



**Global  
Justice Center**

Human Rights Through the Rule of Law

**Global Justice Center E-News • September 2007**

Dear Friends,

As many of you may have noticed, Burma has made its way to the international news media as a result of ongoing protests inside the country over the past few weeks. These protests, many of which have been initiated by the 1988 Generation Student Group, have resulted in arrests by the military regime for allegedly undermining the stability and security of the country. The recent protests are the most significant since the 1988 uprising and the military regime continues to respond with brutality and a complete disregard for human life, as it has done for the past 20 years. The Global Justice Center is pleased with the news coverage about these protests and other attention recently focused on Burma, and we are working to take this opportunity to also raise awareness about the ongoing heinous crimes committed by the criminal regime.

The Burmese junta is the longest running military dictatorship in the world. For the first time since the Rwandan genocide in 1994, the International Red Cross departed from its customary neutrality and released a report detailing the gross level of abuse in Burma and the impossibility of working with the regime. As the 2008 Olympics approaches, many have called on China to withdraw its investments from Sudan. As a result of this joint effort, China responded by sending a diplomatic envoy to Sudan leading to Al-Bashirs agreement to allow U.N. Peacekeeping forces to enter Darfur. Similarly, at the beginning of August, a group of U.S. Representatives introduced House Resolution 610 calling for the United States to take immediate steps to boycott the Beijing Olympic games "unless the Chinese regime stops engaging in serious human rights abuses against its citizens and stops supporting serious human rights abuses by the Governments of Sudan, Burma, and North Korea against their citizens." The current efforts by the global community strongly indicate that it is time that we demand accountability for the crimes committed by the military regime in Burma.

You can help put pressure on the military regime and keep awareness of the heinous crimes committed against the people of Burma alive in the media and educational fora. Please reach out to your congressional representatives and ask them to take action on Burma. You can also make socially conscious investments and send a message to other companies that socially responsible investing pays off. Stay tuned for our upcoming report on the Global Justice Centers August 2007 trainings and workshops with the Burma Lawyers Council ([www.blc-burma.org](http://www.blc-burma.org)) and the Womens League of Burma ([www.womenofburma.org](http://www.womenofburma.org)) as well as the resulting GJC position paper on effective steps for pursuing justice in Burma.

Below please find some additional updates since our last e-news

In August 2007, the GJC received two donations totaling \$50,000 from the Sol Goldman Charitable Trust and the Porpoise Fund of the *Fidelity* Charitable Gift Fund.

For the third year in a row, we had a full time intern working with the Women's League of Burma in Chiang Mai, Thailand.

We are pleased that former intern Shashi Kara received a fellowship from the Benjamin N. Cardozo School of Law to spend the fall working at GJC.

Finally, in September, GJC will conclude its participation in the NGO Working Group on Women, Peace and Security's series of trainings in Central Asia sponsored by the Organization for Security and Cooperation in Europe. For more information about the project see <http://www.globaljusticecenter.net/projects/central-asia/>

Our feature article this month, below, is about the failure of the US to implement UN Security Council Resolution 1325, which demands equality for women during and post conflict, and the impact this has on women worldwide.

Thank you as always for your support,

The Global Justice Center Staff

### **Feature Article: U.S. Failure to Implement U.N. Security Resolution 1325**

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On October 31, 2000, United Nations Security Council Resolution 1325 (UNSCR 1325) was unanimously voted on by the 15 member Security Council. The purpose of this resolution was to highlight wars disastrous impact on women, and the necessity and importance of womens contributions in the prevention, resolution, post-conflict, and reconstruction processes, required to sustain peace and equality.

So far, Member States have fulfilled these recommendations by appealing to end impunity and begin prosecution of crimes against women, providing protection for victimized women and girls, and involving more women in peacekeeping operations, post-conflict negotiations, and reconstruction. Countries can also implement these recommendations by including gender perspectives in the rebuilding and reforming of the judicial, legislative, executive, and electoral sectors of post-conflict countries. Countries should recognize the differential impact of conflicts and rules of law on women and children, and create initiatives that include and ensure gender sensitivity in restorations of rules of law and transitional justices while advancing the full participation of women.

As a member of the United Nations, the United States is bound to uphold the principles outlined by the U.N. Charter, including resolutions passed by the Security Council. Moreover, the U.S. is obligated to heed UNSCR 1325s recommendations to the U.N. based on four additional reasons: (1) Article 25 of the Charter mandates compliance; (2) the U.S. voted for UNSCR 1325; (3) UNSCR 1325 is derived from other binding international treaties; and (4) the U.S. has a moral obligation based on its active role in post-conflict negotiations and peace processes.

For UNSCR 1325 to be properly enforced governments must exert pressure on the U.N., other Member States, and parties to armed conflicts to protect the rights of women and girls during wars and to ensure effective gender perspective during peace building and reconstruction

processes. Each country, depending on its role in the conflict or on the global stage, has different legal obligations under UNSCR 1325 depending on whether it is a developed, underdeveloped, or conflict country, to implement its responsibilities in a National Action Plan. Donor countries are obligated to implement UNSCR 1325 differently from countries suffering from conflict.

However, as a major donor country, and despite the enforceability and legally binding effect of UNSCR 1325, the U.S. has failed over the past seven years to adequately implement and enforce UNSCR 1325 in both its domestic and foreign policies. In its domestic policy, the U.S. has failed to (1) implement complimentary domestic legislation into its domestic policy, (2) support the International Criminal Court treaty and Rome Statute, and (3) overturn the Global Gag Rule and Helms Amendment.

Twice in the past seven years, legislation has been introduced in the House of Representatives that would mirror the language of UNSCR 1325. The first bill failed to gain traction in the House and died in committee, and the second bill is now pending in the House. This pending bill is a perfect opportunity for the Committee to report the measure to the full House and let it go to a vote in Congress. Only then, can America begin to show an actual commitment to UNSCR 1325 and begin to fulfill the U.S.s obligations as a Member State. Should the bill fail to gain traction in the House and the Senate, the U.S. will once again illustrate its lack of commitment to womens rights and the security and parity of post-conflict countries.

The second way the U.S. has failed to enforce UNSCR 1325s obligations is the U.S.s continued repudiation of the International Criminal Court (ICC). The ICC is an independent court that would afford women greater protection from violations of human rights and humanitarian law. But, the U.S. has refused to support the ICC because of concern that the ICC may exercise its jurisdiction to conduct politically motivated investigations and prosecutions of U.S. military and political officials and personnel. However, the ICC also codifies - for the first time - international, humanitarian, and criminal law acknowledging the severity of gender and sexual violence on women and provides women access to a forum in which they can seek proper justice.

The third way the U.S. has failed to sustain its obligations is by upholding the Helms Amendment and enforcing the Global Gag Rule. While the U.S. claims to support womens rights around the world, it undercuts this message by refusing to overturn stifling and restrictive U.S. legislation, both the Helms Amendment and the Global Gag Rule. Because of this current legislation, the U.S. (a major global provider of financial assistance) will provide no money to international organizations that provide abortions or comprehensive information on family planning practices as part of their objectives. This is in an extreme deficiency in U.S. foreign policy, as many armed conflicts utilize mass rape as a weapon, an act that the U.N. has defined as a war crime. As long as the Helms Amendment and Global Gag Rule remain in effect in the U.S., womens healthcare will suffer the world round.

The U.S. has emerged as a strong leader in the democratic processes of post-conflict countries and is the strongest player, based on both donor money and global influence, on the stages and processes that form these new governments. UNSCR 1325 is the most important international document for institutionalizing womens parity in democracy formation, therefore the U.S. has a significant obligation to implement and enforce UNSCR 1325. As a flagship country in post-conflict reconstruction processes, the U.S. must recognize its role as a developed country to positively enforce UNSCR 1325. Thus, the U.S. is obligated to ensure that gender parity is fulfilled in the transitional processes leading to democracy in developing and post-conflict countries.

Not only does the U.S. choose to maintain its hypocritical stance on international justice, but it also allows other U.N. Member States to ignore and bargain around their obligations under UNSCR 1325. All Member States and parties to the conflict are obligated to include women's perspectives into post-conflict peace and reconstruction processes, and have an affirmative obligation to reach out to women in their countries and draw them into the peace talks and transitional governments. Yet, post-conflict countries are not effectively required or pressured by the U.S. or other Member States to include women into their peace, post-conflict, and reconstruction processes. The U.S. needs to make radical changes to both its foreign and domestic policies to ensure protection and parity for women in the world. However, the U.S.'s perpetual failure to fulfill these obligations highlights a systematic failing in the successful implementation of UNSCR 1325.

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