

Swedish Network of Peace, Conflict and Development Research
A National Network under the Joint Auspices of Uppsala University, Göteborg University and Umeå University

Working Papers in Peace, Conflict and Development Research

Internalizing the Culture of Human Rights

The Search for Justice for Women in Post-Conflict East Timor

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Working Papers in Peace, Conflict and Development Research
Edited by Rames Amer

No. 2
December 2007

ISSN 1654-4684
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About the Network

The Swedish Network of Peace, Conflict and Development Research is a joint effort of three departments conducting research on these topics at three different universities. The three departments have built a network among researchers of the universities and university colleges in their respective regions. The Department of Political Science of Umeå University is responsible for network activities in the northern part of the country, while the Department of Peace and Development Studies of Gothenburg University does the same in the South and Western part of Sweden. The Department of Peace and Conflict Research, Uppsala University brings together the researchers from the rest of the country.

Support for Research

The need for a combined approach towards security and development has already become a priority for many involved in peace building and development cooperation. In order to assist conflict prevention policymaking vis-à-vis developing countries the Network will pursue three aims:

Aims of the Network

1. Support, promote and link Swedish researchers from different universities and university colleges to conduct research on the peace and conflict dimensions of development studies, and development dimensions of peace and conflict research;
2. Assist Swedish researchers to establish and develop linkages and collaboration with researchers in the developing world;
3. Facilitate the dissemination of research findings among the interested public, academics, and practitioners interested in peace building and development cooperation.

In addition, the forum will strive to promote dialogue and exchange of information between researchers, policymakers and practitioners. Furthermore it aims at contributing to knowledge, experience and suggestions for implementing conflict prevention strategies in the developing world.

What Causes Major Violent Conflicts?

Violent conflicts occur in a series of stages at which international intervention may occur. In an increasingly interdependent world, what concrete measures exist that are likely to be effective in addressing violent conflict? The causes of violent conflict need to be assessed and monitored, particularly in developing countries. The significant issues for a particular developing country, region, continent, or generally in the developing world need to be identified, and strategies for approaching them should be worked out in cooperation with policy makers and practitioners involved in peace building and development cooperation.

Objectives

The objective of this network is to strengthen Swedish research on peace and conflict studies in the developing world, and to provide assistance to policy makers and practitioners to develop tools to cope with the most salient situations of violent conflict in the South.

Internalizing the Culture of Human Rights: The Search for Justice for Women in Post-Conflict East Timor

By: Susanne Alldén

Abstract

The aim of this study is to analyze the concept of universal human rights, addressing the concept of women's human rights, and how it can be translated into a local context. One of the main questions asked is: how can the notion of universal human rights "translate" into a local setting of peacebuilding, without violating non-discriminatory culture and tradition? This study applies the discussion of universal human rights to the issue of gender-based violence in the context of East Timor and its search for transitional justice. During and after the 24 year occupation and strive for independence, women suffered greatly from sexual violence – which has so far not been sufficiently addressed in the search for justice. The study looks closer at how the promotion of universal human rights might be able to help attain justice for both women and men in the post-conflict reconstruction of East Timor. The main argument raised in the final part of this study is that if universal human rights are to be accepted in the reconstruction of the first established nation in the 21st century, then the process must both be driven externally and rooted and recognized internally.

Biographical notes

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Internalizing the Culture of Human Rights: The Search for Justice for Women in Post-Conflict East Timor¹

Susanne Alldén

Introduction

During the Indonesian military occupation of East Timor, its population suffered greatly and many Timorese women were victims of sexual violence. Women were raped, exposed to sexual discrimination, and were frequently used as sex-slaves. Gender-based violence was not considered a crime to be tried in court, hence, perpetrators did not receive any sanctions and impunity was widespread. This lack of justice and human rights abuses has continued in the aftermath of war; 46 % of women in intimate relationships experienced some form of partner violence, according to a 2002 survey. The end of Indonesian occupation in 1999 resulted in a deployment of the United Nations Transitional Authority in East Timor (UNTAET), a mission that has been celebrated as a great success story. From the perspectives of human rights, however, the results are less pleasing and many Timorese have come to believe that universal human rights standards are violating their culture and tradition.

The universality of human rights has always been a widely debated issue. Is it possible for a western- and male dominated discourse to be applicable to different cultures worldwide? The main critique against universalism is the potential “false” universalism and ignorance of culture that is the result of taking the individual as a starting point, leaving the value of culture, community, or belonging to a specific group to be of secondary importance. At the same time, human rights are increasingly becoming essential components of peacebuilding, causing a resurface of the debate of whether or

¹ An earlier version of this study was presented at the Annual International Studies Association Convention, March 22-25, 2006, San Diego, CA, and at the 2006 Annual Conference of the Swedish Network of Peace, Conflict and Development Research, Uppsala, Sweden, 6-8 November, 2006. All comments offered at these conferences are highly appreciated.

not universal human rights are simply an attempt of neo-colonialism by the Western world.

The aim of this study is to analyze the concept of universal human rights and how it can be translated into local contexts. This is done by looking at different strategies to culture-sensitize universal human rights and how they can help enhance women's security in post-conflict settings, taking the specific issue of gender-based violence (GBV) as an example. This phenomenon is analyzed up-close in East Timor, the world's youngest nation.² Although no claims are made as for giving an exhausting coverage of the situation of women in East Timor, the case study helps shed some light on the problem of gender-based violence and highlights the importance of universal human rights for the enhancement of women's rights and capabilities in post-conflict reconstruction.

The issue of human rights and universality is addressed in the first part of the study, which also discusses some of the critique raised against universalism.³ The second part starts off with addressing the issue of gender-based violence at large, followed by a discussion about the case of East Timor specifically. The third part brings the two discussions together, analyzing ways to enhance the understanding of universal human rights in post-conflict East Timor and it also addresses some of the obstacles for women's security when it comes to the issue of gender-based violence.

Understanding Human Rights

The universal approach to human rights is based on the understanding that we all have the right to equal treatment before the law and the right to freedom from abuses of authority. This universalism is underlined in the United Nations Declaration of Human

² East Timor formally changed its name into Democratic Republic of Timor-Leste when they officially became independent in 2002. The conventional short-form is still East Timor and is used throughout this study to avoid confusion.

³ Much can be discussed when it comes to human rights, and unfortunately, much has been left out of this study. For example, what issues to include in discussions about human rights (i.e. a broad or a narrow definition of human rights) are not addressed, nor are the various discussions about different generations of human rights. All of the various forms of critiques raised in the discussion about culture relativism and/or universalism are also left out. The study, nonetheless, does approach an important aspect of both peacebuilding and human rights – gender-based violence – and how the universality of human rights can help to enhance women's security in the aftermath of violent conflict.

Rights (UDHR) from 1948, now considered to be the overarching judicial instrument protecting the rights of *all* human beings (constituting the *International Bill of Human Rights* together with the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights). If the adoption of the Universal Declaration of Human Rights can be accused of being an agreement between victorious Western states, then the 171 country strong support for universal human rights at the Vienna World Conference on Human Rights in 1993 illustrates a change in international attitudes towards human rights (Perry 1997; Donnelly 1999; Churchill 2006:42f). The conference resulted in the Vienna Declaration which states that “all human rights are universal, indivisible and interdependent and interrelated” (“Vienna Declaration and Programme of Action” 1993). Hector Gros Espiell argues that the universality of human rights is now an accepted principle which cannot be called into question (Gros Espiell 1998; see also Merry 2006 for similar reasoning). Janusz Symonides supports this conclusion, stating that “at the end of the twentieth century, human rights cannot be seen as a ‘Western product’; they were developed by and belong to the whole international community” (Symonides 1998:27).⁴

Women’s rights as human rights

In the understanding of human rights presented above, *all* human beings were identified as rights-holders. In reality, however, women and men have not been able to equally enjoy their rights, resulting in a discussion about women and women’s rights specifically.⁵ The idea of women as rights-holders dates back to the 18th century, with Mary Wollstonecraft’s “A Vindication of the Rights of Woman” (1792). However, the birth of the discussion is sometimes dated back to the early 15th century, with the “Le livre de la cite des dames” by Christine de Pizan (1405) as the starting point (Binion 1995). A few years ahead of Wollstonecraft’s treatise, Olympe de Gouges from France

⁴ One could, for example, look at the African Charter on Human Rights and People’s Rights from 1981. Even though flaws exist in its attempt to enforce human rights, it does, nonetheless, adopt a universal approach to human rights and in terms of inclusion, it does *conceptualize* and *enforce* human rights to a greater extent than its European and American counterparts, and addresses women and women’s rights specifically (Onoria 2002).

⁵ As well as one may argue that women ought to be included in the understanding of human rights per se, some violations of human rights affect women disproportionately, for example gender-based violence, discrimination in the right to own land or the violation of the right for widows to inherit, making it appropriate to discuss in terms of women’s human rights specifically. Even though all women do not experience these violations in the same way, these rights violations are overwhelmingly affecting women.

drafted the “Declaration de la Femme et de la Citoyenne” in 1781, arguing for women to enjoy the same basic rights as men, and for the need to also consider special women’s human rights. Women’s struggle for the right to enjoy human rights has continued ever since and an international movement has been in place since the late 19th century. In 1915, an international women’s conference was organized in The Hague, followed by a congress in Paris during the Paris Peace Conference in 1919 (Kuovo 2004:84ff). By the late 1930s, the issue of “women’s status” was on the international agenda, and with the help of extensive lobbying in 1945, men and women’s equal rights were acknowledged (at least on paper) in the United Nations Charter (Lake 2001:265). Poe, Wendel-Blunt and Ho states that “the United Nations charter provides a sound base, establishing the rights of women to an equal footing with men” (1997, see also Gierycz 2002).⁶

The issue of women’s rights was further acknowledged in a series of world conferences starting with the first World Conference on Women in Mexico City in 1975, followed by Copenhagen in 1980, Nairobi in 1985 and Beijing in 1995. Women also participated and raised issues at the UN Conference on Environment and Development in Rio de Janeiro in 1992 and at the World Conference on Human Rights in Vienna 1993. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), which has been described as an international bill of rights for women, has also played an important role. But despite all the various conferences and voices raised about women’s rights throughout the years, it was not until the Vienna Declaration and Programme of Action (1993) that women’s rights were officially acknowledged as being an inalienable and indivisible part of human rights (Schuler 1995:3; Altman 2002:66ff). The inclusion of women’s rights in the human rights’ discourse has made it possible to name gender-based violations and discriminatory policies and legislation that impede women’s full enjoyment of equal rights. It has also assisted women in achieving political leverage by providing an international forum to work with (Bunch, Frost et al. 1999:102).

Regardless of the successful incorporation of women as rights holders, and despite the “victory” of universalism at Vienna and afterwards, not everyone is supportive of the

⁶ A lot of credit should be given to the work accomplished by the Commission on the Status of Women (CSW), created in 1947 after serving a year as a sub-committee to the Secretariat for the Economic and Social Council.

notion of universal human rights. It has, for example, been questioned whether “[...] an idea, concept, or theory, if accepted universally [should] be applied everywhere despite its obvious contradictions for local societies and people” (Dickson-Waiko 2001:55)? Feminists have asked how truly universal human rights are when they are based on norms and principles put forward by the dominant male Western parts of society. Are the rights truly universal or are they, as feminists sometimes argue, actually a case of “false universalism”? The critique raised towards the understanding of universal human rights will be addressed in the subsequent section along with the presentation of two strategies to culture-sensitize universalism.

The lack of culture in universalism

The idea that one general standard for human rights should be applied equally to all cultures and societies, regardless of tradition or cultural differences, causes great debate (Churchill 2006:44; Merry 2006). However, much of the critique regarding universal human rights is not criticizing universality per se, but rather challenges the potential “false” universalism and ignorance of culture (Bunch, Frost et al. 1999:107).⁷ By taking the individual as a starting point, the value of culture, community, or belonging to a specific group is of secondary importance. It is argued that a universal approach to freedom and equality risks ignoring the multicultural particularities surrounding us. Undeniably, we live in a multicultural world, and the question is whether or not it is possible to apply a liberal understanding of human rights without consulting tradition or culture, or how much culture that can be added without “violating the universalism of rights”.

A cultural relativist approach takes culture as a starting point and criticizes universalism. Essentially, cultural relativism assumes that morally rights and wrongs vary from society to society, making it impossible to have one set of moral norms, values or beliefs applicable to *every* society (Churchill 2006:48). Culture plays a central role in the understanding of human rights and the world might even be understood as being comprised of only cultural beings, not human beings (Perry 1997). Radical cultural

⁷ For more information about other types of critiques, see among others Churchill (2006:45ff).

relativism denies the existence of any kind of universal principles and as such leaves no opening for the existence of *universal* human rights. However, softer versions of cultural relativism also exist, playing an important role in the discussion about the contemporary world (see for example Molyneux and Razavi 2003:11). A more rational and modern version of cultural relativism serves as an important foundation for the “recognition, promotion and international protection of human rights” (Gros Espiell 1998). One way to operationalize the less strict relativistic approach is through multiculturalism.⁸ This perspective argues that in the liberal democratic world surrounding human rights, the rights of minority cultures are not sufficiently protected because the focus is on individual members and not on the group as a whole. In order to protect these minority groups, special group rights or privileges should be imposed (Okin 1997). Kymlicka makes a distinction between the “external protections” that may be necessary to protect the rights of minority cultures in relation to other cultural groups, and the “internal restrictions” that illegitimately constrain individual members (Kymlicka 1997; Phillips 2001:6). Internal restrictions seek to limit individuals’ ability to question, revise and abandon traditional cultural practices. Women in particular often experience such restrictions. External protections, on the other hand, aim at enhancing minority or disadvantaged groups’ positions in society, for example, by imposing language rights or quotas for political representation. Minority rights with internal restrictions are not compatible with a liberal understanding of society and human rights, but external protections of minorities, on the other hand, are compatible with liberal democracy since they aim at protecting the individual against oppression (Kymlicka 1997).

Culture and women’s rights

One critique of multiculturalism as presented above is the difficulty of determining what actually distinguishes a legitimate external protection from an illegitimate internal restriction (Phillips 2001:6; Shachar 2001:30ff). For example, women’s possibility to challenge their traditional gender roles can be limited even when their civil rights are

⁸ Multiculturalism and cultural relativism are not the exact same thing (see Gutman 1993), as cultural relativism is first and foremost a philosophical idea (as is universalism). However, multiculturalism is often equated with cultural relativism, for good and for bad. As the issue studied more in-depth in this study addresses gender-based violence, multiculturalism can help to highlight some interesting points, both in collaboration and in contrast to issues raised by, for example feminism.

formally protected in the public sphere (Okin 1997). Another related problem is how to define what actions actually qualify for intervention. Kymlicka argues that it might not be appropriate for governments to intervene if there is a consensus within the community on the legitimacy of limiting individual rights (Kymlicka 1995:166f; Phillips 2001:7; Shachar 2001:31). Consequently, vulnerable groups might be put at risk, for example if discrimination against women is considered to fall outside the defined “legitimate scope of intervention”.⁹

The question regarding the clash between culture and gender equality deserves more thought since the relationship between multiculturalism and feminism, and their similar critique of universalism, has sometimes resulted in a presumed companionship. Feminism has accused universalism of “false universalism”, questioning if the universality of human rights can be based on the norms and perspectives of a minority of the world’s population; a critique echoed by cultural relativists (Brems 1997; Kymlicka 1997). Furthermore, feminists argue that giving women the same formal rights that men enjoy will not achieve actual equality between men and women; a similar argument is raised by multiculturalists regarding ethno-cultural rights and justice (Kymlicka 1997). Both feminism and multiculturalism agree that human rights should be the rights of *all* individuals regardless of gender or culture, but in order to achieve this, human rights can be neither gender- nor culture- blind (Brems 1997). However, feminism and multiculturalism diverge on their view of culture and their potential companionship is threatened by the often-occurring scenario in which cultural practices and the right of women to live with dignity and without fear stand in opposition to each other. Okin goes as far as to claim that multiculturalism is “bad for women” because it “subordinates women’s individual rights to masculine privilege enshrined in group rights that are legitimized by ‘culture’, ‘tradition’ and ‘religion’” (Okin cited in Molyneux and Razavi 2003:11, see also Okin 1997). She goes on to argue that group rights in many cases are antifeminist as they tend to restrict the capacities of women and girls of a certain culture to enjoy the same rights and dignity as men and boys. The celebration of culture and

⁹ Kymlicka later on accept Okin’s claim that we need a more subtle account of internal restrictions which helps us identify limitations on the freedom of women within ethnocultural groups, but he still does not succumb fully to the idea of always putting universal rights claims ahead of group rights (Kymlicka 1997).

tradition on the one hand, and the control of women on the other hand, are often closely related.

Culture-sensitizing universalism

Securing group rights is no guarantor for the protection of women's rights since culture and tradition often restricts women's rights. Then, if multiculturalism actually risks impede women's rights, perhaps the best way to enhance women security is to be found in the universal approach, despite its accused lack of sensitivity for culture and tradition. Many would argue that universalism and some form of culture relativism can be complementary and two alternatives on how to open up a universal understanding of human rights to "more culture" are presented in this study. Both approaches take a universal understanding as its starting point and "add" elements of non-discriminatory culture and tradition to make our universal perspective more "culture-sensitive".

In its basic form, the goal of (radical) universal equality and rights conflicts with the desire to preserve cultural diversity. A more moderate version of universalism, however, can accept culture to some extent. One strategy to incorporate culture into a universal understanding of human rights is through "a strategy of accommodation" (Churchill 2006:97). Such a strategy should be understood as an argument for the promotion of universal human rights in, in this case, in post-conflict reconstruction. The "strategy of accommodation" is based upon Jack Donnelly's discussion regarding the possibility of establishing principles to determine whether individual or group rights should be prioritized if conflict between them arises (Donnelly 2002). Donnelly argues for universality when it comes to understanding the *concept* of human rights. However, the *interpretation* and *implementation* of these concepts can depend upon culture, as long as it does not violate the understanding of the International Bill of Human Rights. That is, some variation is accepted, as long as it is consistent with the overarching concept of universal human rights (Donnelly 2002:97). In order to avoid clashes between the concept of human rights and cultural interpretations and implementation, social and cultural groups should try to adapt defective and limited conceptions of rights found in their culture (see also discussion in Churchill 2006:98ff). When it comes to women's

rights, Donnelly argues that women cannot, for example, be denied the right to political participation since this right is ensured by the International Bill of Human Rights. However, women have the right to choose not to participate, for example, not run for office, but this should be their own choice and not a right that is denied them on basis of sex (Donnelly 2002:120f).

Another possible strategy to combine universalism and some type of culture-sensitivity is based on “internal validation”. This strategy can be understood as an argument for how to actually succeed with the implementation of a universal human rights discourse in a war-torn society. The strategy of “internal validation” states that human rights have to be translated into cultural familiarities in order to be applicable in local contexts (An-Na'im 1994:174ff; Coomaraswamy 1994:44; Churchill 2006:108ff; Merry 2006:179ff). This approach to culture attempts to make religious and customary laws compatible with human rights instruments. Abdullahi An-Na'im, for example, sees the possibility to develop the Islamic Shari'a law in a way that is consistent with human rights, as long as this development is internally driven (An-Na'im 1993, 1996).¹⁰ An-Na'im states that the existing international system of human rights law and institutions should be validated “in terms of the values and institutions of each culture, and also in terms of shared or similar values and institutions of all cultures” (An-Na'im 1994:174). For this to happen, the process needs to be internally vindicated in order to challenge popular beliefs and attitudes, and to change common practice. International actors should support and promote such a development – this is what An-Na'im calls the “external dimension”. Still, external support can only take universal human rights so far; in order for human rights to be accepted, they need to be developed and understood through an internal process (An-Na'im 1994:175ff; see also discussions in Churchill 2006:110; Merry 2006:16). When discussing women's rights and Islam, An-Na'im states that many of the core principles of Shari'a violate the right to nondiscrimination, specifically relating to women.¹¹ However,

¹⁰ Ann Elizabeth Mayer makes the same point, arguing that the “unevenness” in patterns of ratification and non-ratification among Muslim countries implies that there is no “single, definitive interpretation of Islamic rights principles standing in the way of accepting international human rights conventions” (cited in Churchill 2006:117).

¹¹ However, it should be noted that a few Islamic states have ratified the International Convention on the Elimination of All Forms of Discrimination Against Women.

the modern Muslim state differs from the existing state at the time when Shari'a was developed, which according to An-Na'im shows the legitimacy and necessity to construct an Islamic legal system that fits the modern Muslim society. Following his earlier argument, this re-definition of Islam has to be initiated from within these societies and cannot be externally imposed (An-Na'im 1994:181ff). This discussion can be translated into our post-conflict setting, even though Islam is not a major issue to be considered in East Timor. Essentially, the process of promoting women's rights needs to be internally validated and framed in a familiar language if it should be able to succeed. It cannot be a process that is externally promoted without any internal support.

In sum, using "culture" as a starting point to promote women's rights seems to cause frequent clashes between cultural practices and gender equality. However, by always putting the individual ahead of cultural practices, women have a better chance (at least on paper) of avoiding being denied their rights due to cultural limitations. By accepting some extensions of cultural practices, or what is commonly referred to as "cultural freedom", and by striving for the internal validation of the concept of human rights in various local contexts, a better understanding of human rights can be developed. Such an understanding should include women as well as other previously neglected and vulnerable groups as rights-holders. As long as culture does not violate the basic rights of individuals, the co-existence between human rights and cultural practices is unproblematic. However, culture should never be used as an excuse for the violation of women's rights. There are many aspects of culture that can be promoted without jeopardizing the enjoyment of women's rights (Kisaakye 2002:282), but no one should, for example, have to endure torture – or gender-based violence - in the name of culture.

Gender-based violence as violations of human rights

Gender-based violence (GBV) is usually defined as violence targeting individuals or groups of individuals on the basis of their gender. It includes rape, torture, mutilation, sexual slavery, forced impregnation and murder. GBV does not solely affect women, but it does so disproportionately ("IRIN" 2004; Bouta, Frerks et al. 2005; Merry 2006). Affecting men and women both during war-time and during peace-time, it nonetheless

seems to escalate in periods of violence and remains problematic in the aftermath (see for example Pillay 2001:36; "IRIN" 2004; Pankhurst 2004:17f; Bouta, Frerks et al. 2005:33ff). It is sexual violence directed specifically at women, during and after an armed conflict, that is discussed in the second part of this study.

Violence against women has been defined as a violation of human rights since the early 1990s. For example, Amnesty International issued its first report on rape as a case of state-sanctioned deprivation of human rights in 1992 (Altman 2002). Because violence against women inflicts bodily injury similar to other forms of torture, it is a “relatively straight-forward violation” (Merry 2006:2). Although violence against women is about injury, pain and sometimes death - just like torture – it is often addressed as an everyday problem, nothing out of the ordinary, rather than as a human rights violation. A report from Oxfam in 1999 poses the highly relevant question: “why is it that men who are tortured by the military forces are seen as heroes whereas women who are tortured (including rape) are seen as traitors?” (Oxfam 1999).

A number of documents and declarations from the 1980s and onwards have raised the issue of violence against women as a violation of human rights. The Convention on the Elimination of All Forms of Discrimination against Women does not refer to violence against women explicitly, but two additional recommendations - Recommendation 12, 1989 and Recommendation 19, 1992 – bring attention to the issue (Coomaraswamy and Kois 1999:182; Brautigman 2002:13; Merry 2006:74ff).¹² Furthermore, as has been discussed earlier, the issue of women’s rights was elevated at the Vienna Conference on Human Rights in 1993, as the notion of universal human rights (including women as bearers of rights) came to be declared more important than traditional and customary practices. It was recognized that rape as a tactic of war, sexual slavery, and dowry deaths are forms of torture and hence constitute violations of human rights, but the delegates could not agree to classify domestic violence as a human rights violations (Kaplan 2001:299; Brautigman 2002:25). The Declaration on the Elimination of Violence against

¹² The additional recommendations can be accessed at <http://www.un.org/womenwatch/daw/cedaw/recommendations/> (accessed by author 6 February, 2006).

Women from 1993 also highlights that violence against women is a violation of human rights and argues for the need to defy discriminatory traditions and culture ("Declaration on the Elimination of Violence against Women" 1994; Merry 2006:23).

Alongside official documents adopted at the various conferences throughout the 1990s, a few practical measures to integrate gender-based violence in the human rights discourse have been taken as well. Even though gender-based violence during armed conflict is not a phenomenon of the 1990s, the issue of sexual violence as a weapon of war was not put firmly on the international agenda until the media cabled out information of mass-rapes during the Balkan conflict. The International Criminal Tribunal for the former Yugoslavia was the first institution to raise the issue through its recognition of rape and sexual violence as weapons of war. This was followed by the broadened definition of rape offered by the International Criminal Tribunal for Rwanda (Copelon 2000). Further measures were taken by the Statute of the International Criminal Court (known as the Rome Statute) that recognizes that "rape, sexual slavery, enforced prostitution, forced pregnancy [...] enforced sterilization or any other form of sexual violence" constitutes violations of the Geneva Conventions ("Rome Statute" 1998:article 8(2)(b)(xxii), 8(2)(e)(vi)). All in all, the Rome Statute contains a rather comprehensive list of sexual and gender crimes. Yet, despite all the progress noticed "on paper", gender-based violence is still a frequently occurring phenomenon and unfortunately often subject to great impunity.

The case for impunity has many explanations, one of which is often culture and tradition. Merry states that: "nowhere do issues of culture and rights seem more difficult than in the area of violence against women" (2006:24). Violence against women is often seen as a "private issue", something that falls outside the state's responsibility. Despite the important steps taken during the 1990s when it was acknowledged that a state's failure to protect women from violence was to be understood as a violation of human rights (Tomasevski 1998; Merry 2006:22), the problem of impunity and cultural traditions remain a fundamental obstacle to women's full enjoyment of human rights (Post 1997; Coomaraswamy and Kois 1999:190ff; Kisaakye 2002:269; Onoria 2002:234; Merry

2006:12). In societies where culture legitimizes forms of violence against women, fundamental shifts in beliefs and institutions are required – not an easy task to accomplish. That is why the universality of human rights (including women as actors and beneficiaries) can play an important role. The notion of human rights can link the domestic and local situation to the international norm system, for example by reframing the meaning and understanding of sexual violence.

The issue of gender-based violence and the problems of battling it are perhaps best understood in a specific context. As the phenomenon seems to increase during and after conflict, the issue will be analyzed up-close in a country relatively fresh out of conflict: East Timor. The country gained its independence in 2002, after fighting the occupational power of Indonesia for almost 25 years. The case study of East Timor is therefore instructive in understanding how human rights can help fight the issue of gender-based violence in the reconstruction of a war-torn society.

Violations of Human Rights in East Timor

In order to grasp the issue of gender-based violence in East Timor during and after the conflict, we need to understand the society we are looking at. The traditional Timorese society has always been patriarchal, with tradition and customary laws favoring men over women.¹³ As in other patriarchal societies, Timorese men inherit and own property while women are generally regarded as inferior. Marriage between a man and a woman is often settled through the payment of a bride price (barlaque) by the groom's family. This tradition still exists throughout East Timor, although it is more common in the rural areas. Furthermore, traditional Timorese society believes strongly in the sacred relations with its ancestors, a relationship that is demonstrated through various rituals and protocols. Each house generally has an elder who is responsible for the contact with ancestors, and each hamlet has a "king" who is in charge of the non-sacred "political" relations (Swaine 2003:20ff; Cristalis and Scott 2005:20). Another characteristic of Timorese society is the role played by the Roman Catholic Church. During the Indonesian occupation, the church

¹³ It is, in fact, more proper to talk of Timorese *societies*, as there exist a variety of traditional cultures, languages, practices, and customs which differ from region to region (see for example Cristalis & Scott 2005:101)

sided with “the people” and consequently, the percent of Timorese who are Roman Catholic rose from less than 50 percent before the invasion to close to 90 percent at the end of the occupation (Retboll 2002:14ff).

East Timor received its independence from Indonesia on 20 May 2002. By that time, the small island-country, (a Portuguese colony up until 1975) had experienced 24 years of Indonesian occupation. The fight for independence is one of “the forgotten wars” of the Cold War era. The United Nations initially condemned the invasion in 1975 and recognized East Timor’s attempts at self-determination. Despite this, no direct action was taken against Indonesia and the issue was only referred to as “the East Timor question” within the international community until the late 1990s. The conflict in East Timor was not only prolonged but also deeply impacted the civilian population; during the 24 years of occupation, an estimated 183,000 Timorese lost their lives (“CAVR report” 2005).

It was not until 24 years after the invasion that the newly appointed president of Indonesia, Habibie, announced that the people of East Timor were to decide for themselves if they wanted to gain full independence or become an autonomous region within Indonesia. A UN supervised popular consultation took place on 30 August 1999 (after being postponed twice for security reasons), with 78.5 percent of the Timorese voting for independence. This result incited Indonesia-backed militia forces to mass-violence, killing thousands of people, displacing hundreds of thousands in- and outside of East Timor, and destroying over 70% of the infrastructure. After two weeks of violence, an Australian-led multinational force (INTERFET) was deployed, giving support to the UN mission deployed to supervise the referendum (UNAMET). On 25 October 1999, the UN Security Council established the United Nations Transitional Authority in East Timor (UNTAET), which was replaced by the United Nations Mission of Support in East Timor (UNMISSET) when Independence Day arrived in May 2002 (see for example Fox and Soares 2000; Charlesworth and Wood 2002; Järvinen 2004; Cristalis and Scott 2005; Reiger and Wierda 2006). On 20 May 2005, the United Nations Office in Timor-Leste (UNOTIL) was deployed on a one-year political mission. In March 2006, 600 military officers were dismissed (about a third of the military), causing the resurface of tensions,

violence and severe unrest in the small country. As a result of the increased violence, the UN decided to up-scale its presence in East Timor once again and an Australian-led multinational military mission was deployed to assist the Timorese leadership to regain control of the situation (see for example "UN Daily News" 2006: June 5-9,12). Security Council Resolution 1704 (2006) confirms the establishment of the United Nations Integrated Mission in Timor-Leste (UNMIT), a mainly civilian mission deployed to, among other things, support the Timorese government in the continued strive for democratic consolidation, support the country in the presidential and parliamentary elections in 2007, and to ensure the restoration of security (Churchill 2006).

Sexual violence during the conflict

During the Indonesian military occupation, the population of East Timor suffered greatly and many Timorese women were victims of sexual violence. As part of the attempt to bring justice and reconciliation to East Timor, a *Commission for Reception, Truth and Reconciliation in East Timor* (CAVR) was established in 2001 to investigate human rights violations from 1974-1999.¹⁴ In its final report, the Commission reported that the Timorese people had endured "massive, widespread and systematic" violations, primarily by the Indonesian armed forces and the pro-Indonesian militias ("CAVR report" 2005).¹⁵ Testimonies from the occupational years reveal that women were raped by Indonesian soldiers, were exposed to sexual discrimination, and were frequently used as sexual slaves. Consistent and widespread rape occurred every year during the occupation and the victims were mainly women between the ages of 15-24. Witness and victim reports testify that among many incidents, women who tried to flee into the mountains were captured and raped; women suffered gang rapes during armed attacks; women were victims of organized rape in military compounds; and female detainees were often raped as a way to make them reveal information. Three specific patterns of sexual slavery were

¹⁴ The CAVR only had an investigative mandate and its focus was on "less serious crimes". Another attempt to reach truth and justice is through the Special Panel for Serious Crimes and the Serious Crimes Unit (part of the hybrid tribunal set-up) with the mandate to investigate and prosecute serious criminal offenses committed between Jan 1 – Oct 25 1999. Furthermore, Indonesia was given the mandate to set up ad hoc human rights trials in Jakarta to prosecute the human rights violations committed in East Timor. Recently, a Truth and Friendship Commission was established between Indonesia and East Timor in attempts to reach reconciliation between the two countries.

¹⁵ CAVR reports that approximately 10% of reported violations were committed by pro-independence forces (mainly led by the Frente Revolucionária do East Timor Independente - FRETILIN).

identified during the conflict: women were brought to military compounds and kept as sexual slaves; they were summoned by the military for sexual purposes; and they were sometimes coerced into “forced marriages” with members of the security forces (“CAVR report” 2005; see also Cristalis and Scott 2005:37f). These “forced marriages” ended when the soldier returned to Indonesia, but often resulted in children, leaving both the women and children abandoned and often stigmatized. Furthermore, women also reported cases of enforced sterilization after visits to state-run health clinics (Retboll 2002:13; Cristalis and Scott 2005:38).

The 24 years of armed struggle impacted nearly every family in East Timor in some way. The population in 1970 is estimated to have been approximately 609,000 and during the conflict, close to 200,000 people lost their lives. Although both men and women suffered greatly, women had to endure the additional hardships of gender-based violence. The Timorese society places great importance on honor, and a women’s virginity is highly valued. Thus, victims of sexual violence are considered to have failed that honor. Despite the forced nature of the sexual violence, the society blames the women who were victims for bringing shame upon their families and communities (Swaine 2003; “CAVR report” 2005; Cristalis and Scott 2005:36). This attitude towards women, shame, and honor makes women extra vulnerable to discrimination, stigmatization and marginalization in society (this situation is not unique for East Timor, see for example Coomaraswamy and Kois 1999:195). The Roman Catholic Church is known to have offered shelter and protection to victims of rape during the conflict, but still had problems overcoming their “prejudice against women victims of sexual slavery and their children” (“CAVR report” 2005). This has been particularly devastating to many of the affected women as the Church plays an important role in peoples’ lives.

The search for justice

One great challenge to sustainable peace and post-conflict reconstruction is the issue of human rights abuses and transitional justice. East Timor has a long way to go before justice is experienced by the Timorese people, especially when it comes to gender-based violence. Even though the Indonesian justice system was functioning in East Timor in the

late 1970s, rape was not an offense that was tried in court. Thus, perpetrators of sexual violence did not receive any sanctions and impunity was widespread. The CAVR reports that this attitude resulted in increased sexual violence during the conflict. The misperceptions of sexual violence by victims' families, the communities, and by the Catholic Church are also believed to have led to continued victimization of women ("CAVR report" 2005). The attempts to reach truth and justice undertaken after the conflict have not yet managed to bring justice to women. Many crimes, in addition to cases of sexual violence, have not yet been tried and prosecuted, but unfortunately, the space offered in this study does not allow for more in-depth analysis of the various attempts to reach justice and reconciliation. However, the following lays the background needed to be able to discuss how gender-based violence is being addressed.

The international community decided to not set up an international war crime tribunal after the end of the conflict, despite the recommendations of the Indonesian Commission on Human Rights and two separate UN investigations. Instead, the UN Security Council decided to let Indonesia establish its own national trials (the ad hoc trials) and investigate and prosecute the events following the referendum for Timorese independence in 1999. The Jakarta trials have been widely criticized for ensuring impunity for the perpetrators and not keeping its promise to fully investigate Indonesia's role in the 1999 violence (see for example Cohen 2002; "ICTJ Occasional Paper" 2003; "HRW Background Briefing" 2004; Järvinen 2004; "HRW Statement" 2005; Reiger and Wierda 2006). Alongside the process in Jakarta, the UN administration established a hybrid tribunal in Dili (composed by the Serious Crimes Unit, the Special Panel for Serious Crimes, and the Court of Appeal).¹⁶ The hybrid trials also faced severe problems, mostly due to lack of material, human and economic resources. For example, because there was no functioning justice system in East Timor prior to 1999, there were few, if any, judges with enough legal experience in human rights to preside over the cases (Cohen 2002; Reiger and Wierda 2006). The Serious Crimes Unit (SCU) ended its work in May 2005 after 95 indictments and 391 accused persons the subject of at least one indictment. At the conclusion of the

¹⁶ This type of tribunal is negotiated between the UN and the national government and is composed of a mixture of international and national judges and prosecutors.

Serious Crimes Panel (also in May 2005), 55 cases had been heard and 84 out of 87 defendants had been convicted (Hirst and Varney 2005). The Serious Crimes Unit and Serious Crimes Panels' mandate only covered *serious* crimes that occurred during a few months before and after the referendum in 1999. However, very few gender crimes were indicted by the hybrid tribunal because gender-based violence was not defined as being a *serious enough* crime to include in the already resource- and time-constrained process.

The Commission for Reception, Truth and Reconciliation (CAVR) set up 2001 only had an investigative mandate to find out the truth regarding human rights violations between 1974 and 1999. Additionally, they were to assist in restoring the dignity of victims, promote reconciliation, support the reintegration of individuals through community-based reconciliation mechanisms, and refer serious human rights violations to the Office of the General Prosecutor ("CAVR report" 2005; Hirst and Varney 2005). However, due to the scarce resources of the Serious Crimes Panel and the SCU, they could not try all the cases recommended by the CAVR. Again, sexually related crimes were rarely raised by the hybrid court. A special gender investigation was established during 2002 by the Deputy General Prosecutor for Serious Crimes, Siri Frigaard, but the investigation experienced that little could be done since few women were willing to testify in court. Sexual violence is marked by such stigma and many are afraid to come forward to talk about what happened to them - something the CAVR also experienced as they believe that the number of sexual related crimes was under-reported ("CAVR report" 2005). Furthermore, Timorese society puts much faith into the local traditional justice system, which runs alongside the formal justice system. According to the traditions of the local system, violations should first be brought to the attention of the elders, then to the community head, and if necessary to the District Authority level. If deemed necessary, the issue will be brought to the police and then, finally, to the formal justice system (Swaine 2003). The faith in the local system and bad experiences of the formal justice system in the past might explain why women are hesitant to raise their voices for justice in the system that was set up to investigate serious crimes and human rights violations. Some cases of serious crimes during the conflict, such as rape, were addressed by the traditional justice system (Järvinen 2004), which underlines the attitude towards gender-based violence.

The impossible task for the local justice system of addressing serious human rights violations, alongside the limited resources available to the serious crimes panel and SCU, and the failure of the ad hoc trials in Jakarta to take gender-based violence serious, partially explains why women are still not experiencing justice in East Timor.

Unfortunately, the violence against women is not over with the arrival of independence and the end of the conflict. As in many other cases of conflict, domestic violence, along with other types of gender-based violence, is still very much a problem for women in East Timor.¹⁷ The main source of the problem is argued to be the dowry system. A woman is seen as being owned by her husband and his family, resulting in the attitude that it is appropriate to beat your wife if she disobeys her husband (Charlesworth and Wood 2002; Swaine 2003; Cristalis and Scott 2005:98). The fragile Timorese justice system still has a long way to go before it can ensure women justice and security from domestic violence. A study undertaken by the Judicial System Monitoring Program¹⁸ in Dili for two months in 2003 revealed that even though cases of domestic violence were a majority of the cases presented at criminal hearings, only 16 percent were actually brought to trial. And despite some cases making it to court, the court did not reach a decision on any single case during the two months (Cristalis and Scott 2005:99). In 2005, 54 cases of domestic violence were reported to the Dili Public Prosecutor's Office, totaling 160 cases of violence against women during that year.

International human rights translated

The Indonesian justice system was used during the occupation and Indonesia's withdrawal thus left East Timor without a functioning justice system. Indonesian law was enforced until first, UNTAET and then later, Timorese legislation had been adopted, a process still not completely finalized. Hence, one of the urgent tasks of the UN administration was to assist in the establishment of a functioning justice system and national legislation. The Timorese Constitution from 2002 underlines its dedication to

¹⁷ A survey on GBV conducted in 2002 found that 46 percent of women in intimate relationships experienced some form of partner violence.

¹⁸ The Judicial System Monitoring Program (JSMP) is an NGO monitoring the development of the judicial system in East Timor.

international law and human rights, and also declares that men and women should have the same rights and duties (Constitution of the Democratic Republic of Timor-Leste 2002: section 9, 16, 17, 23). A Draft Penal Code was presented in 2004, and is scheduled to replace the Indonesian Penal Code during 2006. One promising development in the Timorese Penal Code is that it has broadened the definition of rape to include rape of a spouse (Cristalis and Scott 2005:100).¹⁹ Also during 2006, a Law on Domestic Violence (DVL) was presented to the Council of Ministers. It is estimated to enter into force once the Penal Code has been promulgated. Unfortunately, improved legislation and law enforcement can only take the issue of domestic violence and women's rights so far; it needs to be followed by a shift in the attitudes and practices that currently tolerate gender-based violence.

Although it is impossible to talk about *one* culture in East Timor, the majority of the traditions and customs in place are discriminatory towards women. Both of the parallel justice systems fail to adequately address the issue of gender-based violence. Both systems have so far showed clear discriminatory tendencies in their attitudes towards women and to the violence committed against them. Swaine reports that “[i]n considerations of international standards, it is evident that women's rights are not given adequate consideration in their search for justice, especially in local justice proceedings” (Swaine 2003). Indeed, many women, despite their support of Timorese traditions and culture in general, believe that the local justice system undermines attempts to implement international standards of law and justice. Culture plays a prominent role in the subordination of women, but interestingly enough, the arguments in favour of cultural practices are put forward by both men and women (Cristalis and Scott 2005:101).

In East Timor, “standards of human rights are being both understood and completely lost due to the massive gap between international concepts and the realities on the ground” (Swaine 2003). International rights' standards are still alien to the Timorese people, and many think of them as something that is externally imposed, not relevant for their society,

¹⁹ Although promising developments for women's rights can be found in the new penal code, more worrisome developments can be found regarding for example the freedom of expression.

or just a concept problematic to translate into their local context (Swaine 2003:102; Cristalis and Scott 2005). This argument has also been put forward by the president of East Timor, Xanana Gusmao,

[v]alues and the process by which international standards, especially with respect to women's human rights, were being introduced in East Timorese society were beset by strong elements of colonial hypocrisy amongst the international workers, and unthinking receptiveness by some East Timorese. (cited in Charlesworth and Wood 2002)

The scope of the international administration in East Timor was greater than that of any other peacebuilding mission undertaken by the UN. The great international presence made the Timorese expect a great deal when it came to the issue of human rights, as it is an issue widely promoted by the international community itself. However, some Timorese have started to question the effectiveness of the international human rights discourse because of the unsuccessful results in the international efforts to promote human rights and justice. The most fundamental problem when it comes to gender-based violence, apart from the hybrid tribunal's lack of resources, has been the failure to recognize gender-based violence as a serious human rights violation. This shows the importance of a continued discussion about women's rights both within the international community and on the national level. But even though the international community has failed the Timorese in many ways, the reconstruction of East Timor has nonetheless benefited from the incorporation of a universal understanding of human rights. The recognition of international human rights and equality in the Constitution and the broadened definition of rape in the Penal Code are important results. Furthermore, many women's organizations have been able to use the universal discourse of human rights and promote the issues locally. Legislative developments and dedication to international standards of human rights are important steps, but it needs to be followed by a change in attitudes and a true dedication to alter discriminatory traditions and laws. Thus, the issue of human rights has to be translated into the local contexts of the diverse Timorese society to facilitate the collaboration between human rights and their own culture.

Implementing the rights discourse in East Timor

Earlier in this study, two approaches to make universalism more culture-sensitive were presented. So, how can these two approaches, alone or in combination, help to address and promote women's rights in the specific setting of East Timor?

The way to make universal human rights more culture sensitive presented by the "strategy of accommodation" establishes guiding principles when conflicts between individual and group rights arise. This approach helps establish the universal discourse of human rights. How these rights are interpreted and implemented can, however, vary across cultures, as long as the interpretation and implementation does not violate the fundamental meaning of universal human rights. Donnelly argues that cultural variances that do not violate basic human rights enrich the world and can function alongside a universal approach to human rights (Donnelly and Howard 1987:20). While making the case for women's rights, Donnelly argues that women cannot be denied the right to political participation (because that would violate their human rights), but that every woman has a right to choose not to participate. The bottom-line is that the decision to not use their voice should be made by women themselves, not be denied on the basis of sex. Translating this into the situation of East Timor, however, reveals some problems with this approach. The justice system should not exclude women or the issue of gender-based violence as women have universally guaranteed rights to equal access and non-discriminatory treatment. It also ensures women and men the right to not endure sexual violence. If women choose not to report or participate in this system, should that be interpreted as a choice made by themselves or as a result of traditional gender roles and strong cultural pressures? This can never really be determined, but as the justice system works in East Timor today, even if women have a choice to raise their voices, they may not use it because they run the risk of being punished later. Thus it is important to not simply strive for reforms in legislation and the justice system per se, but also to for changes in local attitudes and understandings of human rights.

This takes us to the second approach, that of "internal validation" – the need to translate universalism into local contexts. Externally driven norms and attitudes such as universal

human rights can only take the issue so far. If the issue at stake is not translated into local familiarities, discriminatory popular beliefs, attitudes and common practice will never be challenged. Even though the external support for women's rights and gender-based violence has been far from adequate in East Timor, we also see how the problem persists at the local level. People might not be against the idea of human rights per se, but they have problems understanding how these rights are compatible with the Timorese society. Considering that the Timorese have struggled for the possibility to enjoy their own free society for decades; their unwillingness to abandon their cultural traditions might not be that difficult to understand. Timorese society values tradition and culture highly, but this should not be enjoyed at the price of women's rights. International support for women's rights needs to continue, and greater international attention needs to be given to the attempts by several women's (and men's) NGOs trying to translate the universal understanding of human rights into local practices. However, in order to succeed in a national context, the international community also needs to address the issue of women's rights more seriously, including considering gender-based violence as a human rights violation. This progress is visible on paper; we now need to see continued action in practice.

Both the strategies discussed play important roles for the protection of human rights in East Timor. The strategy of accommodation helps us understand why the universality of human rights should be the starting point and how this approach can be promoted whilst acknowledging the importance of non-discriminatory culture and tradition. By keeping the *concept* of human rights intact, the *interpretation* and *implementation* can differ between cultures, if consistent with the universal understanding of human rights. The two approaches reinforce each other. For example, internal validation can only succeed if the universality of human rights is recognized as the superior principle over cultural norms. The most relevant question for East Timor today is probably how to succeed with the internal validation of the rights discourse. International human rights standards are still alien to many Timorese and considered something that is externally imposed upon their culture in an attempt to please the international community. This shows the relevance of also highlighting the possibility for tradition, culture and universal human rights to co-

exist; something that can be achieved by allowing for non-discriminatory cultural interpretations and different modes of implementation. Tradition and culture enrich the Timorese society and should be promoted as long as group rights do not violate individual rights, in this case women's rights and their right to live with freedom from fear.

Concluding remarks

This study has explored how the issue of human rights can be understood and promoted outside of Western societies. Specifically, the aim was to analyze how human rights can be translated into local contexts in order to avoid the "ignorance of culture". Two approaches to such a development were discussed more thoroughly. In order to make it more applicable, the issue of gender-based violence during and after an armed conflict was taken as an example, applying it within the context of East Timor. The question raised was how universal human rights can help to fight the issue of gender-based violence during and after the conflict in East Timor.

East Timor is not a unique case, but when it comes to the amount of international involvement in its reconstruction, it belongs to an exclusive group. The United Nations Transitional Authority in East Timor (UNTAET) has been celebrated as a great success story. It was a peacebuilding mission more comprehensive than had ever been seen before, and it undeniably put a lot of pressure and responsibility into the hands of the international community. From the perspectives of human rights, however, the results are not pleasing. The hybrid tribunal (especially the SCU) did a remarkable job considering its limited resources, but it nonetheless failed to bring justice to the majority of the Timorese people. The ad hoc trials in Jakarta have been widely criticized for not doing a serious job (they are frequently referred to as the "mock trials") and voices have called for the establishment of a UN sponsored international tribunal similar to the ones for Rwanda and the former Yugoslavia. The CAVR report reveals some horrible stories about what happened during the years of the Indonesian occupation, but as fragile as the Timorese justice system is today, the outlook for justice is rather gloomy. A Truth and Friendship Commission was established between Indonesia and East Timor in 2005 in an

attempt to reach reconciliation between the two countries, but even though such a process is necessary, it should not overshadow the need for justice.

In order for East Timor to move forward in its transition towards a peaceful democracy and for the Timorese people to enjoy justice and fundamental rights, there is a great need to establish a functioning judicial system and improve the respect for rule of law. The relationship between the two parallel justice systems also needs to be improved, and the issue of gender-based violence must be addressed seriously. The impunity and lack of attention given to sexual violence during the conflict is a major problem, but the endemic problem of domestic violence also needs to be addressed by the justice system. Violence against women is a violation of their human rights and should be treated as such. East Timor has ratified CEDAW and several other international conventions and recognizes the importance of international human rights for its own society. This understanding should include women and women's rights as well.

The international community works from a universal approach to human rights – an approach that this study wishes to emphasize. This approach, however, is not perfect. Although progress has been made, even the universal approach to human rights still largely excludes women. During the 1990s, several improvements on this front were developed on paper, and the challenge now is their successful implementation and consolidation. In a multicultural approach, on the other hand, there is the risk that cultural practices will clash with women's strive for increased equality, leaving women particularly vulnerable to discriminatory cultural practices. Despite the problems facing the implementation of universal human rights in various local contexts, the solution is not to abandon their universality and let every culture decide which rights they believe should be implemented within their culture. Too many cultures simply ignore women's rights for this to be feasible. Women's rights face several problems within the universal discourse, as the case of gender-based violence demonstrates, but the development in the last fifteen years is nonetheless pointing in the right direction.

The expanded nature of peacebuilding has left the international community with a broadened responsibility. They now have a “responsibility to rebuild” along with a “responsibility” to prevent and react. Responsibility to rebuild includes a genuine commitment to lasting peace, protect human rights, and promote good governance and sustainable development (Boutros-Ghali 1992; *ICISS Report* 2001; Paris 2004:38). Regardless of how we choose to prioritize the issue of human rights in peacebuilding, it must be addressed during the peace process if a society should ever be able to heal and reconcile in the aftermath of conflict. In order for justice and reconciliation to be successful, however, half of the population cannot be excluded due to traditional gender roles. As women are important actors in peacebuilding and the reconstruction of war-torn societies, the issue of women’s rights cannot be neglected. Sustainable peace can help transform discriminatory values, ideologies and institutions, and can, with the help of internal validation, help to redefine “old truths”. Working out of a universal approach to human rights that is culture-sensitive to the extent that non-discriminatory culture and traditions are promoted as long as international human rights standards are not violated, and promoting internal validation together with external support, can make the universality of human rights something more than a Western attempt to “neo-colonialize” the rest of the world.

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