Phil., http://philippines.usaid.gov/about/military_coord (last updated June, 2011) (noting that USAID "works closely with the U.S. Department of Defense…to meet the shared U.S.-Philippines goal of improving the country's conditions for peace and security").
[241] *Peace and Development*, U.S. Agency for Int'l Dev./Phil., http://philippines.usaid.gov/programs/economic-growth/peace-development (last visited June 20, 2011) ("USAID promotes the economic development of Mindanao through infrastructure projects such as ports, roads, warehouses, community centers, boat landings, solar dyers, water systems, and trading centers…" and "USAID provides selected communities of former MNLF combatants with pre- and post-harvest facilities needed to achieve more profitable farming and fishing, and implements community development activities for selected barangays in the Sulu Archipelago."). For examples of USAID activities involving former combatants, *see, e.g.*, *Growth with Equity in Mindanao (Gem) Program*, U.S. Agency for Int'l Dev./Phil., http://philippines.usaid.gov/programs/economic-growth/growth-equity-mindanao (last visited June 20, 2011); *Former Moro Rebels Grow Abalone for Tawi-Tawi Hatchery*m, BusinessWorldOnline, Apr. 27, 2011, http://philippines.usaid.gov/newsroom/former-moro-rebels-grow-abalone-tawi-tawi-hatchery. *See also* Mindanao Initiatives for Peace (MINPEACE) Project, U.S. Agency for Int'l Dev./Phil., http://philippines.usaid.gov/programs/economic-growth/mindanao-initiatives-peace (last visited June 20, 2011) ("Since October 2007, USAID/Philippines has been supporting the MinPeace Project of the Gerry Roxas Foundation to strengthen community-based conflict management processes in conflict-prone Bangsamoro areas in Mindanao…").
[246] *Hearing on U.S. Pac. Command Posture Before the H. Comm. on Armed Servs.*, 111th Cong. 33 (2010) (statement of Admiral Robert F. Willard, Commander, U.S. Pac. Command), *available at* http://www.pacom.mil/web/pacom_resources/pdf/Willard_Statement_HASC_032510.pdf.
[247] U.S. Afr. Command, www.africom.mil/ (last visited June 20, 2011).
[248] *CJTF-HOA Factsheet*, Combined Joint Task Force – Horn of Africa, http://www.hoa.africom.mil/AboutCJTF-HOA.asp (last visited June 20, 2011).
[249] Bradbury & Kleinman, *supra* note 175, at 12.
[250] *See* Gov't Accountability Office, GAO-10-504, DoD Needs to Determine the Future of Its Horn of Africa Task Force 2 (2010), *available at* http://www.gao.gov/new.items/d10504.pdf [hereinafter DoD Needs to Determine the Future of Its Horn of Africa Task Force].
[251] *Id.* at 11.
[252] *See generally* Bradbury & Kleinman, *supra* note 175.
[253] *Sewing Machines for Women in Africa*, Spirit of America, http://www.spiritofamerica.net/cgi-bin/soa/project.pl?rm=view_project&request_id=200 (last visited June 20, 2011).
[254] *Id.*
[255] Charles Siler, *CJTF-HOA Completes 3 Schools in Yemen*, Qaran News, Jan. 5, 2008, 5:36 PM, http://www.qarannews.com/index.php?option=com_content&task=view&id=470&Itemid=1.
[256] Staff of S. Comm. on Foreign Relations, 111th Cong., Following the Money in Yemen and Lebanon: Maximizing the Effectiveness of U.S. Security Assistance and International Financial Institution Lending 38 11-23 (Comm. Print 2010), *available at* http://foreign.senate.gov/imo/media/doc/54245.pdf [hereinafter Following the Money in Yemen and Lebanon].
[257] U.S. Agency for Int'l Dev., PN-ADG-252, Provincial Reconstruction Teams in Afghanistan: An Interagency Assessment 8 (2006), *available at* http://pdf.usaid.gov/pdf_docs/PNADG252.pdf [hereinafter Provincial Reconstruction Teams in Afghanistan]; *see also* Robert M. Perito, U.S. Inst. of Peace, Special Report: The U.S. Experience with Provincial Reconstruction Teams in Afghanistan 2–3 (2005), *available at* http://www.usip.org/files/resources/sr152.pdf (explaining the purposes of the U.S. PRTs in Afghanistan).
[258] Julius Cavendish, *Seeking Hearts and Minds with the Viceroy of Helmandshire*, Times Online (London), May 29, 2009, http://www.timesonline.co.uk/tol/news/world/asia/article6383272.ece ("First set up by the Americans after the 2001 invasion, PRTs were designed to gather intelligence outside Kabul and handle development projects to win hearts and minds. Water towers and wells were typical examples.").
[259] Provincial Reconstruction Teams in Afghanistan, *supra* note 257 at 8.
[260] Perito, *supra* note 257, at 10–11.
[261] *Provincial Reconstruction Teams (PRTs)*, Int'l Sec. Assistance Force, http://www.nato.int/isaf/topics/prt/index.html (last updated Nov. 8, 2010).
[262] *Provincial Reconstruction Teams*, U.S. Embassy Baghdad, Iraq, http://iraq-prt.usembassy.gov/regional.html (last visited June 20, 2011).
[263] Guilian Denoeux & Lynn Carter, Mgmt. Sys. Int'l, Guide to Drivers of Violent Extremism (2009), *available at* http://www.usaid.gov/locations/sub-saharan_africa/publications/docs/guide_to_drivers_of_ve.pdf [hereinafter Guide to Drivers of Violent Extremism].
[264] Guilian Denoeux & Lynn Carter, Mgmt. Sys. Int'l, Development Assistance & Counter-Extremism: A Guide To Programming (2009), *available at* http://www.usaid.gov/locations/sub-saharan_africa/publications/docs/da_and_cea_guide_to_programming.pdf [hereinafter DA/CE Programming Guide].
[265] Interview with U.S. Agency for Int'l Dev/Kenya, in Nairobi, Kenya (Aug. 2010); Interview with Bureau for Afr., U.S. Agency for Int'l Dev., *supra* note 156.
[266] Guide to Drivers of Violent Extremism, *supra* note 263, at 5.
[267] *Id.* at 62.
[268] DA/CE Programming Guide, *supra* note 264, at 29–30.
[269] *See supra* note 73.

[270] Interview with Mgmt. Sys. Int'l, in Wash., D.C. (Feb. 2011).
[271] *Id.*
[272] DA/CE Programming Guide, *supra* note 264, at 38.
[273] *Id.* ("[W]hen thinking with their CE hat on, development and D/G professionals may need to approach development and D/G issues somewhat differently from the way they traditionally have. For instance, developmental and D/G activities that make sense as part of a standard developmental or D/G program may need to be adapted to be effective in addressing VE. A gender rights program implemented from a human rights or Western secular humanist perspective (with a focus on equality)in a society that has largely accepted Wahhabi/Salafi views or clings to traditional mores might backfire, discrediting the US (and perhaps the national government) and certainly not demonstrating respect for local cultural norms or interpretations of Islam. Implementing such a program within the frame of rights granted to women within Islam might change the activities and how they are implemented and articulated but could also generate more support, less hostility and greater impact.").
[274] *Id.* at 42.
[275] *Id.* at 20–21.
[276] Interview with Mgmt. Sys. Int'l, *supra* note 270.
[277] Asia Stakeholder Workshop, *supra* note 5; Africa Stakeholder Workshop, *supra* note 4; MENA Stakeholder Workshop, *supra* note 6.
[278] DA/CE Programming Guide, *supra* note 264, at 35.
[279] *Id.*
[280] *Id.*
[281] Interview with Asia Bureau and Middle E./Tech'l Support, U.S. Agency for Int'l Dev., *supra* note 156.
[282] *Id.*
[283] *See generally Transition Initiatives*, U.S. Agency for Int'l Dev., http://www.usaid.gov/our_work/cross-cutting_programs/transition_initiatives/ (last updated July 19, 2010).
[284] Office of Transition Initiatives, U.S. Agency for Int'l Dev., USAID/OTI Afghanistan Program: Final Evaluation 8 (2005), *available at* http://pdf.usaid.gov/pdf_docs/PDACF383.pdf.
[285] DevTech Systems, Inc. & Pact, OTI Afghanistan Program Evaluation (October 2001 – June 2005): Gender Initiatives and Impacts v (2005), *available at* http://www.oecd.org/dataoecd/58/1/36079560.pdf?contentId=36079561.
[286] Interview with Office of Women in Dev., U.S. Agency for Int'l Dev., *supra* note 184.
[287] Interview with Asia Bureau and Middle E./Tech'l Support, U.S. Agency for Int'l Dev., *supra* note 156.
[288] Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 265.
[289] Interview with Bureau for Afr., U.S. Agency for Int'l Dev., *supra* note 156.
[290] *See, e.g.*, Trans-Sahara Counterterrorism Partnership, *supra* note 193, at 9, 10, 35 (noting both the sections 1206 and 1207 funding sources for TSCTP).
[291] Interview with G-Youth, Educ. Dev. Ctr., in Wash., D.C. (Oct. 2010); Telephone Interview with Shaqodoon, Educ. Dev. Ctr. (Dec. 2010).
[292] *See* National Defense Authorization Act for Fiscal Year 2006, Pub. L. No. 109-163, §§ 1207(a)-(b), 119 Stat. 3136, 3458 (2006) *available at* http://www.dod.gov/dodgc/olc/docs/pl109-163.pdf.
[293] *See, e.g.*, U.S. Gov't Accountability Office, GAO-10-431, International Security: DoD and State Need to Improve Sustainment Planning and Monitoring and Evaluation for Section 1206 and 1207 Assistance Programs 32 (2010) *available at* http://pdf.usaid.gov/pdf_docs/PCAAC052.pdf [hereinafter International Security: 1206 and 1207 Assistance Programs]. *See also id.* at 6-8 (for overview of § 1206 and § 1207 funding); *id.* at 32–37 (critiquing the monitoring and evaluation of § 1206 and § 1207 programs). *See generally* Nina M. Serafino, Cong. Research Serv., RS 22871, Department of Defense "Section 1207" Security and Stabilization Assistance: Background and Congressional Concerns, FY 2006–2010 (2011), *available at* http://www.fas.org/sgp/crs/natsec/RS22871.pdf.
[294] *See, e.g.*, Consolidated Appropriations Act, 2010, Pub. L. No. 111–117, 123 Stat. 3327 (2010), *available at* http://www.gpo.gov/fdsys/pkg/PLAW-111publ117/pdf/PLAW-111publ117.pdf (granting $50 million for FY 2010 as a Complex Crisis Fund (CCF) to "support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas"); *President's Proposed Budget Request for FY2011 for the Department of State and Foreign Operations, Hearing Before the Subcomm. on the Dep't of State, Foreign Operations, and Related Programs of the S. Comm. on Appropriations*, 111th Cong. (2010) (testimony by Hillary Rodham Clinton, U.S. Sec'y of State), *available at* http://www.state.gov/secretary/rm/2010/02/137227.htm (stating that the FY 2011 State Department budget request "includes $100 million for a State Department complex crisis fund-replacing the 1207 fund which the Defense Department used to direct money toward crisis response. It also includes support for the Pakistan Counterinsurgency Capability Fund, which previously fell under the Defense Department as well."); *Programs on the Black*, Wall St. J. Online, Apr. 14, 2011, http://online.wsj.com/public/resources/documents/st_budget04141120110414.html (reflecting that for FY 2011, the CCF received $40 million); Dep't of State, Executive Budget Summary: Function 150 & Other International Programs 59 (2011), *available at* http://www.usaid.gov/performance/cbj/156214.pdf (reflecting that President Obama has requested $75 million for the CCF for FY2012). *See generally* Serafino, *supra* note 293.
[295] Educ. Dev. Ctr, Garissa (G-Youth) Project: Project Assessment & Design 6 (2009), *available at* http://pdf.usaid.gov/pdf_docs/PNADO357.pdf [hereinafter G-Youth Project Assessment].
[296] *Id.*
[297] *Id.* at 24.
[298] Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 51 ("In many ways, TSCTP provides fairly traditional development interventions, but differs in more narrowly targeting populations and regions unlikely to be reached by other programs.

For instance, a major targeting focus is young men in urban and peri-urban areas—the group most likely to be recruited by extremist groups."). Note though, according to Mgmt. Sys. Int'l, there needs to be greater attention to young males if the purpose is to mitigate violent extremism. *See* Interview with Mgmt. Sys. Int'l, *supra* note 270.

[299] Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 265.

[300] Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 51; Telephone Interview with Acad. Educ. Dev., *supra* note 300.

[301] Telephone Interview with Acad. Educ. Dev., *supra* note 300.

[302] G-Youth Project Assessment, *supra* note 295, at 14–15.

[303] *Id.* at 7, *see also id.* at 7–10.

[304] Interview with Asia Bureau and Middle E./Tech'l Support, U.S. Agency for Int'l Dev., *supra* note 156.

[305] Telephone Interview with Shaqodoon, *supra* note 291.

[306] *Id.*

[307] *Id. See also* Educ. Dev. Ctr., Somalia Youth Livelihood Program Quarterly Report (July 1 to September 30, 2009) 7 (2009), *available at* http://shaqodoon.org/Documents/EDC%20SYLP%20Quarterly%20Report%20Jul%20Aug%20Sep%202009%20final.doc.pdf [hereinafter SYLP Quarterly Rep. July-Sept. 2009] ("Shaqodoon will also encourage and work with partners who will explicitly attempt to recruit and train more girls.").

[308] SYLP Quarterly Rep. July-Sept. 2009, *supra* note 307, at 7. *See also, e.g.*, Educ. Dev. Ctr., Somalia Youth Livelihood Program Quarterly Report (April 1 to June 30, 2010) 5–6 (2010), *available at* http://shaqodoon.org/Documents/EDC%20SYLP%20Quarterly%20Report%20Apr%20-%20Jun%202010%20FINAL.pdf [hereinafter SYLP Quarterly Rep. April-June 2010] (providing a break-down of participating youth based on gender).

[309] Telephone Interview with Shaqodoon, *supra* note 291.

[310] *Id.*

[311] Educ. Dev. Ctr, Shaqodoon Somalia Youth Livelihoods Program 3, 9–10, *available at* http://www.shaqodoon.org/Documents/Somalia_Youth_Livelihoods_Program_SIFY_APS.doc (undated).

[312] Telephone Interview with Shaqodoon, *supra* note 291.

[313] SYLP Quarterly Rep. June-April 2009, *supra* note 308, at 15.

[314] Telephone Interview with Shaqodoon, *supra* note 291.

[315] Telephone Interview with Acad. Educ. Dev., *supra* note 300.

[316] *Id.*

[317] *Id.*

[318] *Id.*

[319] *Id.*

[320] *Peace Through Development (PDEV): Chad*, *supra* note 216.

[321] *Peace Through Development (PDEV): Niger*, Equal Access, http://equalaccess.org/country-project-ne01.php (last visited June 20, 2011).

[322] Telephone Interview with Acad. Educ. Dev., *supra* note 300.

[323] Timothy Williams, *Iraq's War Widows Face Dire Need with Little Aid*, N.Y. Times, Feb. 22, 2009, http://www.nytimes.com/2009/02/23/world/middleeast/23widows.html (reporting that widows "have joined the insurgency in exchange for steady pay" and that "[t]he Iraqi military estimates that the number of widows who have become suicide bombers may be in the dozens.").

[324] Damien McElroy, *Solution to Insurgency is 'Made in Iraq,'* Telegraph (London), May 10, 2007, http://www.telegraph.co.uk/news/worldnews/1551159/Solution-to-insurgency-is-Made-in-Iraq.html (describing a program employing women, particularly widows and divorcees, in leather and clothing factories and reporting that "[b]y soaking up the unemployed in insurgent-dominated cities, America hopes to erode support for terrorism. Mr [Paul] Brinkley [Deputy Under Secretary of Defense and Director, of the Task Force for Business and Stability Operations] believes that reviving the economy is as critical as the military campaign against insurgents.").

[325] *See* Media Note, U.S. Sec'y of State, Office of Global Women's Issues and the Bureau of Democracy, Human Rights, and Labor Announce Grants to Support Iraqi Widows and Female Heads of Household, Oct. 22, 2010, *available at* http://www.state.gov/r/pa/prs/ps/2010/10/149821.htm.

[326] *Id. See also Iraq Women's Democracy Initiative*; Grants.gov, http://www.grants.gov/search/search.do?mode=VIEW&oppId=56771 (last updated Aug. 10, 2010).

[327] Media Note, U.S. Sec'y of State, *supra* note 325.

[328] *See, e.g.*, *Assistance Benefiting Iraqi Women*, U.S. Agency for Int'l Dev./Iraq, http://iraq.usaid.gov/node/235 (last visited June 20, 2011); *Iraqi Widows Earn Funds to Support Organization Activities*, U.S. Agency for Int'l Dev./Iraq, https://www.inma-iraq.com/?pname=open&f=doc100379_newspik052_web250px.jpg&id=379&type=html& (last visited June 20, 2011).

[329] Interview with Asia Bureau and Middle E./Tech'l Support, U.S. Agency for Int'l Dev., *supra* note 156.

[330] *Id.*

[331] *Assistance Benefiting Iraqi Women*, *supra* note 328.

[332] *Id.*

[333] Pub. L. No. 111-73, §§ 101(b)(4), 101(c)(3), 123 Stat. 2060, 2066, 2067 (2009).

[334] U.S. Agency for Int'l Dev., Quarterly Progress and Oversight Report on the Civilian Assistance Program in Pakistan as of March 31, 2011 9–10, 14, 17–18, 20 (2011), *available at* http://www.usaid.gov/oig/public/special_reports/pakistan_quarterly_report_as_

of_march_31_2011.pdf (for example, discussing the Entrepreneurs Program (for women's microenterprise), scholarships for women and the provision of "[r]eproductive health and hygiene kits for women in flood-affected areas.").
[335] *Id.* at 10, 24, 26.
[336] *Launch of Grant Program/Karachi/Dec 6, 2010*, AURAT FOUND., http://www.af.org.pk/gep/launch.html (last visited June 20, 2011).
[337] Myra Imran, *Aurat Foundation Gets $40m Grant from USAID*, NEWS INT'L (Islamabad) (Sept. 24, 2010), http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=6384&Cat=6.
[338] *See generally About the Program*, AURAT FOUND., http://af.org.pk/gep/ (last visited June 22, 2011); *Objectives*, AURAT FOUND., http://af.org.pk/gep/objectives.html (last visited June 20, 2011).
[339] WILLIAM B. FARRELL & CARLA M. KOMICH, MGMT. SYS. INT'L, USAID/DCHA/CMM ASSESSMENT: NORTHERN MALI 9 (2004), *available at* http://pdf.usaid.gov/pdf_docs/PNADC966.pdf.
[340] *USAID Mali Trickle Up Partner Page*, *supra* note 219.
[341] Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 265.
[342] Africa Stakeholder Workshop, *supra* note 4.
[343] *USAID/Yemen*, *supra* note 234.
[344] Ali Saeed, *Responsive Governance Training to Reduce Instability*, YEMEN TIMES (Sept. 12, 2010), http://www.yementimes.com/defaultdet.aspx?SUB_ID=35188.
[345] Tom Finn, *Local Radio Stations to Tackle Social Issues*, YEMEN TIMES (Mar. 3, 2011), http://www.yementimes.com/defaultdet.aspx?SUB_ID=35687.
[346] U.S. DEP'T OF STATE & U.S. AGENCY FOR INT'L DEV., YEMEN: U.S. FOREIGN ASSISTANCE PERFORMANCE PUBLICATION FISCAL YEAR 2009 4 (2009), *available at* http://www.state.gov/documents/organization/159221.pdf.
[347] *Yemen*, U.S. DEP'T OF STATE, (May 2010), http://www.state.gov/g/drl/rls/afdr/2010/nea/129804.htm.
[348] *Trading for Peace*, U.S. AGENCY FOR INT'L DEV./E. AFR., http://eastafrica.usaid.gov/en/USAID/Activity/1123/Trading_for_Peace_TfP (last updated June 21, 2011); *see Trading for Peace Fact Sheet*, U.S. AGENCY FOR INT'L DEV./E. AFR., (July 2009), http://eastafrica.usaid.gov/documents/document/document/1258.
[349] Interview with U.S. Agency for Int'l Dev./Kenya II, in Nairobi, Kenya (Aug., 2010).
[350] *Id.*
[351] *Id.*
[352] Interview with Bureau for Afr., U.S. Agency for Int'l Dev., *supra* note 156.
[353] *Id.*
[354] *See infra* Section IV. Gender and USG Anti-Terrorism Financing Regimes.
[355] Interview with Cooperative Housing Found., *supra* note 232.
[356] AUDIT OF USAID/PAKISTAN'S LIVELIHOOD DEVELOPMENT PROGRAM FOR LOWER FATA, *supra* note 229, at 1 (listing the indicators).
[357] Interview with Cooperative Housing Found., *supra* note 232.
[358] U.S. AGENCY FOR INT'L DEV., AN ASSESSMENT OF USAID'S PROGRAMS AND POLICIES TO IMPROVE THE LIVES OF WOMEN AND GIRLS 26–28 (2009), *available at* http://pdf.usaid.gov/pdf_docs/PDACN274.pdf ("Empowerment of women and girls in Muslim-majority countries and communities cannot be accomplished without consideration of the wider socio-cultural context in which women live.").
[359] DA/CE PROGRAMMING GUIDE, *supra* note 264, at 29–30.
[360] Interview with Office of Afg. & Pak. Affairs (OAPA) Techn'l Support Div., U.S. Agency for Int'l Dev., *supra* note 99; Interview with Office of Transition Initiatives, U.S. Agency for Int'l Dev., *supra* note 94.
[361] Interview with Office of Afg. & Pak. Affairs (OAPA) Techn'l Support Div., U.S. Agency for Int'l Dev., *supra* note 99.
[362] Interview with Office of Transition Initiatives, U.S. Agency for Int'l Dev., *supra* note 94.
[363] Interview with Office of Afg. & Pak. Affairs (OAPA) Techn'l Support Div., U.S. Agency for Int'l Dev., *supra* note 99; Interview with Office of Transition Initiatives, U.S. Agency for Int'l Dev., *supra* note 94.
[364] *See, e.g.*, AUDIT OF USAID/PAKISTAN'S LIVELIHOOD DEVELOPMENT PROGRAM FOR LOWER FATA, *supra* note 229, at 2 (describing this strategic shift).
[365] Interview with Cooperative Housing Found., *supra* note 232.
[366] *Id.*
[367] Interview with Am. Insts. for Research, in Wash., D.C. (Apr. 2011). *See infra* 834.
[368] Interview with Office of Afg. & Pak. Affairs (OAPA) Techn'l Support Div., U.S. Agency for Int'l Dev., *supra* note 99.
[369] Kristi Heim, *Attacks on Aid Groups in Pakistan Highlight Tough Choices*, SEATTLE TIMES, Mar. 11, 2010, 2:15 PM, http://seattletimes.nwsource.com/html/thebusinessofgiving/2011322135_world_vision_office_in_pakista.html.
[370] Interview with Office of Afg. & Pak. Affairs (OAPA) Techn'l Support Div., U.S. Agency for Int'l Dev., *supra* note 99.
[371] *As If Hell Fell on Me*, *supra* note 129, at 61–62.
[372] Interview with U.S. Gov't Official, in Nairobi, Kenya (Aug. 2010).
[373] *Id.*
[374] *See, e.g.*, Under Sec'y of State Maria Otero, *Six Kilometers a Day*, GLOBAL WATERS, May 2011, at 2, *available at* http://www.usaid.gov/our_work/cross-cutting_programs/water/globalwaters/may2011/MAY_FINAL5.pdf (according to the Under Secretary of State Maria Otero, "[w]hile nearly a billion people worldwide live without access to clean water, the crisis disproportionately affects women and girls. As nurturers and homemakers, women bear the overwhelming responsibility of finding and collecting water for their families."). *See also* Comm. on

Econ., Soc. & Cultural Rights, Gen. Comment No. 15, 29th Sess., Nov. 11–29, 2002, ¶ 16 U.N. Doc. No. E/C.12/2002/11 (2003) ("Whereas the right to water applies to everyone, States parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women. . "); *id.* ¶ 16(a) (calling on States to take steps to ensure that "[w]omen are not excluded from decision-making processes concerning water resources and entitlements. The disproportionate burden women bear in the collection of water should be alleviated").

[375] Interview with U.S. Gov't Official, *supra* note 372. *See also* Bradbury & Kleinman, *supra* note 175, at 55 ("Attitudes toward the CA [Civil Affairs] were also informed by a mixture of a poor choice of projects, what appear to be unfortunate coincidences and mishaps, and poor implementation"); *id.* at 62 (providing a case study of the construction of a borehole in the village of Raya).

[376] Bradbury & Kleinman, *supra* note 175, at 55–56, 62 (reflecting on the adverse "hearts and minds" results of faulty construction activities, particularly in respect of water-related activities, in Garissa).

[377] Interview with U.S. Gov't Official, *supra* note 372. *See generally* Shad Eidson, *Socio-Cultural Research and Advisory Team adds Community Perspective to CJTF-HOA*, Combined Joint Task Force–Horn of Afr. (July 15, 2010), http://www.hoa.africom.mil/getArticle.asp?art=4845.

[378] Interview with U.S. Gov't Official, *supra* note 372.

[379] *See, e.g.*, Interview with Bureau for Afr., U.S. Agency for Int'l Dev., *supra* note 156.

[380] Email from U.S. Pac. Command (Apr.–May 2011) (on file with author).

[381] *Id.*

[382] *Id.*

[383] *Id.*

[384] *Id.*

[385] *Id.*

[386] Asia Stakeholder Workshop, *supra* note 5.

[387] *Repressive States Use Counterterrorism Measures to Intimidate Women Human Rights Defenders*, Pac. Gender Action Portal (Mar. 1, 2010), http://www.pacificgap.info/2010/03/repressive-states-use-counter-terrorism.html; Asia Stakeholder Workshop, *supra* note 5.

[388] Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, *Rep. of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Mr. Rodolfo Stavenhagen, Submitted in Accordance with Commission on Human Rights Resolution 2002/65, Addendum, Mission to the Philippines*, U.N. Doc. No. E/CN.4/2003/90/Add.3 ¶ 33 (Mar. 5, 2003), *available at* http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/568f8e64e2800006c1256cf7005d2593/$FILE/G0311521.pdf.

[389] Asia Stakeholder Workshop, *supra* note 5.

[390] *See generally Peace in East and Central Africa (PEACE II)*, U.S. Agency for Int'l Dev./E. Afr., http://eastafrica.usaid.gov/en/USAID/Activity/1079/Peace_in_East_and_Central_Africa_PEACE_II (last visited June 20, 2011); *USAID/ East Africa Launches PEACE II at Women's Regional Gathering*, U.S. Agency for Int'l Dev./E. Afr. (Sept. 11, 2008), http://eastafrica.usaid.gov/en/USAID/Article/1178/USAID_East_Africa_Launches_PEACE_II_at_Womens_Regional_Gathering.

[391] *Conflict Management and Governance*, U.S. Agency for Int'l Dev./E. Afr., http://eastafrica.usaid.gov/en/programs/conflict_mitigation (last updated July 1, 2011) ("The Horn of Africa and Great Lakes regions are characterized by failed or weakly governed states that are vulnerable to emerging violent ideologies and conflict over natural resources.").

[392] *Peace II*, Pact, http://www.pactworld.org/cs/global_programs/more/peace_ii (last visited June 20, 2011); *Peace in East and Central Africa Phase II*, Pact Kenya, http://www.pactkenya.org/index.php?option=com_content&view=article&id=15&Itemid=15 (last visited June 20, 2011).

[393] Interview with Pact, in Wash., D.C. (Oct., 2011).

[394] *Id.*

[395] *Id.*

[396] *USAID/East Africa Launches PEACE II at Women's Regional Gathering*, *supra* note 390.

[397] Interview with Pact, *supra* note 393.

[398] *Id.*

[399] *See supra* notes 372–378.

[400] *See generally Quick Impact, Quick Collapse: The Dangers of Militarized Aid in Afghanistan*, Oxfam Int'l (Jan. 26, 2010), http://www.oxfam.org/en/policy/quick-impact-quick-collapse.

[401] *See* Bradbury & Kleinman, *supra* note 175, at 56–73.

[402] For example, Interview with U.S. Agency for Int'l Dev./Bangkok, *supra* note 209; Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 265. *See also* U.S. Agency for Int'l Dev., Civilian-Military Relations: an LTI Strategies Study Group 12 (2009), *available at* http://www.usaid.gov/km/seminars/2009/civilian_military_relations.pdf ("Significant numbers of USAID staff in Washington and in the field are uncomfortable and do not understand the rationale for a closer relationship with DoD and the changes in their responsibilities this will bring."). *See also id.* at 23 ("A central dilemma inside USAID is whether the primary purpose is 'impartial, poverty reduction' or 'support of USG/whole of government objectives.' USAID staff is not of one mind on this..."). *See generally* DoD Needs to Determine the Future of Its Horn of Africa Task Force, *supra* note 250 (evaluating AFRICOM's CJTF-HOA and *inter alia* expressing concerns about its role in infrastructure activities).

[403] Interview with U.S. Agency for Int'l Dev./Kenya II, *supra* note 349.

[404] *See supra* notes 257–262.

[405] Puli Khumri, *Gabion Basket Weaving Provides Income for Women and Protects Agricultural Land*, U.S. Agency for Int'l Dev. (Jan. 31, 2010), http://afghanistan.usaid.gov/en/USAID/Article/1007/Gabion_Basket_Weaving_Provides_Income_for_Women_and_Protects_Agricultural_Land.

[406] Mike Andriacco, *U.S. Team Opens Shelter for Afghan Women*, Am. Forces Press Serv., Dec. 18, 2007, http://www.defense.gov/news/newsarticle.aspx?id=48448.

[407] Ashley Hawkins, *Nuristan PRT Reaches Out to Local Women*, ISAF News, http://www.isaf.nato.int/article/news/nuristan-prt-reaches-out-to-local-women.html (last visited July 2, 2011).

[408] U.S. Agency for Int'l Dev., Iraq PRTs (2007), *available at* http://www.usaid.gov/iraq/pdf/iraqprts_1007.pdf.

[409] *See, e.g.*, Afghan Women's Network, Operationalizing Gender in Provincial Reconstruction Teams in Afghanistan 7, 9 (2007) *available at* http://www.advocacynet.org/modules/fck/upload/file/OperationalizingGender.pdf.

[410] *See generally* N. Atl. Treaty Org., Women, Peace and Security (2010), *available at* http://www.nato.int/ebookshop/briefing/unscr/UNSCR_EN.pdf (providing an overview of steps taken by NATO to integrate a gender perspective in operations); NATO Bi-SC Directive 40-1, *supra* note 41 (providing guidance for NATO's implementation of UNSCR 1325); Ella van den Huevel, Int'l Sec. Assistance Force Gender Advisor, Experience from the Field: The Gender Advisor in ISAF Mission, Presentation at the NATO Committee on Gender Perspectives (NCGP) Meeting (May 25–28, 2010), *available at* http://www.nato.int/issues/women_nato/meeting-records/2010/pdf/LCDR%20Ella%20van%20den%20Heuvel.pdf (providing overview of NATO's activities to integrate gender, including through the decision in 2009 to appoint Gender Advisors to ISAF General Command and ISAF Headquarters); *NATO Committee on Gender Perspectives*, N. Atl. Treaty Org., http://www.nato.int/cps/en/natolive/topics_50327.htm (last visited July 2, 2011).

[411] Ann Voght, *PRT Kapisa's Forgotten Half: Female Engagement Teams*, U.S. Air Force, (Mar. 3, 2011), http://www.af.mil/news/story.asp?id=123245061.

[412] MENA Stakeholder Workshop, *supra* note 6.

[413] *See infra* Box 4.

[414] Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 4.

[415] Interview with Bureau for Afr., U.S. Agency for Int'l Dev., *supra* note 156; Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 47.

[416] Interview with Mgmt. Sys. Int'l, *supra* note 270.

[417] *See supra* notes 211–219 and accompanying text (providing overview of activities).

[418] *See supra* notes 225-232 and accompanying text (providing overview of activities).

[419] Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 47-48 ("The best example of impact indicators currently available for TSCTP comes from the PDEV PMP."). *See also* Trans-Sahara Counterterrorism Partnership, *supra* note 193, at 4, 26–27 (noting that DoD, USAID and DoS do not have common indicators for measuring outcomes of TSCTP activities); Interview with Bureau for Afr., U.S. Agency for Int'l Dev., *supra* note 156.

[420] Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 47.

[421] *Id.* at 4.

[422] Interview with Bureau for Afr., U.S. Agency for Int'l Dev., *supra* note 156.

[423] Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 48; SOW for Mid-Term Evaluation, *supra* note 196, at 3 ("Because the number of official indicators is small, USAID has developed custom indicators to help monitor more incremental progress in our programs. For these indicators, our implementing partners have gathered solid baseline data against which progress is being monitored quarterly. Through the inter-agency, USAID also accesses more broad- based, independently gathered polling data to gauge general attitudes and support for violent extremist organizations.").

[424] U.S. Agency for Int'l Dev., ADS 201.3.8, Program Planning: Assistance Objective (2009) *available at* http://www.usaid.gov/policy/ads/200/201.pdf.

[425] Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 48.

[426] *Id.* at 47–48, 59.

[427] For example, the evaluation recommends the use of a series of indicators drawn from the Counterterrorism Index, "an element of the Peace Security Index developed for USAID's Eurasia Bureau in 2009," which have "been reviewed for relevancy during an extensive interagency review, including USAID, State and CIA." *Id.* at 63.

[428] Audit of USAID/Pakistan's Livelihood Development Program For Lower Fata, *supra* note 229, at 2, 13.

[429] *Id.* at 2–3.

[430] *Id.*

[431] *Id.* at 14 (noting that USAID is currently readjusting the management plan for the Lower FATA Livelihood program for its third year (2011)).

[432] U.S. Office of Inspector Gen., Audit Report No. G-391-11-002-P, Audit of USAID/Pakistan's Livelihood Development Program for the Upper Region of the Federally Administered Tribal Areas 2 (2010), *available at* http://www.usaid.gov/oig/public/fy11rpts/g-391-11-002-p.pdf.

[433] *U.S. Aid to Pakistan: Planning and Accountability: Hearing Before the Subcomm. on Nat'l Sec. and Foreign Affairs of the H. Comm. on Foreign Affairs*, 111th Cong. (2009) (statement of C. Christine Fair, Assistant Professor, Georgetown Univ.), *available at* http://home.comcast.net/~christine_fair/pubs/Fair_Pakistan_Aid_12_9_09.pdf [hereinafter Fair Testimony].

[434] Interview with Christine Fair, Assistant Professor, Ctr. for Peace and Sec. Studs. at Georgetown Univ., Edmund A. Walsh School for Int'l Studs., in Wash., D.C. (Apr. 2011).

[429] Interview with Bureau for Afr., U.S. Agency for Int'l Dev., *supra* note 156.
[430] Interview with Office of Women in Dev., U.S. Agency for Int'l Dev., *supra* note 184.
[431] *See, e.g.*, Peace Through Development: Chad and Niger, *supra* note 194.
[432] Telephone Interview with Acad. Educ. Dev., *supra* note 300.
[433] *Id.*
[434] Audit of USAID/Pakistan's Livelihood Development Program For Lower Fata, *supra* note 229, at 1.
[435] Interview with Cooperative Housing Found., *supra* note 232.
[436] Development Assistance in Pakistan's Tribal Areas, *supra* note 226, at 18 (finding USAID disaggregated only 17 of 43 indicators by gender in their management plan of FATA programming).
[437] Interview with Office of Afg. & Pak. Affairs (OAPA) Techn'l Support Div., U.S. Agency for Int'l Dev., *supra* note 99; Interview with Office of Transition Initiatives, U.S. Agency for Int'l Dev., *supra* note 94.
[438] Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 4, 59–60.
[439] *See, e.g.*, John Horgan, *Qualities Are Not Causes, in* Walking Away from Terrorism 1 (2009); Louise Richardson, What Terrorists Want: Understanding the Enemy, Containing the Threat 38 (2006).
[440] USAID Evaluation Policy, *supra* note 183, at 3.
[441] DA/CE Programming Guide, *supra* note 264, at 38.
[442] U.S. Agency for Int'l Dev., ADS 201.3.8, Program Planning: Assistance Objective, *supra* note 424.
[443] *See* U.S. Agency for Int'l Dev., ADS 201.3.8.3, Program Planning: Results Framework (2008) *available at* http://www.usaid.gov/policy/ads/200/201.pdf.
[444] Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 56.
[445] USAID Evaluation Policy, *supra* note 183, at 8.
[446] *Id.* at 7-8.
[447] USAID prefers randomized experiments, but there is a growing literature suggesting that carefully tested alternatives such as regression discontinuity may be alternatives to random controlled trials (RCTs). *See* Thomas D. Cook et al., *Contemporary Thinking About Causation in Evaluation: A Dialogue with Tom Cook and Michael Scriven*, 31 Am. J. Eval. 105 (2010).
[448] Guide to Drivers of Violent Extremism, *supra* note 263, at 5.
[449] Glossary of ADS Terms, *supra* note 40 (definition of gender).
[450] DA/CE Programming Guide, *supra* note 264, at 41–42, 71.
[451] While this example is hypothetical, such an impact has been noted by humanitarian actors in emergency contexts. *See, e.g.*, Food & Agric. Org. of the U.N. & Dimitra Project, Guidance Note: Gender-Based Violence and Livelihood Interventions: Focus on Populations of Humanitarian Concern in the Context of HIV § 4.2.4 (2010) (stressing that livelihood programs targeting men can be helpful in combating their sense of powerlessness in emergency contexts, which may otherwise "lead them into a vicious cycle of violence and abuse"). Similarly, recent research in displacement settings has found that men must be involved in livelihood programs aimed at reducing GBV, since programs increasing economic opportunities for women in isolation may increase their vulnerability to violence both in the workplace and at home. *See* Women's Refugee Comm'n, Peril or Protection: The Link Between Livelihoods and Gender-Based Violence in Displacement Settings 1–2 (2009), *available at* http://www.peacewomen.org/assets/file/Resources/NGO/vaw_perilorprotection_womensrefugeecommittee_nov2009.pdf.
[452] *See, e.g.*, Srilatha Batliwala & Alexandra Pittman, *Capturing Change in Women's Realities: The Challenges of Monitoring and Evaluating Our Work* 13–27 (unpublished manuscript), *available at* http://www.p-sj.org/files/Capturing%20Change%20in%20Women%27s%20Realities%20-%20The%20Challenges%20of%20Monitoring%20and%20Evaluating%20Our%20Work.pdf.
[453] G-Youth Project Assessment, *supra* note 295, at 3.
[454] *About EDC*, Educ. Dev. Ctr., http://www.edc.org/about (last visited June 21, 2011).
[455] *See generally* G-Youth Project Assessment, *supra* note 295; Interview with G-Youth, *supra* note 291.
[456] *Garissa Youth Program (G-Youth)*, U.S. Agency for Int'l Dev./Kenya, http://kenya.usaid.gov/programs/education-and-youth/36 (last visited June 21, 2011).
[457] *Youth Program*, U.S. Agency for Int'l Dev./Kenya, http://kenya.usaid.gov/programs/education-and-youth/51 (last visited June 21, 2011).
[458] G-Youth Project Assessment, *supra* note 295, at 2 (noting in respect of the "at-risk" factors that "'Pull' factors include: the steady radicalization of the religious environment; the presence of the Shebab and other extremist groups; and external events, such as clerics from Ethiopia and Somalia moving to Garissa for safety").
[459] *Garissa Youth Program (G-Youth)*, *supra* note 462.
[460] Telephone Interview with U.S. Agency for Int'l Dev./Kenya (Oct. 2010); Interview with G-Youth, *supra* note 291 (referencing this as 1207 money).
[461] Interview with G-Youth, *supra* note 291.
[462] G-Youth Project Assessment, *supra* note 295, at 6, 15, 23.
[463] Telephone Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 466.
[464] *Id.*
[465] Interview with G-Youth, *supra* note 291; Telephone Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 466.
[466] G-Youth Project Assessment, *supra* note 295, at 14–15.
[467] *Id.* at 15.

[476] *Id.* at 23.
[477] *Id.* at 7, *see also id.* at 7–10.
[478] Interview with G-Youth, *supra* note 291.
[479] *Id.*
[480] *Id.*
[481] *Id.*
[482] Telephone Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 466.
[483] *About G-Youth*, G-Youth, http://www.g-youth.org/main/index.php/about-g-youth.html (last visited June 21, 2011).
[484] *G-Youth Career Resource Center*, G-Youth, http://www.g-youth.org/main/index.php/youth-res/career-resource-cntr.html (last visited June 21, 2011).
[485] *Id.*
[486] G-Youth Project Assessment, *supra* note 295, at 66 ("Equally important, males and females should be worked with separately due to the Islamic doctrine.").
[487] Interview with G-Youth, *supra* note 291.
[488] *Id.*
[489] *North Eastern Province Technical Training Institute*, G-Youth, http://www.g-youth.org/main/index.php/partners/neptti.html (last visited June 21, 2011).
[490] Interview with G-Youth, *supra* note 291.
[491] *About G-Youth*, *supra* note 481.
[492] G-Youth Project Assessment, *supra* note 295, at 21–22.
[493] *Work Readiness Program*, G-Youth, http://www.g-youth.org/main/index.php/youth-res/work-r-pro-menu (last visited June 21, 2011).
[494] Interview with G-Youth, *supra* note 291; Educ. Dev. Ctr., Garissa Youth Project Analysis of participant Training in the Work Readiness Program over the Period October 2009–September 2010 (on file with CHRGJ).
[495] *Id.*
[496] *Id.*
[497] Interview with G-Youth, *supra* note 291 (identifying the inability of girls to be away from their families full-time as a reason for the drop-out rate).
[498] Telephone Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 466.
[499] *Garissa Youth Days/Youth Action Summit*, G-Youth, http://www.g-youth.org/main/index.php?option=com_content&view=article&id=149&Itemid=66 (last visited June 21, 2011).
[500] *Id.*; Interview with G-Youth, *supra* note 291.
[501] Interview with G-Youth, *supra* note 291. *See also Fatuma's Youth Run Salon*, U.S. Agency for Int'l Dev./Kenya (May 24, 2010), http://kenya.usaid.gov/node/276.
[502] *Garissa Youth Days: Young Kenyans Share Successes, Build Skills, Talk Policy*, Int'l Dev. Div., http://idd.edc.org/about/news/garissa-youth-days-young-kenyans-share-successes-build-skills-talk-policy (last visited June 21, 2011).
[503] Telephone Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 466.
[504] *Id.*
[505] *Id.*
[506] *Id.*
[507] Interview with G-Youth, *supra* note 291; Telephone Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 466.
[508] Telephone Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 466.
[509] Interview with G-Youth, *supra* note 291.
[510] Telephone Interview with U.S. Agency for Int'l Dev./Kenya, *supra* note 466.
[511] International Security: 1206 and 1207 Assistance Programs, *supra* note 293, at 37.
[512] Mid-Term Evaluation of Counter-Extremism Programming in Africa, *supra* note 194, at 49–50.
[513] Fair Testimony, *supra* note 433.
[514] *See* Joint Chiefs of Staff, Joint Publication 3-26, Counterterrorism at vi (2009), *available at* http://www.dtic.mil/doctrine/new_pubs/jp3_26.pdf [hereinafter Joint Publication 3-26, Counterterrorism]. *See also id.* at III-6 to -7 (noting that Civil Affairs Operations are an example of "military capabilities applicable to the indirect approach").
[515] *Id.* at xv.
[516] *See supra* notes 239-262 and accompanying text; *see supra* Box 3; *see supra* text accompanying notes 399-412.
[517] Joint Chiefs of Staff, Joint Publication 1-02, Department of Defense Dictionary of Military and Associated Terms 189 (2011) http://www.dtic.mil/doctrine/new_pubs/jp1_02.pdf [hereinafter DoD Dictionary of Military Terms]; *see also* Joint Chiefs of Staff, Joint Operating Concept, Irregular Warfare: Countering Irregular Threats 16 (2010), *available at* http://www.au.af.mil/au/awc/awcgate/irregular/iw_joc2_0.pdf [hereinafter Irregular Warfare].
[518] Joint Publication 3-26, Counterterrorism, *supra* note 512, at viii.
[519] Irregular Warfare, *supra* note 515, at 16.
[520] *Id.* at 23 n. 46.
[521] *See* Steve Bowman & Catherine Dale, Cong. Research Serv., R 40156, War in Afghanistan: Strategy, Military

Operations, and Issues for Congress 4 (2009), *available at* http://www.fas.org/sgp/crs/row/R40156.pdf. On the current role of COIN in the USG's strategy in Afghanistan, *see, e.g.*, Jim Garamone, *Commanders Re-balance Strategy in Afghanistan*, Am. Forces Press Serv., Dec. 8, 2010, http://www.defense.gov/news/newsarticle.aspx?id=62002; Nick Ottens, *Has Gates Given Up on Counterinsurgency?* Atl. Sentinel, Mar. 1, 2011, http://atlanticsentinel.com/2011/03/has-gates-given-up-on-counterinsurgency/.

[520] *See* DoD Dictionary of Military Terms, *supra* note 515, at 85.

[521] *See* U.S. Gov't Interagency Counterinsurgency Initiative, Counterinsurgency Guide 3 (2009), *available at* http://www.state.gov/documents/organization/119629.pdf [hereinafter USG Counterinsurgency Guide].

[522] Joint Chiefs of Staff, Joint Publication 3-57, Civil-Military Operations xiii (2008), *available at* http://www.fas.org/irp/doddir/dod/jp3_57.pdf.

[523] Irregular Warfare, *supra* note 515, at 19.

[524] *See also* Joint Chiefs of Staff, Joint Publication 3-22, Foreign Internal Defense at x (2010), *available at* http://www.dtic.mil/doctrine/new_pubs/jp3_22.pdf.

[525] *Id.* at x–xi.

[526] *See generally* U.S. Cent. Command, http://www.centcom.mil/ (last visited July 5, 2011).

[527] *See generally* U.S. Afr. Command, *supra* note 247.

[528] *See generally* U.S. Eur. Command, http://www.eucom.mil/ (last visited July 5, 2011).

[529] *See generally* U.S. Pac. Command, *supra* note 239.

[530] *See About USSOCOM*, U.S. Special Operations Command, http://www.socom.mil/Pages/AboutUSSOCOM.aspx (last visited July 5, 2011) (explaining that in 2004 USSOCOM was assigned "responsibility for synchronizing Department of Defense plans against global terrorist networks and, as directed, conducting global operations.").

[531] *Area of Responsibility Countries*, U.S. Cent. Command, http://www.centcom.mil/area-of-responsibility-countries (last visited June 27, 2011) (listing the 20 countries for which USCENTCOM is responsible, including Afghanistan, Egypt, Iraq, Jordan, Lebanon, Pakistan, Saudi Arabia, Syria, and Yemen).

[532] *The Posture of U. S. Central Command: Hearing Before the S. Comm. on Armed Services*, 111th Cong. 37 (2011) (statement by Gen. James N. Mattis), *available at* http://armed-services.senate.gov/statemnt/2011/03%20March/Mattis%2003-01-11.pdf.

[533] *Id.* at 33–35.

[534] *Id.* at 6.

[535] *Id.* at 4–5.

[536] *Id.* at 37.

[537] *Id.* at 39.

[538] *See* USG Counterinsurgency Guide, *supra* note 521, preface ("In recent years the United States has engaged in prolonged counterinsurgency campaigns in Afghanistan and Iraq.").

[539] *Id.*

[540] *See, e.g.*, Paula Broadwell, Op-Ed., *Women at War*, N.Y. Times, Oct. 20, 2009, http://www.nytimes.com/2009/10/21/opinion/21iht-edbroadwell.html?_r=2&ref=global (noting that the "success of the F.E.T. initiative illustrates how the Marine Corps is adapting to the counterinsurgency threat in an innovative way"); Gretel C. Kovach, *Reaching Out to Afghan Women*, San Diego Union-Trib., Feb. 24, 2010, http://www.signonsandiego.com/news/2010/feb/24/reaching-out-to-afghan-women/ (describing FETs as "new and innovative"); Sean Dennison, *Marine Recounts Time with Female Engagement Teams*, Marine Corps Air Station Yuma News, Jan. 27, 2011, http://www.yuma.usmc.mil/desertwarrior/2011/01/27/feature4.html (describing FETs as a "a milestone in United States Armed Forces history").

[541] *Rep. of Special Rapporteur*, *supra* note 2, ¶ 24.

[542] *See supra* Box 1.

[543] Interview with U.S. Embassy, in Ankara, Turk. (Oct. 2010).

[544] Interview with U.S. Gov't Official, U.S. Embassy, in Nairobi, Kenya (Aug. 2010).

[545] Interview with U.S. Pac. Command (PACOM), U.S. Dep't of Def., in Wash., D.C. (Apr. 2011).

[546] Interview with U.S. Gov't Official, U.S. Embassy, *supra* note 544.

[547] Interview with Ctr. of Excellence Def. Against Terrorism (COE-DAT), N. Atl. Treaty Org., in Ankara, Turk. (Oct. 2010).

[548] *Rep. of Special Rapporteur*, *supra* note 2, ¶ 34.

[549] *See*, Gordon Lubold, *Army 'Lionesses' Hit Streets with Marines on Combat Ops*, Marine Corps Times, Aug. 4, 2004, http://www.leatherneck.com/forums/showthread.php?t=16093. *See also* Melissa Silverstein, *Lioness—A Film by Meg McLagan and Dana Sommer*, Huffington Post, May 12, 2008, 11:25 AM, http://www.huffingtonpost.com/melissa-silverstein/lioness--a-film-by-meg-mc_b_101320.html (explaining that the first Lioness Team was created in 2003).

[550] Melissa A. Latty, *Lionesses Work to Improve Community in Local Iraq City*, Marine Corps Times, June 12, 2009, http://www.marine-corps-news.com/2009/06/lionesses_work_to_improve_comm.htm.

[551] Lubold, *supra* note 549.

[552] Latty, *supra* note 550.

[553] Monty Burton, *All-female Marine Team Conducts First Mission in Southern Afghanistan*, Am. Forces Press Serv., Mar. 10, 2009, http://www.defense.gov/news/newsarticle.aspx?id=53416.

[554] Ann Jones, *Woman to Woman in Afghanistan*, Nation, Oct. 27, 2010, http://www.thenation.com/article/155623/woman-woman-afghanistan

[555] Burton, *supra* note 553 (citing Marine Corps 2nd Lt. Johanna Shaffer).
[556] Kovach, *supra* note 540 (citing Master Sgt. Robert Linares).
[557] Jones, *supra* note 554.
[558] *Id.*; Elisabeth Bumiller, *Letting Women Reach Women in Afghan War*, N.Y. Times, Mar. 6, 2010, http://www.nytimes.com/2010/03/07/world/asia/07women.html.
[559] Jones, *supra* note 554.
[560] Bumiller, *supra* note 558.
[561] Gretel C. Kovach, *Marines Find Gender Useful as Weapon in Afghanistan*, San Diego Union-Trib., Sept. 19, 2010, http://www.signonsandiego.com/news/2010/sep/19/women-marines-new-weapon-afghanistan/.
[562] *Id.*
[563] Elisabeth Bumiller, *In Camouflage or Veil, a Fragile Bond*, N.Y. Times, May 29, 2010, http://www.nytimes.com/2010/05/30/world/asia/30marines.html.
[564] *See* Women's Foreign Policy Group, Author Series Event with Elisabeth Bumiller, *In Camouflage or Afghan Veil: A Report from the Field*, at 13, Oct. 12, 2010, *available at* http://data.memberclicks.com/site/wfpg/2010-10-12BumillerTranscript.pdf [hereinafter Bumiller, *Report from the Field*].
[565] MENA Stakeholder Workshop, *supra* note 6.
[566] Jones, *supra* note 554.
[567] Matt Pottinger et al., *Half-Hearted: Trying to Win Afghanistan Without Afghan Women*, Small Wars J. 5 (Feb. 28, 2010, 9:24 AM), http://smallwarsjournal.com/blog/journal/docs-temp/370-pottinger.pdf.
[568] *Id.*
[569] Bumiller, *Report from the Field*, *supra* note 564, at 12–13.
[570] Jones, *supra* note 554.
[571] *Id.*
[572] Lynn Neary, *Writer: Ending Ban on Women in Combat is Long Overdue*, Nat'l Pub. Rad., Mar. 1, 2010, *available at* http://www.npr.org/templates/story/story.php?storyId=124199184.
[573] *See generally* Military Leadership Diversity Commission, http://mldc.whs.mil/ (last visited July 11, 2011) (The Military Leadership Diversity Commission was created in the Duncan Hunter National Defense Authorization Act of 2009 to "conduct a comprehensive evaluation and assessment of policies that provide opportunities for the promotion and advancement of minority members of the Armed Forces, including minority members who are senior officers.").
[574] Military Leadership Diversity Commission, From Representation to Inclusion: Diversity Leadership for the 21st-Century Military xvii (2011) *available at* http://mldc.whs.mil/download/documents/Final%20Report/MLDC_Final_Report.pdf ("DoD and the Services must remove institutional barriers in order to open traditionally closed doors, especially those relating to assignments—both the initial career field assignment and subsequent assignments to key positions. An important step in this direction is that DoD and the Services eliminate combat exclusion policies for women, including removing barriers and inconsistencies, to create a level playing field for all servicemembers who meet the qualifications.").
[575] Rick Maze, *Report on Women in Combat Delayed Until Oct.*, NavyTimes, Apr. 14, 2011, http://www.navytimes.com/news/2011/04/military-report-on-women-in-combat-report-delayed-until-october-041411w/.
[576] Jones, *supra* note 554.
[577] Steven L. Myers, *Women at Arms: Living and Fighting Alongside Men, and Fitting In*, N.Y. Times, Aug. 16, 2009, http://www.nytimes.com/2009/08/17/us/17women.html.
[578] *See* Pauline Jelinek, *Military Commission: Lift Ban, Allow Women in Combat*, MSNBC.com, Jan. 14, 2011, http://www.msnbc.msn.com/id/41083172/ns/us_news-life/t/military-commission-lift-ban-allow-women-combat/.
[579] Representative Jane Harman, *Rapists in the Ranks*, Huffington Post, Mar. 31, 2008, http://www.huffingtonpost.com/rep-jane-harman/rapists-in-the-ranks_b_94338.html.
[580] Nancy Gibbs, *Sexual Assaults on Female Soldiers: Don't Ask, Don't Tell*, Time, Mar. 8, 2010, http://www.time.com/time/magazine/article/0,9171,1968110,00.html.
[581] Jones, *supra* note 554 (citing Pottinger et al., *supra* note 567, at 1).
[582] MENA Stakeholder Workshop, *supra* note 6.
[583] Jones, *supra* note 554.
[584] *Id.*
[585] Pottinger et al., *supra* note 567, at 5-6.
[586] *Id.* at 6.
[587] *Rep. of Special Rapporteur*, *supra* note 2, ¶ 35.
[588] Ruth McClary, *Training the 'Daughters of Iraq,'* U.S. Army, June 24, 2009, http://www.army.mil/-news/2009/06/24/23362-training-the-daughters-of-iraq/index.html.
[589] *Id.*
[590] Jack Healy & Yasir Ghazi, *Iraqi Women Work to Halt Bombers, But Paycheck Is Elusive*, N.Y. Times, Feb. 27, 2011, http://www.nytimes.com/2011/02/28/world/middleeast/28iraq.html?_r=1.
[591] *Id.*

[592] *Id.*
[593] Heidi Vogt, *Women Serve Integral Role in Security Force*, S.F. Gate, Jan. 3, 2010, http://articles.sfgate.com/2010-01-03/news/17466547_1_policewomen-first-female-police-officer-police-search-homes.
[594] *See* David Cortright & Sarah Smiles Persinger, Kroc Inst. for Int'l Peace, Afghan Women Speak: Enhancing Security and Human Rights in Afghanistan 11–12 (2010), *available at* http://www.nd.edu/~jfallon2/WomenAfghanistanReport.pdf; Vogt, *supra* note 593.
[595] *See Yemen: Confronting Al-Qaeda, Preventing State Failure, Hearing Before the S. Comm. on Foreign Relations*, 111th Cong. (2010) (testimony of Daniel Benjamin, Coordinator for Counterterrorism, U.S. Dep't of State), *available at* http://www.state.gov/s/ct/rls/rm/2010/135480.htm ("Through Diplomatic Security Antiterrorism Assistance (DS/ATA) programs we provide training to security forces in the Ministry of Interior, including the Yemeni Coast Guard and the Central Security Forces Counterterrorism Units (CTU)."). *See also* Ginny Hill, *Yemeni Women Sign Up to Fight Terror*, BBC News, Apr. 2, 2007, http://news.bbc.co.uk/2/hi/middle_east/6510149.stm; Sarah A. Topol, *Yemen's Elite Female Counter-Terrorism Force Takes on Al-Qaeda*, Christian Sci. Monitor, June 12, 2010, http://www.csmonitor.com/World/Global-News/2010/0612/Yemen-s-elite-female-counter-terrorism-force-takes-on-Al-Qaeda.
[596] Topol, *supra* note 595.
[597] Hill, *supra* note 595.
[598] Topol, *supra* note 595.
[599] At a minimum the DoD has provided human rights training from 2009 onward. *See* U.S. Dep't of State, Country Reports on Terrorism 2008 144 (2009), *available at* http://www.state.gov/documents/organization/122599.pdf [hereinafter Country Reports on Terrorism 2008]; Int'l Crisis Group, The Threat From Jamaat-Ul Mujahideen Bangladesh 28 (2010), *available at* http://www.crisisgroup.org/~/media/Files/asia/south-asia/bangladesh/187_the_threat_from_jamaat_ul_mujahideen_bangladesh.ashx. However, broader security-oriented assistance may also be included. *See* Human Rights Watch, "Crossfire": Continued Human Rights Abuses by Bangladesh's Rapid Action Battalion 40–42, (2011), *available at* http://www.hrw.org/sites/default/files/reports/bangladesh0511webwcover.pdf [hereinafter HRW Crossfire].
[600] *Bangladeshi Police Women to Join Rapid Action Battalion*, HighBeam Research, Oct. 27, 2004, http://www.highbeam.com/doc/1P2-16635087.html
[601] *In Bangladesh, 21 Women Terrorists Held in Raids*, Times India, Apr. 24, 2009, 1:29 AM, http://articles.timesofindia.indiatimes.com/2009-04-24/south-asia/28037045_1_security-forces-militants-women-terrorists.
[602] Asia Stakeholder Workshop, *supra* note 5.
[603] *See generally* U.S. Dep't of State, 2010 Human Rights Report: Bangladesh (2011) *available at* http://www.state.gov/documents/organization/160056.pdf.
[604] HRW Crossfire, *supra* note 599, at 8–9; *see generally* Asian Ctr. for Human Rights, Rethinking International Security Sector Assistance: British Assistance to the Rapid Action Battalion in Bangladesh (2011), *available at* http://www.achrweb.org/briefingpapers/Bangladesh-BP-01-11.html.
[605] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 23.
[606] *Id.*
[607] MENA Stakeholder Workshop, *supra* note 6.
[608] *See* Spencer Ackerman, *Pentagon Creates Office to Bolster International Legitimacy*, Wash. Indep., June 8, 2010, http://washingtonindependent.com/86481/pentagon-creates-office-to-bolster-international-legitimacy (announced in May 2010, the Office of the Special Coordinator for Rule of Law and International Humanitarian Policy was established to "to guide policy on emerging non-traditional military activities like compliance with the rule of law, humanitarian emergencies and human rights."). It has since been replaced by the DoD Office for the Rule of Law and Detainee Policy. *See* Spencer Ackerman, *Pentagon Mashes Up Rule of Law, Detainee Offices*, Wired.com, June 15, 2011, http://www.wired.com/dangerroom/2011/06/pentagon-mashes-up-rule-of-law-detainee-offices/.
[609] Interview with Office of the Special Coordinator for Rule of Law and Int'l Humanitarian Policy (RHP), U.S. Dep't of Def., April 2011, *supra* note 87.
[610] *See, e.g.*, *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 34. (internal citation omitted).
[611] Interview with Amnesty Int'l, in London, U.K. (Feb. 2011).
[612] *See, e.g.*, Human Rights Watch, The "Ten-Dollar Talib" and Women's Rights: Afghan Women and the Risks of Reintegration and Reconciliation 25-34 (2010), *available at* http://www.hrw.org/sites/default/files/reports/afghanistan0710webwcover.pdf (referencing the treatment of women in Taliban-controlled areas, including through "night letters" (threatening messages sent to compel women to stop working, including for foreign organizations), "[a]ttacks on [g]irls' [e]ducation" and efforts toward "[s]ilencing [w]omen in [p]olitics"). For example, while a record-number of women ran for parliament in September 2010, the candidates faced intimidation and obstruction of their campaign efforts, including from insurgents. *See* Jon Boone, *Afghan elections: Record Number of Women Stand for Parliament*, Guardian (London), Aug. 24, 2010, http://www.guardian.co.uk/world/2010/aug/24/record-women-candidates-afghan-election. These attacks, including on girls' education, continue. *See, e.g.*, *Taliban Kill Head of Agfhan Girls' School*, Guardian (London), May 25, 2011, http://www.guardian.co.uk/world/2011/may/25/taliban-kill-head-girls-school.
[613] Interview with Amnesty Int'l, *supra* note 611.
[614] *See* Human Rights Watch, At a Crossroads: Human Rights in Iraq Eight Years after the US-Led Invasion 14–18 (2011), *available at* http://www.hrw.org/sites/default/files/reports/iraq0211W.pdf [hereinafter At a Crossroads: Human Rights in Iraq] (discussing trafficking and forced prostitution); Amnesty Int'l, Iraq: Human Rights Briefing 12 (2010), *available at* http://www.amnesty.org/en/library/asset/MDE14/004/2010/en/c2bb7123-1e17-4abf-8202-6f6f81448644/mde140042010en.pdf [hereinafter Iraq: Human Rights Briefing]; Human

Rights Watch, "They Want Us Exterminated": Murder, Torture, Sexual Orientation and Gender in Iraq 4 (2009) *available at* http://www.hrw.org/sites/default/files/reports/iraq0809webwcover.pdf ("Iraqi police and security forces have done little to investigate or halt the killings [of gay Iraqis]" and some reports indicate that the Iraqi police are involved in attacks against gay men); U.S. Dep't of State, 2010 Country Reports on Human Rights Practices: Iraq 53 (2011), *available at* http://www.state.gov/documents/organization/160462.pdf [hereinafter DoS: Iraq].

[615] Amnesty Int'l, Trapped by Violence: Women in Iraq 3 (2009) *available at* http://www.amnesty.org/en/library/asset/MDE14/005/2009/en/e6cda898-fa16-4944-af74-f3efc0cf6a4d/mde140052009en.pdf.

[616] DoS: Iraq, *supra* note 614 at 48.

[617] Tom Newton Dunn, *Al-Qaeda in Gay Rape Horror*, Sun (London), Feb. 4, 2009, http://www.thesun.co.uk/sol/homepage/news/article2203190.ece; MENA Stakeholder Workshop, *supra* note 6.

[618] MENA Stakeholder Workshop, *supra* note 6.

[619] Iraq, Human Rights Briefing, *supra* note 614 at 4.

[620] MENA Stakeholder Workshop, *supra* note 6. *See also* Ali Hamdani & James Hider, *Basra's Murderous Militias Tell Christian Women to Cover Up or Face Death*, Times (London), Dec. 8, 2007, http://www.timesonline.co.uk/tol/news/world/iraq/article3018766.ece; Org. of Women's Freedom in Iraq, Prostitution and Trafficking of Women and Girls in Iraq 7 (2010), *available at* http://www.peacewomen.org/assets/file/Resources/NGO/dispvaw_prostitutiontraffickingiraqwomen_owfi_march2010.pdf [hereinafter Prostitution and Trafficking of Women and Girls in Iraq].

[621] DoS: Iraq, *supra* note 614, at 48.

[622] Prostitution and Trafficking of Women and Girls in Iraq, *supra* note 620, at 6.

[623] MENA Stakeholder Workshop, *supra* note 6.

[624] Matt McAllester, *The Hunted*, N.Y. Mag. Oct. 4, 2009, http://nymag.com/news/features/59695/index1.html.

[625] U.S. Dep't of State, 2009 Country Reports on Human Rights Practices: Iraq (2010), *available at* http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm; DoS: Iraq, *supra* note 614 at 53.

[626] *See, e.g.*, McAllester, *supra* note 624.

[627] *Iraqi Police Raid Karbala Safe House*, Iraqi LGBT 1, June 19, 2010, http://www.asylumlaw.org/docs/sexualminorities/Iraq061910.pdf; McAllester, *supra* note 624.

[628] *Iraqi Police Raid Karbala Safe House*, *supra* note 627, at 2.

[629] Molly Hennessy-Fiske, *Since Invasion, Gays in Iraq Lead Lives of Constant Fear*, L.A. Times, Aug. 5, 2007, http://articles.latimes.com/2007/aug/05/world/fg-iraqgay5. *See also* Kilian Malloy, *U.S. Complicit in Iraq's Anti-Gay Pogrom?*, Edge (Boston), June 23, 2010, http://www.edgeboston.com/index.php?ch=news&sc=&sc2=news&sc3=&id=107204 ("Media accounts suggest that the United States' invasion of Iraq not only precipitated a 'crisis' level of anti-gay violence, but that through inaction and a reliance on local strong-arms, the U.S. is complicit in the ongoing pursuit, torture, and murder of gay Iraqis.").

[630] McAllester, *supra* note 624.

[631] *Id.*

[632] MENA Stakeholder Workshop, *supra* note 6; Telephone Interview with Lebanese LGBTI Advocate (Aug. 2010).

[633] At a Crossroads: Human Rights in Iraq, *supra* note 614, at 54 (internal citation omitted).

[634] Madre: An Int'l Human Rights Org., Promising Democracy, Imposing Theocracy: Gender-Based Violence and the US War on Iraq 11–14 (2007) *available at* http://www.madre.org/images/uploads/misc/1268922752_iraqreport.pdf ("Perhaps the best-armed and most powerful perpetrators of gender-based violence in Iraq are those militias that have been trained, funded, and armed by the United States.").

[635] *See generally* Paul Canning, *US and UK Failing to Take Iraq's Gay Pogrom Seriously*, Guardian, June 23, 2010, http://www.guardian.co.uk/commentisfree/2010/jun/23/gay-people-iraq (reflecting on this mixed response).

[636] Michael Riley, *Polis Takes Iraq to Task over Attacks on Gays*, Denver Post, Apr. 9, 2009, http://www.denverpost.com/news/ci_12103017#ixzz1QsVcbRxB (noting that "the charge d'affaires in Baghdad has requested more documentation and the chance to speak with witnesses and victims.").

[637] Letter from Ambassador Patricia A. Butenis to Jared Polis 2 (Apr. 22, 2009), *available at* http://polis.house.gov/UploadedFiles/Butenis_Response.pdf.

[638] McAllester, *supra* note 624 ("But the Iraqis sometimes express repulsion at gay people, sources familiar with American diplomatic efforts say. And there is only so far Americans can push the Iraqi government without inadvertently causing a backlash on gay Iraqis.").

[639] *Iraqi Gays Condemn Obama/Clinton Inaction on Pogrom*, Iraq LGBTQ, June 3, 2009, 7:58 PM, http://iraqilgbtuk.blogspot.com/2009/06/iraqi-gays-condemn-obamaclinton.html. *See also Iraqi Police Raid Karbala Safe House*, *supra* note 627, at 1 ("Iraqi LGBT feel that the reason the British and United States government in particular didn't criticises (sic) the Iraqi government is because of the legacy of the occupation.").

[640] McAllester, *supra* note 624; Tyler Asen & Zach Strassburger, *The Gay Iraqi Crisis*, Foreign Pol'y, June 18, 2010, http://mideast.foreignpolicy.com/posts/2010/06/17/the_gay_iraqi_crisis.

[641] Asen & Strassburger, *supra* note 640.

[642] Jane Ferguson, *U.S. Military Picks, Trains Yemeni Fighters*, This Just In – CNN.com (July 14, 2010, 10:13 AM), http://news.blogs.cnn.com/2010/07/14/u-s-military-picks-trains-yemeni-fighers/. *See also* Jeremy Scahill, *Dangerous US Game in Yemen*, Nation, Mar. 30, 2011, http://www.thenation.com/article/159578/dangerous-us-game-yemen (noting that airstrikes "give valuable ammunition to Al Qaeda for its recruitment campaign in Yemen and its propaganda battle to destabilize the US-Yemen counterterrorism alliance"); Adam Entous, *Pentagon to Boost Yemen's Special Operations Forces*, Reuters, Apr. 20, 2010, http://www.reuters.com/article/2010/04/20/us-yemen-usa-idUSTRE63J32A20100420.

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[644] MENA Stakeholder Workshop, *supra* note 6.
[645] Grace Wyler, *Al Qaeda Declares Southern Yemeni Province an "Islamic Emirate"*, Business Insider, Mar. 31, 2011, http://www.businessinsider.com/al-qaeda-declares-southern-yemeni-province-an-islamic-emirate-2011-3.
[646] *Al-Qaeda Takes Over Abyan Radio Station, Declares Emirate in South Yemen*, Al-Shorfa, Apr. 1, 2011, http://al-shorfa.com/cocoon/meii/xhtml/en_GB/newsbriefs/meii/newsbriefs/2011/04/01/newsbrief-01; Wyler, *supra* note 645.
[647] MENA Stakeholder Workshop, *supra* note 6. *See further* Human Rights Watch, Israel/Occupied Palestinian Territories 4 (2011), *available at* http://www.hrw.org/sites/default/files/related_material/iopt_2.pdf ("Hamas police continued to harass, detain, and in some cases torture people suspected of "morality" offenses, including homosexuality.").
[648] *See supra* note 9 and accompanying text. *See infra* notes 948-955 and accompanying text.
[649] Madelyn Hsiao-Rei Hicks et al., *The Weapons that Kill Civilians — Deaths of Children and Noncombatants in Iraq, 2003–2008*, 360 New Eng. J. Med. 1585 (2009), *available at* http://www.nejm.org/doi/full/10.1056/NEJMp0807240; Kim Sengupta, *Iraq Air Raids Hit Mostly Women and Children*, Indep. (London), Apr. 16, 2009, http://www.independent.co.uk/news/world/middle-east/iraq-air-raids-hit-mostly-women-and-children-1669282.html.
[650] MENA Stakeholder Workshop, *supra* note 6.
[651] *See*, Bill Roggio & Alexander Mayer, *Analysis: A Look at US Airstrikes in Pakistan Through September 2009*, The Long War J., Oct. 1, 2009, http://www.longwarjournal.org/archives/2009/10/analysis_us_airstrik.php#ixzz1QnwEWs00 (reporting that based on their calculations of civilian deaths reported in the media "a total of 94 civilians were reported killed as a result of all strikes between 2006 and September 29, 2009...Considering that drone strikes have resulted in 979 total casualties during that same time period, our numbers show that only 9.6% of the casualties reported have been identified as civilians. While our number is undoubtedly a low estimate, this extremely small percentage suggests that the accuracy and precision of these strikes have improved along with the increased pace of these strikes over the past few years."); Peter Bergen & Katherine Tiedemann, *Revenge of the Drones*, New Am. Found., Oct. 19, 2009, http://newamerica.net/publications/policy/revenge_of_the_drones ("Since 2006, our analysis indicates, 82 U.S. drone attacks in Pakistan have killed between 750 and 1,000 people...of those killed in drone attacks from 2006 through mid-October 2009, between 500 and 700 were described in reliable press reports as militants, or some 66 to 68 percent. Based on our count of the estimated number of militants killed, the real total of civilian deaths since 2006 appears to be in the range of 250 to 320, or between 31 and 33 percent."); David Kilcullen & Andrew McDonald Exum, *Death from Above, Outrage from Below*, N.Y. Times, May 16, 2009, http://www.nytimes.com/2009/05/17/opinion/17exum.html ("Press reports suggest that over the last three years [2006–2009] drone strikes have killed about 14 terrorist leaders. But, according to Pakistani sources, they have also killed some 700 civilians. This is 50 civilians for every militant killed, a hit rate of 2 percent — hardly 'precision.' American officials vehemently dispute these figures, and it is likely that more militants and fewer civilians have been killed than is reported by the press in Pakistan."). *See generally* Adam Entous, *Special Report: How the White House Learned to Love the Drone*, Reuters, May 18, 2010, *available at* http://www.reuters.com/article/idUSTRE64H5SL20100518 (citing the observation of Jeffrey Addicott, who served as the senior legal adviser to the U.S. Army Special Forces that "'For one bad guy you kill, you'd expect 1.5 civilian deaths' because no matter how good the technology, 'killing from that high above, there's always the 'oops' factor.'"). *See also* Campaign for Innocent Victims in Conflict (CIVIC), Civilians in Armed Conflict: Civilian Harm and Conflict in Northwest Pakistan 14–15 (2010), *available at* http://www.civicworldwide.org/storage/civicdev/documents/civic%20pakistan%202010%20final.pdf [hereinafter Civilians in Armed Conflict].
[652] Entous, *supra* note 651
[653] *Id.*
[654] Press Release, Am. Civil Liberties Union, Newly Released Documents Reveal Details of Civilian Casualty Claims in Afghanistan and Iraq (Apr. 1, 2010), *available at* http://www.aclu.org/national-security/newly-released-documents-reveal-details-civilian-casualty-claims-afghanistan-and-i.
[655] Civilians in Armed Conflict, *supra* note 651, at 64.
[656] *Id.* at 62.
[657] Williams, *supra* note 323; Richard Engel, *Iraqi Orphans Face Uncertain Future*, NBC News, May 26, 2006, http://www.msnbc.msn.com/id/12820704/ns/nightly_news/t/iraqi-orphans-face-uncertain-future/.
[658] Oxfam Int'l, In Her Own Words: Iraqi Women Talk About Their Greatest Concerns and Challenges 2–4 (2009), *available at* http://www.oxfam.org/sites/www.oxfam.org/files/oxfam-in-her-own-words-iraqi-women-survey-08mar2009.pdf [hereinafter Iraqi Women Concerns and Challenges].
[659] Williams, *supra* note 323. *See also* Iraqi Women Concerns and Challenges, *supra* note 658, at 3, 19 (reporting *inter alia* that of 1,700 women surveyed, "76% of widows said they did not receive a pension from the government").
[660] *See supra* text accompanying notes 315-324.
[661] Hillary Rodham Clinton, U.S. Sec'y of State, Address at a Town Hall Meeting in Baghdad, Iraq (Apr. 27, 2009), *available at* http://uspolicy.be/headline/remarks-secretary-clinton-town-hall-meeting-iraq.
[662] *See* Edward Yeranian, *US Secretary of State Makes Unannounced Visit to Iraq*, VOANews.com, Apr. 25, 2009, http://www.voanews.com/english/news/a-13-2009-04-25-voa6-68733682.html.
[663] As *If Hell Fell on Me*, *supra* note 129, at 84–87 (discussing USG assistance to the Pakistani Government in support of military operations).
[664] See Civilians in Armed Conflict, *supra* note 651, at 15 ("All three warring parties—the US, Pakistan, and militants—contribute to civilian loss.").

[665] *Id.* at 26.
[666] *Id.* at 27.
[667] *Id.* at 28.
[668] *Id.* at 53.
[669] *Id.* at 64.
[670] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 51 (reflecting that under certain circumstances, the increased presence of government military forces and private military contractors may contribute to an increase in human trafficking).
[671] Cortright & Persinger, *supra* note 594, at 1.
[672] U.S. Dep't of State, Office to Monitor and Combat Trafficking in Persons, Trafficking in Persons Report 51 (2007), *available at* http://www.state.gov/documents/organization/82902.pdf (describing Afghanistan as a destination country for trafficked persons). DoS began including Afghanistan in its TIP reports in 2002 and from 2002–2006, Afghanistan was not listed as a trafficking destination country. *See generally Trafficking in Persons Report*, U.S. Dep't of State, http://www.state.gov/g/tip/rls/tiprpt/ (last visited June 27, 2011).
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[674] Trafficking in Persons 2010, *supra* note 673, at 56 ("Boys are sometimes promised enrollment in Islamic schools in Pakistan and Iran, but instead are trafficked to camps for paramilitary training by extremist groups.").
[675] *Id.*
[676] Jon Boone, *Foreign Contractors Hired Afghan 'Dancing Boys', WikiLeaks Cable Reveals*, Guardian (London), Dec. 2, 2010, http://www.guardian.co.uk/world/2010/dec/02/foreign-contractors-hired-dancing-boys.
[677] Int'l Org. for Migration, Trafficking in Persons: An Analysis of Afghanistan 37 (2004), *available at* http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/Afghan_trafficking.pdf.
[678] Interview with Afghan women's rights organization, in Istanbul, Turk. (Oct. 2010).
[679] *Id.* ("Trafficking gangs are very much deep-rooted and their identification and prosecution is extremely difficult even for law enforcement agencies.").
[680] Malka Marcovich, Norwegian Church Aid, Trafficking, Sexual Exploitation and Prostitution of Women and Girls in Iraq 5 (2010) *available at* http://www.changemaker.no/PageFiles/726/Report,%20Trafficking%20in%20Iraq%20%28PDF%29.pdf. *See also* At a Crossroads: Human Rights in Iraq, *supra* note 614, at 11 ("Since the 2003 invasion, widespread security deterioration and displacement, financial hardship, social disintegration, and the dissolution of the rule of law and state authority have all contributed to an increase in trafficking and forced prostitution.").
[681] Prostitution and Trafficking of Women and Girls in Iraq, *supra* note 620, at 13.
[682] *Id.*
[683] Jeff Jeffrey, *Justice for Contract Workers in America's Wars*, Nat'l L. J., Jan. 3, 2011, http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202476608072&.
[684] *See* At a Crossroads: Human Rights in Iraq, *supra* note 614, at 14; *see generally id.* at 11–16 detailing rights violations involved in trafficking. *See also* Mohammed Jamjoom, *Sex Slave Girls Face Cruel Justice in Iraq*, CNN.com, May 4, 2010, http://articles.cnn.com/2010-05-04/world/iraq.women.prisons_1_trafficked-iraq-sexual-slavery?_s=PM:WORLD.
[685] MENA Stakeholder Workshop, *supra* note 6.
[686] *Id. See also* Trafficking in Persons 2010, *supra* note 673, at 56 (reporting on the phenomenon of the Taliban forcing young boys to serve as suicide bombers).
[687] Interview with Afghan women's rights organization, *supra* note 678. *See also Afghanistan Program Overview – INL Afghanistan*, U.S. Dep't of State, http://www.state.gov/p/inl/narc/c27187.htm (last visited June 6, 2011).
[688] Interview with Afghan women's rights organization, *supra* note 678.
[689] *See* Trafficking in Persons 2010, *supra* note 673, at 57.
[690] Interview with Afghan women's rights organization, *supra* note 678.
[691] *Id.*
[692] Global Alliance Against Traffic in Women, Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World 14-15 (2007), *available at* http://www.gaatw.org/Collateral%20Damage_Final/singlefile_CollateralDamagefinal.pdf.
[693] *See* Daud Khattakin & Christina Lamb, *Thousands Flee Bomb Attacks by US Drones*, Times Online, Apr. 5, 2009, http://www.timesonline.co.uk/tol/news/world/middle_east/article6036512.ece ("As many as 1m people have fled their homes in the Tribal Areas to escape attacks by the unmanned spy planes as well as bombings by the Pakistani army."); 3D Sec. Initiative, The Costs of Drone Strikes in Pakistan and Afghanistan 2 (2010), *available at* http://www.humansecuritygateway.com/documents/3D_CostDroneStrikes_Pakistan_Afghanistan.pdf ("Over a million internally displaced Pakistanis have fled their homes, schools, and businesses to escape drone bombings, military bombing, and ground fighting.").
[694] Military operations in the Federally Administered Tribal Areas and the North-West Frontier Province (NWFP)/Khyber Pakhtunkhwa Province where the Pakistani government with support from the USG is fighting the Pakistani Taliban have resulted in mass displacement with gendered impacts, such as increased risk of sexual violence for female IDPS, increased number of female headed households and

burdens on those women; and barriers to accessing goods and services including humanitarian relief. *See As If Hell Fell on Me*, *supra* note 129, at 78–79; *id.* at 84–87 (discussing USG assistance to the Pakistani Government in support of military operations).

[695] *See, e.g.*, Internal Displacement Monitoring Ctr., Afghanistan: Need to Minimise New Displacement and Increase Protection for Recently Displaced in Remote Areas 1, 6, 8 (2011), *available at* http://www.unhcr.org/refworld/publisher,IDMC,,,4da43eda2,0.html ("[M]ost of the documented mass displacements have occurred as a result of offensives by international forces" and discussing some of the challenges displaced Afghan women face).

[696] *See* Int'l Rescue Comm., A Tough Road Home: Uprooted Iraqis in Jordan Syria, and Iraq 1 (2010), *available at* http://www.rescue.org/sites/default/files/resource-file/IRC_Report_02_18_ToughRoad.pdf (noting that since the Iraq war in 2003,"[f]leeing war and sectarian violence, millions of Iraqis have scattered across Iraq and have taken refuge in the neighboring countries of Syria and Jordan or have gone farther afield."). *See also* Melinda J. Morton & Gilbert M. Burnham, *Iraq's Internally Displaced Persons: A Hidden Crisis*, 300 J. Am. Med. Ass'n 727, 727 (2008), *available at* http://www.jhsph.edu/bin/s/i/Iraq;s%20Internally%20Displaced%20Persons.pdf ("With the US-led 2003 invasion of Iraq, internal displacement began again … Female IDPs are particularly vulnerable.").

[697] A human rights advocate at our MENA Stakeholder Workshop also noted that drone attacks have contributed to displacement in the south of Yemen. *See* MENA Stakeholder Workshop, *supra* note 6.

[698] For example, U.S. supported Yemeni government military operations against suspected AQAP militants have resulted in significant internal displacement in South Yemen: *see Yemen: Southern IDPs Appeal for Aid*, Integrated Rec'l Ino. Networks (Sept. 30, 2010), http://www.unhcr.org/refworld/country,,,,YEM,4562d8cf2,4ca989ad1e,0.html (reporting on the challenges facing IDPs in South Yemen who have "fled clashes in the past two weeks between the Yemeni army and militant groups"); Following the Money in Yemen and Lebanon, *supra* note 256, at 6–8 ("[T]he USG is focused on preventing al-Qaeda from launching further terrorist attacks from Yemen, and has provided counter-terrorism assistance to the ROYG [Republic of Yemen Government] for this purpose" including through support to Yemeni military operations). In addition, the U.S. Senate Committee on Foreign Relations, has concerns that the USG has inadvertently supported the conflict between the Yemeni Government and the Houthi rebels in the north. *See id.* at 8. This conflict led to mass displacement with disproportionate impacts on women and children. *See, e.g.*, Loreto Palmaera, *A Closer Look at the Impact of Conflict on Food Security and Livelihoods for Sa'ada's Displaced*, Safahat, July 2010, at 15–17, *available at* http://www.oxfam.org.uk/oxfam_in_action/where_we_work/downloads/yemen_safahat1.pdf; *Yemen: Humanitarian Assistance to Internally Displaced Persons*, Relief Int'l, http://www.ri.org/story.php?ID=80 (last visited June 3, 2011) (noting that shelter conditions for IDPs were inadequate and lacked privacy for girls and women.). In some cases, the USG has responded to these impacts, for example, Relief International, with support from the U.S. Office of Foreign Disaster Assistance, has focused on providing support to female headed households in Yemen: *id.*

[699] *More than 4 Million Iraqis Have Fled Home as Situation Worsens – UN*, UN News Ctr., June 5, 2007, http://www.un.org/apps/news/story.asp?Cr=Iraq&Cr1=&NewsID=22786.

[700] *2011 UNHCR Country Operations Profile - Syrian Arab Republic*, United Nations High Comm'r for Refugees http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486a76 (last visited July 5, 2011).

[701] *2011 UNHCR Country Operations Profile - Jordan* United Nations High Comm'r for Refugees http://www.unhcr.org/pages/49e486566.html (last visited July 5, 2011).

[702] *2011 UNHCR Country Operations Profile – Lebanon*, United Nations High Comm'r for Refugees http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486676v (last visited July 5, 2011).

[703] *Syria*, Refugees Int'l, http://www.refugeesinternational.org/where-we-work/middle-east/syria (last visited June 6, 2011); Human Rights First, Fact Sheet: Iraqi Refugees in Jordan and Syria 1 (2007), http://www.humanrightsfirst.org/wp-content/uploads/pdf/irp-jordan-syria.pdf.

[704] Carolien Roelants, *Iraqi Refugees in Syria Not Going Back Soon*, Nieuwe Rotterdamsche Courant Handelsblad, Apr. 15, 2010, *available at* http://www.nrc.nl/international/Features/article2525449.ece/Iraqi_refugees_in_Syria_not_going_back_soon; Melanie Teff & Dawn Calabia, Iraqi Refugees: Women's Rights and Security Critical to Returns, Refugees Int'l 2 (2009), *available at* http://www.refugeesinternational.org/sites/default/files/071509_iraq_womensrights_0.pdf.

[705] *Id.*

[706] Teff & Calabia, *supra* note 705, at 2.

[707] Women's Comm'n for Refugee Women and Children, Iraqi Refugee Women and Youth in Jordan: Reproductive Health Findings - A snapshot from the field 6–7 (2007) [hereinafter Iraqi Refugee Women and Youth in Jordan], *available at* http://www.womensrefugeecommission.org/docs/jo_rh.pdf.

[708] Deborah Amos, *Dancing for Their Lives*, Foreign Pol'y, Mar. 9, 2010, http://www.foreignpolicy.com/articles/2010/03/09/dancing_for_their_lives (discussing female refugees in Syria that engage in sex work and explaining that "[w]idowed, divorced, or separated from husbands by the war, many women had children or elderly parents to support. Sex was often their only marketable asset"); Iraqi Refugee Women and Youth in Jordan, *supra* note 707, at 7 ("The situation is ripe for women and girls to be forced into prostitution and sex work as families struggle to survive."); Katherine Zoepf, *Desperate Iraqi Refugees Turn to Sex Trade in Syria*, N.Y. Times, May 29, 2007, http://www.nytimes.com/2007/05/29/world/middleeast/29syria.html (noting in respect of the female Iraqi refugee population in Syria that "[s]ome are tricked or forced into prostitution, but most say they have no other means of supporting their families"); Sebastian Swett & Cameron Webster, *US Dodges Obligation to Help Iraqi Women Trafficked into Sexual Slavery*, Nation, Aug. 19, 2010, *available at* http://www.thenation.com/article/154080/us-dodges-obligation-help-iraqi-women-trafficked-sexual-slavery ("Women and girls are recruited in Syria and Jordan as cabaret dancers and then forced into prostitution after their employers confiscate their passports and confine them to their work premises.").

[709] Teff & Calabia, *supra* note 705 at 1–2.

[710] Dale Buscher, *Unequal in Exile: Gender Equality, Sexual Identity and Refugee Status*, Amsterdam L. forum, Mar. 2011, at 92, 96 *available at* http://ojs.ubvu.vu.nl/alf/article/view/199/390. *See also* MENA Stakeholder Workshop, *supra* note 6 (LGBTI advocate noting that gay Iraqi men end up in Lebanon because it is considered freer than Jordan and Syria).
[711] Telephone Interview with Lebanese LGBT Advocate, *supra* note 632.
[712] MENA Stakeholder Workshop, *supra* note 6.
[713] Swett & Webster, *supra* note 708; Asen & Strassburger, *supra* note 640.
[714] MENA Stakeholder Workshop, *supra* note 6.
[715] *See generally Foreign Military Financing (FMF)*, U.S. Dep't of State, http://www.state.gov/t/pm/65531.htm (last visited July 5, 2011).
[716] *See generally International Military Education & Training (IMET)*, Def. Sec. Cooperation Agency, http://www.dsca.osd.mil/home/international_military_education_training.htm (last visited July 5, 2011).
[717] *See* Nina Serafino, Cong. Research Serv., RS 22855, Security Assistance Reform: "Section 1206" Background and Issues for Congress 3–4 (2011), *available at* http://www.fas.org/sgp/crs/natsec/RS22855.pdf (discussing the development and purpose of 1206 Funding).
[718] *See generally International Law Enforcement Academy (ILEA) Program Overview*, U.S. Customs & Border Prot., July 14, 2008, http://www.cbp.gov/xp/cgov/border_security/international_operations/international_training/law_enforce.xml.
[719] *See generally Anti-Terrorism Assistance Program*, U.S. Dep't of State, http://www.state.gov/s/ct/about/c16885.htm (last visited July 5, 2011).
[720] *See generally Transnational Crime Affairs Section (TCMS)*, Embassy of the U.S., Bangkok, Thai., http://bangkok.usembassy.gov/embassy/tcas.htm (last visited July 5, 2011).
[721] USG Counterinsurgency Guide, *supra* note 521, at 3.
[722] Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, Pub. L. No. 105-118, § 570 111 Stat. 2385, 2429 (1997), *available at* http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_public_laws&docid=f:publ118.pdf.
[723] Department of Defense Appropriations Act 2001, Pub. L. No. 106-259, § 8092, 114 Stat. 656, 694 (2000), *available at* http://www.gpo.gov/fdsys/pkg/PLAW-106publ259/html/PLAW-106publ259.htm.
[724] U.S. Gov't Accountability Office, GAO-06-850, Lapses in Human Rights Screening in North African Countries Indicate Need for Further Oversight 3 (2006), *available at* http://www.gao.gov/new.items/d06850.pdf ("In Morocco and Tunisia, we found lapses in the human rights vetting of foreign security forces receiving U.S.-funded training in fiscal years 2004 and 2005."); U.S. Gov't Accountability Office, GAO-05-793, Southeast Asia: Better Human Rights Reviews & Strategic Planning Needed for U.S. Assistance to Foreign Security Forces 2-4 (2005) *available at* http://www.gao.gov/new.items/d05793.pdf.
[725] Asia Stakeholder Workshop, *supra* note 5.
[726] *See* John D. Banusiewicz, *Gates Seeks Stronger Military Ties with Indonesia*, Am. Forces Press Serv. (Jul. 22, 2010) *available at* http://www.defense.gov/news/newsarticle.aspx?id=60118.
[727] Interview with Bureau of Political-Military Affairs, U.S. Dep't of State, *supra* note 86.
[728] *See, e.g.*, *Indonesia: US Resumes Military Assistance to Abusive Force*, Human Rights Watch, July 22, 2010, *available at* http://www.hrw.org/en/news/2010/07/22/indonesia-us-resumes-military-assistance-abusive-force; Elaine Pearson, *Opinion: Indonesian Military Gets Away with Torture*, Global Post, Feb. 8, 2011, *available at* http://www.globalpost.com/dispatch/indonesia/110208/indonesian-military-torture.
[729] Asia Stakeholder Workshop, *supra* note 5 (e.g., in Sri Lanka, as a result of increased attention to countering terrorism, there are now paramilitary units involved in immigration enforcement, with a resultant chilling effect on migrants who refuse to go to the police to report abuse, including domestic violence, because of their immigration status).
[730] Alsop, *supra* note 115.
[731] Asia Stakeholder Workshop, *supra* note 5.
[732] *Id.*
[733] *Id.*
[734] Samar Al-Bulushi & Adam Branch, *Africa: Africom and the ICC - Enforcing International Justice in Continent?*, allAfrica.com, May 27, 2010, http://allafrica.com/stories/201005271324.html.
[735] Ben Rawlence, *Trained in Terror*, Guardian (London), July 30, 2008, http://www.guardian.co.uk/commentisfree/2008/jul/30/kenya.terrorism; Human Rights Watch, Collective Punishment: War Crimes and Crimes Against Humanity in the Ogaden Area of Ethiopia's Somali Regional State 33 (2008), *available at* http://www.hrw.org/sites/default/files/reports/ethiopia0608_1.pdf.
[736] *See* U.S. Dep't of State, Congressional Budget Justification, Fiscal Year 2011, app. at 490 (2011), *available at* http://www.state.gov/documents/organization/137937.pdf [hereinafter Congressional Budget Justification].
[737] MENA Stakeholder Workshop, *supra* note 6.
[738] *Id. See also U.S. Delivers Police Vehicles to the Lebanese Internal Security Forces*, INL Beat, Fall 2009, at 1, *available at* http://www.state.gov/documents/organization/131303.pdf ("[T]he U.S. Embassy Beirut turned over 120 Dodge Charger vehicles equipped with sirens and police lights to the Lebanese Internal Security Forces (ISF).").
[739] MENA Stakeholder Workshop, *supra* note 6.
[740] For example, in Fiscal Years 2006–2009, Lebanon was the second highest recipient of Section 1206 and Section 1207 funding, funding streams that have (as been noted above) been critiqued by the Government Accountability Office for lack of monitoring and evaluation. *See* International Security: 1206 and 1207 Assistance Programs, *supra* note 293, at 32–35.
[741] Homa Khaleeli, *Afghan Women Fear for the Future*, Guardian (London), Feb. 4, 2011, http://www.guardian.co.uk/lifeandstyle/2011/feb/04/afghan-women-fears-for-future.
[742] *See supra* notes 68-80 and accompanying text. *See also Afghan Women and Girls: Building the Future of Afghanistan, Hearing Before the S.*

*Comm. on Foreign Relations*, 111th Cong. (2010) (testimony of Rachel Reid), *available at* http://www.hrw.org/en/news/2010/02/24/testimony-rachel-reid-senate-foreign-relations-committee [hereinafter *Afghan Women and Girls*, Reid] (referencing this support as "critical" but noting that "Unfortunately, the trend for women's rights is now negative in many areas.").

[743] *See, e.g.*, Fact Sheet, Advancing the Rights of Women and Girls: Keys to a Better Future for Afghanistan, U.S. Dep't of State, (Jan. 29, 2010), *available at* http://www.state.gov/s/special_rep_afghanistan_pakistan/2010/136250.htm (describing the U.S. strategy towards achieving full social participation for women in Afghanistan).

[744] Hillary Rodham Clinton, Sec'y of State, Remarks at the Launch of the Asia Society's Series of Richard C. Holbrooke Memorial Addresses, Feb. 18, 2011, *available at* http://www.state.gov/secretary/rm/2011/02/156815.htm ("If former militants are willing to meet these red lines, they would then be able to participate in the political life of the country under their constitution."). *See also* Ginger Thompson, *Gates Acknowledges Talks with Taliban*, N.Y. Times, June 19, 2011, http://www.nytimes.com/2011/06/20/world/asia/20gates.html.

[745] Clinton, *supra* note 744.

[746] *See, e.g.*, *Afghan Women Seek Inclusion in Taliban Talks*, Agence Fr.Presse, Mar. 10, 2009.

[747] *See, e.g.*, Allan Woods, *Women's Advocate Warns Against Peace with Taliban*, Toronto Star, June 08, 2010, http://www.thestar.com/news/canada/article/820480--woman-s-advocate-warns-against-peace-with-taliban (in the words of one Afghan women's rights activist: "Taliban do not recognize rights and even they don't recognize women as human beings…Their engagement will be bad news to our values and to the women of Afghanistan"); *Afghan Women Seek Inclusion in Taliban Talks*, *supra* note 746; Khaleeli, *supra* note 741; Alissa Rubin, *Afghan Women Fear Loss of Modest Gains*, N.Y. Times, Jul. 30, 2010, http://www.nytimes.com/2010/07/31/world/asia/31women.html.

[748] *See, e.g.*, Rubin, *supra* note 747 (noting that despite the support of Secretary Clinton, "women remain wary.").

[749] Marieke van der Vaart, *Prominent Afghan Women Seek Role in Peace Talks*, Wash. Post, June 16, 2011, http://www.washingtontimes.com/news/2011/jun/16/prominent-afghan-women-seek-role-in-peace-talks/.

[750] The London Conference on January 28, 2010, with the participation of sixty countries, discussed the transition to an Afghan-led process of securing the country and possibilities for a peaceful settlement with the Taliban. Myra MacDonald, *London Meeting Marks Sea-change in Afghan Approach*, Reuters, Jan. 27, 2010, http://www.reuters.com/article/2010/01/27/us-afghanistan-idUSTRE60Q3IW20100127; Anber Raz, *Hamid Karzai is Failing Afghan Women*, Guardian (London), May 10, 2010, http://www.guardian.co.uk/commentisfree/2010/may/10/karzai-failing-afghan-women ("Conspicuously missing and deliberately excluded from the London conference were the women of Afghanistan").

[751] The International Conference on Afghanistan was held in Kabul on July 20, 2010 to "deliberate and endorse an Afghan Government-led plan for improved development, governance, and stability." *See Kabul International Conference on Afghanistan*, Ministry of Foreign Affairs, Afg., http://www.mfa.gov.af/kabul-conference.asp (last visited June 28, 2011); Conference Statement, Afghan Women's Movement from First Women's Council to Kabul Conference, July 17–18, 2010, *available at* http://www.medicamondiale.org/fileadmin/content/01_Homepage-Teaser/Afghan_Women_Movement_from_First_Women_s_Council_to_the_Kabul_Conference_Statement-_July_2010.pdf (noting at 1 the exclusion of Afghan women from the Kabul Conference).

[752] *See, e.g.*, Josh Rogin, *Karzai's Goals in Washington*, Foreign Pol'y (May 10, 2010), http://thecable.foreignpolicy.com/posts/2010/05/10/karzais_goals_in_washington. *See also* Robert H. Reid, *Karzai: Women's Rights Will Not Be Sacrificed*, MSNBC.com, Aug. 22, 2010, http://www.msnbc.msn.com/id/38806384/ns/world_news-south_and_central_asia/t/karzai-womens-rights-will-not-be-sacrificed/; Bente Aika Scheller, *How Long Means Never? On International Women's Rights Day in Kabul, President Karzai Commits to Women's Rights*, Heinrich Böll Stiftung, Mar. 14, 2011, http://www.boell-afghanistan.org/web/114-317.html.

[753] For example, in 2009 Karzai approved the controversial Shia Personal Status Law, severely restricting women's rights; *see* Valerie M. Hudson & Patricia Leidl, *Betrayed*, Foreign Pol'y, May 10, 2010, http://www.foreignpolicy.com/articles/2010/05/07/the_us_is_abandoning_afghanistan_s_women. In February 2010, he moved to reduce the number of seats for women parliamentarians; *see Afghan Women and Girls*, Reid, *supra* note 742 ("Sadly, it is no longer clear what commitment President Karzai has to women's rights.").

[754] Khaleeli, *supra* note 741 (reflecting the opinion of Zainab Salbi that "there is little appetite among US politicians for protecting women in the region, despite support from the US secretary of state, Hillary Clinton. Instead, she says: 'There is a clear, clear opinion that women's rights were a) not that relevant and b) irreconcilable with peace in Afghanistan").

[755] *A Peace Penalty for Afghan Women?*, Council on Foreign Relations, (Nov. 12, 2010), http://www.cfr.org/afghanistan/peace-penalty-afghan-women/p23389. *See also* Khaleeli, *supra* note 741.

[756] Khaleeli, *supra* note 741. *See also Afghan Women and Girls*, Reid, *supra* note 742 ("Afghan women will continue to fight to defend their freedoms, but President Obama and the US can do much more to let them know through words and deeds that the United States will support them rather than abandon them in a scramble for deal-making. Women's rights must at all times be central to US policies and goals in Afghanistan."); Meredith Tax, *Can Afghan Women Count on Hillary Clinton?*, Guardian (London) (July 4, 2011), http://www.guardian.co.uk/commentisfree/cifamerica/2011/jul/04/women-afghanistan-taliban-clinton.

[757] *See generally* U.S. Gov. Accountability Office, Report to Congressional Requesters/Terrorist Financing 7–14 (Oct. 2005), *available at* http://www.gao.gov/new.items/d0619.pdf; Press Release, U.S. Dep't of Treasury, Remarks by Treasury Assistant Secretary for Terrorist Financing Patrick M. O'Brien (Feb. 12, 2007), *available at* http://www.treasury.gov/press-center/press-releases/Pages/hp841.aspx.

[758] *See generally Protecting Charitable Organizations*, U.S. Dep't of the Treasury (last updated Dec. 3, 2010) http://www.treasury.gov/resource-center/terrorist-illicit-finance/Pages/protecting-index.aspx; *Protecting Charitable Giving: Frequently Asked Questions*, U.S. Dep't of the Treasury (June 4, 2010), http://www.treasury.gov/resource-center/terrorist-illicit-finance/Documents/Treasury%20Charity%20FAQs%206-4-2010%20FINAL.pdf [hereinafter *Protecting Charitable Giving*].

[759] Interview with Office of Terrorism and Financial Intelligence, U.S. Dep't of the Treasury, in Wash., D.C. (Apr. 2011) [hereinafter Interview with OTFI]; Telephone Interview with Office of Terrorism and Financial Intelligence, U.S. Dep't of the Treasury, in Wash. D.C., (Apr. 2011)

[hereinafter Telephone Interview with OTFI].
[760] Telephone Interview with OTFI, *supra* note 759.
[761] Interview with OTFI, *supra* note 759.
[762] *Id. See also* Press Release, U.S. Dep't of the Treasury, Assistant Secretary for Terrorist Financing David S. Cohen Remarks on Terrorist Financing (Jan. 28, 2010), *available at* http://www.treasury.gov/press-center/press-releases/Pages/tg515.aspx (detailing Treasury's activities in Afghanistan and Pakistan to enhance the formal financial sector).
[763] Interview with OTFI, *supra* note 759.
[764] *See generally Terrorist Designation Lists*, U.S. Dep't of State, http://www.state.gov/s/ct/list/ (last visited June 30, 2011) (noting the terrorist designation lists); *State Sponsors of Terrorism*, U.S. Dep't of State, http://www.state.gov/s/ct/c14151.htm (last visited June 30, 2011) (noting the designation of countries as "state sponsors of terrorism.").
[765] Pub. L. 104-132, 110 Stat. 1214 (1996); *Foreign Terrorist Organizations*, U.S. Dep't of State (May 19, 2011) http://www.state.gov/s/ct/rls/other/des/123085.htm.
[766] 2 Pub. L. 95-223, 91 Stat. 1626; Exec. Order No. 13,224, 66 Fed. Reg. 49,079 (Sept. 23, 2001), *available at* http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/print/20010924-1.html [hereinafter *EO 13224*].
[767] *See* 18 U.S.C. §2339(b) (criminalizing support of designated terrorist organizations); 18 U.S.C. § 2339(a) (criminalizing support of a range of terrorism offences); *see generally* Charles Doyle, Cong. Research Serv., Terrorist Material Support: An Overview of 18 U.S.C. 2339A and 2339B (July 19, 2010), *available at* http://www.fas.org/sgp/crs/natsec/R41333.pdf.
[768] Holder v. Humanitarian Law Project, No. 08-1498, slip op. (U.S. June 21, 2010).
[769] *EO 13224*, *supra* note 766, §2(a).
[770] *Id.* §4.
[771] *See e.g., Model Policies for Fair Procedures for Listing and Delisting U.S. Charities*, Charity & Sec. Network, http://www.charityandsecurity.org/solutions/model_due_process_procedures_charities (last visited June 9, 2011).
[772] As of June 29, 2011, OFAC's Specially Designated Nationals and Blocked Persons list (including *inter alia* FTOs and SDGTs) is 511 pages long: *see Specially Designated Nationals and Blocked Persons*, U.S. Dep't of the Treasury (June 29, 2011) *available at* http://www.treasury.gov/ofac/downloads/t11sdn.pdf; Ian Horobin, *Financial Sanctions-A Growing Problem*, Omnicision (Mar. 10, 2011), http://www.omnicision.com/sanctions/index.php/home/sanctions-articles/11-articles/sanctions-articles/10-financial-sanctions-a-growing-problem (noting a 10% increase in the number of entries on the SDN list between May 2010 and March 2011).
[773] *See generally* ACLU v. Geithner, No. 10-1303 (D.D.C. Aug. 3, 2010) (Mem.) *available at* http://www.aclu.org/files/assets/8-OFACTRObrieffinal.pdf. *But see Government Changes Attorney Licensing Regulations In Response To Lawsuit Filed by CCR and ACLU*, Am. Civil Liberties Union (Dec. 17, 2010), http://www.aclu.org/national-security/government-changes-attorney-licensing-regulations-response-lawsuit-filed-ccr-and-a (noting that in December 2010, ACLU and CCR voluntarily dismissed the case due to OFAC changes to attorney licensing procedures).
[774] *See, e.g., Material Support and the Need for a Sensible Humanitarian Exemption*, Charity & Sec. Network (July 7, 2010), http://www.charityandsecurity.org/analysis/material_support_law.
[775] *Protecting Charitable Giving*, *supra* note 758, at 10.
[776] U.S. Dep't of the Treasury, Anti-Terrorist Financing Guidelines: Voluntary Best Practices For U.S.-Based Charities (2006), *available at* http://www.treasury.gov/resource-center/terrorist-illicit-finance/Documents/guidelines_charities.pdf [hereinafter Anti-Terrorist Financing Guidelines]; U.S. Dep't of the Treasury, Office of Foreign Assets Control, Risk Matrix for the Charitable Sector (2007), *available at* http://www.treasury.gov/resource-center/terrorist-illicit-finance/Documents/charity_risk_matrix.pdf [hereinafter OFAC Risk Matrix]; Typologies and Open Source Reporting on Terrorist Abuse of Charitable Operations In Post-Earthquake Pakistan and India, U.S. Dept. of the Treasury, *available at* http://www.treasury.gov/resource-center/terrorist-illicit-finance/Documents/charities_post-earthquake.pdf.
[777] U.S. Agency for Int'l Dev., Acquisition & Assistance Policy Directive 04-14, Certification Regarding Terrorist Financing Implementing E.O. 13224 (Revision 2) (2004) *available at* www.usaid.gov/business/business_opportunities/cib/pdf/aapd04_14.pdf [hereinafter AAPD 04-14]. *See also World Wide Anti-Terrorism Certification*, U.S. Agency for Int'l Dev. (Mar. 4, 2005) *available at* http://www.usaid.gov/press/factsheets/2005/fs050304.html (detailing the genesis of the certification requirement that was originally issued on December 31, 2002 in AAPD 02-19 and reissued on March 24, 2004 in AAPD 04-07 before its final issue pursuant to AAPD 04-14 on September 24, 2004).
[778] *See, e.g.*, U.S. Agency for Int'l Dev.: Privacy Act of 1974; System of Record Notice, 72 Fed. Reg. 39042 (July 17, 2007) *available at* http://www.gpo.gov/fdsys/pkg/FR-2007-07-17/pdf/FR-2007-07-17.pdf [hereinafter AID System of Record Notice]; *Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges in South Asia, Hearing Before the Subcomm. on the Middle E. and S. Asia of the H. Comm. on Foreign Affairs*, 112th Cong. 3-5 (2011) (statement of Donald Sampler, Principal Deputy Assistant to the Adm'r & Deputy Dir. of the Office of Afg. & Pak. Affairs at U.S. Agency of Int'l Dev.), *available at* http://foreignaffairs.house.gov/112/sam040511.pdf (describing USAID/Pakistan's procedure for vetting partners, including at 4 that "USAID/Pakistan checks all contract and grant recipients issued by the Mission against the USG Excluded Parties Listing System (EPLS) and the list of suspected terrorists designated as 'Specially Designated Nationals and Blocked Persons' by the Office of Foreign Asset Control (OFAC) of the Department of Treasury.").
[779] AAPD 04-14, *supra* note 777, at 6 (containing the ATC requirement, which requires the recipient organization "before providing any material support or resources to an individual or entity" to check that the individual and entity do not appear on the OFAC SDGT list and the list prepared by the United Nations Security Council Committee established pursuant to U.N. Security Council Resolution 1267 (1999)

concerning Al-Qaida and the Taliban and Associated Individuals and Entities).

[780] *See, e.g., Gender Equity Program, Supported by USAID*, Aurat Publication and Information Serv. Found. 26–27 (Feb. 20, 2011), *available at* http://www.af.org.pk/gep/PDF/RFP%20cycle%20two_AR_021811.pdf (reflecting the requirement that applicants for a USAID sub-grant must also provide an ATC).

[781] AID System of Record Notice, *supra* note 778 (giving notice that USAID "proposes to establish a new system of records, the Partner Vetting System (PVS)."). On January 2, 2009, USAID issued the final rule, *see* Agency for International Development, 74 Fed. Reg. 9 (Jan. 2, 2009) (to be codified at 22 C.F.R. pt. 215) and the Obama Administration is yet to implement the rule (*see* Press Release, Mark Kirk/U.S. Senator for Illinois, Kirk Questions USAID Administrator in Senate Hearing (Apr. 13, 2011), *available at* http://kirk.senate.gov/?p=press_release&id=137). Note that a mandatory partner vetting system exists in respect of USAID activities in the West Bank and Gaza. *See* Letter from Roy Plunckett, USAID/West Bank & Gaza, to All USAID/West Bank and Gaza Contractors, Grantees and Recipients (Oct. 5, 2007), *available at* http://www.usaid.gov/wbg/misc/2007-WBG-26.pdf.

[782] *See, e.g.*, U.S. Dep't of State, Country Reports On Terrorism 2009 19–20 (2010) [hereinafter Country Reports on Terrorism 2009], *available at* http://www.state.gov/documents/organization/141114.pdf.

[783] *See, e.g., id.* at 117–118.

[784] *See generally* U.S. Gov. Accountability Office, GAO-09-883, U.S. Agencies Report Progress Countering Terrorism and its Financing in Saudi Arabia, but Continued Focus on Counter Terrorism Financing Efforts Needed (Sept. 2009), *available at* http://www.gao.gov/new.items/d09883.pdf.

[785] *See, e.g.*, Country Reports on Terrorism 2009, *supra* note 782, at 144–145.

[786] *See, e.g., DOJ/OPDAT Asia and Pacific Programs*, U.S. Dep't of Justice, http://www.justice.gov/criminal/opdat/worldact-programs/asia-pacific.html (last visited June 9, 2011).

[787] *See, e.g., Senate to Pass Anti-Terrorism Bill Into an Act*, Radio Nigeria Online, Feb. 11, 2011, http://ww2.radionigeria.gov.ng/frnews-detail.php?ID=2544 ("The country is also under a lot of pressure from western countries to pass an anti-terror bill, after the involvement of a Nigerian in a Christmas day plot to down a US airliner over Detroit."); *Senate Passes Anti-Terrorism Bill*, Nigerian Bull., Feb. 18, 2011, http://nigerianbulletin.com/2011/02/18/senate-passes-anti-terrorism-bill-daily-independent/ ("The Anti-Terrorism Bill is one of those that President Goodluck Jonathan pleaded with lawmakers to pass into law to save Nigeria the embarrassment of being blacklisted by the Financial Action Task Force (FATF); the other being the Anti-Money Laundering Bill.").

[788] *See generally* Amnesty Int'l, *Nigeria: Provisions of the 'Prevention of Terrorism Bill 2009' Are Incompatible with Nigeria's Human Rights Obligations*, AI Index AFR 44/006/2010 (May 27, 2010), *available at* http://www.amnesty.org/en/library/asset/AFR44/006/2010/en/bd4fde3e-e804-44ff-9782-937de577b947/afr440062010en.pdf (documenting concerns with provisions of the 2009 bill).

[789] Interview with Counterterrorism Unit, Office of Overseas Prosecutorial Dev., Assistance & Training, U.S. Dep't of Justice, in Wash., D.C. (Apr. 2011).

[790] This typology is based on a framework provided at the U.S. Stakeholder Workshop, *supra* note 3. The latter point of the impact of terrorism bars on women as alleged terrorists is explored more fully below; *see infra* notes 990–992, 1132–1142 and accompanying text.

[791] Interview with OTFI, *supra* note 759.

[792] Telephone Interview with OTFI, *supra* note 759.

[793] Interview with OTFI, *supra* note 759.

[794] Interview with U.S. Embassy, in Nairobi, Kenya (Aug. 2010).

[795] *Id.*

[796] Jeffrey Gettleman, *U.S. Delays Somalia Aid, Fearing It Is Feeding Terrorists*, N.Y. Times, Oct. 1, 2009, http://www.nytimes.com/2009/10/02/world/africa/02somalia.html.

[797] *Id.*

[798] *See, e.g.*, David Cortright et al., Fourth Freedom Forum and Kroc Inst. for Int'l Peace Studies, Friend not Foe: Opening Spaces for Civil Society Engagement to Prevent Violent Extremism 21–23 (2d ed. 2011) *available at* http://www.sanctionsandsecurity.org/wp-content/uploads/Friend-not-Foe_Fnl_May.pdf; OMB Found. & Grantmakers Without Borders, Collateral Damage: How the War on Terror Hurts Charities, Foundations, and the People They Serve (2008), *available at* http://www.ombwatch.org/files/npadv/PDF/collateraldamage.pdf [hereinafter Collateral Damage].

[799] *See* Letter from Marcus S. Owens, Member of Caplin & Drysdale Attorneys, to Chip Poncy, Director of the Office of Strategic Policy for Terrorist Financing & Financial Crimes (Nov. 8, 2010) *available at* http://www.charityandsecurity.org/system/files/TGWGWDrawletter.pdf. *See also Charities End Dialogue with Treasury Over Guidelines that Stifle Effective Global Grantmaking*, Council On Foundations (Nov. 22, 2010) *available at* httpwww.cof.org/about/newsroom/prdetail.cfm?ItemNumber=17925&navItemNumber=14857l; *Non-Profit Groups End Talks With Treasury About Ineffectual Guidelines*, Charity & Sec. Network (Dec. 1, 2010) *available at* http://www.charityandsecurity.org/news/Nonprofit_Groups_End_Talks_With_Treasury_about_Ineffectual_Guidelines.

[800] Interview with Charity and Sec. Network, in New York, N.Y. (June 2011). *See also* Anti-Terrorist Financing Guidelines, *supra* note 776, at 1.

[801] *Updated: Treasury Data Shows Charities Not Significant Source of Terrorist Support*, Charity & Sec. Network (Jan. 8, 2010) http://www.charityandsecurity.org/background/Treasury_too_much_emphasis_charities%3F.

[802] Interview with Charity and Sec. Network, *supra* note 800.

[803] Kay Guinane, *Now is a Good Time for a Good Faith Standard*, Charity & Sec. Network (Feb. 12, 2010), http://www.charityandsecurity.org/blog/Now_Good_Time_Good_Faith_Standard.

[804] *See, e.g.*, U.N. Global Counter-Terrorism Strategy, *supra* note 14, §§ pmbl. ¶ 3(e), I ¶ 8, II ¶ 11. *See generally* O.A.S. 10th Reg. Sess., OEA/Ser.L/X.2.10 (Mar. 19, 2010), *available at* http://www.cicte.oas.org/rev/en/meetings/sessions/10/CICTE%20INF%2011%20REMARKS%20OF%20JEAN-PAUL%20LABORDE%20CICTE00550E04.pdf; Eric Rosand et al., Ctr. on Global Counterterrorism Cooperation, Civil Society and the UN Global Counter-Terror Strategy: Opportunities and Challenges (2008), http://www.globalct.org/images/content/pdf/reports/civil_society.pdf.

[805] *See supra* notes 67–101 and accompanying text.

[806] Telephone Interview with Urgent Action Fund for Women's Human Rights (Mar. 2010).

[807] *See, e.g.*, Cortright et al., *supra* note 798, at 2–3, 8–9, 20–24.

[808] OFAC Risk Matrix, *supra* note 776, at 3 (noting that it is a "low risk" if "[t]he charity engages exclusively in charitable work in the U.S. or in foreign countries/regions where terrorist organizations are not known to be active"; medium risk if "[t]he charity engages in some work in foreign countries/regions where terrorist organizations may be active"; and high risk if "[t]he charity primarily engages in work in conflict zones or in countries/regions known to have a concentration of terrorist activity").

[809] Constitution Project et al., Liberty and Security: Recommendations for the Next Administration and Congress 44 (2008), *available at* http://www.constitutionproject.org/pdf/Liberty%20and%20Security%20Transition%20Report.pdf [hereinafter Liberty & Security]. *See also* Collateral Damage, *supra* note 798, at 9–10 ("[S]ome charities and foundations are quietly changing their programs to avoid politically sensitive areas of the world.").

[810] Joanna Kerr, Ass'n for Women's Rights in Dev., The Second Fundher Report: Financial Sustainability for Women's Movements Worldwide 34 (2007), *available at* http://www.awid.org/eng/content/download/23054/293669/file/Second%20Fundher%20Report%20-%20Financial%20Sustainability%20for%20women's%20Movements%20worldwide.pdf [hereinafter Second Fundher Report].

[811] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 43 (internal citations omitted).

[812] *Id.*, ¶ 42.

[813] Second Fundher Report, *supra* note 810, at 57–58.

[814] *Id.* at 58 (internal citations omitted).

[815] Ass'n for Women's Rights in Dev., MENA Report 2008-1 17 (2008), http://www.awid.org/Media/Files/MENA-Report-2008-1 (follow the MENA Report hyperlink) (last visited June 9, 2011).

[816] Interview with U.S. Gov't Official, U.S. Agency for Int'l Dev., *supra* note 16.

[817] *See, e.g.*, Tim Morris, Int'l NGO Training and Research Ctr., Arab League Conference in Cairo, Egypt: The Impact of Counter-Terrorism Measures on Civil Society 4 (Jan. 17–18, 2008) (transcript available at http://www.timmorris.info/cairo%20CTM%20presentation.pdf [hereinafter Impact of CT Measures on Civil Society]("CTM [Counter-Terrorism Measure] laws involve much additional expense. Unlike other donors, the US has accepted very high overhead levels – significantly above the global norm – due to elaborate auditing requirements. The danger for non-US NGOs is that their respective countries are pressured by the US to adopt CTMs but their donors are not willing or able to cover the additional costs of compliance.").

[818] *See supra* note 366.

[819] Funders for Lesbian & Gay Issues, A Global Gaze 3 (2005), http://www.springstrategies.org/storage/FLGI%20LGBTI_GFRprWeb.pdf.

[820] OFAC Risk Matrix, *supra* note 776, at 2.

[821] Interview with Office of Women in Dev., U.S. Agency for Int'l Dev., *supra* note 184.

[822] *Id.*

[823] Africa Stakeholder Workshop, *supra* note 4.

[824] *See, e.g.*, Jude Howell & Jeremy Lind, Econ. & Soc. Research Council, 'Civil Society With Guns Is Not A Civil Society': Aid, Security and Civil Society in Afghanistan 13 (2008), *available at* http://www.lse.ac.uk/collections/GWOT/pdf/WP24_Afghanistan_HowellLind_Web.pdf.

[825] Charity & Sec. Network, How the Work of Charities Can Counter Terror and How U.S. Laws Get in the Way 7 (2009), *available at* http://www.charityandsecurity.org/system/files/CharityandSecurityNetwork_How_the_Work_of_Charities_Can_Counter_Terror.pdf.

[826] Cortright et al., *supra* note 798, at 22.

[827] Int'l Crisis Grp., Enter Hamas: The Challenges of Political Integration 24 (2006), *available at* http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Israel%20Palestine/Enter%20Hamas%20The%20Challenges%20of%20Political%20Integration.ashx (noting in relation to the occupied Palestinian territory that "[m]any organisations – including numerous secular NGOs that the U.S. presumably hoped to support – refuse to submit to USAID's conditions, in particular the signing of the anti-terrorism certificate.").

[828] Interview with U.S. Agency for Int'l Dev./Kenya II, *supra* note 349.

[829] *See, e.g.*, *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 35; *see, e.g.*, *supra* note 143 and surrounding text.

[830] *See, e.g.*, *supra* notes 162–163 and accompanying text (reflecting the "do no harm" principle).

[831] Liberty & Security, *supra* note 809 at 44.

[832] David Cortright et al., Fourth Freedom Forum & Kroc Inst. for Int'l Peace Studies, Friend not Foe: Opening Spaces for Civil Society Engagement to Prevent Violent Extremism 14 (2008), *available at* http://www.humansecuritygateway.com/documents/KROC_FriendFoe_CivilSocietyAgainstViolentExtremism.pdf.

[833] *See, e.g.*, Tamkeen, Civil Soc'y and Democracy Strengthening Project (W. Bank and Gaza), Quarterly Progress Report II-3-II-5 (2004), http://pdf.usaid.gov/pdf_docs/PDACA529.pdf.

[834] *See generally ED-Links Pakistan*, Am. Insts. For Research, http://www.air.org/focus-area/international-development/index.cfm?fa=viewContent&content_id=506 (last visited June 9, 2011).

[835] Interview with Am. Insts. for Research, *supra* note 367.
[836] Int'l Crisis Grp., *supra* note 827, at 24.
[837] Impact of CT Measures on Civil Society, *supra* note 817, at 4.
[838] President's Advisory Council on Faith-Based and Neighborhood P'ships, A New Era of Partnerships: Report of Recommendations for the President 100, 111–112 (2010), http://www.whitehouse.gov/sites/default/files/microsites/ofbnp-council-final-report.pdf.
[839] AAPD 04-14, *supra* note 777, ¶¶ 1, 2(d) (containing the report back requirement).
[840] Telephone Interview with Shaqodoon, *supra* note 289.
[841] Anti-Terrorist Financing Guidelines, *supra* note 776, at 8–9.
[842] OFAC Risk Matrix, *supra* note 776, at 2.
[843] *See, e.g.*, Collateral Damage, *supra* note 798, at 57–59; Andrew C. Schulz, Council of Foundations, The Debate Over Anti-Terrorism Certification (2005), http://www.cof.org/files/Documents/Legal/The_Debate_Over_Anti-Terrorism_Certification.pdf.
[844] *See Partner Vetting System*, InterAction, http://www.interaction.org/partner-vetting-system (last visited June 9, 2011).
[845] Telephone Interview with Urgent Action Fund for Women's Human Rights, *supra* note 806.
[846] *See generally* Scott Wilson, *Hamas Sweeps Palestinian Elections, Complicating Peace Efforts in Mideast*, Wash. Post, Jan. 27, 2006, http://www.washingtonpost.com/wp-dyn/content/article/2006/01/26/AR2006012600372.html.
[847] Alex Stonehill, *Playing the Aid Game: U.S. Funding Cuts Stifle Development in Palestine*, Common Language Project Mag., Aug. 3, 2006, http://clpmag.org/article.php?article=Playing-the-Aid-Game_147.
[848] *Id.*
[849] Schulz, *supra* note 843.
[850] *Rep.of the Special Rapporteur*, *supra* note 2, ¶ 27.
[851] *See Meet Women Human Rights Defenders*, Defending Women-Defending Rights, 1, *available at* http://www.defendingwomen-defendingrights.org/pdf/CordaidWHRDICflyer.pdf (last visited July 10, 2011).
[852] *See generally* Program on Humanitarian Policy and Conflict Research, Humanitarian Action Under Scrutiny: Criminalizing Humanitarian Engagement (Humanitarian Policy and Conflict Research Working Paper, 2011), *available at* http://c0186748.cdn1.cloudfiles.rackspacecloud.com/HPCR%20CHE%202011.pdf.
[853] *See, e.g.*, K. Alan Kronstadt, Cong. Research Serv., R41424, Flooding in Pakistan: Overview and Issues for Congress 20–22, 24–26 (2010), *available at* http://www.fas.org/sgp/crs/row/R41424.pdf; *Zardari: Terrorists Could Exploit Pakistan Flood*, CBS News, Aug. 20, 2010, http://www.cbsnews.com/stories/2010/08/19/world/main6787571.shtml. *But see* C. Christine Fair, *Not at the Forefront of Flood Relief*, Foreign Pol'y, Sept. 20, 2010, http://afpak.foreignpolicy.com/posts/2010/09/20/not_at_the_forefront_of_flood_relief.
[854] *See* Stephanie Schwartz, U.S. Institute of Peace, When Is International Peacemaking Illegal? (2010), *available at* http://www.usip.org/files/resources/PB 65 - When is International Peacemaking Illegal_0.pdf.
[855] Asia Stakeholder Workshop, *supra* note 5; Cortright et al., *supra* note 832, at 7–8.
[856] *Rep.of the Special Rapporteur*, *supra* note 2, ¶ 42.
[857] *See generally Somalia: Overview*, World Food Program, http://www.wfp.org/countries/Somalia/Overview (last visited June 9, 2011); *see also* Rep. of the Monitoring Group on Somalia submitted in accordance with resolution 1853 (2008), ¶ 234, U.N. Doc. S/2010/91 (Mar. 10, 2010) [hereinafter 1853 Rep.] ("The vast majority of humanitarian assistance to Somalia consists of food aid, which is particularly vulnerable to diversion. The largest single provider of food aid is WFP, which accounted for just under 60 per cent of the total United Nations assistance budget in 2009, or about $485 million out of $850 million.").
[858] *Somalia: Overview*, *supra* note 857.
[859] *Id.* ("The number of people estimated to be in need of various kinds of humanitarian assistance in Somalia is currently 2.4 million people – or 32 percent of the population and a 20 percent rise over the number in September 2010.").
[860] *See, e.g.*, 1853 Rep., *supra* note 857, at 59–67 (outlining the factors that obstruct humanitarian assistance). The U.S. State Department's Human Rights Reports on Somalia for the past three consecutive years have also emphasized the "numerous occurrences of looting, hijacking, and attacks on convoys of WFP and other humanitarian relief shipments" in Somalia. U.S. Dep't of State, 2008 Country Reports on Human Rights Practices: Somalia (2009) *available at* http://www.state.gov/g/drl/rls/hrrpt/2008/af/119024.htm; U.S. Dep't of State, 2009 Country Reports on Human Rights Practices: Somalia (2010), *available at* http://www.state.gov/g/drl/rls/hrrpt/2009/af/135976.htm; U.S. Dep't of State, 2010 Country Reports on Human Rights Practices: Somalia 36 (2011), *available at* http://www.state.gov/documents/organization/160144.pdf.
[861] *Somalia: Overview*, *supra* note 857.
[862] Gettleman, *supra* note 796.
[863] *Id.*
[864] Martin Plaut, *US Curbs 'Behind WFP Somali Cuts'*, BBC News, Sept. 16, 2009, http://news.bbc.co.uk/2/hi/africa/8259791.stm.
[865] *Somalia: Overview*, *supra* note 857. *See also* U.N. Secretary-General, Rep. of the Secretary-General on Somalia, ¶¶ 9, 16 U.N. Doc. S/2010/234 (May 11, 2010).
[866] Telephone Interview with U.N. World Food Programme, Som., (May 2011).
[867] Martin Plaut, *WFP to Shut Somalia Food Centres*, BBC News, Sept. 14, 2009, http://news.bbc.co.uk/2/hi/africa/8256031.stm.
[868] Telephone Interview with U.N. World Food Programme, Som., *supra* note 866.
[869] *See, e.g.*, Andy Carling, *Somalia Islamists Try to Halt Aid*, New Eur., Apr. 17, 2011 http://www.neurope.eu/articles/Somalias-Islamists-try-to-halt-aid/105920.php; Xan Rice, *WFP Halts Food Aid in South Somalia*, Guardian (London), Jan. 5, 2010, http://www.guardian.co.uk/world/2010/

jan/05/somalia-food-aid-suspended.
[870] Telephone Interview with U.N. World Food Programme, Som., *supra* note 866.
[871] *Id.*
[872] *Id.*
[873] *Id.*
[874] *Id.*
[875] *See, e.g., Somali Women Urge Islamic Group to Lift Ban on Aid Agencies*, Afrique Avenir, Jan. 18, 2011, http://www.afriqueavenir.org/en/2011/01/18/somali-women-urge-islamic-group-to-lift-ban-on-aid-agencies/.
[876] Telephone Interview with U.N. World Food Programme, Som., *supra* note 866.
[877] *Id.*
[878] Greg McHugh & Manuel Bessler, United Nations Office for the Coordination of Humanitarian Affairs, Guidelines on Humanitarian Negotiations with Armed Groups (2006), *available at* http://ochaonline.un.org/humanitariannegotiations/Documents/Guidelines.pdf.
[879] Int'l Fed'n of the Red Cross, *The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief*, (Jan 29, 2003), *available at* http://www.ifrc.org/Docs/idrl/I259EN.pdf.
[880] NSS 2010, *supra* note 10, at 11, 14, 20.
[881] National Strategy for Counterterrorism, *supra* note 13, at 6, 11 ("The United States and its partners are engaged in the full range of cooperative CT activities—from intelligence sharing to joint training and operations and from countering radicalization to pursuing community resilience programs" and in reference to domestic efforts that the USG "can apply the full strength of the U.S. legal system, drawing on the capabilities of U.S. law enforcement and homeland security communities to detect, disrupt, and defeat terrorist threats…The United States will rely extensively on a broad range of tools and capabilities that are essential to our ability to detect, disrupt, and defeat plots to attack the Homeland…Such tools include…information sharing among law enforcement organizations at all levels.").
[882] *DoS Counterterrorism Office: Budget, Reorganization, Policies*, *supra* note 44, at 7.
[883] The NSS 2010 also calls for the use of "all available information and intelligence to disrupt attacks" and promises to "bring terrorists to justice," while noting that "[t]o effectively detain, interrogate, and prosecute terrorists, we need durable legal approaches consistent with our security and our values." NSS 2010, *supra* note 10, at 21.
[884] Wadie E. Said, *The Terrorist Informant*, 85 Wash. L. Rev. 687, 715 (2010).
[885] Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, *Rep. of the Special Rapporteur on the Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, Martin Scheinin: Ten Areas of Best Practices in Countering Terrorism*, ¶ 36, U.N. Doc. No. A/HRC/16/51 (Dec. 22, 2010).
[886] *See generally* Margaret Satterthwaite, *Rendered Meaningless: Extraordinary Rendition and the Rule of Law*, 75 Geo. Wash. L. Rev. 1333 (2007).
[887] *See generally* Human Rights Council, 13th Sess., Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism, ¶¶ 98-164, U.N. Doc. No. A/HRC/13/42 (Feb. 19, 2010), *available at* http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf [hereinafter Practices in Relation to Secret Detention].
[888] *See, e.g., Leaked Guantanamo Files Highlight Need for Fair Trials and Accountability*, Amnesty Int'l (Apr. 26, 2011), http://www.amnesty.org/en/for-media/press-releases/leaked-guant%C3%A1namo-files-highlight-need-fair-trials-and-accountability-2011-. *See also US: Prolonged Indefinite Detention Violates International Law*, Human Rights Watch (Jan. 24, 2011), http://www.hrw.org/en/news/2011/01/24/us-prolonged-indefinite-detention-violates-international-law.
[889] *See, e.g., U.S. Torture Should Not Go Unpunished*, Human Rights Watch, Nov. 9, 2010, http://www.hrw.org/en/news/2010/11/09/us-torture-should-not-go-unpunished.
[890] For example, on January 22, 2009 President Barack Obama issued three executive orders, which *inter alia*, required the CIA to close detention facilities it operates and for interrogation techniques to comply with the Army Field Manual. *See* Exec. Order No. 13491, 74 Fed. Reg. 4893 (Jan. 27, 2009); Exec. Order 13492, 74 Fed. Reg. 4897 (Jan. 27, 2009); Exec. Order No. 13493, 74 Fed. Reg. 4901 (Jan. 29, 2009). *See also* Scott Shane, *Obama Orders Secret Prisons and Detention Camps Closed*, N.Y. Times, Jan. 22, 2009, http://www.nytimes.com/2009/01/23/us/politics/23GITMOCND.html.
[891] *See, e.g.*, David Johnston, *U.S. Says Rendition to Continue, But with More Oversight*, N.Y. Times, Aug. 24, 2009, http://www.nytimes.com/2009/08/25/us/politics/25rendition.html.
[892] *See, e.g.*, John Schwartz, *Obama Backs Off a Reversal on Secrets*, N.Y. Times, Feb. 9, 2009, http://www.nytimes.com/2009/02/10/us/10torture.html (noting the Obama Administration's invocation of state secrets to prevent U.S. "War on Terror" detainees from seeking redress). *See also supra* note 21.
[893] Partnering with Communities, *supra* note 168.
[894] Human Factors/Behavioral Sciences Division, Dep't of Homeland Sec., DHS Science and Technology C-IED Prevent/Deter Program, Actionable Indicators and Countermeasures Project (2011) (on file with the author).
[895] Interview with Human Factors/Behavioral Sciences Division, Science and Technology Directorate, Dep't of Homeland Sec., in Wash., D.C. (Apr. 2011).
[896] Mitchell Silver & Arvin Bhatt, N.Y. Police Dep't, Radicalization in the West: The Homegrown Threat 32–33, 77 (2007), *available at* http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf.
[897] The USG has developed new surveillance powers including, for example, as a result of amendments to the Foreign Intelligence Surveillance Act, the passage of the USA Patriot Act, and the adoption of the Attorney General's Guidelines for Domestic FBI Operations by Attorney

General Michael Mukasey in December 2008 (the "Mukasey Guidelines"). *See* Letter from Ronald Weich, Assistant Att'y Gen., to Vice Pres. Joseph Biden, (Apr. 30, 2010), *available at* http://www.fas.org/irp/agency/doj/fisa/2009rept.pdf; Letter from Ronald Weich, Assistant Att'y Gen., to Senator Harry Reid, (Apr. 29, 2011), *available at* http://www.fas.org/irp/agency/doj/fisa/2010rept.pdf (Department of Justice reports for 2009 and 2010 to Senate majority leader reflecting an increase in FISA search applications and permissions, and an increase in National Security Letters); *National Security Letters*, Am. Civil Liberties Union, Jan. 10, 2011, http://www.aclu.org/national-security-technology-and-liberty/national-security-letters ("The National Security Letter provision of the Patriot Act radically expanded the FBI's authority to demand personal customer records from Internet Service Providers, financial institutions and credit companies without prior court approval."); Emily Berman, Brennan Ctr. For Justice, Domestic Intelligence: New Powers, New Risks 21–42 (2009), *available at* http://brennan.3cdn.net/b80aa0bab0b425857d_jdm6b8776.pdf (noting *inter alia* that the Mukasey Guidelines expand the FBI's discretion to investigate individuals and groups (e.g., the FBI is now able to begin an assessment (an investigative stage prior to a preliminary investigation) which includes targeting people for investigation, collecting new information, and collecting and analyzing information from existing sources) without a factual predicate of criminal activity while simultaneously limiting oversight requirements (e.g., supervisory approval to begin collecting information is no longer required)).

[898] *See, e.g.*, David Schanzer et al., Anti-Terror Lessons of Muslim Americans 10 (2010), *available at* http://www.sanford.duke.edu/news/Schanzer_Kurzman_Moosa_Anti-Terror_Lessons.pdf (reporting findings of a created dataset of "Muslim-Americans who, since 9/11, have 1) perpetrated a terrorist act; 2) been convicted of a terrorim-related offense that involved some aspect of violence (including planning or directly supporting violence); or 3) been arrested or sought on such a charge." These findings indicate that "[a]ll but one of the offenders are men."). *See also Most Wanted Terrorists*, Fed. Bureau of Investigation, http://www.fbi.gov/wanted/wanted_terrorists/@@wanted-group-listing (all of the FBI's "most wanted terrorists" are men.).

[899] *Id.*

[900] *See, e.g.*, Council on American-Islamic Relations, Cal., The FBI's Use of Informants, Recruitment and Intimidation Within Muslim Communities 5 (2009), *available at* http://ca.cair.com/download.php?f=/downloads/CAIR_FBI_Abuses_Annotated_Source_List--Articles_and_Cases.pdf.

[901] *See, e.g., Spy or Risk Green Card: How the Bush Administration 'Recruits' Muslim Informants*, Democracy Now!, July 13, 2006, http://www.democracynow.org/2006/7/13/spy_or_risk_green_card_how; Peter Waldman, *A Muslim's Choice: Turn U.S. Informant or Risk Losing Visa*, Wall St. J., July 11, 2006 at A1 (explaining how a permanent resident whose green card was taken away at the U.S./Canadian border was allowed to enter the United States if he communicated with the FBI. The FBI undertook to help him to stay in the United States, and also to bring his wife from Morocco, if he became an agent in San Francisco. However, if he refused, the agent threatened to initiate deportation proceedings.).

[902] U.S. Stakeholder Workshop, *supra* note 3.

[903] There are several examples of females being involved in activities that are identified by governments as terrorist in nature. *See, e.g., In Bangladesh, 21 Women Terrorists Held in Raids*, *supra* note 601 (noting female terrorists have been active in Bangladesh); Alex Kingsbury, *The Rising Number of Female Suicide Bombers in Iraq*, U.S. News, July 28, 2008, http://www.usnews.com/news/iraq/articles/2008/07/28/the-rising-number-of-female-suicide-bombers-in-iraq (discussing the rising number of female suicide bombers in Iraq); Carrie Johnson, *Jihad Jane, an American Woman, Faces Terrorism Charges*, Wash. Post, Mar. 10, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/03/09/AR2010030902670.html (discussing the case of Colleen LaRose, known as "Jihad Jane," an American citizen who has been in U.S. custody since October 2009 for various crimes including material support to terrorism).

[904] *See* MENA Stakeholder Workshop, *supra* note 6 (A national security expert noted that the Saudi Arabian government does not take female terrorists as seriously as male terrorists and added, "Saudis don't even recognize that women can make own intentional decision to join al Qaeda for family revenge; how can they deal with the recruitment of women if they don't recognize that they can make their own decisions?"). *See also* David E. Miller, *Saudi Women Consigned to Second-Class Status, Even as Terrorists*, Media Line, Nov. 30, 2010, http://www.themedialine.org/news/print_news_detail.asp?NewsID=30685 ("Saudi authorities tend to treat women less seriously than men," John Burgess, a former U.S. diplomat who served in Saudi Arabia, told The Media Line. "There are a dozen or so women's prisons around major Saudi cities. Extremist Muslim women are just as involved as men, even though they're not in the field.").

[905] Interview with ILEA, *supra* note 88 (also noting that female terrorism might come up in the case studies the FBI includes in the curriculum).

[906] Interview with Office of Overseas Prosecutorial Dev., Assistance & Training, U.S. Dep't of Justice, in Ankara, Turk. (Oct., 2011).

[907] Lindsay A. O'Rourke, *What's Special About Female Suicide Terrorism?*, 18 Sec. Stud., 682, 693 (2009), *available at* http://chicago.academia.edu/LindseyORourke/Papers/155669/Whats_Special_about_Female_Suicide_Terrorism.

[908] *See e.g.*, Dina Temple-Raston, *Terrorism Recruits No Longer Fit the Model*, Nat'l Pub. Rad., Mar. 11, 2010, *available at* http://www.npr.org/templates/story/story.php?storyId=124549992 (noting that Colleen LaRose did not fit the terrorist profile and that "agents now must consider any profile"). *See also* Dina Temple-Raston, *'Jihad Jane' Creates Calamity for Authorities*, Nat'l Pub. Rad., *available at* http://www.npr.org/templates/story/story.php?storyId=124539554&ps=rs ("But U.S. intelligence officials say they are less concerned about the plot than about the broader implications of an American woman in her mid-40s suddenly signing up for jihad. She breaks the stereotypical profile of what a terrorist is supposed to be like — that is, disenfranchised young men nursing resentments. What's more, prosecutors say LaRose understood well that what she brought to the table was a profile that wouldn't attract the attention of law enforcement. That development has intelligence officials worried. They knew this day was coming, when the pool of terrorist suspects would grow.").

[909] Janet Napolitano, Sec'y of Homeland Sec., Strength, Security, and Shared Responsibility: Preventing Terrorist Attacks a Decade after 9/11, Remarks at the Brennan Ctr. for Justice, June 7, 2011, *available at* http://www.brennancenter.org/content/resource/strength_security_and_

shared_responsibility_preventing_terrorist_attacks_a_.

[910] *Right-Wing Media Attack Sec. Napolitano For Advocating Effective Screening Methods Instead Of Profiling Muslims*, MEDIA MATTERS, June 10, 2011, 1:18 PM, http://mediamatters.org/mobile/research/201106100017.

[911] *See* Partnering with Communities, *supra* note 168. *See also The Extent of Radicalization in the American Muslim Community and the Community's Response: Hearing Before the H. Comm. on Homeland Sec.*, 112th Cong. (2011) (statement by Lee Baca, Sheriff of L.A. Cnty.), *available at* http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20Baca_0.pdf (testifying to cooperation between law enforcement and the Muslim community to counter terrorism); Eric Holder, Att'y Gen., Address at the Muslim Advocates' Annual Dinner, Dec. 10, 2010, *available at* http://www.justice.gov/iso/opa/ag/speeches/2010/ag-speech-1012101.html ("[C]ooperation of Muslim and Arab-American communities has been absolutely essential in identifying, and preventing, terrorist threats."); Press Release, Muslim Advocates, Muslim, Arab, Sikh & South Asian American Community Leaders Welcome DHS Secretary Napolitano's Commitments in Meeting on Countering Violent Extremists (Jan. 29, 2010) *available at* http://www.muslimadvocates.org/documents/DHS_MASA_mtg_rls-01.29.10.pdf (noting that DHS Secretary Napolitano made a commitment to seek more participation from Muslim, Arab, Sikh, and South Asian American communities, particularly in an anti-violent extremism task force of the Homeland Security Advisory Council); Press Release, Islamic Society of N. Am., ISNA President Opens Townhall Meeting on the Nation's Security with John Brennan (Feb. 16, 2010), *available at* http://www.isna.net/articles/News/ISNA-President-Opens-Dialogue-on-the-Nations-Security-with-John-Brennan.aspx (noting that John Brennan, the Assistant to the President on National Security for homeland security and counter-terrorism acknowledged the role of the Muslim-American community in fighting terrorism and promised that "American civil rights and American values must not be defined by violent extremists").

[912] *See supra* note 168.

[913] Interview with Cmty. Relations Unit, Office of Pub. Affairs, Fed. Bureau of Investigation, in Wash., D.C. (Apr. 2011).

[914] *See, e.g.*, NSS 2010, *supra* note 10, at 19 (referencing strategies that involve "Empowering Communities to Counter Radicalization: Several recent incidences of violent extremists in the United States who are committed to fighting here and abroad have underscored the threat to the United States and our interests posed by individuals radicalized at home. Our best defenses against this threat are well informed and equipped families, local communities, and institutions. The Federal Government will invest in intelligence to understand this threat and expand community engagement and development programs to empower local communities" and "Engage with Communities and Citizens: We will emphasize individual and community preparedness and resilience through frequent engagement that provides clear and reliable risk and emergency information to the public."). *See also* NATIONAL STRATEGY FOR COUNTERTERRORISM, *supra* note 13, at 11 ("The United States will rely extensively on a broad range of tools and capabilities that are essential to our ability to detect, disrupt, and defeat plots to attack the Homeland even though not all of these tools and capabilities have been developed exclusively for CT purposes. Such tools include ... community engagement... We are working to bring to bear many of these capabilities to build resilience within our communities here at home against al-Qa'ida inspired radicalization, recruitment, and mobilization to violence.").

[915] *Working with Communities to Disrupt Terror Plots, Hearing Before the Subcomm. on Intelligence, Info. Sharing, & Terrorism Risk Assessm't of the H. Comm. on Homeland Sec.*, 111th Cong. (2010) (statement of Brett Hovington, Office of Pub. Affairs, Fed. Bureau of Investigation), *available at* http://www2.fbi.gov/congress/congress10/hovington031710.htm.

[916] *Id.*

[917] *See infra*, note 935.

[918] Interview with Cmty. Relations Unit, Office of Pub. Affairs, Fed. Bureau of Investigation, *supra* note 913.

[919] *Id.*

[920] *More Women Recruited for Qaeda Terrorist Attacks*, AL ARABIYA, Feb. 11, 2010, http://www.alarabiya.net/articles/2010/02/11/100088.html. *See also Al Qaeda Looking to Recruit English Speakers, Women*, FOXNEWS.COM, Feb. 15, 2010, http://www.foxnews.com/politics/2010/02/15/al-qaeda-looking-recruit-english-speakers-women/ (referencing how Al-Qaeda in the Arabian Peninsula is recruiting women (including Western women with forged documents) for suicide bombings and other operations).

[921] *Rep. of the Special Rapporteur, supra* note 2, ¶ 46 (internal citations omitted).

[922] *Id.* (internal citation omitted). *See further, e.g.*, SANAM NARAGHI ANDERLINI & CAMILLE PAMPELL CONAWAY, DISARMAMENT, DEMOBILISATIONAND REINTEGRATION 4 (2007), http://www.huntalternatives.org/download/31_disarmament.pdf ("In general, international implementing organisations have not planned for the inclusion of women's needs and concerns in DDR [Disarmament, Demobilization, and Reintegration] programmes. In fact, the impact of returning male fighters on women and even the existence and needs of female fighters have historically been overlooked").

[923] *Rep. of the Special Rapporteur, supra* note 2, ¶ 37.

[924] *Id.* at 3.

[925] Email from Lamis J. Deek, Esq., Att'y and Arab-Muslim Cmty. Rights Advocate (June 2011) (on file with author). For more information on Joint Terrorism Task Forces, *see generally Joint Terrorism Task Force*, U.S. DEP'T OF JUSTICE, http://www.justice.gov/jttf/ (last visited July 8, 2011).

[926] Email from Lamis J. Deek, Esq., Att'y and Arab-Muslim Cmty. Rights Advocate, *supra* note 925.

[927] *See generally* BERMAN, *supra* note 897, at 26-37 (explaining the risk of profiling and infringements on freedom of religion, association, and expression as a result of surveillance and investigatory measures).

[928] *See generally The Threat of Muslim-American Radicalization in U.S. Prisons: Hearing Before the H. Comm. on Homeland Sec.*, 112th Cong., (2011), *available at* http://homeland.house.gov/hearing/threat-muslim-american-radicalization-us-prisons.

[929] Suzanne Ito, *ACLU Lens: King Hearing Relies on False Premises, Discriminatory Attitudes*, BLOG OF RTS., Mar. 11, 2011, 3:15 PM, http://www.aclu.org/blog/free-speech-national-security-religion-belief/aclu-lens-king-hearing-relies-false-premises-disc (arguing that the "hearing sought to treat an entire community as suspect" and that this "will only lead to greater misunderstanding, injustice and discrimination"); Letter

from Rights Working Group, et al., to Peter King, Chairman of the H. Comm. on Homeland Sec. 1 (Feb. 23, 2011) *available at* http://www.rightsworkinggroup.org/sites/default/files/CoalitionLetter_PeterKing_022311_FINAL_0.pdf (stating that "the hearings will place an entire community under suspicion. The message sent by the hearings is that people of certain faiths are less deserving of protection under the law—thus leading to further discrimination and violations of rights.").

[930] *See, e.g.*, Lorraine Ali, *Behind the Veil*, N.Y. TIMES, June 11, 2010, http://www.nytimes.com/2010/06/13/fashion/13veil.html?partner=rss&emc=rss (noting that one woman who wears a niqab had "been kicked off planes by nervous flight attendants and shouted down in a Wal-Mart by angry shoppers who called her a terrorist" and that her sister who also wears a niqab "was threatened by a stranger in a picnic area who claimed he had killed a woman in Afghanistan 'who looked just like' her."). *See also* Carmel Delshad, A New Wave of Backlash Against Muslim Women Who Wear the Veil, May 12, 2011, 1:42 PM, http://carmeldelshad.com/2011/05/12/hijab-backlash/ (explaining that women that wear the hijab have become targets for hate crimes). *See further* U.S. Stakeholder Workshop, *supra* note 3 (advocate noting that "[w]omen in veils are harassed and abused, both verbally and physically.").

[931] *See infra* notes 1173-1184 and accompanying text (discussing the adverse impact that the chilling of community and police relations has had on community safety, and women's safety in particular).

[932] *See, e.g.*, COUNCIL ON AMERICAN-ISLAMIC RELATIONS, CAIR, *supra* note 900, at 9.

[933] *See* George Anastasia, *From Star FBI Witness to Ostracism, Loss*, PHILA. INQUIRER, June 27, 2010, http://articles.philly.com/2010-06-27/news/24965417_1_muslim-community-fort-dix-informant.

[934] John O. Brennan, Assistant to the Pres. for Homeland Sec. and Counterterrorism, Remarks on Ensuring Al-Qaida's Demise (June 29, 2011), *available at* http://www.whitehouse.gov/the-press-office/2011/06/29/remarks-john-o-brennan-assistant-president-homeland-security-and-counter.

[935] *See* PREVENT STRATEGY, *supra* note 158, at 34 ("In the past, funding for local authority *Prevent* projects was allocated on the basis of Muslim population size, with those areas with the largest Muslim populations receiving the most funding."); *id.* at 27–30 (discussing the emphasis on cohesion and resilience projects under the old *Prevent* strategy). *See* COMMUNITIES AND LOCAL GOVERNMENT COMMITTEE, PREVENTING VIOLENT EXTREMISM, 2009-10, H.C. 65 186 3 (U.K.), *available at* http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/65/65.pdf [hereinafter PREVENTING VIOLENT EXTREMISM] ("The current breadth of focus of *Prevent*—from community work to crime prevention—sits uncomfortably within a counter-terrorism strategy."); *see id.* at 61–62 (recommending that community cohesion activities be separated from the *Prevent* agenda).

[936] *See generally* PREVENTING VIOLENT EXTREMISM, *supra* note 935; ARUN KUNDNANI, INST. OF RACE RELATIONS, SPOOKED! HOW NOT TO PREVENT VIOLENT EXTREMISM (2009), *available at* http://www.irr.org.uk/pdf2/spooked.pdf; Vikram Dodd, *Government Anti-terrorism Strategy 'Spies' on Innocent*, GUARDIAN (London), Oct. 16, 2009, http://www.guardian.co.uk/uk/2009/oct/16/anti-terrorism-strategy-spies-innocents.

[937] PREVENT STRATEGY, *supra* note 158, at 40.

[938] *Id.* at 39.

[939] *Id.* at 40.

[940] INST. OF RACE RELATIONS, YOUNG MUSLIM VOICES REPORT 14 (2008-9), *available at* http://www.irr.org.uk/pdf/YMV_report.pdf.

[941] *See* PREVENTING VIOLENT EXTREMISM, *supra* note 935, at 22.

[942] *Id.* at 34 ("We are concerned that insufficient attention has been paid to whether these [funded] organisations comprehensively subscribe to what we would consider to be mainstream British values: democracy, rule of law, equality of opportunity, freedom of speech and the rights of all men and women to live free from persecution of any kind.").

[943] *See infra* text accompanying note 1256.

[944] Email from Fahd Ahmed, Esq., Legal & Policy Dir., DRUM–Desis Rising Up & Moving (June 2011) (on file with author).

[945] *See, e.g.*, Practices in Relation to Secret Detention, *supra* note 887, ¶¶ 103–140 (discussing the "'high-value detainee' programme and CIA secret detention facilities" and "CIA detention facilities or facilities operated jointly with United States military in battle-field zones" and referencing detainees reportedly held in all of these facilities, all of whom are men).

[946] *See Names of the Detained: Results*, WASH. POST, http://projects.washingtonpost.com/guantanamo/search/ (last visited June 24, 2011).

[947] *See supra* note 898. *See also, e.g.*, CTR. FOR L. & SEC., N.Y. UNIV. SCH. OF L., TERRORIST TRIAL REPORT CARD: US EDITION app. B (2006), *available at* http://www.lawandsecurity.org/Portals/0/documents/11_TTRC_US_2006_Appendix_B.pdf.

[948] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 44.

[949] *Id.*

[950] *See, e.g.*, Luke Harding, *The Other Prisoners*, GUARDIAN (London), May 20, 2004, http://www.guardian.co.uk/world/2004/may/20/iraq.gender.

[951] Solomon Moore & Scott Gold, *Guard Unit Tied to Elite Iraqi Forces*, L.A. TIMES, July 28, 2005, http://articles.latimes.com/2005/jul/28/local/me-guard28.

[952] Evan Thomas, *'24' Versus the Real World*, NEWSWEEK, Sept. 20, 2006, http://www.newsweek.com/2006/09/19/24-versus-the-real-world.html (noting that "[i]t is clear, for instance, that Al Qaeda operations chief Khalid Shaikh Mohammed (KSM) was subjected to harsh interrogation techniques, including waterboarding. His interrogators even threatened...to go after his family."); *Foreign Interrogators in Guantánamo Bay*, CTR. FOR CONST. RIGHTS, http://ccrjustice.org/files/Foreign%20Interrogators%20in%20Guantanamo%20Bay.pdf (noting threats made by foreign interrogators at Guantánamo with USG participation and/or acquiescence).

[953] Andy Worthington, *Guantánamo and Habeas Corpus: The Torture Victim and the Taliban Recruit*, Apr. 10, 2010, http://www.andyworthington.co.uk/2010/04/10/guantanamo-and-habeas-corpus-the-torture-victim-and-the-taliban-recruit/; William Fisher, *Ordered Release of Guantanamo Prisoner Mohamedou Ould Salahi Sets Off Firestorm*, NEWJERSEYNEWSROOM.COM, Apr. 13, 2010, 3:59 PM, http://173.201.187.68/international/ordered-release-of-guantanamo-prisoner-mohamedou-ould-salahi-sets-off-firestorm.

[954] *See Iraq: Detainees Describe Torture in Secret Jail*, Human Rights Watch, Apr. 27, 2010, http://www.hrw.org/en/news/2010/04/27/iraq-detainees-describe-torture-secret-jail.
[955] Sam Dagher, *Report Details Torture at Secret Baghdad Prison*, N.Y. Times, Apr. 28, 2010, http://www.nytimes.com/2010/04/28/world/middleeast/28baghdad.html.
[956] *See* Ctr. for Human Rights & Global Justice, et al., Off the Record: U.S. Responsibility for Enforced Disappearances in the "War on Terror" 19–20 (2007), *available at* http://www.chrgj.org/docs/OffRecord/OFF_THE_RECORD_FINAL.pdf (discussing cases in which family members of U.S. terrorism suspects held in U.S. Secret Detention have been detained).
[957] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 31.
[958] Muslim Human Rights Forum, Horn of Terror: Report of US–Led Mass Extraordinary Renditions From Kenya To Somalia, Ethiopia and Guantanamo Bay January – June 2007 4 (2007); Reprieve, Mass Rendition, Incommunicado Detention and Possible Torture of Foreign Nationals in Kenya, Somalia and Ethiopia 6 (2007), *available at* http://www.reprieve.org.uk/static/downloads/2007_03_21_Rendition_Report.pdf.
[959] Ctr. for Human Rights & Global Justice, Targeted and Entrapped: Manufacturing the "Homegrown Threat" in the United States 36 (2011), *available at* http://www.chrgj.org/projects/docs/targetedandentrapped.pdf [hereinafter Targeted and Entrapped] (internal citations omitted).
[960] *Id.* (internal citations omitted).
[961] *Id.* (quoting Saniya Siraj) (internal citations omitted).
[962] *Id.* (internal citations omitted).
[963] *Id.* (internal citations omitted).
[964] Email from DRUM–Desis Rising Up & Moving (June 2011) (on file with author).
[965] Ctr. for Constitutional Rights, Communication Management Units: Comments Submitted to the Federal Bureau of Prisons 35 (2010), *available at* http://ccrjustice.org/files/Complete_Selection_Comments-2010.0618.pdf (identifying Shahawar as a detainee in the CMU in Terre Haute, Indiana).
[966] Email from DRUM–Desis Rising Up & Moving, *supra* note 964.
[967] *Id.*
[968] *Pakistani Woman Suspected of Helping Al Qaeda*, ABC News, May 27, 2004, http://abcnews.go.com/GMA/story?id=127802&page=1 (describing Siddiqui as "The sole woman on the FBI's list of seven suspected al Qaeda operatives..."); Juliane von Mittelstaedt, *'The Most Dangerous Woman in the World'*, Spiegel Online, Nov. 27, 2008, http://www.spiegel.de/international/world/0,1518,593195,00.html ("[S]he was the most-wanted woman in the world for four years. The FBI considered her so dangerous that former Attorney General John Ashcroft placed her—the only woman—on his 'Deadly Seven' list. .But if it is true that a woman was tortured and disappeared into a secret dungeon, it would be a first in the post-September 11 world..."); James Bone & Zahid Hussain, *'Al-Qaeda Woman' Aafia Siddiqui in Court on Attempted Murder Charge*, Times (London) Aug. 6, 2010, http://www.timesonline.co.uk/tol/news/world/us_and_americas/article4467148.ece ("An American-educated neuroscientist who is the only woman accused of working for al-Qaeda's top leadership appeared in court in New York last night after her capture in Afghanistan.").
[969] Amnesty Int'l, *USA: Amnesty International to Observe the Trial of Dr Aafia Siddiqui*, AI Index AMR 51/004/2010 (Jan. 19, 2010), *available at* http://www.amnesty.org/en/library/asset/AMR51/004/2010/en/12fabc51-a78a-4e9a-938e-d4c589eba1d4/amr510042010en.html.
[970] *See* Declan Walsh, *The Mystery of Dr Aafia Siddiqui*, Guardian (London), Nov. 24, 2009, http://www.guardian.co.uk/world/2009/nov/24/aafia-siddiqui-al-qaida; Petra Bartosiewicz, *The Intelligence Factory: How America Makes Its Enemies Disappear*, Harper's Mag., Nov. 2009, at 42, *available at* http://www.harpers.org/archive/2009/11/0082719.
[971] Complaint ¶¶ 4–5, U.S. v. Siddiqui, Case 1:08-cr-00826-RMB.
[972] *See id.* ¶¶ 1–5.
[973] *See id.*
[974] Int'l Justice Network, Aafia Siddiqui: Just the Facts 8 (2011), *available at* http://www.justiceforaafia.org/attachments/734_Aafia_Siddiqui_-_Just_the_Facts_-_FINAL.pdf [hereinafter Siddiqui: Just the Facts].
[975] *Id.* at 4. *See also* Joanne Mariner, *The Trial of Aafia Siddiqui*, CounterPunch, Feb 5, 2010, http://www.counterpunch.org/mariner02052010.html ("Human rights organizations like Human Rights Watch thought that Siddiqui, too, was likely being held in secret by the CIA.").
[976] Siddiqui: Just the Facts, *supra* note 974, at 13. *See also* Mariner, *supra* note 975.
[977] *See, e.g.*, Benjamin Weiser, *Pakistani Sentenced to 86 Years for Attack*, N.Y. Times, Sept. 23, 2010, http://www.nytimes.com/2010/09/24/nyregion/24siddiqui.html.
[978] Siddiqui: Just the Facts, *supra* note 974, at 15.
[979] *Id.*
[980] *See, e.g.*, Declan Walsh, *Pakistan Erupts After US Jailing of 'Daughter of the Nation' Aafia Siddiqui*, Guardian (London), Sept. 24, 2010, http://www.guardian.co.uk/world/2010/sep/24/pakistan-aafia-siddiqui-jailed-protests; *U.S. Sentence for Pakistani Ignites Anger and Protests*, N.Y. Times, Sept. 25, 2010, http://www.nytimes.com/2010/09/25/world/asia/25pstan.html.
[981] Syed Shoaib Hasan, *Questions About Convicted Pakistani Doctor*, BBC News, Feb. 4, 2010, http://news.bbc.co.uk/2/hi/south_asia/8499322.stm.
[982] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 31 (internal citations omitted).
[983] Press Release, Amnesty Int'l, Wife of Guantánamo Detainee Released in Syria, July 22, 2009, http://www.unhcr.org/refworld/docid/4a6823f21c.html.

[984] Amnesty Int'l, *Urgent Action: Syrian Women Held Incommunicado*, AI Index MDE 24/003/2010 (Feb. 19, 2010), *available at* http://www.dchrs.org/english/File/Statements/2010/UrgentActionSyrianWomanHeldInIncommunicado.pdf.

[985] *See* Robert Fisk, *Robert Fisk: Into the Terrifying World of Pakistan's 'Disappeared'*, INDEP. (London), Mar. 18, 2010, http://www.independent.co.uk/opinion/commentators/fisk/robert-fisk-into-the-terrifying-world-of-pakistans-disappeared-1923153.html (explaining that Mr. Janjua was disappeared on July 30, 2005 and that it has been reported that he is being detained in an army barracks in Rawalpindi, Pakistan). *See also* Letter from Amina Masood Janjua, Chairperson, Def. of Human Rights, to Barack Obama, Pres.-Elect of U.S. 1 (Dec. 10, 2008), *available at* http://www.stateofpakistan.org/wp-content/uploads/2008/12/letter-obama.pdf (Ms. Janjua asking that President Obama "request the CIA to let me get in touch with my husband"). *See also* Rekha Basu, *CIA Role in Pakistan Raises Questions*, DES MOINES REG., Jan. 5, 2011, at A.9 (explaining that Ms. Janjua asserts that the CIA was involved in her husband's disappearance).

[986] Email from Amina Janjua (Mar. 2011) (citing to an attachment from Amina Janjua on file with author).

[987] Mike Giglio, *Saudi's Surprise Renegades*, NEWSWEEK, May 1, 2011, http://www.newsweek.com/2011/05/01/saudi-s-surprise-renegades.html ("The bulk of Saudi Arabia's political prisoners are men who were swept up in a massive antiterrorism drive after the 9/11 attacks—in which 15 of the 19 hijackers came from Saudi Arabia—and an ensuing spate of internal violence that shakes Saudis to this day" and discussing how female family members of individuals so detained have been taken into custody for protesting their male family members' detention); Amnesty Int'l, *Saudi Arabia: Assaulting Human Rights in the Name of Countering Terrorism*, AI Index MDE 23/009/2009 38 (July 2009), *available at* http://www.amnesty.org/en/library/asset/MDE23/009/2009/en/692d9e42-b009-462a-8a16-7336ea4dfc3c/mde230092009en.pdf (describing the detention of women protesting their relatives detention).

[988] *See, e.g.*, *Saudi Arabia: Dire human rights record exacerbated by counter-terrorism measures*, AMNESTY INT'L, June 26, 2009, http://www.amnesty.org/en/appeals-for-action/saudi-arabia-dire-human-rights-record-exacerbated-by-counter-terrorism-measures (in Saudi Arabia, it is a regular practice for the families of detainees, in challenging the secrecy of their apprehension, to receive threats such as "if you don't keep quiet you will never see your relative again" or "you will be at risk of detention yourself." According to Amnesty International and other human rights organizations, relatives of detainees often urge these organizations not to take up the cases of their family members, fearing for their lives.); MENA Stakeholder Workshop, *supra* note 6 (reflecting that in Egypt, female family members of terrorism suspects are sometimes pressured to be government informants and are in some cases arrested).

[989] Africa Stakeholder Workshop, *supra* note 4.

[990] GAVIN SULLIVAN & BEN HAYES, EUR. CTR. FOR CONST. AND HUMAN RIGHTS, BLACKLISTED: TARGETED SANCTIONS, PREEMPTIVE SECURITY AND FUNDAMENTAL RIGHTS 67 (2010). *See also id.* at 66–67, 92–94.

[991] *See infra* notes 1132-1143 and accompanying text.

[992] James Vicini, *"Jihad Jane" Pleads Guilty in U.S. Terrorism Case*, REUTERS, Feb. 1, 2011, http://uk.reuters.com/article/2011/02/01/us-usa-security-jane-idUKTRE71088K20110201 (stating that "[a] Pennsylvania woman known as 'Jihad Jane' pleaded guilty on Tuesday to plotting to kill a Swedish cartoonist, providing material support to terrorists, and other criminal charges, the U.S. Justice Department said.").

[993] *DOJ/OPDAT Counterterrorism Programs*, U.S. DEP'T OF JUSTICE, http://www.justice.gov/criminal/opdat/worldact-programs/ctu.html (last visited July 6, 2011).

[994] *Id.*

[995] *Id.*

[996] *DOJ/OPDAT Africa and the Middle East Programs*, U.S. DEP'T OF JUSTICE, http://www.justice.gov/criminal/opdat/worldact-programs/africa-mideast.html (last visited July 6, 2011).

[997] Interview with Counterterrorism Unit, Office of Overseas Prosecutorial Dev., Assistance & Training, U.S. Dep't of Justice, *supra* note 789.

[998] *Id.*

[999] *Id.*

[1000] *Id.*; Interview with Office of the Coordinator for Counterterrorism (S/CT), U.S. Dep' of State, *supra* note 81.

[1001] Interview with Office of the Coordinator for Counterterrorism (S/CT), U.S. Dep' of State, *supra* note 81.

[1002] COUNTER-TERRORISM IMPLEMENTATION TASK FORCE, FIRST REPORT OF THE WORKING GROUP ON RADICALISATION AND EXTREMISM THAT LEAD TO TERRORISM: INVENTORY OF STATE PROGRAMMES 8, 18 (2008) *available at* http://www.un.org/terrorism/pdfs/radicalization.pdf.

[1003] *See The Bureau Celebrates 80th Anniversary*, Fed. Bureau of Prisons, http://www.bop.gov/about/history/first_years.jsp (last visited June 24, 2011) ("Following 9/11, in support of the Department of Justice and the nation in the war on terrorism, the BOP adopted its 7th strategic planning national goal – counter-terrorism. It adopted numerous strategies and procedures in support of this goal.").

[1004] *Id.*

[1005] *Id.* More recently, increased attention has been paid to Muslim-American radicalization in U.S. prisons, specifically as reflected by Representative Peter King, Chairman of the House of Representatives Committee on Homeland Security's June 15, 2011, hearing on the topic. *See generally The Threat of Muslim-American Radicalization in U.S. Prisons: Hearing Before the H. Comm. on Homeland Sec.*, 112th Cong., (2011), *available at* http://homeland.house.gov/hearing/threat-muslim-american-radicalization-us-prisons. These hearings have been criticized, including by Committee on Homeland Security Ranking Member Bennie G. Thompson, who notes that the "opportunities for radicalization are few," that "that the risk of terrorism originating from Muslim converts in U.S. prisons is small," and that "[l]imiting this Committee's oversight of radicalization to one religion ignores threats posed by violent extremists of all stripes." Press Release, Comm. on Homeland Sec., Statement of Ranking Member Bennie G. Thompson 1 (June 15, 2011), *available at* http://chsdemocrats.house.gov/SiteDocuments/20110615085221-43289.pdf.

[1006] Anthony Lieto, *Rule of Law and Justice in Security Sector Reform*, PEACE & STABILITY OPERATIONS J. ONLINE, Oct. 2010, at 16, *available at* http://pksoi.army.mil/PKM/publications/journal/download.cfm?FileName=PKSOI_Online_Journal_October_2010.

[1007] Elaine Grossman, *Issues and Ideas – Rehabilitating Iraqi Insurgents*, Def. & Nat'l Int. (Sept. 1, 2007, 7:38 PM), http://dnipogo.org/2007/09/01/issues-and-ideas-rehabilitating-iraqi-insurgents/.

[1008] Ed Davies, *U.S.-funded Detachment 88, Elite of Indonesia Security*, Reuters, Mar. 18, 2010, http://www.reuters.com/article/idUSTRE62H13F20100318.

[1009] Bruce Vaughn et al., Cong. Research Serv., RL 34194, Terrorism in Southeast Asia 10 (2009), *available at* http://www.fas.org/sgp/crs/terror/RL34194.pdf (internal citations omitted).

[1010] *See* Hannah Beech, *What Indonesia Can Teach the World About Counterterrorism*, Time, Jun. 7, 2010, *available at* http://www.time.com/time/magazine/article/0,9171,1992246-1,00.html ("Those who cooperate with Detachment 88 officers have had their children's tuition, their wives' employment and even their prison weddings paid for by the government.").

[1011] John Horgan & Kurt Braddock, *Rehabilitating the Terrorists? Challenges in Assessing the Effectiveness of De-radicalization Programs*, 22 Terrorism & Pol. Violence 267, 274 (2010), *available at* http://www.start.umd.edu/start/publications/Derad.pdf.

[1012] *See* Beech, *supra* note 1010.

[1013] *See, e.g.*, MENA Stakeholder Workshop, *supra* note 6 (noting, for example, that an attempt is made to appeal to detainees by developing mother-son and father-son programs and that rehabilitation programs also involve wives of detainees).

[1014] Christopher Boucek, *Saudi Arabia's "Soft" Counterterrorism Strategy: Prevention, Rehabilitation, and Aftercare* 15, 16 (Carnegie Endowment for Int'l Peace, Carnegie Paper No. 97, 2008), *available at* http://www.carnegieendowment.org/files/cp97_boucek_saudi_final.pdf (noting, "[a]ll programs make use of an individual's extended social network, such as securing the family's cooperation in helping to keep a released detainee on the right path.").

[1015] *See id.* at 5, 12–13. *See also* MENA Stakeholder Workshop, *supra* note 6 (the Saudi Arabia Government provides, for example, bulk loans, monthly allowances, jobs for those reintegrating, and money to female family members).

[1016] Boucek, *supra* note 1014, at 20.

[1017] Int'l Ctr. for the Study of Radicalisation & Political Violence, Prisons and Terrorism: Radicalisation and De-Radicalisation in 15 Countries 54 (2010), *available at* http://icsr.info/publications/papers/1277699166PrisonsandTerrorismRadicalisationandDeradicalisationin15Countries.pdf (making this critique in respect of both Indonesia and Yemen).

[1018] *See* Liero, *supra* note 1006, at 16 ("Additionally, a detention program must include facilities and programs for women, juveniles and the mentally challenged. Programs focused on these particularly "at-risk" groups were incorporated in the TIFRIC [Theater Internment Facility Reintegration Center].").

[1019] *See, e.g.*, Richard Spencer, *Saudi Arabian Mother Becomes First Lady of Al-Qaeda*, Telegraph (London), June 25, 2010, 5:48 PM, http://www.telegraph.co.uk/news/worldnews/middleeast/saudiarabia/7854994/Saudi-Arabian-mother-becomes-the-First-Lady-of-al-Qaeda.html.

[1020] *See, e.g.*, *Women Used in New Terrorist Strategy: Indonesian Police*, People's Daily Online, Feb. 20, 2006, http://english.peopledaily.com.cn/200602/20/eng20060220_244236.html.

[1021] Boucek, *supra* note 1014, at 21 (explaining that all PRAC prison participants have been men and that media reports reveal that "a few female security suspects" have been subject to similar rehabilitative counseling schemes at home).

[1022] *See supra* note 904 and accompanying text.

[1023] *See* Country Reports on Terrorism 2009, *supra* note 782, at 41 ("The INP [Indonesian National Police] continued its program to de-radicalize convicted terrorists. The program identified individuals who might be open to more moderate teachings and focused on providing spiritual support to the men and on providing modest financial support to their families."). *See also* Int'l Crisis Group, "Deradicalisation" and Indonesian Prisons i (2007), *available at* http://www.crisisgroup.org/~/media/Files/asia/south-east-asia/indonesia/142_deradicalisation_and_indonesian_prisons.ashx (reporting that as of November 2007, there were no female jihadi prisoners in Indonesia).

[1024] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 46 (internal citations omitted).

[1025] Grossman, *supra* note 1007 (noting that the program "...will also provide religious instruction by moderate clerics" and that "Task Force 134 just completed a pilot program in which dozens of detainees are studying the Koran under the tutelage of moderate Iraqi clerics."); Boucek, *supra* note 1014, at 16 (in describing the detainee counseling process noting that, "scholars engage prisoners in discussions about their beliefs and then attempt to convince them that the religious justification for their actions is wrong and is based upon a corrupted understanding of Islam. First they demonstrate how what the prisoners were tricked into believing was false, and then they teach them the state-sanctioned interpretation of Islam."); *see* Country Reports on Terrorism 2009, *supra* note 782, at 41–42 (discussing the Indonesian National Police's de-radicalization program); *id.* at 41 ("[t]he program identified individuals who might be open to more moderate teachings and focused on providing spiritual support to the men and on providing modest financial support to their families.").

[1026] *See* Grossman, *supra* note 1007.

[1027] *See infra* notes 1244-1255 and accompanying text.

[1028] *Preachers to the Converted*, Economist, Dec. 13, 2007, http://www.economist.com/node/10286811?story_id=10286811&fsrc=nwlgafree.

[1029] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 30.

[1030] *Id.*

[1031] Africa Stakeholder Workshop, *supra* note 4.

[1032] *See* Ctr. for Human Rights & Global Justice, Surviving the Darkness: Testimony from the U.S. "Black Sites" 62 (2007), *available at* http://www.chrgj.org/projects/docs/survivingthedarkness.pdf [hereinafter Surviving the Darkness]; Declaration of Mohamed Farag Ahmad Basmilah in Support of Pl.'s Mot. to Dismiss or, in the Alt., for Summ. Judgment, ¶ 197, *Mohamed v. Jeppesen Dataplan, Inc.*, 539 F.

Supp. 2d 1128 (N.D. Cal. 2008), *aff'd* 614 F3d 1070 (9th Cir. 2010), *available at* http://www.chrgj.org/projects/docs/declarationofbashmilah.pdf (Mohamed Bashmilah explaining that while he was in CIA secret detention: "My wife spent about three months in Yemen struggling to get information about where I might be, but when her efforts proved futile, she and my family determined that it would be better for her to return to Indonesia, which she did with my family's assistance. When my wife returned to Indonesia she was so destitute that she had to go through trash to collect aluminum foil to sell in order to sustain herself.").

[1033] *See* Andy Worthington, *Amina Masood Janjua, Champion of Pakistan's Disappeared, Tells Her Story to Cageprisoners*, Mar. 31, 2011, http://www.andyworthington.co.uk/2011/03/31/amina-masood-janjua-champion-of-pakistans-disappeared-tells-her-story-to-cageprisoners/ (Amina Janjua describing the economic impact that her husband's disappearance in Pakistan has had on her family).

[1034] *See* Targeted and Entrapped, *supra* note 959, at 36–37 (describing the financial impact Shahawar Matin Siraj's terrorism-related detention and his father's immigration detention had on the family).

[1035] Laurel E. Fletcher et al., Human Rights Ctr., Guantánamo and Its Aftermath: U.S. Detention and Interrogation Practices and Their Impact on Former Detainees 67 (2008), *available at* http://www.law.berkeley.edu/HRCweb/pdfs/Gtmo-Aftermath_2.pdf.

[1036] *Id.* at 65.

[1037] Worthington, *supra* note 1033.

[1038] *Id.*

[1039] Giglio, *supra* note 987.

[1040] Worthington, *supra* note 1033; *see also* Physicians for Human Rights, Punishment Before Justice: Indefinite Detention in the US 19 (2011), *available at* https://s3.amazonaws.com/PHR_Reports/indefinite-detention-june2011.pdf [hereinafter Punishment Before Justice] (internal citations omitted) ("[A]ll of the women [in a study on the impact of indefinite detention on wives] suffered from clinical depression, while one woman manifested symptoms of PTSD, triggered by her husband's arrest, 'and another ha[d] a phobic anxiety state,' all of which the clinicians attributed 'directly to the incarceration of their husbands and its indefinite nature.'").

[1041] Amnesty Int'l, *Amina Janjua, Pakistan*, AI Index ASA 33/003/2010 1 (2010), *available at* http://www.amnesty.org/en/library/asset/ASA33/003/2010/en/f06037d3-c56c-4bf2-a7cd-a8e9e0d54439/asa330032010en.pdf.

[1042] Declaration of Mohammed Abdullah Saleh Al-Asad ¶ 56, *Al-Asad v. Djibouti*, African Comm'n for Human & Peoples' Rights, 49th Sess Apr.-May 2011, *available at* http://www.chrgj.org/projects/docs/al-asaddeclaration.pdf.

[1043] U.S. Stakeholder Workshop, *supra* note 3.

[1044] *Id.*

[1045] *Id.*; Africa Stakeholder Workshop, *supra* note 4.

[1046] Africa Stakeholder Workshop, *supra* note 4.

[1047] Fletcher et al., *supra* note 1035, at 65.

[1048] *See* Peter Finn & Julie Tate, *Guantanamo Bay Detainees' Family Members May Be Allowed to Visit*, Wash. Post, May 11, 2011, http://www.washingtonpost.com/national/guantanamo-bay-detainees-family-members-may-be-allowed-to-visit/2011/05/11/AFGAMtsG_story.html.

[1049] *Id. See also Afghanistan: Family Visit Programme Begins for Bagram Detainees*, Int'l Comm. of the Red Cross, Sept. 23, 2008, http://www.icrc.org/eng/resources/documents/feature/afghanistan-feature-230908.htm.

[1050] Carrie Johnson & Margot Williams, *'Guantanamo North': Inside Secretive U.S. Prisons*, Nat'l Pub. Rad., Mar. 3, 2011, http://www.npr.org/2011/03/03/134168714/guantanamo-north-inside-u-s-secretive-prisons.

[1051] Ctr. for Const. Rights, Communications Management Units: The Federal Prison System's Experiment in Social Isolation 1–2 (2010) *available at* http://www.ccrjustice.org/files/CCR_CMU_Factsheet.pdf [hereinafter CMU Factsheet].

[1052] *See* Press Release, Ctr. for Const. Rights, CCR Voices Opposition to Rep. Peter King's Second Hearing on Islamic Radicalization (June 15, 2011), *available at* http://www.ccrjustice.org./newsroom/press-releases/ccr-voices-opposition-rep.-peter-king%E2%80%99s-second-hearing-islamic-radicalization.

[1053] CMU Factsheet, *supra* note 1051, at 1 ("The Muslims detained in these two CMUs are both African American (many who converted during their time in the prison system) and prisoners of Middle Eastern descent."); Johnson & Williams, *supra* note 1050 ("[t]he Communications Management Units in Terre Haute, Ind., and Marion, Ill., are mostly filled with Muslims.").

[1054] Email from DRUM–Desis Rising Up & Moving, *supra* note 964.

[1055] CMU Factsheet, *supra* note 1051, at 2.

[1056] *Id.* at 1.

[1057] *See* Targeted and Entrapped, *supra* note 959, at 29–30 (internal citations omitted).

[1058] *Id.* at 30 (internal citations omitted).

[1059] On May 8, 2002 a material witness warrant was used to arrest Jose Padilla, an American citizen, in Chicago, Illinois. He was "suspected of being involved in the alleged Dirty Bomb plot to stage a radioactive terrorist attack within the United States," was subsequently designated as an "enemy combatant" by President Bush and detained in military custody at the Naval Brig in South Carolina, and over three years later, was charged in federal court. He was convicted on August 16, 2007, of terrorism related charges unrelated to the Dirty Bomb plot in federal court. *See* Richard B. Zebel & James J. Benjamin, Jr., Human Rights First, In Pursuit of Justice: Prosecuting Terrorism Cases in the Federal Courts 72–73 (2008), *available at* http://www.humanrightsfirst.org/wp-content/uploads/pdf/080521-USLS-pursuit-justice.pdf.

[1060] U.S. Stakeholder Workshop, *supra* note 3.

[1061] MENA Stakeholder Workshop, *supra* note 6.

[1062] Punishment Before Justice, *supra* note 1040, at 2.

[1065] *See, e.g.*, Practices in Relation to Secret Detention, *supra* note 887, at 160 (Maher Arar has indicated that he "experiences serious psychological effects from his detention and torture in Syria. Since his release, Mr. Arar has a deep sense of isolation from the Muslim community. Since returning to Canada, he has had difficulty finding a job, despite having a degree in computer engineering and a Masters in telecommunications. This has had a devastating effect upon both his psychological state and economically. Mr. Arar's relationships with members of his immediate family have been significantly impaired. He feels guilty about how he now relates to his own family. He often feels emotionally distant and preoccupied with his own concerns."). *See also* CTR. FOR CONST. RIGHTS, EXTRAORDINARY RENDITION: THE STORY OF MAHER ARAR 1 (2010) http://ccrjustice.org/files/New%20Arar%20Factsheet%2011.2010.pdf ("In 2002, Canadian citizen Maher Arar was detained at JFK airport on his way home from visiting family. He was…interrogated by U.S. officials about alleged links to al-Qaeda, and sent against his will to Syria, a country renowned for torture…He was released in October, 2003.").

[1066] Africa Stakeholder Workshop, *supra* note 4.

[1067] *See, e.g.*, Practices in Relation to Secret Detention, *supra* note 887, at 160 ("Since returning to Canada, he [Mr. Arar] has had difficulty finding a job, despite having a degree in computer engineering and a Masters in telecommunications."). *See also* SURVIVING THE DARKNESS, *supra* note 1032, at 63 and Declaration of Mohamed Farag Ahmad Bashmilah, *supra* note 1032, ¶ 200 (U.S. secret detention returnee Mohamed Bashmilah noting that "in addition to the adverse impact on my health, being in secret detention has adversely impacted my financial situation. My financial situation remains strained because being in secret detention has tarnished my reputation and because my passport, which indicated that I am a business man, has never been returned to me."); Declaration of Mohammed Abdullah Saleh Al-Asad, *supra* note 1042, ¶ 57 ("I have been unable to rebuild any successful financial venture comparable to what I had…Because I was disappeared for so long, debts piled up and I lost my business…There were times when I couldn't afford to buy my family even basic living necessities. I have lost entirely my previous stature as a businessman and community leader. My business remains in ruins, and I am burdened by debt. I am incredibly humiliated by what has happened to me."). *See also* FLETCHER ET AL., *supra* note 1035, at 67 (Guantanamo returnees describing how the stigma of their detention undermines their ability to find work or resume their careers and expressing frustration that time in Guantánamo has permanently ruined their reputations). *See further* MENA Stakeholder Workshop, *supra* note 6 (participant noting that in Yemen returnees from USG custody find it very difficult to find employment).

[1068] FLETCHER ET AL., *supra* note 1035, at 70.

[1069] *Id.*

[1070] *See id.* at 64 (reporting that Guantanamo detainees released to Albania were told by U.S., Albanian, and U.N. officials and some attorneys "that they would be reunited with their families and provided homes and jobs in Albania but the reality turned out to be quite different. Continued and indefinite familial separation weighed heavily on the refugees. 'I will never be able to go back. I cannot bring them here. I cannot see my family for the rest of my life,' said one respondent."). *See also* Andy Worthington, *Three Neglected Ex-Guantanamo Prisoners in Slovakia Embark on a Hunger Strike* (June 27, 2010), http://www.andyworthington.co.uk/2010/06/27/three-neglected-ex-guantanamo-prisoners-in-slovakia-embark-on-a-hunger-strike/ (in discussing Guantanamo detainees resettled in Europe, explaining that the European Union, "has failed to establish a coherent policy regarding standards of care for the 17 men who, since Barack Obama became President, have been resettled in Albania, Belgium, Bulgaria, France, Hungary, Ireland, Portugal, Slovakia and Spain (15 others have been resettled in Bermuda, Georgia, Palau and Switzerland)" and that "[w]hile most of these men seems [sic] to be coping reasonably well" that there are concerns about feelings of isolation and that "[p]art of the problem lies with attempts—or the lack of attempts—to reunite these men with their families, if they are married. Although the French government succeeded in reuniting Lakhdar Boumediene, an Algerian released in France last May, with his wife and son, and the Irish government did the same for Oybek Jabbarov, an Uzbek released in Ireland last September, who was reunited with his wife and two sons in December, other ex-prisoners are still cut off from their families, and for the Palestinian in Hungary, who does not even have the companionship of other ex-prisoners, this is particularly hard to bear.").

[1071] *See* Pavol Stracansky, *'This Is Worse Than Guantanamo,'* INTER PRESS SERV., July 2, 1010, http://www.ipsnews.net/news.asp?idnews=52033.

[1072] *See* Peter Finn, *Ex-Guantanamo Detainee Goes Home — and Gets Locked Up Again*, CHECKPOINT WASH., June 16, 2011, 12:22 PM, http://www.washingtonpost.com/blogs/checkpoint-washington/post/ex-guantanamo-detainee-goes-home--and-gets-locked-up-again/2011/06/16/AGLCzSXH_blog.html?wprss=checkpoint-washington.

[1073] His family has not been able to get a visa to visit him in Slovakia. Interview with Ahmed Ghappour, Criminal Def. and Guantanamo Att'y, and Att'y for Mr. Gazzar, in New York, N.Y. (May 2011).

[1074] *Egyptian Authorities Seize Former Guantánamo Prisoner Adel Al Gazzar as He Returns Home from Slovakia*, REPRIEVE, June 13, 2011, http://www.reprieve.org.uk/press/2011_06_13_adel_arrested/.

[1075] *See id.*; Marwa Al-A'sar, *Ex-Guantanamo Detainee Referred to Appeals Prison*, DAILY NEWS EGYPT, June 14, 2011, http://thedailynewsegypt.com/people/ex-guantanamo-detainee-referred-to-appeals-prison.html.

[1076] Al-A'sar, *supra* note 1073 ("Al-Gazzar was sentenced to three years in absentia over El-Wa'd Fundamentalist Cell case in September 2002 after 10 months of hearings.").

[1077] *See, e.g.*, U.S. DEP'T OF STATE, EGYPT: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES (2002), *available at* http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8248.htm (stating that "[t]he use of military courts to try civilians continued to infringe on a defendant's normal right under the Constitution to a fair trial before an independent judiciary" and referencing the trial of which Ghazzar's case formed a part as follows: "On October 13, President Mubarak issued a decree referring 94 civilians (77 of whom had been arrested and 17 of whom remained at large) to trial in a military court on charges related to planned terrorism and membership in an illegal Islamist organization called al-Wa'd."). *See also* Amnesty Int'l, *Egypt: Amnesty International's Briefing to the Human Rights Committee on the Arab Republic of Egypt*, AI Index: MDE 12/019/2002, at 22, 23 (May 2002), *available at* http://www.amnesty.org/en/library/asset/MDE12/019/2002/en/a910c762-d838-11dd-9df8-936c90684588/mde120192002en.pdf ("In October 1992 President Hosni Mubarak began issuing special decrees referring civilians charged

with offences related to 'terrorism' for trial in military courts. Proceedings before these courts violate some of the most fundamental requirements of international human rights law, including the right to be tried before an independent tribunal and the right to appeal to a higher court...." and that "In June 2002 the Supreme Military Court is expected to pronounce its verdict in a case against 94 men accused of membership of an armed Islamist group which has been referred to as Tanzim al-Wa'd...Dozens of the accused testified before the Public Prosecutor that they were tortured while being held in incommunicado detention at premises of the SSI. No investigations are known to have been conducted into these allegations.").

[1076] Bilal Randeree, *Ex-Guantanamo Prisoner Held in Egypt*, Al Jazeera, June 14, 2011, http://www.aljazeera.com/news/middleeast/2011/06/201161417483731508.html.

[1077] Email from Ahmed Ghappour, Criminal Def. and Guantanamo Att'y, and Att'y for Mr. Gazzar (June 2011).

[1078] *See* Press Release, Ctr. for Const. Rights, Center for Constitutional Rights Appeals Guantánamo Deaths Case as Families Seek Answers, June 13, 2011, *available at* http://ccrjustice.org/newsroom/press-releases/center-constitutional-rights-appeals-guant%C3%A1namo-deaths-case-families-seek-answers. *See also*, Dana Priest, *CIA Avoids Scrutiny of Detainee Treatment*, Wash. Post, Mar. 3, 2005, at A01, *available at* http://www.washingtonpost.com/wp-dyn/articles/A2576-2005Mar2.html (noting that after an Afghan man was killed in a secret prison in Afghanistan while in CIA custody: "The captive's family has never been notified; his remains have never been returned for burial. He is on no one's registry of captives, not even as a 'ghost detainee.'").

[1079] NSS 2010, *supra* note 10, at 15.

[1080] *Id.* at 30.

[1081] *See also* National Strategy for Counterterrorism, *supra* note 13.

[1082] NSS 2010, *supra* note 10, at 20 ("[T]hrough a focus on increased information collection and sharing, stronger passenger vetting and screening measures, the development...of advanced screening technologies, and cooperation with the international community to strengthen aviation security standards and efforts around the world.").

[1083] *See, e.g., The War on Terror: Immigration Enforcement Since September 11, 2001: Hearing Before the Subcomm. on Immigration, Border Sec., and Claims of the H. Comm. on the Judiciary*, 108th Cong. (2003) (prepared statement of Laura W. Murphy & Timothy H. Edgar, Am. Civil Liberties Union), *available at* http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_house_hearings&docid=f:86954.pdf. *See also*, Muzaffar Chishti & Claire Bergeron, *DHS Announces End to Controversial Post-9/11 Immigrant Registration and Tracking Program*, Migration Info. Source (May 17, 2011), http://www.migrationinformation.org/USFocus/display.cfm?ID=840 (describing the NSEERS program).

[1084] Human Rights First, Denial and Delay: The Impact of the Immigration Law's "Terrorism Bars" on Asylum Seekers and Refugees in the United States (2009), *available at* http://www.humanrightsfirst.org/wp-content/uploads/pdf/RPP-DenialandDelay-FULL-111009-web.pdf [hereinafter Denial and Delay]; *see also* Shaina Aber et al., Georgetown Univ. L. Ctr. Human Rights Inst. Unintended Consequences: Refugee Victims of the War on Terror (2006), *available at* http://www.law.georgetown.edu/news/releases/documents/UnintendedConsequences-RefugeeVictimsoftheWaronTerror.pdf.

[1085] *See* Anita Khashu, Police Found., The Role of Local Police, Striking a Balance Between Immigrant Enforcement and Civil Liberties xi (2009), *available at* http://www.policefoundation.org/pdf/strikingabalance/Role%20of%20Local%20Police.pdf. *See also* Nat'l Immigration Forum, Immigration Enforcement & Local Law Enforcement: The ABC's [sic] of State and Local Coordination Programs 1 (2009), *available at* http://www.immigrationforum.org/images/uploads/ABCs_of_State_and_Local_Coordination_Programs.pdf [hereinafter Coordination Programs].

[1086] *See, e.g.*, Trafficking in Persons, Nat'l Sec. Pres. Directive-22 (Dec. 16, 2002), *available at* http://www.combat-trafficking.army.mil/documents/policy/NSPD-22.pdf [hereinafter NSPD-22]; *Narco-Terrorism: International Drug Trafficking and Terrorism–A Dangerous Mix: Hearing Before the S. Comm. on the Judiciary*, 108th Cong. (2003) (statement by Steven W. Casteel, Assistant Administrator for Intelligence, U.S.D.E.A).

[1087] *See, e.g.*, NSPD-22, *supra* note 1086, at 2 ("Trafficking in persons is often linked to organized crime, and the profits from trafficking enterprises help fuel other illegal activities."); NSS 2010 *supra* note 10, at 49 ("[t]ransnational criminal organizations have accumulated unprecedented wealth and power through trafficking and other illicit activities," and that the "crime-terror nexus is a serious concern as terrorists use criminal networks for logistical support and funding."); U.S. Dep't of State, Country Reports On Terrorism 2007 10 (Apr. 2008) *available at* http://www.state.gov/documents/organization/105904.pdf (noting "increasing evidence of trafficking in persons network facilitators being employed to facilitate terrorist movement, particularly into Iraq").

[1088] *See, e.g.*, Bart Elias, *Changes in Airport Passenger Screening Technologies and Procedures: Frequently Asked Questions*, Cong. Research Serv. 1 (Jan. 26, 2011), *available at* http://www.fas.org/sgp/crs/homesec/R41502.pdf (noting that AIT scanners are being used for the purposes of primary screening).

[1089] *TSA Statement on New Pat-Down Procedures*, Transp. Sec. Admin. (Oct. 28, 2010), http://www.tsa.gov/press/happenings/102810_patdown.shtm.

[1090] Sarah Gonzalez, *New Airport Security Rules Cause Traveler Discomfort*, Nat'l Pub. Rad., Nov. 15, 2010, http://www.npr.org/2010/11/15/131328327/new-airport-security-rules-cause-traveler-discomfort (citing statement by TSA spokesperson Greg Soule).

[1091] Matthew Rothschild, *Fear of Hijab?*, Middle East Online, Jan. 11, 2010, http://www.middle-east-online.com/english/?id=36590.

[1092] *TSA's Head-To-Toe Screening Policies*, Transp. Sec. Admin. (Oct. 15, 2007), http://www.tsa.gov/press/happenings/sop_facts.shtm (according to the 2007 TSA screening policy, "[t]ravelers can wear any type of clothing or head covering to the security checkpoint. If the officer cannot reasonably determine that the clothing or head covering is free of a threat item, individuals may be referred for additional screening. Officers must use their professional discretion to determine if a particular item of clothing could hide a threat object."); *TSA Adjusts Security Procedures for Bulky Clothing*, Transp. Sec. Admin. (Oct. 15, 2007), http://www.tsa.gov/press/happenings/sop_adjustments.

shtm (in circumstances where a secondary screening was deemed to be warranted, TSA officers' options for secondary screening include: "trace portals (where available)," "trace detection," and "pat downs"); *TSA Statement on New Security Measures for International Flights to the U.S.*, Transp. Sec. Admin. (Jan. 3, 2010), http://www.tsa.gov/press/happenings/010310_statement.shtm (the TSA's most recent statement regarding the policy, on January 3, 2010, states that its procedures on bulky clothing are unchanged since October 2007).

[1093] *Advancing Imaging Technology*, Transp. Sec. Admin., http://www.tsa.gov/approach/tech/ait/index.shtm (last visited June 10, 2011).

[1094] *See Advancing Imaging Technology: How it Works*, Transp. Sec. Admin., http://www.tsa.gov/approach/tech/ait/how_it_works.shtm (last visited June 10, 2011).

[1095] Anju Kaur, *TSA: Body Scanners Cannot See Through Turbans*, Sikh News Network, Jan. 14, 2011, http://www.sikhnn.com/headlines/1225/tsa-body-scanners-cannot-see-through-turbans. *See also Airport Screening Procedures As Applied to Sikh Travelers and Your Rights As a Sikh Traveler*, Sikh Coal. 1 (Jan. 13, 2011), *available at* http://www.sikhcoalition.org/documents/KYR-SikhTravelerBillofRights.pdf [hereinafter *Sikh Traveler Rights*].

[1096] Jerome Socolovsky, *US Religious Groups Upset Over Airport Security Procedures*, VOA News.com, Dec. 31, 2010, http://www.voanews.com/english/news/religion/US-Religious-Groups-Upset-over-Airport-Security-Procedures-112732024.html [hereinafter *US Religious Groups*]. *See also* Tara Bahrampour, *Opinion: Religious Travelers Troubled By Pat-Downs*, NorthJersey.com, (Dec. 26, 2010), http://www.northjersey.com/news/opinions/traveleers_122610.html?page=all ("Those interviewed for this story emphasized that they understand the importance of security for air travel, but some said the determination of what constitutes "bulky clothing" is applied subjectively, with a bias against religious headwear."). *See also* Kaur, *supra* note 1095.

[1097] Kaur, *supra* note 1095.

[1098] U.S. Gov't Accountability Office, GAO-10-484T, TSA Is Increasing Procurement and Deployment of the Advanced Imaging Technology, but Challenges to This Effort and Other Areas of Aviation Security Remain 7 (Mar. 17, 2010), *available at* http://www.gao.gov/new.items/d10484t.pdf.

[1099] *Calls for Full-Body Scanners Re-Ignite Privacy Concerns*, FoxNews.com, Dec. 31, 2009, http://www.foxnews.com/politics/2009/12/31/calls-body-scanners-ignite-privacy-concerns/.

[1100] *See* Tara Bahrampour, *TSA Scanners, Pat-Downs Particularly Vexing For Muslims, Other Religious Groups*, Wash. Post, Dec. 23, 2010, http://wwwwashingtonpost.com/wp-dyn/content/article/2010/12/22/AR2010122202919.html.

[1101] *Enhanced Pat-Downs*, The TSA BLOG (Aug. 27, 2010, 4:29 PM), http://blog.tsa.gov/2010/08/enhanced-pat-downs.html.

[1102] *New TSA Pat-Down Procedures*, The TSA BLOG (Nov. 11, 2010, 7:48 A.M.), http://blog.tsa.gov/2010/11/new-tsa-pat-down-procedures.html.

[1103] *CAIR Travel Advisory: New Airport Pat-Downs called Invasive, Humiliating*, Council On American-Islamic Relations, (Nov. 10, 2010), http://www.cair.com/ArticleDetails.aspx?ArticleID=26681; *Sikh Traveler Rights*, *supra* note 1095, at 1 ("[T]urbaned Sikh travelers at U.S. airports should always expect to undergo secondary screening in the form of a turban pat-down (either a passenger self pat-down or an officer pat-down)").

[1104] *See, e.g.*, Bahrampour, *supra* note 1100 ("It can be humiliating when you're standing there and people are walking by, seeing you get the pat-down," she said. "You just feel like you have a target on your head.").

[1105] *See CAIR*, *supra* note 1103, and *SIKH Traveler Rights*, *supra* note 1095.

[1106] Sharyn Alfonsi & Jessica Hopper, *Pilot Rebellion: Pilots Refusing to Use Full Body Scanners or Submit to Patdown*, ABC News, Nov. 9, 2010, http://abcnews.go.com/Travel/major-pilots-unions-rebel-tsa-screening-rules-urge/story?id=12100247.

[1107] Jake Tapper et al., *White House: Terrorists Have Discussed Use of Prosthetics to Conceal Explosives*, ABC News, Nov. 22, 2010, http://abcnews.go.com/Travel/tsa-responds-passenger-outrages-underwear-search-happen/story?id=12208932.

[1108] *See* Alfonsi & Hopper, *supra* note 1106; Jason Trahan, *Former Miss USA Says She Was 'Molested' During TSA Pat-Down at Dallas/Fort Worth Airport*, Dall. Morning News, Apr. 28, 2011, http://www.dallasnews.com/news/community-news/dallas/headlines/20110428-former-miss-usa-says-she-was-molested-during-tsa-pat-down-at-dallasfort-worth-airport.ece.

[1109] *US Religious Groups*, *supra* note 1096; *see also*, Niraj Wirakoo, *Airport Scanners Violate Islamic Law, Muslims Say*, USA Today, Feb. 12, 2010, http://www.usatoday.com/news/religion/2010-02-11-airport-scanners-muslims_N.htm.

[1110] *US Religious Groups*, *supra* note 1096.

[1111] *See Frequently Asked Questions: Secure Flight*, Transp. Sec. Admin., http://www.tsa.gov/what_we_do/layers/secureflight/faqs.shtm (last visited June 10, 2011).

[1112] Monica Roberts, *More Flight Anxiety for Transpeople As New TSA Rules Implemented*, TransGriot, (Aug. 17, 2009, 11:00 AM), http://transgriot.blogspot.com/2009/08/more-flight-anxiety-for-transpeople-as.html; Motion Picture Assoc'n of Am., MPAA's Key International Trade Issues 1, *available at* http://otrans.3cdn.net/b56ceb18c2903fe593_1pm6bhutx.pdf; *see* Amanda Hess, *New Security Measures May Complicate Transgender Travel*, Wash. City Paper/The Sexist-Blog, (Aug. 18, 2009, 12:34 PM), http://www.washingtoncitypaper.com/blogs/sexist/2009/08/18/new-security-measures-may-complicate-transgender-travel/. *See also Frequently Asked Questions/TSA Secure Flight*, Nat'l. Ctr. for Transgender Equality (Aug. 2009), *available at* http://transequality.org/Resources/NCTE_Secure_Flight.pdf.

[1113] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 48 (internal citations omitted).

[1114] *Transsexual Road Map Notes/More Transgender Travel Updates in U.S.*, Transsexual Roadmap (Sept. 4, 2009), http://www.tsroadmap.com/notes/index.php/site/more_transgender_travel_updates_in_us/.

[1115] *See Five Years After the Intelligence Reform and Terrorism Prevention Act: Stopping Terrorist Travel: Hearing Before the S. Comm. on Homeland Sec. and Gov't al Affairs*, 111th Cong. (2009) (statement by Timothy J. Healy, Terrorist Screening Ctr./Fed. Bureau of Investigation), *available at* http://hsgac.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=50242372-f66d-401f-b3a8-1feb2b2de6fa. *See also The Lessons*

*and Implications of the Christmas Day Attack: Watchlisting and Pre-screening: Hearing Before the S. Comm. on Homeland Sec. and Gov'tal Affairs*, 111th Cong. (2010) (statement of Timothy J. Healy, Terrorist Screening Center/Fed. Bureau of Investigation), *available at* http://hsgac.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=b6b1ea4b-c4e8-483e-9d46-2dbb236e6936.

[116] *See, e.g.*, *ACLU Files Lawsuit Challenging Unconstitutional "No Fly List,"* Am. Civil Liberties Union (June 30, 2010), http://www.aclu.org/national-security/aclu-files-lawsuit-challenging-unconstitutional-no-fly-list; John Solomon, *ACLU Challenges Constitutionality of No-Fly List*, IWatch News (July 1, 2010), http://www.iwatchnews.org/2010/06/30/2631/aclu-challenges-constitutionality-no-fly-list.

[117] Amended Complaint for Injunctive and Declaratory Relief ¶¶ 361–376, Latif v. Holder, No. 10-cv-750 (D. Or. 2011), *available at* http://www.aclu.org/files/assets/First_Amended_Complaint.PDF.

[118] *See* Leslie Miller, *Infants Among Those Caught Up In 'No-Fly' Confusion*, Airport Bus., Jan. 12, 2011, http://www.airportbusiness.com/online/article.jsp?siteSection=1&id=3100&pageNum=1.

[119] *Creation of a No-Fly List in Canada*, Int'l Civil Liberties Monitoring Grp. 2 (Jan. 2007), *available at* http://travelwatchlist.ca/updir/travelwatchlist/no-fly-list-engl-leaflet.pdf.

[120] *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 49 (internal citations omitted).

[121] Dep't of Homeland Sec., *Effectiveness of the Dep't. of Homeland Sec./Traveler Redress Inquiry Program (TRIP)* 33–34 (Sept. 2009), *available at* http://www.dhs.gov/xoig/assets/mgmtrpts/OIG-09-103r_Sep09.pdf ("The TRIP website advises travelers that the program can assist them with resolving a range of travel difficulties. Our review of redress results revealed that those claims are overstated. While TRIP offers effective solutions to some traveler issues, it does not address other difficulties effectively, including the most common—watch list misidentifications in aviation security settings.").

[122] *See generally* NSS 2010, *supra* note 10, at 15, 18. *See also* Ambassador Johnnie Carson, Assistant Sec'y of State for the Bureau of African Affairs, Keynote Address on U.S. Strategy in Africa to the Nat'l Defense Univ. Afr. Ctr. For Strategic Studies (ACSS) plenary session of the Senior Leaders Seminar (June 22, 2010) (transcript available at http://www.africom.mil/getArticle.asp?art=4705&lang=0) ("In the security realm, our greatest concern is with local or third-country nationals using Africa's weak border controls and policing capabilities to traffic in drugs, people, and weapons, or to carry out terrorist attacks in Africa or other regions.").

[123] Congressional Budget Justification, *supra* note 736, at 466–467 ("Ongoing assistance supports Egypt's efforts to enhance border security and combat smuggling, especially along the Gaza border" and that "funding will support maintenance of border security equipment purchased for the purpose of reducing the smuggling of illegal weapons into Gaza.").

[124] *See* Suadad al-Salhy, *Iraq Neighbours Undermining Border Fight*, ReliefWeb (2009), http://reliefweb.int/node/318395 ("Iraq has been struggling for years to improve border security in order to halt the flow of Sunni Islamist militants from Iraq's western neighbours such as Syria and Saudi Arabia and stem the entry of Shi'ite fighters and weaponry from Iran" and that "With backing from the United States, border forces have grown to around 42,000…"). *See also*, *Iraq Program Efforts*, U.S. Dep't of Justice, http://www.justice.gov/iraq/icitap.htm (last visited June 9, 2011) (describing some USG efforts to assist in securing the Iraqi border).

[125] Asia Stakeholder Workshop, *supra* note 5; *see also* Congressional Budget Justification, *supra* note 736, at 283–284.

[126] *See* Lauren Ploch, *Countering Terrorism in East Africa: The U.S. Response*, Cong. Research Serv. 24 (Nov. 3, 2010), *available at* http://www.cassidy.com/_docs/news/Countering%20Terrorism%20in%20East%20Africa.pdf. *See also* Kevin J. Kelly, *US Troops 'On Kenya Somalia Border Watch'*, Nation (Aug. 20, 2004), *available at* http://www.somaliaonline.com/community/showthread.php/26165-US-troops-on-Kenya-somali-Border-Watch.

[127] Asia Stakeholder Workshop, *supra* note 5.

[128] Africa Stakeholder Workshop, *supra* note 4.

[129] *Id.*

[130] *Id.*

[131] *Id.*

[132] Denial and Delay, *supra* note 1084, at 34, 40 (documenting examples of where support for local political factions is used as a bar to asylum, even when the support was "purely emotional" and/or due to "family loyalty"); *Rep. of the Special Rapporteur*, *supra* note 2, ¶ 50 (noting the trend that "forced domestic service for actors considered to be terrorists has been understood to count as 'material support' to terrorism.").

[133] Kara Beth Stein, *Comment: Female Refugees: Re-Victimized by the Material Support to Terrorism Bar*, 38 McGeorge L. Rev. 815, 826 (2007) (internal citations omitted).

[134] *See Rep. of the Special Rapporteur*, *supra* note 2, ¶ 50; Melanie Nezer, *The Material Support Problem: Where U.S. Anti-Terrorism Laws, Refugee Protection, and Foreign Policy Collide*, 13 Brown J. World Affs. 177 (2006), *available at* http://heinonline.org/HOL/Page?handle=hein.journals/brownjwa13&div=18&g_sent=1&collection=journals (noting generally that the lack of a duress exception to the material support provision has led to 700 applications for permanent residence being placed on hold pending decision as to whether the individuals are barred).

[135] Denial and Delay, *supra* note 1084, at 30.

[136] *Id.* at 36–37.

[137] *Id.* at 30–31.

[138] *Id.* at 38 ("REAL ID Act made inadmissible—and thus barred from refugee protection as well as permanent residence—the spouses and children of people deemed to be inadmissible under any of the "terrorism"-related provisions of the immigration law based on activities that occurred within the past five years," including material support.).

[139] *See generally id.* at 7–11. *See also See also* Maryellen Fullerton, *Terrorism, Torture, and Refugee Protection in the United States*, 29 Refugee Surv. Q. 4, 4 (2010); Memorandum from Human Rights First, Newly Enacted Amendments to the "Terrorism Bars" and Related Waivers

under the Immigration and Nationality Act, (Jan. 29, 2008), *available at* http://www.humanrightsfirst.org/wp-content/uploads/pdf/08130-asy-new-amendmensts-ina.pdf.

[140] *See* Fullerton, supra note 1139, at 22; Denial and Delay, *supra* note 1084, at 8.

[141] *See* Refugee Protection Act, S. 3113, 111th Cong. (2010) *available at* http://www.opencongress.org/bill/111-s3113/text.

[142] *See id.* § 4. *See also* Fullerton, supra note 1139, at 28–29; Human Rights First, *Refugee Protection Act of 2010 Remedies Severe Problems in Asylum and Refugee Systems*, Common Dreams (May 19, 2010, 1:07 PM), http://www.commondreams.org/newswire/2010/05/19-5 (explaining the Act would limit the definition of terrorist organization and terrorist activity); *Reviewing America's Commitment to the Refugee Convention: The Refugee Protection Act of 2010: Hearing Before the S. Comm. on the Judiciary*, 111th Cong. 4 (2010) (statement of Advocates for Human Rights), *available at* http://www.rcusa.org/uploads/pdfs/AHR%20Testimony,%205-19-10.pdf (explaining the effect that Section 4 of the Act would have in relieving concerns regarding coerced and *de minimus* acts); *The Leahy-Levin Refugee Protection Act of 2010 Sectional Analysis*, DetentionWatchNetwork (Mar. 16, 2010) http://detentionwatchnetwork.files.wordpress.com/2010/09/rpa-2010-section-by-section.pdf ("Sec. 4. Protecting Victims of Terrorism from Being Defined as Terrorists…This section would also repeal an unduly harsh provision in current law that makes spouses and children inadmissible for the acts of a spouse or parent.").

[143] *S. 3113: Refugee Protection Act of 2010*, GovTrack.us, http://www.govtrack.us/congress/bill.xpd?bill=s111-3113 (last visited June 10, 2011).

[144] *Human Smuggling and Trafficking*, U.S. Dep't of State, http://www.state.gov/m/ds/hstcenter/index.htm (last visited July 10, 2011); *see generally* U.S. Dep't of State, Establishment of the Human Smuggling and Trafficking Center (2005) *available at* http://www.state.gov/documents/organization/49600.pdf.

[145] U.S. Dep't of Justice, Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2006 16 (2007), *available at* http://www.acf.hhs.gov/programs/orr/data/atrc_06.pdf.

[146] Email from The Human Smuggling and Trafficking Center (Aug. 2010) (on file with author).

[147] Interview with U.S. Embassy, in Ankara, Turk., *supra* note 543; Interview with Transnational Crime Affairs Section (TCAS), U.S. Embassy in Bangkok, *supra* note 210.

[148] *See* Global Alliance Against Traffic in Women, Beyond Borders: Exploring Links Between Trafficking, Globalisation, and Security 22–33(2010), *available at* http://gaatw.org/publications/WP_on_Globalisation.pdf [hereinafter Beyond Borders]; *see also Rep. of the Special Rapporteur*, *supra* note 2, ¶ 51.

[149] Beyond Borders, *supra* note 1148, at 23–24.

[150] *See Rep. of the Special Rapporteur*, *supra* note 2, ¶ 51.

[151] U.S. Stakeholder Workshop, *supra* note 3.

[152] *See also* Global Alliance Against Traffic in Women & La Strada Int'l, NGO Priority for EU Anti-Trafficking Day 2009: Focus on Human Rights 3 (2009), *available at* http://ecpat-france.fr/centre_ressources/2-etudes_et_rapports/11-Union_europeenne_et_ESEC/LES_ONG/EU_Action_againts_trafficking_in_human_beings_GAATW_LSI-09.pdf; Jennifer Chacón, *Misery and Mypoia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking*74 Fordham L. Rev. 2977, 3023 (2006).

[153] Interview with Transparency Int'l, in Nairobi, Kenya (Aug. 2010).

[154] Asia Stakeholder Workshop, *supra* note 5.

[155] Beyond Borders, *supra* note 1148, at 23 (internal citation omitted).

[156] Removing Designated Countries From the National Security Entry-Exit Registration System (NSEERS), 76 Fed. Reg. 23830 (Apr. 28, 2011), *available at* http://edocket.access.gpo.gov/2011/pdf/2011-10305.pdf [hereinafter NSEERS].

[157] *See id. See also* Chishti & Bergeron, *supra* note 1083 (describing the NSEERS program).

[158] Press Release, Dep't of Homeland Sec., Fact Sheet: Changes to National Security Entry/Exit Registration System (NSEERS) (Dec. 1, 2003), *available at* http://www.dhs.gov/xnews/releases/press_release_0305.shtm.

[159] *See* Murphy & Edgar, *supra* note 1083.

[160] *See, e.g.*, Chishti & Bergeron, *supra* note 1083.

[161] Am. Asian Legal Def. and Educ. Fund, Special Registration: Discrimination and Xenophobia as Government Policy 20 (2004), *available at* http://www.aaldef.org/docs/AALDEF-Special-Registration-2004.pdf.

[162] Comm. on the Elimination of Racial Discrimination, Consideration of Reports Submitted by States Parties Under Article 9 Of The Convention, 72d Sess., Feb. 18–Mar. 7, 2008, ¶ 14, CERD/C/USA/CO/6 (May 8, 2008).

[163] NSEERS, *supra* note 1156 at 23830.

[164] *Id.* at 23831.

[165] U.S. Stakeholder Workshop, *supra* note 3.

[166] *See* U.S. Dep't of Justice, Office of Inspector Gen., The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks (2003), *available at* http://www.usdoj.gov/oig/special/0306/full.pdf.

[167] *Id.* at 113–117, 161.

[168] *See* Liberty & Security, *supra* note 809, at 167.

[169] U.S. Stakeholder Workshop, *supra* note 3 (advocate noting that although deportations usually targeted men, the emotional and economic impacts are primarily borne by women); Marcela Mendoza & Edward M. Olivos, *Advocating for Control with Compassion: The Impacts of Raids and Deportations on Children and Families*, 11 Or. Rev. Int'l L. 118, 119–120 (2009); Am. Asian Legal Def. and Educ. Fund, *supra* note 1161, at 19–23.

[170] Am. Asian Legal Def. and Educ. Fund, *supra* note 1161, at 20.

[171] *See id. See generally supra* at 19–23. *See also* U.S. Stakeholder Workshop, *supra* note 3 (advocates at our U.S. Stakeholder Workshop also noted that detentions have resulted in increased economic insecurity for immigrant women.).

[172] *See, e.g.*, Press Release, DRUM–Desis Rising Up & Moving, DRUM Welcomes Victory in Ending NSEERS and Calls for Accountability.

for Thousands of Muslim Families Already Torn Apart, (Apr. 18, 2011), *available at* http://www.drumnyc.org/DRUM/Media/Pages/NSEERS_Release_April11.html; Advocacy Organizations Welcome DHS Policy Change Regarding NSEERS, Apr. 27, 2011, http://www.rightsworkinggroup.org/content/advocacy-organizations-welcome-dhs-policy-change-regarding-nseers.

[1173] *See* Police Found., The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties, Executive Summary 3 (2009), *available at* http://www.policefoundation.org/pdf/strikingabalance/Executive%20Summary.pdf; Coordination Programs, *supra* note 1085, at 1.

[1174] *See* S.B. 1070, 49th Leg., 2d sess. (Ariz. 2010) ("For any lawful stop, detention or arrest…where reasonable suspicion exists that the person is an alien and is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the immigration status of the person, except if the determination may hinder or obstruct an investigation."). The Department of Justice sued Arizona challenging the constitutionality of the law and seeking a preliminary injunction against its enforcement. District Judge Susan Bolton granted an injunction of the relevant section. U.S. v. Arizona, No. 2:10-cv-01413-SRB (D. Ariz. July 28, 2010), *available at* http://www.azd.uscourts.gov/azd/courtinfo.nsf/983700DFEE44B56B0725776E005D6CCB/$file/10-1413-87.pdf?openelement. The 9th Circuit upheld the injunction on April 11, 2011: *see, e.g.*, Jerry Markon, *Court Upholds Blocks on Parts of Arizona Immigration Law*, Wash. Post, Apr. 22, 2011, http://www.washingtonpost.com/politics/appeals_court_upholds_justice_challenge_on_ariz_law/2011/04/11/AFbyUKLD_story.html. Arizona appealed to Supreme Court on May 9, 2011. Ginger Rough and Michael Kiefer, *Gov. Jan Brewer Wants Supreme Court to Overturn SB 1070 Ruling*, Ariz. Repub., May 9, 2011, http://www.azcentral.com/news/election/azelections/articles/2011/05/09/20110509sb1070-appeal-arizona-next-step09-ON.html

[1175] Under the Secure Communities Program, participating jails submit arrestees' fingerprints to be checked against DHS immigration records. This allows ICE to determine whether an arrestee is a deportable immigrant. Then, based on a "risk-based approach" which classifies all immigrants convicted of criminal offenses into a three-level hierarchy of crimes (national security crimes are level 1 crimes) ICE prioritizes allocation of removal resources. *See* Memorandum of Agreement Between U.S. Department of Homeland Security Immigration and Customs Enforcement and State Identification Bureau 1–3, *available at* http://www.ice.gov/doclib/foia/secure_communities/securecommunitiesmoatemplate.pdf (template); *id.* at 1 (Standard Memorandum of Agreement "set[ting] forth the responsibilities of the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) and the State Identification Bureau (SIB) regarding implementation of the Secure Communities (SC) initiative related to biometric interoperability.").

[1176] *See RWG Welcomes DOJ Lawsuit, Urges Administration to Regain Full Control of Immigration Enforcement*, Rights Working Grp., http://www.rightsworkinggroup.org/content/rwg-welcomes-doj-lawsuit-urges-administration-regain-full-control-immigration-enforcement (last visited June 13, 2011) ("Laws such as SB 1070 are widely known to lead to unconstitutional racial profiling and interfere with law enforcement's primary objective of protecting and serving the communities they police."); Michele Waslin, Immigration Policy Ctr., The Secure Communities Program: Unanswered Questions and Continuing Concerns 8–9 (2010), *available at* http://www.immigrationpolicy.org/sites/default/files/docs/Secure_Communities_updated_110410.pdf (summarizing concerns with the 287(g) program); *id.* at 4, 12–13 (outlining concerns that the Secure Communities program will give police officers "an incentive, or at least the ability, to make arrests based on race or ethnicity, or to make pretextual arrests of persons they suspect to be in violation of immigration laws, in order to have them run through immigration databases once they are jailed.").

[1177] *See e.g.*, Waslin, *supra* note 1176 (discussing this concern in respect of the Secure Communities program).

[1178] Legal Momentum, The 287(g) Program: Harming Immigrant Women 1 (2010), *available at* http://www.legalmomentum.org/our-work/gender-equity-and-gender-bias/reports-and-resources/the-287g-program-harming-immigrant-women.pdf. *See also Rep. of the Special Rapporteur*, *supra* note 2, ¶ 49 (noting this pattern with respect to domestic violence); U.S. Stakeholder Workshop, *supra* note 3.

[1179] Press Release, Am. Civil Liberties Union, ACLU of Florida Demands The Release Of Illegally Detained Woman In Lake County (Feb. 23, 2009), *available at* http://www.aclu.org/immigrants-rights/aclu-florida-demands-release-illegally-detained-woman-lake-county.

[1180] *Id.*

[1181] *See* Irasema Garza, *A Losing Proposition – How Immigration Enforcement Hurts Women and Communities*, Huffington Post, (Oct. 6, 2009, 5:17 PM), http://www.huffingtonpost.com/irasema-garza/a-losing-proposition----h_b_309721.html.

[1182] *See, e.g.*, Andrea Nill Sanchez, *Police Officer Found Guilty Of Raping Undocumented Immigrant At Gunpoint Under Threat Of Deportation*, ThinkProgress (Mar. 11, 2011, 5:18 PM), http://wonkroom.thinkprogress.org/2011/03/11/immigration-georgia-police-rape/ (reporting on police abuse of an immigrant woman and discussing this in the broader context of rights violations by the police attributed to 287(g)); Legal Momentum, *supra* note 1178, at 2 ("Today in 287(g) jurisdictions across the United States, immigrants subjected to family violence, exploited by their employers and victimized by strangers live in shadows fearful that any call to the police for help will lead to the victim's deportation.").

[1183] *See generally Shackled and Detained: A Pregnant Woman's Story*, Restore Fairness (Sept. 4, 2009), http://restorefairness.org/2009/09/juana-villegas-a-pregnant-woman-detained/ (describing impact of local law enforcement of immigration law on immigrant woman shackled while giving birth); Seth Freed Wessler, *Sex Assault Charges Back in ICE Detention Centers*, Colorlines (June 3, 2010, 11:10 AM), http://colorlines.com/archives/2010/06/immigration_and_customs_enforcement_announced.html (describing sexual assault in immigration detention facilities).

[1184] Press Release, Andrew Cuomo, Gov., N.Y., Governor Cuomo Suspends Participation in Federal Secure Communities Program (June 1, 2011), *available at* http://www.governor.ny.gov/press/06012011FederalSecureCommunitiesProgram.

[1185] *See* Human Rights Watch, Detained and Dismissed: Women's Struggles to Obtain Health Care in United States Immigration Detention 11–12 (2009), *available at* http://www.hrw.org/sites/default/files/reports/wrd0309web_1.pdf [hereinafter Detained and Dismissed] ("[T]he proportion of the detention population made up by women increased from approximately 7 percent in 2001 to 10

percent in 2008.").
[186] *See* Mendoza & Olivos, *supra* note 1169, at 118.
[187] *Id.*
[188] *See* Human Rights First, U.S. Detention of Asylum Seekers: Seeking Protection, Finding Prison: Report Summary 4 (2009), *available at* http://www.humanrightsfirst.org/wp-content/uploads/pdf/090429-RP-hrf-asylum-detention-sum-doc.pdf ("Between 2003 and 2009, DHS and ICE oversaw: An increase of at least 62 percent in the use of prison-like detention for asylum seekers and other immigrations – from 20,662 beds in 2002 to 33,400 beds in jails and jail-like facilities in 2009.") (internal citation omitted).
[189] Detained and Dismissed, *supra* note 1185, at 3.
[190] *See generally* Human Rights Watch, Detained and At Risk Sexual Abuse and Harassment in United States Immigration Detention (2010), *available at* http://www.hrw.org/sites/default/files/reports/us0810webwcover.pdf.
[191] Memorandum from U.S. Immigration and Customs Enforcement, U.S. Dep't of Homeland Sec., Prosecutorial and Custody Discretion (Nov. 7, 2007), *available at* http://bibdaily.com/pdfs/AS%20MYERS%20MEMO%20RE%20PROSECUTORIAL%20AND%20CUSTODY%20DISCRETION.pdf. *See also* Detained and Dismissed, *supra* note 1185, at 55–56; *id.* at 56 (Human Rights Watch also notes that this policy does not appear to have been implemented even in respect of those to whom it applies).
[192] *See* Press Release, Human Rights Watch, US: Immigration Detainees at Risk of Sexual Abuse (Aug. 25, 2010), *available at* http://www.hrw.org/en/news/2010/08/25/us-immigration-detainees-risk-sexual-abuse.
[193] *Id.*
[194] *See generally DoS Counterterrorism Office: Budget, Reorganization, Policies*, *supra* note 44, at 7–8; *USG Efforts to Counter Violent Extremism*, *supra* note 168, at 1–2; National Strategy for Counterterrorism, *supra* note 13, at 2.
[195] *USG Efforts to Counter Violent Extremism*, *supra* note 168, at 2; National Strategy for Counterterrorism, *supra* note 13, at 10.
[196] *DoS Counterterrorism Office: Budget, Reorganization, Policies*, *supra* note 44, at 8.
[197] *USG Efforts to Counter Violent Extremism*, *supra* note 168, at 2.
[198] Partnering with Communities, *supra* note 168.
[199] QDDR, *supra* note 12, at 62. *See also* U.S. Dep't of State, FY 2012 Department of State Operations Congressional Budget Justification 295 (2011), *available at* http://www.state.gov/documents/organization/156215.pdf (containing budget request of $6.2 million for CSCC); *Strategic Communication and Countering Ideological Support for Terrorism: Hearing Before the Subcomm. on Terrorism and Unconventional Threats and Capabilities of the H. Comm. on Armed Servs.*, 110th Cong.(2007) (statement of Duncan MacInnes, Principal Deputy Coordinator of the Bureau of International Information Programs of the U.S. Dep't of State) [hereinafter *Strategic Communication and Countering Ideological Support for Terrorism*] (describing the USG's prior strategic communication efforts, including the operations of the CSCC's predecessor, the Counterterrorism Communication Center (CTCC)). *See also Strategic Communication and Countering Ideological Support for Terrorism: Hearing Before the Subcomm. on Terrorism and Unconventional Threats and Capabilities of the H. Comm. on Armed Servs.*, 110th Cong. (2007) (draft statement of Duncan MacInnes, Principal Deputy Coordinator of the Bureau of International Information Programs of the U.S. Dep't of State) [hereinafter *Strategic Communication and Countering Ideological Support for Terrorism (Draft)*].
[200] *USG Efforts to Counter Violent Extremism*, *supra* note 168, at 13 ("The U.S. government and partner nations are also seeking to develop greater understanding of the linkages between Diaspora communities and ancestral homelands.").
[201] National Strategy for Counterterrorism, *supra* note 13, at 17.
[202] *Id.*
[203] *See The State Department's Counterterrorism Office: Budget, Reorganization, Policies, Testimony Before the Subcomm. on Terrorism, Nonproliferation, and Trade of the H. Comm. on Foreign Affairs*, 112th Cong. (2011) (online statement of Daniel Benjamin, Coordinator, Office of the Coordinator for Counterterrorism) *available at* http://www.state.gov/s/ct/rls/rm/2011/160853.htm (last visited July 12, 2011).
[204] *USG Efforts to Counter Violent Extremism*, *supra* note 168, at 9 ("The Ambassadors (sic) Fund allows Posts to identify local partners and send in proposals to secure funding for local efforts."); Country Reports on Terrorism 2008, *supra* note 599, at 234.
[205] *Strategic Communication and Countering Ideological Support for Terrorism (Draft)*, *supra* note 1199, at 2.
[206] *Id.* at 6.
[207] *Examining U.S. Counterterrorism Priorities, Strategy Across Africa's Sahel Region: Testimony Before Subcomm. On African Affairs of the S. Comm. on Foreign Relations*, 111th Cong. (2009) (statement by Daniel Benjamin, Coordinator, Office of the Coordinator for Counterterrorism), *available at* http://www.state.gov/s/ct/rls/rm/2009/132082.htm.
[208] Imparsial, War Against Terrorism in Indonesia and Its Implication to Human Rights 2002–2009 Monitoring Report Coalition for Security of Civil Society 17–18 (2009) ("[T]he US Government also assists Indonesia through US$ 250 million education fund channeled to Islamic schools to support them in challenging militant Islamic groups. This fund is used to improve the quality of 178 thousands of State schools and 12 thousand or private school, including their teaching staffs, to be more tolerant to Western values.") (internal citation omitted).
[209] *Strategic Communication and Countering Ideological Support for Terrorism (Draft)*, *supra note* 1199, at 2. *See also Strategic Communication and Countering Ideological Support for Terrorism*, *supra* note 1199 ("Our audiences have also been stretched beyond the traditional opinion leaders, and it leads to the general public and specifically the youth, who are the target of extremist propaganda.").
[210] *See, e.g.*, *infra* note 168.
[211] Interview with CSCC, *supra* note 94.
[212] *Id.*
[213] *Id.*

[214] *USG Efforts to Counter Violent Extremism*, *supra* note 168, at 5.
[215] *Strategic Communication and Countering Ideological Support for Terrorism (Draft)*, *supra* note 1199, at 5.
[216] *USG Efforts to Counter Violent Extremism*, *supra* note 168, at 5.
[217] Partnering with Communities, *supra* note 168.
[218] Interview by Elisa Pierandrei with Farah Pandith, Special Rep. to Muslim Communities, U.S. Dep't of State (Apr. 29, 2010), *available at* http://www.resetdoc.org/story/00000021167.
[219] Interview with Office of the Special Rep. to Muslim Communities, U.S. Dep't of State, *supra* note 91.
[220] U.S. Dep't of State, Bur. of S. and Central Asian Affairs, Background Note: Bangladesh (2010) ("Despite porous borders, ungoverned spaces, and poor service delivery, Bangladesh's strong national identity and moderate Islamic tradition help it serve as a key player in combating extremism."), *available at* http://www.state.gov/r/pa/ei/bgn/3452.htm; *see also* Bruce Vaughn, Cong. Research Serv., RL 33646, Bangladesh: Background and U.S. Relations (2007), *available at* http://www.fas.org/sgp/crs/row/RL33646.pdf ("The United States has long-standing supportive relations with Bangladesh and has viewed Bangladesh as a moderate voice in the Islamic world.").
[221] Lianne Kennedy Boudali, U.S. Military Acad., The North Africa Project: The Trans-Sahara Counterterrorism Partnership 5 (2007), *available at* http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA466542. *See also* Country Reports on Terrorism 2009, *supra* note 782, at 14 (noting that one of TSCTP's main goals include "[p]ublic diplomacy programs that expand outreach efforts in the Trans-Sahara region…Emphasis is on preserving the traditional tolerance and moderation displayed in most African Muslim communities and countering the development of extremism, particularly in youth and rural populations.").
[222] *Strategic Communication and Countering Ideological Support for Terrorism (Draft)*, *supra* note 1199, at 5–6; *Strategic Communication and Countering Ideological Support for Terrorism*, *supra* note 1199 ("We are in the process of finding new ways to empower credible Muslim voices in the Muslim world, because this is a key issue we have to work on.").
[223] Interview with CSCC, *supra* note 94; *USG Efforts to Counter Violent Extremism*, *supra* note 168 at 6, 13 (reflecting that there is "agreement that our programs are often more effective when implemented by host nations, NGOs, and local partners" and stating that "Non-traditional actors such as NGOs, foundations, public-private partnerships, and private businesses are some of the most capable and credible partners in local communities.").
[224] Interview with Office of the Coordinator for Counterterrorism (S/CT), U.S. Dep't of State, *supra* note 81.
[225] *Id.*
[226] Interview with Office of the Special Rep. to Muslim Communities, U.S. Dep't of State, *supra* note 91.
[227] Interview with Office of the Coordinator for Counterterrorism (S/CT), U.S. Dep't of State, *supra* note 81.
[228] *See* Country Reports on Terrorism 2008, *supra* note 599, at 132; Country Reports on Terrorism 2009, *supra* note 782, at 137. *See also* U.S. Dep't of State, 2010 Report on International Religious Freedom: Morocco, *available at* http://www.state.gov/g/drl/rls/irf/2010/148834.htm (discussing the training of *mourchidates* and other measures to "disseminate a tolerant Islam" under the heading "Improvements and Positive Developments in Respect for Religious Freedom").
[229] *Morocco's Muslim women leaders in US combat extremism*, Al Arabiya (Saudi Arabia), May 29, 2009, *available at* http://www.thefreelibrary.com/Morocco's+Muslim+women+leaders+in+US+combat+extremism.-a0200892154.
[230] *USG Efforts to Counter Violent Extremism*, *supra* note 168, at 5; *see also* National Strategy for Counterterrorism, *supra* note 13, at 17 ("We also will seek to amplify positive and influential messages that undermine the legitimacy of al-Qa'ida and its actions and contest its worldview.").
[231] *See, e.g.*, *USG Efforts to Counter Violent Extremism*, *supra* note 168, at 4; National Strategy for Counterterrorism, *supra* note 13, at 17.
[232] Partnering with Communities, *supra* note 168 ("The overwhelming majority of al Qaeda's victims are Muslim.").
[233] *Strategic Communication and Countering Ideological Support for Terrorism (Draft)*, *supra* note 1199, at 3. (strategic communication efforts include "undermining and putting extremists on the defensive by exposing how terrorists recruit and exploit young people, destroy mosques and religious sites and *murder women, children and innocent victims*" (emphasis added)); *cf. Strategic Communication and Countering Ideological Support for Terrorism*, *supra* note 1199 ("Our efforts focus on undermining and putting extremists on the defensive by exposing how terrorists recruit and exploit young people; destroy religious sites and mosques; *murder women, children, men and innocent victims*" (emphasis added)).
[234] *See, e.g.*, David Kaplan, *Hearts, Minds, and Dollars*, US News, Apr. 17, 2005, *available at* http://www.usnews.com/usnews/news/articles/050425/25roots.htm (discussing USG strategic communication efforts under the auspices of the Bush Administration's "Muslim World Outreach" strategy to strengthen moderate Islam and comparing them to efforts during the Cold War to buttress oppositional elements by citing an official as follows: "The Cold War was easy… It was a struggle against a godless ideology. But this has theological elements. It goes to the core of American belief that we don't mess with freedom of religion. Do we have any authority to influence this debate?").
[235] *USG Efforts to Counter Violent Extremism*, *supra* note 168, at 12.
[236] *See, e.g.*, *supra* notes 143 and accompanying text; 609–613 and accompanying text; 841–850 and accompanying text.
[237] MENA Stakeholder Workshop, *supra* note 6.
[238] *See supra* notes 106–124 and accompanying text.
[239] U.S. Dep't of Homeland Sec., Office of Civil Rights & Civil Liberties, Terminology to Define the Terrorists: Recommendations From American Muslims 4–5 (2008), *available at* http://www.dhs.gov/xlibrary/assets/dhs_crcl_terminology_08-1-08_accessible.pdf. *See also* Alan Travis, *Whitehall Draws up New Rules on Language of Terror* Guardian (London), Feb. 4, 2008, *available at* http://www.guardian.co.uk/politics/2008/feb/04/uk.terrorism (describing the efforts of the U.K. government to adopt lexicon that avoids equating Islam with terrorism).

[1240] National Strategy for Counterterrorism, *supra* note 13, at 17.
[1241] *Strategic Communication and Countering Ideological Support for Terrorism (Draft)*, *supra* note 1199, at 6; *Strategic Communication and Countering Ideological Support for Terrorism*, *supra* note 1199.
[1242] *See generally* Ctr. For Strategic & Int'l Studies, Conference Report: The Dynamics of North African Terrorism 6–7 (2010), *available at* http://csis.org/files/attachments/100216_NorthAfricaConferenceReport.pdf ("Any overt U.S. counterterrorism presence or attempts to promote a particular interpretation of Islam will only exacerbate the problem.").
[1243] Interview with CSCC, *supra* note 94.
[1244] Asia Stakeholder Workshop, *supra* note 5.
[1245] *Id.*
[1246] MENA Stakeholder Workshop, *supra* note 6.
[1247] Asia Stakeholder Workshop, *supra* note 5.
[1248] *Id.*
[1249] Asma T. Uddin & Sarah Jahwaid, *Creating Opportunities For Muslim Engagement: An Interview With Farah Pandith*, Altmusilah, Apr. 21, 2010, http://www.altmuslimah.com/a/b/reva/3656/.
[1250] *Id.*
[1251] Asia Stakeholder Workshop, *supra* note 5.
[1252] Eric Schmitt, *Governments Go Online in Fight Against Terrorism*, N.Y. Times, Jan. 30, 2011, at A5, *available at* http://www.nytimes.com/2011/01/31/world/middleeast/31terror.html?_r=1.
[1253] *See generally*, Shiraz Maher & Martyn Frampton, Policy Exchange, Choosing Our Friends Wisely: Criteria for Engagement With Muslim Groups (2009), *available at* http://www.policyexchange.org.uk/images/publications/pdfs/Choosing_Our_Friends_Wisely.pdf
[1254] *See* Prevent Strategy, *supra* note 158, at 39 ("Funding will not be provided to extremist organisations" and "It will not be part of this strategy to use extremists to deal with the risk from radicalisation."); Lord Carslile, Report to the Home Secretary of Independent Oversight of Prevent Review and Strategy, 2011, H.L. 5–7 (U.K.), *available at* http://www.homeoffice.gov.uk/publications/counter-terrorism/prevent/prevent-strategy/lord-carlile-report?view=Binary.
[1255] *See* Preventing Violent Extremism, *supra* note 936, app. Ev 105–07 (Memorandum from Oxfam (PVE 12)).
[1256] *Id.*
[1257] Dina Temple-Raston, *New Terrorism Advisor Takes A 'Broad Tent' Approach*, Nat'l Pub. Radio, Jan. 24, 2011, http://www.npr.org/2011/01/24/133125267/new-terrorism-adviser-takes-a-broad-tent-approach.
[1258] *See supra* notes 144–150, 903–910.
[1259] *See supra* note 40, 181–183.
[1260] *See, e.g.*, U.S. Agency for Int'l Dev., Integrating Gender into Health Programs, A Guide to Implementing ADS Requirements supp. (2011), *available at* http://www.usaid.gov/policy/ads/200/201sac.pdf.
[1261] *See, e.g.*, U.S. Agency for Int'l Dev., Guide to Gender Integration & Analysis, *supra* note 40.
[1262] *See, e.g.*, QED Grp., U.S. Agency for Int'l Dev./Iraq,USAID/Iraq Gender Assessment (2010), *available at* http://pdf.usaid.gov/pdf_docs/PNADW085.pdf.
[1263] *See, e.g.*, U.N. Dev. Programme, UNDP Gender Mainstreaming Learning Manual (2001), *available at* http://www.undp.org/women/infopack.shtml; Viviene Taylor, Commonwealth Secretariat, Gender Mainstreaming in Development Planning: A Reference Manual for Governments and Other Stakeholders (1999), *available at* http://resources.thecommonwealth.org/Mar_Backup/backup/ARCHIVED%2022-OCT-2003/gender_old/htm/publications/plana4.pdf; Statens Offentliga Utredningar [SOU] 2007: 15 Gender Mainstreaming Manual [government report series] (Swed.), *available at* http://www.sweden.gov.se/content/1/c6/08/19/82/3532cd34.pdf.
[1264] For an explanation of the gender marker, *see* Inter-Agency Standing Comm., 2011 Gender Marker in CAPs and Pooled Funds (2011), *available at* http://oneresponse.info/crosscutting/gender/Gender%20Marker%20Materials/IASC%20Gender%20Marker%20Report%20Final%20Report%2010%20January%202011.pdf.
[1265] *Id.* at 6 (finding that in countries where baseline data was available, projects achieving gender mainstreaming rose from 14% to 47% after using the gender marker tool).
[1266] *See, e.g.*, Asian Dev. Bank, Gender Equality Results: Case Studies, Sri Lanka 10–11, 13–14, 16–18 (2010), http://www.adb.org/documents/reports/gender/case-studies-sri/gender-case-study-sri.pdf (describing the use of gender targets in development programming in various sectors and countries).
[1267] *See, e.g.*, U.N. Office of the Special Adviser on Gender Issues and the Advancement of Women, Gender Checklist for Peace Support Operations (2000) (draft document), *available at* http://www.peacewomen.org/portal_resources_resource.php?id=280 (providing a checklist of questions for use in post-conflict assessments).
[1268] *See, e.g.*, Canadian Int'l Dev't Agency, Guide to Gender-Sensitive Indicators (1997), *available at* http://www.acdi-cida.gc.ca/inet/images.nsf/vLUImages/Policy/$file/WID-GUID-E.pdf (explaining the nature, function, use, and design of gender-sensitive indicators for development programming). *See also* Lorraine Corner & Sarah Repucci, U.N. Dev. Programme & U.N. Dev. Fund for Women, A User's Guide to Gender-Sensitive Basic Service Delivery (2009), *available at* http://www.undp.org/governance/docs/users_guide_measuring_gender.pdf (analyzing existing data and indicators from a gender perspective as well as methods for designing gender-sensitive indicators and collecting relevant data). Some agencies require the use of gender-sensitive indicators in contexts where an intervention has an anticipated gendered impact. *See* USAID Guide to Gender Integration, *supra* note 40. For a compilation of resources on gender-sensitive indicators, *see* World Bank, Annotated Bibliography on Gender Monitoring and Evaluation and Indicators (2001), *available at* http://www4.

worldbank.org/afr/ssatp/Resources/HTML/Gender-RG/Source%20%20documents/Reference%20Lists/Monitoring%20&%20Evaluation/REFM&E1%20M&ELiteratureReviewOct01.pdf.

[769] *See, e.g.*, AusAid, Guide to Gender and Development 13 (1998) (noting that collecting and using sex-disaggregated data is "a basic requirement of good practice"), *available at* http://www.ausaid.gov.au/publications/pdf/guidetogenderanddevelopment.pdf; Corner & Repucci, *supra* note 1268, at 108 (analyzing which existing data sets relevant to development issues disaggregate by sex).

[770] *See, e.g.*, Deborah Rubin & Elizabeth Missokia, DevTech Sys., Gender Audit for USAID Tanzania (2006), *available at* http://pdf.usaid.gov/pdf_docs/PNADH239.pdf; InterAction Gender Audit: A Tool for Organizational Transformation (2009), http://www.interaction.org/sites/default/files/Gender%20Audit%20Overview.pdf; Int'l Labour Office, A Manual for Gender Audit Facilitators (2007), *available at* http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_093425.pdf.

[771] In its 2011 Evaluation Policy, USAID set out a preference for randomized experiments in impact evaluations. *See* USAID Evaluation Policy, *supra* note 183, at 7. However, there is a growing literature suggesting that carefully tested alternatives such as regression discontinuity may be alternatives to randomized experiments in the evaluation context. *See* Cook et al., *supra* note 453, at 105–17.

[772] Her Majesty's Gov., Prevent Strategy: Equality Impact Assessment, 2001 12 (U.K.), *available at* http://www.homeoffice.gov.uk/publications/counter-terrorism/prevent/prevent-strategy/prevent-review-eia?view=Binary.

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*A Decade Lost: Locating Gender in U.S. Counter-Terrorism* provides the first global account of how the U.S. government's counter-terrorism efforts profoundly implicate and impact women and sexual minorities. Over the last decade of the United States' "War on Terror," the way women and sexual minorities experience counter-terrorism has been invisible to policymakers and the human rights community alike. *A Decade Lost* demonstrates that this failure cannot continue. Drawing on regional consultations, interviews with U.S government and other stakeholders, and secondary research, *A Decade Lost* reveals the unique gender dimensions and impacts of U.S. counter-terrorism in the United States, Asia, Africa, and the Middle East and North Africa, and provides recommendations to ensure that women and sexual minorities are its beneficiaries rather than its casualties. As the U.S. government leads a world-wide trend toward a holistic security strategy that mobilizes the 3Ds—defense, diplomacy, and development—and increasingly emphasizes the importance of women in national security, the extent to which counter-terrorism efforts include and impact women and sexual minorities is set to rise. With the ten-year anniversary of the attacks of September 11, 2001 approaching, now is the time for the U.S. government and nations the world-over to take stock of, redress, and deter the gender-based violations that occur in a world defined by terrorism and counter-terrorism and the squeezing of women and sexual minorities between the two. *A Decade Lost* charts this way forward.


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**Front image captions**

Master Sgt. Mona Venning, operations non-commissioned officer in charge at Third Army/U.S. Army Central's G4, explains to the Yemeni women about the rules when Soldiers fight with pugel sticks. The 11 Yemeni women are the first women to be in the Yemeni Counter-Terrorism Unit. They visited Fort Jackson, S.C., March 21, to learn how men and women are integrated into training. Photo by Sgt. 1st Class Reeba Criser, Third Army/U.S. Army Central PAO, www.dvidshub.net

(from left to right)
U.S. Female Engagement Team meets with a women's center contractor to discuss funding of projects to benefit local women in Charikar, Afghanistan. Photo by Spc. Kristina Gupton, Combined Joint Task Force 101, www.dvidshub.net

DRUM: Desis Rising Up and Moving demonstrate outside the Flushing Public Library. Photo by Thomas Good / NLN

Male participants in the G-Youth Project in Kenya search for career information at the Career Resource Center. Photo by Yussuf Ismail, Garissa Youth Project, Education Development Center, Inc.