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## The Resonance of Name-Shaming in Global Politics: The Case of Human Rights Watch

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In London the 10<sup>th</sup> of June 2014, in a building owned by the United Arab Emirates, a summit to end sexual violence in conflict opened. Angelina Jolie entered the stage to call for states to prosecute and prevent sexual violence in conflict together with her co-host William Hague: the then UK foreign secretary of state. The four-day long summit ended in the establishment of the Declaration of Commitment to End Sexual Violence in Conflict[1], endorsed by 122 countries participating in the summit (Wexler, 2014). With an emphasis on the situations in The Democratic Republic of the Congo (DRC) and Somalia and by referencing to the end of slavery and the use of landmines, the summit supposedly marked the beginning of a commitment and a testimony of a belief that the use of sexual violence in conflict could be terminated (Foreign & Commonwealth Office, 2014a).

However, the use of sexual violence[2] in conflict was nothing new. 2014 was neither a landmark year of discovering its occurrence, nor the peak nor nadir of its enactment. Nevertheless, something had sparked the determination of the international community to take measures against it. As will be argued in this case study, the standing of the non-governmental organisation (NGO) Human Rights Watch (HRW) and its reports on sexual violence in DRC contributed largely to this spark. By mapping the sexual violence in the DRC war and its aftermath, HRW forced the world to face the existence of gendered atrocities both during *and* after conflict. This pressured the international community to take action, which ultimately led to an avowal of committing to end this violence. This suggests that NGOs such as HRW are able to impact the motivations of other global political actors, as NGOs make these actors uncomfortably aware of how they have neglected issues in ways which eventually become non-defendable.

Despite this seemingly promising evaluation of HRW's reports and resonance in global politics, this paper will problematize the impact of HRW further. By critically assessing the Declaration from a feminist perspective, it will be argued that the ambiguities in the rhetoric and actions of states and the non-binding format of the Declaration suggests that the goal of HRW is at best half-way met. The Declaration is built on a masculine focus of punishing perpetrators and describes sexual violence as an abnormality occurring predominantly in conflict. It will be argued that this view on sexual violence in conflict counteracts the aim of HRW, as it fails to de-construct the deeper structural issues of gendering. Therefore, the conclusion to this case study will be that HRW did put the issue of sexual violence in conflict on the map of global politics and created the indispensable foundation of the Declaration, but the NGO did not manage to transform the structural reasons to why there was a need of a declaration to begin with.

### HRW and its impact as an NGO

The first step required to map HRW's contribution to the Declaration is to assess what HRW is and what role it has in global politics more generally.

HRW as a non-profit, non-partisan and independent organisation was established in 1978 as the 'Helsinki Watch' but adopted the all-embracing name 'Human Rights Watch' in 1988 as the NGO grew internationally. What started off as a mission to monitor states' fulfilment of the 1975 Helsinki Accords and 'name-shaming' governments who failed in their obligations to do so soon grew into extensive reporting on human rights violations (HRW, 2018a). HRW

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combines new technologies, statistical research and 'traditional' on-the-ground studies which result in over 100 reports per year in 90 countries around the world. These are officially published and spread through international media, which often gives HRW the opportunity to reach out to other political actors (HRW, 2018b). By investigating, reporting, exposing, informing and lobbying on an international level, HRW has established itself as a recognised international human rights NGO which has held special consultative status in the Economic and Social Council (ECOSOC) since 1993 (NGO Branch, 2018). Furthermore, HRW continuously calls for actions by the UN General Assembly, the UN Security Council (UNSC) and other parts of the UN machinery. Its aim in doing so is to continue to pressure global political actors to keep human rights considerations central in all their work (HRW, 2018c). Furthermore, HRW explains that sustainable change through long-term attention is a defining characteristic of its work. Hence, the investigations carried out by HRW are done in a variety of topics and geographical areas in order to establish solutions that works long-term for all humans and on all institutional levels (HRW, 2018d). And to some extent, this work has paid off. As one of the founding members of the International Campaign to Ban Landmines (ICBL), HRW shared the Nobel Peace Prize in 1997 for its campaign which led to the establishment of the Ottawa Convention; also called the 'Mine Ban Treaty'. Furthermore, HRW was a leading organisation pushing for what later resulted in the Convention on Cluster Munitions in 2008 (Nobelprize.org, 2018). Hence, the existence of these conventions suggests that HRW *has* and *can* contribute to changes in global politics through its working methods.

Yet, the persisting issue of measuring influence makes it difficult to evaluate what impact NGOs in general and HRW in particular has. There is no data or official information to use as parameters, which makes questions such as the one posed in this paper challenging to answer. The establishment of conventions of previously neglected questions and NGO participation at assemblies such as the London summit in 2014 suggests that NGOs do matter, but this does not single out states as the ultimate decision-makers in global politics (Gordenker & Weiss, 1996). However, what we can do when attempting to apprehend influence in politics is to evaluate if *any* change in the political order has come about due specific actors. Revolutionary changes are somewhat definable, at least in hindsight. For example, Laura Sjoberg describes that the revolutionary changes in the legal areas concerning women rights to a large extent reflects the mobilisation and influence of NGOs (Sjoberg, 2011:23). Felice Gaer argues that the UN Charter was not initially meant to be a human rights document but turned into that because 42 'consulting' organisations lobbied until the very last minute (Gaer, 1996:51-52). Catharine MacKinnon even argues that the biggest accomplishment of the International Criminal Tribunal of Rwanda (ICTR) was the case *Akayesu*, which made an all-embracing mechanism on sexual violence an international legal praxis. The groundwork for this mechanism, she argues, was the HRW reports on shootings in the vaginas of Congolese women, which underlined that sexual violence is more complex than just male penetration (MacKinnon, 2008:212). These few examples illustrate that NGOs have played an important role in the progressive changes of international law.

This further poses the question of *how* NGOs can be influential with their reports. In a world full of facts, the HRW reports could easily have been put in a pile of other important yet overlooked paperwork. Gaer argues that this ability to impact lies not in what NGOs share with (influential) states, but rather what differentiates them. This is where the importance of the name-shaming element of HRW and other NGOs ought to be emphasised (1996:53-54). The reports produced by HRW takes the form of case studies of particular places in the world. As these reports highlight human rights abuses within certain *territories*, this fundamentally put the blame on states for inaction or/and participation in human rights abuses. For a long time, and arguably still today, name-shaming between *states* has been less accepted. Richard Lebow's notion of the importance of standing in the international order can help us understand why. He argues that international relations are not merely about hard power, but also about standing (Lebow, 2010:12). In this sense, states are careful about pointing fingers. It is essentially more risky for a state to name-shame another state, as this might affect one's own standing. Furthermore, the criticism might backlash. However, when governments have not been ready to speak up, NGOs have (Gaer, 1996:54). This has reshaped the rhetoric in the UN and allowed for criticism to be targeted when it arises from information collected by NGOs (Cohn, 2008:192). In order for the UN to handle this criticism within a state-relation framework, the UN has created 'thematic mechanisms' which can be used in many parts of the world. Hence, special UN rapporteurs and representatives, commissioners and conventions which 'on paper' work all around the world can then target their attention towards the areas that NGOs' criticism has been pointed towards without risking the standing of states. This carefulness of states to name-shame also means that these UN mechanisms rely almost entirely on the information from NGOs, which therefore can be described as unofficial UN rapporteurs (Gaer, 1996:54-56). Georgina Ashworth argues that

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NGOs have been allowed to gain and keep this role in global politics since the freedom of expression (to name-shame) is still greater for NGOs than for states (Ashworth, 1999:266). This allows for activists in NGOs to participate in two cultural domains; both 'on-ground' and in the arena of decision-making. This makes NGOs the translating entities between populations and politicians (Merry, 2006:3).

## HRW on sexual violence in DRC

As the thesis of this paper is that HRW as a rapporteur and 'translator' of sexual violence in conflict in DRC has been essential to the establishment of the Declaration, the more specific reporting of this and what impact it has had will now be assessed.

The first report from HRW on the sexual violence in DRC came in 2002. The report called *The War Within the War* was the result of a three-week-long investigation of the situation in the North and South provinces of Kivu (HRW, 2002). This was also the first time the sexual violence in the conflict in DRC had been documented by *any* NGO (Breton-Lee Goff, 2010:19). Together with Congolese human rights organisations, HRW interviewed more than fifty survivors of sexual or gender-based violence[3], relatives to the survivors, witnesses, local authorities, representatives from NGOs and the UN and healthcare workers. The documentation revealed that sexual violence was frequently and sometimes systematically used as a weapon of war in DRC by most of the forces engaged in the conflict, including police and other individuals with authority. It showed how the lives of the survivors has become deeply affected by the sexual violence and how its stemming from gendered structures. The stigma around rape has led to exclusion from families and communities. Sexually transmitted diseases and HIV/AIDS has spread as many survivors lacked access to healthcare following the sexual violence. Furthermore, genital mutilations, shootings into the vagina, broken limbs, pregnancies and other physical damages have left permanent scars on the bodies and memories of the survivors (HRW, 2002). With the testimonies in this report, HRW aimed to hold governments responsible for the actions and condemned the international community's grossly inadequate measures to stop the conflict which then had cost over 2.5 million lives (HRW, 2002:92). This was further emphasised in the report, *Soldiers Who Rape, Commanders Who Condone*, in 2009, which showed that the Congolese government army Forces Armées de la République Démocratique du Congo (FARDC) constituted the single largest group of perpetrators which *continued* to use sexual violence after the Congolese war had 'officially' been declared over in 2003 (HRW, 2009).

Five years after the 2009 report, the London Summit, the finale of a two-year-long project, took place and resulted in the establishment of the Declaration of Commitment to End Sexual Violence in Conflict. Although the many years between the first HRW report and the London Summit seemingly suggest that no correlation between the two exists, the HRW reports do seem to have lit the initial spark for more research to be conducted in the region. For example, in the years following the HRW reports on sexual violence in DRC, local studies were made which suggested that 40% of all women and 24% of all men in eastern DRC have experienced sexual violence (Johnson et.al., 2010). Furthermore, national surveys have shown that 1.69-1.80 million women in DRC have been raped during their lifetime (Peterman et.al., 2011). Ultimately, these surveys revealed that the previous UN estimates of approximately 200.000 survivors of sexual violence in DRC have been momentous underestimations and that the problem is far from solved (Kelly et.al., 2011:4).

However, the issue of sexual violence in conflict had previously been recognised during the conflicts in both Rwanda and the Former Yugoslavia in the 1990s. The crime tribunals of these conflicts recognised rape as a war crime, crime against humanity, genocide and a grave breach of the Geneva Conventions (Melandri, 2009). Furthermore, UNSC adopted resolution 1325 in 2000, which has been described as 'landmark resolution' as it was the first time gender-based violence had been recognised in a UNSC resolution (OSAGI, 2018). But evidentially, neither resolution 1325 nor international praxis managed to prevent the atrocities in DRC from taking place. This suggests that what had been established prior to the revelations of HRW was inadequate. And while resolution 1325 was referred to during the summit as a framework for militaries on how to address sexual violence in conflict, it was the role of human rights defenders and the situation in DRC and Somalia which were strongly emphasised (Foreign & Commonwealth Office, 2014a). Furthermore, the finished Declaration defines the sharing of knowledge and experience as fundamental in order to punish, prevent and raise awareness of sexual violence in conflict (Foreign & Commonwealth Office, 2014b).

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As previously argued, this knowledge of atrocities taking place in specific places comes from NGOs. HRW was the primary source of this knowledge in the case of the DRC, which was used as the textbook example during the summit leading to the Declaration. This is not to say that other NGOs could *not* have done what HRW did. But in this particular case, where the information about DRC was crucial for the parties to agree on a need for a declaration, HRW was a pioneer in terms of coverage and has a standing that allowed for its reporting to become internationally recognised.

## Critical assessment of the Declaration

As this paper contends that HRW contributed with crucial information prior to the London summit, the Declaration which stems from that information will now be analysed. This is done in order to examine whether HRW's aims with its reporting were accomplished through the Declaration or not.

The summit leading to the establishment of the Declaration has been described as 'historical' in the way it illustrated the will-power of 122 states to end sexual violence in conflict (Martinson, 2014; SVGS-SVC, 2014). The Declaration describes that "...for too long those who commit these crimes, and their superiors who condone them, have gone unpunished" and it calls for assistance, documentation and military training in order to prevent and respond to this wartime barbarism (Foreign & Commonwealth Office, 2014b). But as the UNSC resolution 1325 has been criticised for not changing the situation for women but merely reiterate the current structures (Cahn, 2005; Kirby, 2015), so too has the Declaration. Paul Kirby argues that the London summit did not create *any* new agencies. He explains that the Declaration continuously emphasises how the international community needs to build capacities to respond to sexual violence. As a means to do so, the Declaration describes accountability through prosecution to be crucial (Foreign & Commonwealth Office, 2014b:2) But this is repetitive rather than innovative according to Kirby (2015:458). Sahla Aroussi agrees and emphasises that the rhetoric used in the Declaration suggests that accountability can be limited to punishment and sanctions; something that can be 'built' with the right capacities. This narrow view on accountability reinforces masculine perceptions of how to quickly terminate violence (Aroussi, 2011). This perception focuses on the perpetrator rather than the survivor, which is symptomatic for the judicial mechanisms of the UN and leads to a marginalisation of the survivors (Cahn, 2005; Otto, 2009). Although accountability of the perpetrator might be a necessity in order to eliminate the violence, 'justice' and 'healing' requires more than merely prosecution (Zongwe: 2012). Nor is this strong emphasis on prosecution sustainable from a social, economic or logistic perspective. Firstly, the severe corruption in states such as the DRC would make fair trials and prosecutions unlikely (Transparency International, 2017). Secondly, many national courts are unable to handle the enormous amount of cases on sexual violence that occurs (UN, 2010).

Another critique of the Declaration is that it marginalises men who survive sexual violence. Although the Declaration "recognize(s) that men and boys are victims", the emphasis lies on women and children (Foreign & Commonwealth Office, 2014b:2). This reinforces the presumption that victims are female and perpetrators are male (Girshik, 2002). Moreover, the continued use of the word 'victim' rather than 'survivor' in the Declaration also suggest that the presumed (female) victim is weak. This rhetoric comes from the masculine view of what strength means, which is the ability to be violent rather than to endure violence. However, while it is statistically true that women constitute the overwhelming majority of survivors, it is not always the case. Women do participate in rape and men do experience sexual violence (Sjöberg, 2011). For a declaration that uses masculine ways of conceiving justice, accountability and 'victimhood', these 'abnormalities' become difficult to explain. This is because the declaration is 'othering' sexual violence rather than recognising it as part of a gendered structure existing during both war *and* peace. Othering means that sexual violence becomes described as rare and something that 'other, barbaric *men*' use (Eriksson Baaz & Stern, 2008:58). This way of conceiving sexual violence fails to recognise what the use of sexual violence in conflict has in common with the use of it in peace and how social, economic and cultural discriminations are preconditions to why violence occurs at all (Breton-Lee Goff, 2010).

These critical feminist perspectives seem to suggest that the Declaration will not successfully eliminate sexual violence. The reason why is because the Declaration reiterates the already existing gender-roles and narrow, masculine views on conflict, justice and victimhood (Scully, 2009). Rather than recognising the gender binaries which *together* (and *not* separately) illustrate how sexual violence is used as a political and masculinised weapon, the

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Declaration is a non-binding echo of previous attempts to address sexual violence in conflict (du Toit, 2011). Punishment of perpetrators is still prioritised over the protection of survivors, women are still 'weak victims' rather than strong survivors and the otherness of sexual violence in conflict is more emphasised than the commonness of sexual violence in peace. Critical feminists have described that conferences on gender like the London summit often result in voids of this sort, since the causal explanations to *why* problems occur paradoxically are neglected in the attempts to quickly solve the problems (Chen, 1996).

As the goals for HRW are to build long-term solutions and to change deep structural issues leading to human rights violations, the Declaration cannot be considered to successfully have met these goals. Different to landmines and cluster munitions, gender binaries are deeply constructed ideas which not even 122 endorsing states seem to be ready to untangle. On the contrary, these Declaration-endorsing states continue the tangling. For example, while the UK hosted the summit in 2014, its Immigration and Home Office failed to protect and appropriately treat numerous of female survivors of sexual violence coming to the UK as war refugees (McVeigh, 2014). Simultaneously, Jolie, famous movie-star and the Special Envoy of the United Nations High Commissioner for *Refugees* (my emphasis), opened the summit. The summit took place in a building owned by a state in which raped women are being sent to prison accused for having illicit sex (Khalife, 2010). Yet, these paradoxes are not surprising. Firstly, the Declaration is just that; a declaration. It is a non-binding document that has not even been published on the UN's website when this paper is written in 2018. Secondly, many European states who appear to work hard on gender issues and human rights often resist adopting international and binding policies that could potentially change structures, even when they themselves are part of the negotiations (Ashworth, 1999). For example, as illustrated by Kirby, the UK government has not done much with the Declaration nationally or internationally after it hosted the summit (2015:460).

Ultimately, this suggests that states are still able to select what information from NGOs they are prepared to face and how they create mechanisms that serve their own goals rather than the goals of NGOs. HRW's goal to de-construct gender and build long-term solutions to end sexual violence in conflict has not been met through the Declaration, but the Declaration is built on the research of HRW. This relationship suggests that NGOs such as HRW contribute to global politics as researchers and name-shamers, but that it is difficult for these NGOs to challenge structures through constitutional enforcement which, to some extent, is necessary. The 'revolutionary' part of HRW's work is its launching of reports on sexual violence in DRC in both war *and* peace, but the parts on issues of gender structures which permeates the reports seem to have ended in that pile of important yet overlooked paperwork.

## Conclusion

To assess the question of what extent HRW contributed to the establishment of the Declaration of Commitment to End Sexual Violence in Conflict, this paper has dealt with the issue in three steps.

The first step examines whether or not it can be argued that NGOs have *any* impact on global politics and if so; if HRW contributes to that impact. By emphasising the features of name-shaming, research and 'translation', this paper has argued that NGOs hold the crucial role of information providers for problems that states for political reasons purposely avoid digging into. This information is nevertheless crucial for states if they seek to understand the problems their populations face, and this suggests that NGOs dig the tunnels that states then progress through. Through its name-shaming origin and research-heavy focus, HRW has successfully established itself as a *deep* -digging NGO. The standing of HRW becomes evident when evaluating how HRW has been recognised by other global actors who have used HRW's tunnels of information to continuously research and established conventions to create change.

The next step of the paper emphasises HRW's 2002 investigation in DRC as the first one conducted in the area. Although previous attempts had been made to tackle sexual violence in conflict, concrete information about the atrocities in DRC was underlined during the London summit. This, combined with the standing of HRW as an NGO and its continuous reporting, suggests that HRW contributed with the initial and continuous name-shaming which is crucial for revolutionary changes in global politics.

However, the last section of the paper shows how the Declaration did not lead to revolutionary changes in the

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tackling of sexual violence in conflict. HRW did not manage to change the patriarchal structure of global politics. Instead, its research has partly been used to reinforce the gender-neglecting structure. This does not mean that HRW contributions were for nothing, but shows that HRW, as an NGO, is still dependent on other global political actors to *want* the revolutionary changes NGOs themselves seek to accomplish.

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## Notes

[1] Hereafter 'the Declaration'.

[2] The definition of sexual violence used in this paper is "... an act of a sexual nature by force, or by threat of force or coercion. Rape is a form of sexual violence during which the body of a person is invaded, resulting in penetration, however slight, of any part of the body of the victim, with a sexual organ, or of the anal or genital opening of the victim with any object or other part of the body" (HRW, 2009:12).

[3] HRW describes that gender-based violence and sexual violence are often associated. Whereas sexual violence refers to a sexual act, gender-based violence refers to violence directed at individual because of its gender; regardless of it being a male or female (2002:8). This is also the distinction used in this paper.

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