Women/Gender and Development in Trinidad and Tobago and Post-genocide Rwanda: Complicating Human Security, Carving out a National Gender Policy Response to Violence Against Women

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For Many Years
Man has sought his heaven in his neighbour's blood…
Heaven is not in Kigali.
What a shame what a shame what a shame what a dirty shame….

David Michael Rudder, Heaven 1997

Abstract

Trinidad and Tobago's National Gender Policy (NGP) up to the end of 2017 remains in a state of policy inertia. While the passage of the NGP is a critical space for feminist activism, the content of the policy is similarly important and must never be overlooked. The policy priorities of any given NGP establish gendered discourses among state actors, non-state actors and populations. These priorities determine the efficacy of the NGP as a necessary tool to advance gender equity and equality and they instruct on the meanings of gender within the given national policy terrain. This paper uses the NGP experience of post-genocide Rwanda, and its refusal to engage with rape as a crime against humanity as a policy priority, to explore persistent invisibilities and the challenges inherent in reconciling violence against women, with public policy making. The paper uses the backdrop of the Rwandan experience to deliberate on Trinidad and Tobago's capacity to carve out its own response to violence against women in the absence of a comprehensive NGP framework.

On 4th August 2017, over 90% of the Rwandese voting population re-elected President Paul Kagame for the third time since the Rwandan Patriotic Front (RPF) [1]leader devised a requisite response to the atrocities of the Rwandan Genocide[2] while the United Nations and the international community remained flummoxed in some cases and invested in fleeing Rwanda in other cases. Like many persons living in multi-ethnic, multi-racial societies, I am convinced that an occurrence like the Rwandan genocide is an impossibility in my country. In spite of this conviction, pre- and post-genocide Rwanda is an area of interest. I was born in, and have spent most of my life in Trinidad and Tobago, a country described as one of the most ethnically diverse territories in the Caribbean, a diversity that dates back to the nineteenth century (Brereton 2010; Trotman 2007). In the midst of Trinidad and Tobago's vociferously articulated celebration of its racial diversity, the hallmark of national identity - a marker best fêted by the words of the national anthem 'Here every creed and race finds an equal place', is not always enthusiastically subscribed to in public discourse. In Trinidad and Tobago, ethnic perceptions are political factors (Bienen (1977) in Sudama 1983: 77). Personal narratives and vitriolic expressions of identities of race and difference have been known to become loud in times of comfort in spaces of homogeneity, affinity of phenotype, anonym and most publicly, in the heat of national politics. In such spaces and times, the palatable language of unity and oneness in diversity has been known to be abandoned in exchange for more triumphalist, group-based narratives that celebrate any given mother-land above all other geographies and populations (Brereton, 2010).

It is these narratives, which are committed to the project of producing dehumanizing and isolating voices against the racial other (Thompson, 2007) in the extreme, that produce the necessary fuel for the level of violence such as that perpetrated in Rwanda in 1994. In times, when under the guise of free speech, people lay bare their expressions of group identity, loudly proclaimed in the context of buy-in to stereotypical, often damaging, representations of other ethnicities, Rwanda shifts from the background to the foreground of one's mind and the 10,000 plus kilometres between Port of Spain to Kigali conceptually

becomes a significantly shorter distance. Thankfully, although there are other narratives emanating both from Port of Spain and post-genocide Kigali, the potential for violent fallout that can be produced by unchecked public sentiment of ethnic division must be a public policy issue in any multi-ethnic country.

Violence is essentially a social construct. It is the social and cultural dimensions of violence that makes evident its power and meaning, whether it is heroic, justified, reasonable or unacceptable (Engle Merry, 2009). The human face of violence is critical to how meanings are assigned by the observer to the victim and the social context of the given event. This socio-cultural framing of violence demands a peculiar mindfulness of public policy-making in multi-ethnic societies to build peace through an expressed commitment to eliminating all forms of structural violence, often packaged in the hegemony of ordinariness, frequently overlooked as accepted norms (Ibid 5). One important aspect of this form of structural violence is gender-based violence. The intersection of gender-based violence and public policy in the form of national gender policies in Rwanda and Trinidad and Tobago is where I choose to situate my question.

A National Gender Policy could be very simply defined as a meta-plan for the integration of gender equality and equity concerns across sectors and within sectors for any given national bureaucracy. Ideally the policy should take into consideration the place of both governmental and non-governmental actors in the operationalization of this plan, analyze the ways in which different actors position themselves in the national plan towards the achievement of gender equity and equality and set out a national government's commitments and priority areas over a given time period (McFee, 2017). Although my inquiry into the Rwanda 2010 NGP is geographically distant from my Caribbean home, conceptually, I am also attempting to use the Rwandan context as a means of unpacking the practical significance of NGPs within a Trinidad and Tobago reality. That is, how does the idea of a National Gender Policy translate into a

practical tool of gender equity, equality and the elimination of gender-based violence as a development priority within these two countries?

Of particular significance to this analysis is the fact that while Rwanda has an approved National Gender Policy, recognized by the country's President for its importance in influencing equitable development, Trinidad merely has a draft document. This document that has been deliberated on since the 1980's, is yet to be finalized and agreed to by the country's Cabinet. However, in the face of this difference both countries share a historically-placed public policy challenge around gender-based violence. For Rwanda, its immediate framing of GBV emerges out of rape as a crime against humanity emerging from the 1994 genocide. Trinidad and Tobago, from the genocide of its original populations, to slavery, followed by indentureship and into the 1840's through to the 1950's, structural violence has produced a normalization of violence, particularly violence against women (Brereton, 2010) In spite of this historical grounding of violence within these two multi-ethnic states, current global governance and national advancement has seen both countries grapple with various mechanisms to advance gender equity and equality such as National Gender Policies.

Coming to the NGP

The National Gender Policy is supposed to be the public policy framework that comprehensively sets up the national conversation with women and gender and development. In the context of the development of the 2010 Rwandan National Gender Policy, a post-genocide Rwanda endeavours to address issues of human security as it broadly interfaces with gender-based violence and rape as a crime against humanity. In the case of Rwanda, the silence of the document on the issue of managing the after-effects of rape as a crime against humanity is a curious omission.

In the case of Trinidad and Tobago, the regional impetus for gender mainstreaming as a development strategy emanated from CARICOM's 3rd Plan of Action on Gender and Development, which called for gender mainstreaming to be adopted into the culture and organization of institutions, including their policy-making and planning and in public debate (Andaiye 2003). Out of this, the Cayman Islands in 2000 was the first territory to undertake the production of a National Gender Policy (McFee 2017). Subsequent to the Cayman initiative and in keeping with the desire for states within the English-speaking Caribbean[3] to fit into the larger global discourse around gender and development, a further six states engaged in the process of developing national policies on gender with varying degrees of success. These countries are Cayman Islands, Trinidad and Tobago, Dominica, British Virgin Islands, Jamaica, The Bahamas and Belize[4] (Ibid).

Pat Mohammed describes the place of national gender policies in the Caribbean as follows:

> In spite of these collisions within the State and outside of the Caribbean post-colonial State and how it positions itself as an organizer of gender equity and equality, short of the establishment of a strong national machinery on gender equity and equality, the National Gender Policy for Gender Equity and Equality remains the most integrated national level marker and the most sought after expression of national commitments to the cause of Gender equity (Mohammed 2010, 2).

In spite of the significance for countries of the Anglophone Caribbean, Trinidad and Tobago remains without a national gender policy. This is a national conundrum in a regional space where the almost deification of the National Gender Policy as a definitive marker of governments' commitments to gender justice is a persistent reality. It is in keeping the absolute importance of the National Gender Policy within the gender and development policy space regionally that I seek to explore its utility in post-genocide Rwanda. My inquiry centres on its engagement with rape as a crime against humanity, as a form of

gender-based violence, and its ability to advance a reframing of human security concerns.

Rwanda, the Genocide and Rape as a crime against Humanity

Craig Murphy describes the Rwandan Genocide as 'one of the more troubling and more widely accepted instances of the moral insufficiency of contemporary global governance' (Murphy 2002). Murphy views the Rwandan Genocide as an example of neglect by all transnational, intergovernmental and national institutions and organizations capable of making a difference at that time (Ibid). Failure of these organizations to act represents for Murphy the absence of a moral and ethical impetus, central to any study of the global polity[5]. The international legal response to the massacre of approximately 800,000 Tutsis and moderate Hutus in Rwanda was the establishment of the International Criminal Tribunal for Rwanda (ICTR) by the United Nations (UN) to prosecute crimes against humanity[6]. The ICTR was established by the UN Security Council resolution 955, passed on November 8th 1994. The Tribunal was established to prosecute persons responsible for genocide and other violations under international humanitarian law committed in Rwanda between January 1st 1994 and December 31st 1994.

Historically, conflict rape, more recently referred to as "gender crimes", are persistent facets of war. These crimes are recorded as a part of international wars, civil wars, cleansings (ethnic and otherwise) and revolutions (Haddad, 2011; McKenzie, 2010; Aroussi, 2011). Documentation on these crimes dates as far back as 1385, when Richard II of England penned rules of prohibiting wartime rape in his Articles of War. World War II produced a number of examples of such activity, a well-known example of which is the construction of the Japanese Comfort Woman as a part of war history (Haddad, 2011). The existence of these activities in international conflict has not translated easily into them being treated as crimes and, by extension, prosecutable offences in international law.

Prior to the establishment of the most recent UN ad-hoc tribunals, gender crimes have been an area of substantial inaction in international litigation[7].

Established in 1994. the ICTR as one of the UN's ad-hoc tribunals[8], has been credited and acknowledged 'for substantially advancing and giving content and meaning to international law 'as it pertains to gender crimes (Goldstone, 2008). The ICTR has been noted as contributing to international law as it relates to gender crimes in a number of ways, including the following:

- The documentation of the systematic rape and sexual assault of at least two hundred and fifty thousand 250,000 Tutsi and Hutu women as part of the genocide;

- It established standards for adjudicating cases of sexual violent crimes;

- It provided the first case in international humanitarian law where rape was found to be an act of genocide[9];

- It secured five successful convictions of rape that were not overturned on appeal;

- The Court where the first woman to be charged with genocide and the first woman charged with inciting rape as a form of genocide, former Minister of Family and Women's Affairs Mrs. Pauline Nyiramasuhuko.

Although the prosecution of gender crimes in international law is a legal advancement, how this legal advancement is translated into procedural justice in post-conflict situations remains a fundamental challenge to post-conflict reconstruction and development (Menkel-Meadow, 2002). The successful prosecution of these crimes is one aspect of the legal acceptance that they exist as offences, which need to be treated with as public offences. The prosecution of such crimes does not mean that the underlying political, social and cultural structures which rendered such crime silent and invisible to an international legal response have shifted to facilitate a public institutional response to this challenge (Ibid). An isolated legal 'coming of age'[10] of conflict gender crimes does not ensure a post-conflict reconstruction space committed to gender equity, gender equality and social justice. Such goals can only be

effectively pursued if legal gains are built upon by an expanded public policy response focused on constructing a renegotiated institutional and ideological national response to gender-based violence.

This paper uses the case of Rwanda to explore the tensions between the international legal gains as an encounter with legal justice, and the construction of a broader post conflict social justice, which seeks to treat with the challenge of long term threats to survival and human security[11] (Burke, 2013). It looks specifically at the international prosecution of rape as a crime against humanity by the ICTR and the extent to which this advancement is articulated in the Rwandan Government's post-genocide commitment to gender equity and equality, namely the National Gender Policy[12]. Using the National Gender Policy of Rwanda as a frame for the integration of gender into the development plan of the country, the paper explores the extent to which the policy pushes the boundaries of traditional state-based, militarized representations of security, towards the recognition of a more complex construct of securities (Mutimer, Grayson, & Marshall, 2013) through the engagement of sexual violence, in the form of rape, in the policy space.

The traditional silence on gender crimes in conflict situations and post-conflict reconstruction is in keeping with a notion of security that privileges the state as the centre of security. It is in keeping with an understanding that war is fought between states and factions, thereby rendering the ways in which it is experienced at the level of the individual invisible and irrelevant to post-conflict development (Haddad, 2011). In shifting beyond the state, to treat with rape as a tool of war is to undergo a fundamental shift towards addressing the personal dimensions of gender-based violence in war. The potential of this modification of international law to be reflected in the post-conflict democratization processes lies in the capacity of post-conflict policy-making to embrace the complexity and lasting impact of gender-related wartime violence (Onyinyechukwu, 2010/2011). This gender related wartime violence is both intricate and diverse, mirroring entrenched socio-cultural gendered constructions that shape how

societies are ordered, understand themselves and interface with policy-making in the wake of conflict (Ibid). It is at the interface of policy-making, gender-based violence and post-conflict reconstruction that I locate this inquiry. The national policy focus is the 2010 Rwandan National Gender Policy. The treatment of gender-based violence in this policy is used as the basis for assessing the lens and the national response to rape as a tool of warfare. Additionally, the international policy is also utilized as a means of understanding the norms of gender constructions, gender crimes and related gender-based violence in the centralizing of the individual as the centre of security.

The Peculiarities of the Rwandan Human Security Challenge and Gender Crimes

Gender crimes[13] in the context of the Rwandan genocide refer specifically to the crimes of rape and sexual violence which represented an integral feature of the 100-days experience. The United Nations Special Rapporteur on the situation of Human Rights in Rwanda has estimated that between 250,000 and 500,000 rapes occurred during the genocide (Haffajee 2006). According to reports emerging from the Special Rapporteur's Office, the occurrences of rape in Rwanda have been described as systemic, a weapon of the genocide, and a political and military tool used to target Tutsi women as a means of obliterating the Tutsi.

In her work on Rwanda's rape victims Binaifer Nowrojee[14] detailed the following:

> throughout the Rwandan genocide, widespread sexual violence, directed predominantly against Tutsi women, occurred in every prefecture (Nowrojee 1996). Every part of the Rwandan environment was a location for rape, often multiple gang-rape. Women were held individually and in groups as sexual slaves for the purposes of rape. Women were not just raped behind closed doors, they were raped on the streets, at checkpoints, in cultivated plots, in or near government offices, hospitals, churches and other public buildings. They were raped to death using sharp sticks or other objects. Their dead bodies were often left naked and spread-eagled, with nearby pools of blood and semen, in public view. The hate propaganda before and during the genocide

fueled the sexual violence by demonizing Tutsi women's sexuality and, as the Media trial judgment noted in convicting three media executives for publicly inciting to genocide, "made the sexual attack of Tutsi women a foreseeable consequence" (ICTR2003,¶118, p.27). Sexually subjugating and mutilating Tutsi women was a way to attack the ethnic group and to punish the women.

Other accounts place the minimum number of rape victims at 350,000 over the 100 days of the conflict. The victims were mainly Tutsi women and girls aged 2 to over 70 years old, targeted for rape, gang rape, sexual torture, sexual slavery and forced marriages. In many cases, perpetrators also forced victims to engage in sexual acts with family members, mutilated victims' genitalia and cut off their breasts (Zraly, Rubin-Smith, & Betancourt, 2011). Although accounts of the number of victims vary, the widespread nature of the incidents of rape during the genocide has seen the gender-based violence during the genocide become known as Collective Sexual Violence[15] (CSV) or sexual terrorism (WHO 2002). It is the widespread occurrence of these crimes coupled with the international significance of rape finally being treated with as a crime of war that makes the handling of this issue of post-genocide gender policy-making in Rwanda an important phenomenon. The ICTR was the first court to prosecute rape as a crime against humanity, the extent of the rapes makes gender-based violence a prolific feature of the lived experience of most Rwandan Tutsi women and the ways in which insecurity is experienced (Sylvester, 2010; McKenzie, 2010) in Rwandan society. The engagement or absence of engagement of gender-based crimes and their fallout provides a critical understanding into the ways in which the Rwandan government balances the security of the state against the security of its citizens. It also brings to the fore the gender transformative capacity of a parliament where 49% of its members are female. Finally, it affords an exploration of the norms under which international legal justice is able to shift from legal precedent to be consolidated into social justice (Menkel-Meadow, 2002) by being incorporated into national development by a broadening of the discourse around security of the individual.

Rape as a weapon of war, Political Representation, NGPs, Human Security and Reconstruction

To frame this inquiry I use the lens provided by the National Gender Policy (NGP) of Rwanda as a product of the parliament with the highest number of females in the world, as a bridge between international obligations around gender and as a national development framework. I am also building on the perspective of gender theorizing on peace building, which explores the ways in which post-conflict democratization tends to marginalize the concerns of women, gender and gender-based violence, in pursuit of a 'return to the peace of an imagined past' (El-Bushra, 2007; McKenzie, 2010; Aroussi, 2011; Silber, 2004). It is a significant enough statement of government intent to assess the extent and specific areas of gender slippage which informs post-conflict development thinking. The NGP is a national blueprint for the incorporation of international and regional gender equity and equality commitments into domestic legislation. It allows for an inventory of national laws and practices which may be discriminatory along lines of sex and gender. Additionally, the NGP highlights governments' priority areas for action in the short and medium term towards the elimination of gendered discrimination in a given state (McFee 2017). In the case of Rwanda post-1994, the 2010 National Gender Policy[16] is defined as follows;

> The National Gender Policy highlights principal guidelines on which sectoral policies and programmes will base to integrate gender issues in their respective social, cultural, economic and political planning and programming (Rwanda, 2010).

Policy making is inherently difficult. The NGP offers one of the most comprehensive insights into the ways in which the meaning of gender and gender analysis rooted in feminist politics (Cornwall, Harrison, & Whitehead, 2007) brings to policy making and implementation very peculiar challenges. The NGP also reflects an important element of the national political will around issues of gender equity and equality. Although the document is the product of the work of the Gender Ministry, it must be deliberated upon and approved at the

highest levels of government in order to be implemented across all sectors. Therefore, political buy-in at the parliamentary level is fundamental to its development, passage and implementation. Where this buy-in does not occur there may be policy delay, evaporation or termination (McFee 2017).

Rwanda currently ranks first in the Commonwealth with 56 per cent representation of women in its national Parliament. This high level of female representation in politics in Rwanda builds on the 2003 election when the population elected 39 women to an 80-member Chamber of Deputies. At that time Rwanda replaced Sweden as the country with the highest percentage of females in its national legislature (Burnet, 2008). The translation into real gains for women's presence in the highest political positions of power and decision-making and their ability to influence policy is a real tension in the politics of Rwanda. The existence of high numbers of females in politics in Rwanda has been heralded by the country's President and the United Nations as the dawn of 'a more peaceful, more equitable age in Rwanda' (Ibid). However, given the extent of the violence experienced in Rwanda, pivotal to assigning value to the high number of female politicians in the parliament is the ability of the government to build a gender-sensitive peace cognizant of the vulnerability of women to sexual violence in fragile states (Silber, 2004; Zraly, Rubin-Smith, & Betancourt, 2011).

This peace must be steeped in a consciousness of the ways in which collective sexual violence influences gender relations in post-conflict situations and points to how gender-based violence is positioned in the development discourse of such countries. Wartime rape is a by-product of embedded patriarchal norms laid bare during conflict (McKenzie, 2010). The process of baring these patriarchal gender norms during conflict integrates an excessively violent representation of gender-based violence throughout such a state. It must act as a point of reference for any post-conflict policy on gender and development. This emerges from the fact that both internationally and nationally, rape has been recognized as a central component of the body politic of that state.

Given the context-specific gendered policy making that shifts the post-conflict development discourse beyond the conflict/security nexus, the policy response must be located outside of conventional understanding of gender inequity and inequality. Inherent in this process is the owning of the legacy of wartime rape, an effective policy engagement of rape as a crime against humanity at the national level and the grounding of a post-conflict reconstruction, gender and development frame within the larger context of the fallout from these crimes. This response is central to addressing wartime sexual violence more efficiently within the larger context of human insecurity and the ways in which sex and gender influence experiences of wartime sexual violence (Denov, 2006).

Rwanda's NGP, Framing a National Policy Response: Locating the NGP as a tool of development

The National Gender Policy (NGP) is an innovative policy product. It is a plan that positions itself across sectors, thereby providing an integrated lens on any government's holistic development process.   Most policies are specific to a sector; the NGP, like any tool of gender and development, is a cross-cutting tool of analysis. The overall goal of the Rwandan National Gender Policy 2010 is to promote gender equality and equity in Rwanda through a clearly defined process for mainstreaming gender needs and concerns across all sectors of development (Rwanda, 2010). GBV is mentioned as a strategy in the policy in the following:

1. Increasing measures to address GBV by tackling the different influencing factors. The involvement of men in addressing GBV should be taken as key;
2. Dissemination and enforcement of GBV laws and continued revision of remaining gender discriminatory laws.

Root causes of Gender Based Violence are detailed as follows;

Gender-based violence (GBV) remains rampant despite of various measures adopted to address it. A significant number of gender discriminatory laws have been revised, although not exhaustively, but their

dissemination needs to cover the entire national territory. Different influencing factors have been identified including poverty, ignorance, consumption of alcohol, to name a few. Women are the majority among the victims of GBV and men are the majority among the perpetrators. (Rwanda, 2010)

Fighting violence against women is listed as one of the key achievements in advancing gender equality and women's empowerment in Rwanda, resulting in the following:

- Establishment of One stop centers for GBV survivors care in medical, psychosocial, legal support;

- National strategic plan on UNSC Resolution 1325 has been elaborated;

- Promulgation of law preventing and punishing Gender Based Violence;

- Enacting gender sensitive laws and reviewing existing discriminatory laws;

- Establishment of anti - GBV and child protection committees from the grassroots level to the National level;

- Gender Desk in Rwanda National Police, Rwanda Defense Force and in National Public Prosecution Authority;

- Free hotline in Rwanda National Police, Rwanda Defense Force and in and in National Public Prosecution Authority;

- A Men's association (RWAMREC) that strives to sensitize the population and eradicate gender based violence specifically violence against women (Ibid).

However some critical silences remain. There is no engagement of more recent Security Council resolutions beyond 1325[17]. The achievements are institutional responses which do not provide a measure of the functionality or efficacy of the policy recommendations. Consequently, the ensuing policy strategies are silent on the relationship between the listed achievements in the form of mechanisms, the policy areas which are the heart of the NGP and the lived experiences of

the population in their implementation. At the programming level, the NGP is silent on GBV; also, the post-conflict gender-based trauma is not mentioned in the health section of the policy. The silences in the Rwandan NGP are very relevant in assessing the NGP as a culturally-specific tool of development.

Silence on gender in broader policy making is understood as a consistent characteristic of institutions of hegemonic masculinity; they are fundamental to understanding perceived normalcy and a sense of how things are (Krosnell, 2006). This contributes to the common sense implicit of masculinity (Hutchings, 2008) that is a hallmark of conventional approaches to policy-making, which marginalize groups, particularly women, that fall beyond the construction of the 'normal'. However, the evidence of the silences on gender-based violence and war-time rape within this NGP brings to the fore more complex questions around the context of the relevance of the recommendations to the reconstruction of Rwanda, the possibilities of state transformation, and the state-centric security discourse, to ensure a sustained marginalization of women's security in the wider policy framework of the state.

Firstly, the Rwandan NGP addresses gender-based violence as a current development challenge and as an overall goal of development steeped in the principles of gender equity and gender equality. It is lodged against a background of colonial male supremacy, the need for increased female participation in decision making and the international frames of 1325, CEDAW and the Beijing Platform for Action. By establishing such a context for the addressing of GBV in Rwanda in 2010, the RPF-led government has taken an a-contextual development paradigm in which to locate its strategy. Engaging violence against women as detailed in the above mentioned documents as an obstacle to the achievement of objectives of equality, development and peace (United Nations 1996) is insufficient. This approach is helpful in providing the language around the role of states in protecting human rights and fundamental freedoms. It is silent on the nuanced security challenge of reconciling a collective sexual trauma. With the development challenges of

Rwanda at present, nowhere in the policy is the entrenched memory of the widespread sexual trauma of the 100 days addressed or used as a context to inform policy recommendations or priorities.

The Rwandan state is dealing with more than just reconciling gender-based violence and the challenge of development. The very public and systematic use of sexual violence requires an explicit public policy response to sexual violence, which in the context of Rwanda is no longer a personal or private experience. Sexual violence has become engrained in the collective consciousness of the Rwandan people and is central to the ways in which insecurity is constructed. A human security response relevant to the Rwandan experience must be cognizant of this tension that seeks to balance the objectives of policies to deal with past human rights abuses, prevent future human rights abuses and repair the damage that has been caused. The experience is compounded by the need of victims and the society as a whole to heal from the wounds inflicted upon them by the former regime and the acts of sexual violence, which often has to be traded off against the political reality in which the new government may have limited political power, and in which it may have inherited a fragile state (Sarkin, 2001).

The human security agenda is concerned with human life, human dignity, empowerment and security within not only the personal or community realm, but also in the realms of economics, food, health, environment and politics (UNDP 1994). The human security agenda in a post-1994 Rwanda requires an augmented social contract between the Rwandan state and its citizens. This contract should re-order the embedded institutional structures which reinforce systems of moral exclusion (Opotow, Gerson, & Woodside, 2005) and cleavages of insecurity within the Rwandan state and society. The Rwandan NGP is an important document in the broadening of the national agenda on rape as a crime against humanity. Rendering the societal impact of conflict rape invisible through silence in this national document to some extent invalidates

advancements made internationally in expanding mechanisms to address conflict rape.

The International Renegotiated

It is important to note that the international policy space has sought to grapple with the challenge of rape as a crime against humanity. The prosecution of rape as a crime against humanity provided more than an advancement in the practice of international law as it relates to the prosecution of gender based crimes. The legal advancement ultimately forced structures of global governance and the practice of post-conflict reconstruction and development to become overtly cognizant of the challenge of mainstreaming concerns of women and gender into larger security and development discourses and activity. The most pivotal of these developments has been the respective resolutions passed by the United Nations Security Council. These resolutions are as follows: Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1960 (2010), and 2106 (June 2013). The language, source and the meanings (Duncanson, 2009) of these resolutions are very significant in the expanded articulation of the security of war beyond the protection of the state. These resolutions position the UN Security Council beyond a need to map causes, historical impacts, weapons, civil-military outcomes of war and violence, towards an engagement of some gendered implications of human security (Sylvester, 2010).

Rwanda is unique as the first country in which rape was established as a crime against humanity. The ways in which rape as a crime against humanity becomes translated in its national space would always be of global significance in creating understanding around how post-conflict reconstruction becomes owned, and will also be a weighty component of a gender transformative, national development process. Rwanda's post-conflict NGP is a critical statement of government intent and understanding of gender norms and gender relations within its national space. The NGP, like all other policy documents, is a political statement, a negotiated representation of how the

government sees itself, its country and its plans for reconstruction post-conflict. The invisibility of conflict rape in the policy reinforces the tension between a present contextual starting point for development and an imagined peace-time 'normal' from which all countries seek to begin their policy process. It also facilitates insight into the ways in which international frames are able to take precedent over national experiences in policy making, while concurrently highlighting the difficulty of translating international legal justice pertaining to rape and gender-based violence into a national consciousness of embedded gender inequities. However, Rwanda is not alone in its refusal to compel public policy making to connect with gender inequalities consistent with every-day forms of violence that hallmark how masculinities and femininities are constructed, interact and produce gender systems.

Returning to My Caribbean Reality: Weighing Policy and Reality

CARICOM nation states have a long-standing commitment to advancing gender equity and equality in public policy. As far back as the Treaty establishing the Caribbean Community (CARICOM), signed on 4th July 1973, 'The Position of Women in Caribbean Society' was listed as an area of functional co-operation on the schedule to the Treaty (Rodney-Edwards 1999). The first regional Bureau of Women's Affairs was established in Jamaica in 1973, and in 1978 a Nutrition / Women's Desk was set up in the CARICOM Secretariat. This UNICEF-supported desk was replaced in 1980 with an independent Women's Affairs Desk, funded by the United Nations Development Programme (UNDP) (CARICOM 2005). The creation of the CARICOM Women's Desk led to the legitimizing of a regional space where ministers with responsibility for women's affairs began to meet to deliberate on those issues deemed as being issues critical to women and gender, with violence against women and, later, gender-based violence, being identified as the oldest policy priority pertaining to women and gender in the region. Model legislation around women was an early public policy deliverable of the work of the CARICOM Women's Desk, regional minister's responsible for women's affairs, Caribbean activists and scholars, all of whom formed part of the wider Caribbean Women's Movement

at the time (Rodney-Edwards 1999; CARICOM 1995; CARICOM 2005).   Model legislation specific to gender-based violence covered the following areas:

- Sexual Harassment
- Sexual Offences
- Domestic Violence (CARICOM 1995:5).

In 1991, Trinidad and Tobago was the first country to pass domestic violence legislation, expanding and building on a process which started with the Sexual Offences Bill in 1984 (Mohammed, 2015). The introduction of domestic violence legislation and its attending institutional arrangements must be understood as not simply a legal product. Like conflict rape in Rwanda, domestic violence legislation, as an act to address gender-based violence, reflects a multi-layered product born out of an interactive, at times contentious, narrative-rich, historically-placed, public policy process. Mindie Lazarus Black describes it as part of a broader process of decolonization (Lazarus-Black 2001: 288), and an act of re-gendering of the State (Lazarus-Black and Engle Merry 2003: 932).   For Tracy Robinson the passage of domestic violence legislation is part of an 'ideological project" of law reform and gender-based violence (Robinson, 2004: 9).

However, the Trinidadian domestic violence legislative experience offers another reflection of the significance of a national gender policy. In the case of Rwanda, the silencing of conflict rape and its deferral to the international is a glaring insufficiency to provide a space for unpacking national gendered realities of a post-genocide space. In the case of Trinidad and Tobago, after 26 years of a Domestic Violence Bill, our insufficiency lies in our inability to provide an NGP framework to guide sector-specific institutional failings that impinge on the efficacy of the existing legislation. Amendment of the Domestic Violence legislation is not an isolated legal act. The absence of the multi-sectoral plan that speaks to gender as a cross-cutting variable in development, severely limits the institutional adjustments required to address gender-based violence nationally, as a critical development challenge. As the approval of a National

Gender Policy appears to be an increasingly unattainable goal in Trinidad and Tobago, this reduces the likelihood that public policy will address any possible amendment of Domestic Violence legislation as a component of a broader multi-sectoral conversation.

Undeniably, the passage of law is insufficient in the management of the everyday-ness and multidimensional nature of all forms of gender-based violence in Trinidad and Tobago. The idea of the everyday-ness of forms of gender-based violence such as domestic violence draws on the work of Mindie Lazarus-Black (2007). Lazarus-Black explored how the statute's capacity to translate legal protection into de facto protection, many times is affected by unnoticed events and encounters that colour what persons perceive they are able to achieve in the name of justice (Lazarus-Black 2007).

While Rwanda is silent on this in the context of a National Gender Policy, in Trinidad and Tobago, in the absence of a NGP, we have engaged in a number of persistent cognitive shortcuts in our construction of gender-based violence. The most evident of these is our public policy perception that domestic violence is gender-based violence. I do believe critical to a relevant framing of GBV in the policy space is an unpacking of its dimensions. Intimate partner violence, rape, incest, sexual harassment are all components of one ill. The NGP is the critical multi-sectoral tool that identifies GBV within the context of sectoral responsibility and sets up a necessary conversation between the state, its population and the bureaucracy.

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[1] The RPF, is a militia started in 1980, is comprised of Rwandan exiles in Uganda, Tanzania, Burundi and Zaire in addition to Rwandans from within Rwanda (Bennet, 2008).

[2] On April 6th 1994, the plane carrying Presidents Habyarimana of Rwanda and President Nataryamira of Burundi was shot down by unknown assailants, causing the death of all the passengers. Almost instantly, consistent with the longstanding Hutu and Tutsi ethnic tensions within the region, Hutu soldiers and militias, and later civilians embarked on the killing of Tutsi civilians and members of the Rwandese Opposition. The violence quickly spread throughout Rwanda. It is estimated that over a period of 100 days more than 800,000 persons, mainly Tutsis, lost their lives (Boed, 2001)

[3] The Caribbean within the context of this paper refers to the English-speaking Caribbean, namely, the 14 members of the Caribbean Community (CARICOM). These countries share a recent political history of maintaining a British styled parliamentary democracy (Rogozinski, 1992:271) and by extension, these countries share similarly styled state machineries.

[4] Belize is the only country which has the experience of laying two National Gender Policies before its Cabinet. In 2011 it laid its update of the 2002 Policy for the consideration of its Cabinet.

[5] At the time of the genocide there was in Rwanda a United Nations Assistance Mission for Rwanda (UNAMIR). The UNAMIR was a UN military force whose mission lasted from October 1993- March 1996. Its activities were meant to aid the peace process between the Hutu-dominated Rwandese Government and the Tutsi dominated rebel force fighting the Rwandese Government at the time the Rwandan Patriotic Front (RPF). At that time of the genocide, at UN headquarters the presence of the UNAMIR in Rwanda was being deliberated on in the context of the need to justify the expenditure because 'sever conditions' were required for the renewal of its mandate. The mandate of the UNAMIR force did not permit it to intervene in the activities that became the genocide (Prunier, 2010).

[6] Crimes against humanity is defined by the Tribunal as comprising of four components; (1)the act must be inhumane in nature and character, causing great suffering, or serious injury to mental or physical health; (2) the act must be committed as part of a widespread or systematic attack; (3) the act must be committed against members of the civilian population; (4) the act must be committed on one or more discriminatory grounds, namely national, political, ethnic, racial or religious grounds (Miller, 2004)

[7] the historical prosecution of sexual assault under international criminal law has not occurred, as represented by the silence about rape at the Nuremberg and Tokyo Trials, even though cases of sexual assault were thoroughly documented. The absence of post-conflict rape prosecution mutually reinforces the ambiguity of the international criminal law about sexual assault. Sexual crimes are not clearly and explicitly demarcated in international criminal law, but are divided between different categories of abuses and crimes, such as crimes against humanity, violations of the Geneva Conventions, and most recently as a component of genocide. Both the ICTY and the ICTR have contributed significantly to the emergence of clearer definitions, reduced ambiguity and the development of standards for the adjudication of such cases (Haddad, 2011)

[8] In May 1993 the UN Security Council faced with the challenge of increasing reports of widespread war crimes being committed in the former Yugoslavia established the ad-hoc International Criminal Tribunal for the former Yugoslavia (ICTY)

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[9] In the conviction of Jean Paul Akayesu the trial chambers found that rape and other acts of sexual violence can be constituted as an infliction of 'bodily or mental harm intended to destroy the members of the Tutsi ethnic group (Haddad 2011:110). The defendant Jean Paul Akayesu was sentenced to 15 years for rape in 1998 which was upheld on appeal in 2001 (Nowrajee 2005).

[10] This legal 'coming of age' refers to the legal acknowledgement of existence that is consistent with the successful prosecution of such crime.

[11] The concept of human security is a product of a post-cold war policy and theoretical dilemma to shift understandings and the practice of security beyond a narrowly defined military-based construct if national security. Human security is seen as both an approach to the practice of security and part of a larger academic discourse that makes the individual the referent object of security (Peoples & Vaughan-Williams, 2010; Hoogensen & Rottem, 2004).

[12] A National Gender Policy (NGP) is a meta-plan for the integration of gender equality and equity concerns across sectors and within sectors of any state machinery. This plan should take into consideration the place of both governmental and non-governmental actors in its operationalization.

[13] In defining gender crimes in this context the testimony of Romeo Dillaire, former UN peacekeeping force commander in his 2004 testimony before the ICTR, spoke to seeing ' some men that were mutilated also, their genitals and the like (Nowrojee 2005:1)'. Therefore although the focus of the gender crimes in the literature tends to be women there is some limited work on the fact that there were male victims.

[14] Binaifer Nowrojee is a member of the Coalition for Women's Human Rights in Conflict Situations and a lecturer at Harvard Law School. She directs the Open Society Institute's Initiative in East Africa (OSIEA) and previously worked at Human Rights Watch. She is the author of the Human Rights Watch report, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath* (1996).

[15] Collective Sexual Violence refers to the widespread systematic use of rape in war or a pattern of sexual violence perpetrated on civilians by agents of a state, political group or politicized ethnic group (WHO 2002; Green 2004)

[16] The 2010 National Gender Policy of Rwanda is endorsed by the nation's president Mr. Paul Kagame and represents a revision of the 2004 National Gender Policy. This revision process included a number of shifts which included the following: involving men in addressing gender equity and equality challenges, an expanded presence for the private sector and a shift in the function of the Ministry of Gender and Family Promotion. The Ministry of Gender and Family Promotion, formerly focused on implementing programmes for the translation of policy into action, has now undertaken a new limited role involving design and coordination of the implementation of the policy process.

[17] It was the first formal and legal document from the United Nations Security Council that required parties in a conflict to respect women's rights and to support their participation in peace negotiations and in post-conflict reconstruction. Although 1325 is a critical resolution, more recent resolutions have actively engaged in outlining required responses to violence against women, rape as a crime against humanity and more nuanced representations of gender based violence in conflict.