



Rape, from accusation to recognition:
a crime against women, a
crime against humanity.

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We are happy to contribute to this White Paper. We offer our warm thanks to the Grand Duchess of Luxembourg, to Chekeba Hachemi – our friend and tireless fighter - and to **Stand Speak Rise Up! for allowing us to be part of this collective effort. It is a privilege to stand with those heroines who are facing war, and struggling to end conflict.**

It brings to mind the words: "hope is a little girl...carrying others...crossing past worlds[1]."

The question of rape was raised at an early stage, just after the foundation of the Mouvement de libération des femmes (MLF), co-founded by Antoinette Fouque in France in 1968. This discussion came about at the same time as questions about women's reproductive independence and control over their fertility were being raised.

The questions of rape, incest and violence – acts which are most often committed within families – were raised at the very first MLF meetings. The concept of "violence against women" (which took these abuses out of the realm of private life which is beyond the reach of the law, and into the realm of politics and law), is a creation of this movement.

It was then that the human body become a subject for political debate, and women began to be included into historical narratives. This was accompanied by raised awareness that rape is a crime specifically directed against women because they are women, thus making it a gendered crime. This gave rise to regular work within the MLF's research laboratory – "Psychoanalysis and Politics" – with the goal of identifying its structure[2].

From the very first years of the struggle, we were in a state of "permanent mobilisation against rape" through meetings, public gatherings, and through our newspapers. We carried out analyses with women from across the world. "Today, in all countries and much more than ever, we are leaving the places where they wanted to keep us. Rape is more than ever used as the weapon of war against women by a machismo that feels threatened".

All throughout those years, we denounced this violence which was relegated by the press and institutions to being rarely more than mere "miscellaneous events". This has had a real and symbolic meaning. Indeed, the horror that is revealed is only the consequence of a pre-existing political structure.

[1] Charles Péguy, *Le porche du mystère de la deuxième vertu*, 1912.

[2] Cf. l'ouvrage collectif *MLF-Psychanalyse et Politique, 50 ans de libération*, Volumes I et II, éditions des femmes-Antoinette Fouque, 2020.

« *Rape is a
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Above all, we understood that this endless violence was the state of civilisation, a universal reality. Even in what we call time of "peace", rape is a real weapon of war against women. Is it not the case that rape is the barbaric implementation of the exclusion of women which is at the heart of our democracies, both in terms of it being a symptomatic and fundamental act?

We have obtained more rights in just forty years than in 2000 years of history. From fertility control to reproductive rights, from the abolition of paternal omnipotence replaced with parental authority, from equality in professional life to equality in matrimony and ancestry, from laws against rape and violence against women to parity... Rape ceased to be an offence against "good morals" and "family honour", and became an offence against a person, leading to the creation of a body of law known as "sexual offences or assault[1]".

From 1992 onwards, all these victories contrasted with the occurrence of mass rapes during armed conflicts in Europe: the continent that was - thanks to our constant struggles - the most advanced in terms of women's rights.

The war in the former Yugoslavia was indeed a turning point. But it was not the

first time that such horrors had occurred. Until then, international law had paid little heed to sexual violence in armed conflicts. These rapes were known of but ignored, not spoken of, and even less frequently were accusations made[2]. It was as if the reality of this barbarity against half of the human race was invisible.

[1]To the point of obtaining recognition of "marital rape", which until 1990 was considered a "marital duty".

[2]Nanking, Bangladesh, Vietnam, Algeria, Gulf War, Kuwait, Sri Lanka, India...

The Women's Alliance for Democracy (AFD), alongside our friend Nina Kadic and the Tresnjevka group, got to work as early as July 1992, lifting the silence on the mass rapes being committed in Bosnia, thus at the heart of Europe. It is estimated that between 20,000 and 60,000 Bosnian women were victims of systematic rape - and in some cases forced pregnancy - as part of the Serbian strategy of "ethnic cleansing". On 10 December - World Human Rights Day - AFD launched an international appeal to have this barbaric act recognised as a crime against humanity. Antoinette Fouque sent a letter to Boutros Boutros-Ghali, Secretary General of the United Nations, urging him to include it as such in the statutes of the ad hoc tribunal which has been established.

The joint actions of NOW in the United States and AFD in France led to a decisive breakthrough. **On 25 May 1993, the UN Security Council approved the statutes of the ad hoc international criminal tribunal, considering rape to be a crime against humanity if it is committed "during an armed conflict, internal or international, against any civilian population".** Following the achievement of this victory by the women's movement, the international community took up the issue in 1994 with the ad hoc Tribunal for Rwanda. The Statute of the permanent International Criminal Court, which was created in 1998 and came into force in 2002, recognised mass rape as a "war crime, a crime against humanity and an instrument of genocide". This definition even went as far as excluding the need for a context of armed conflict.

Despite this recognition, to this day, mass rapes continue to be perpetrated and sometimes escalate. We have never ceased to campaign against these crimes.

In Mali, in 2014, we supported the first collective complaint to the International Criminal Court from 80 women and girl victims against the perpetrators of these abuses.

Today, in the Democratic Republic of Congo, it is estimated that more than 1 million women and girls have been raped over a period of more than 25 years in the name of a seemingly endless war. Alongside Tatiana Mukanire Bandalire, national coordinator of the National Movement of Survivors of Sexual Violence in the DRC, we demanded an end to these unbearable abuses. Every day, even today, more than 1,500 rapes are being committed, according to information provided by the government itself.

In Ukraine, since the beginning of a war declared by an imperialist dictator on this sovereign, independent and democratic nation, we have condemned Vladimir Putin's actions. We demonstrate every Saturday in Paris in solidarity with the Ukrainian people as the rapes inflicted by Russian soldiers multiply.

In Afghanistan, women and girls are the first victims of the takeover by the macho and misogynist Taliban, who veil women, render them invisible, exclude them from school and the workplace, lock them up in their homes and hunt down women who resist. They are in effect sentenced to a symbolic death, and this punishment could go as far as a real death.

We knew that "Women's liberation - the longest of revolutions - must expect to face the longest and bloodiest of counter-revolutions. We must be vigilant, patient, courageous, and clearly identify the risks worth taking to best achieve our aims[1]. » And it seems that today "virile protest" has become uncontrollable. How can we not see it at work in the macho, warlike, narcissistic, predatory economy that dominates the world and is tearing it apart, dragging not only women but the whole of humanity towards destruction and death?

The fight to the death for power is a male phenomenon. The logic of armed conflict is a phallic logic and "war" is indeed a matter of libido. It highlights the permanent violence done to women in peacetime, going from the domestic environment to the political space. A veritable "gynocide[2]" - a term conceptualised at an early stage by Antoinette Fouque - as a "ceaseless war against women, real, imaginary and symbolic violence; physical, social, economic, intellectual and political, it is also unconscious, pre-conscious, conscious[3]". Amartya Sen's study on the disappearance of one hundred million women from the human race has made this clear[4].

[1]A. Fouque, preface to the second edition of *Il y a deux sexes. Essais de féminologie* (1995), Gallimard, coll. "Le Débat", 2004 (revised and expanded edition), Folio n°161, 2015 (revised and expanded edition).

[2]Concept referring to the murderous war made daily to women, whether real or symbolic, and which is perpetuated in the greatest indifference.

[3]Fouque, "Geste", preface to *Dictionnaire universel des créatrices, des femmes*-Antoinette Fouque, 2013

[4]Amartya Sen, "Pourquoi un déficit de 100 millions de femmes?", Esprit n° 73 September 1991 (now estimated at 200 million).

It is a question of realising that half of humanity finds itself subjected to nothing less than a massacre. The denunciation and analysis of the resulting violence is a political act and a constant struggle. We are not satisfied with simply writing the black book of this age-old misogynistic violence, but we have sought to understand its causes in order to find solutions, to render justice to women, and to save humanity from this suicidal act it is rushing to commit.

As early as 1968, Antoinette Fouque revealed - from the heart of the MLF - that the unconscious source of misogyny is not fear, but envy: uterus envy. She identified this as the primary envy of a woman's abilities, that in other words are their matricidal, uterine function.

We must ask ourselves why there is still so much real violence. I think that if everything appears to change but nothing changes, it is because we have not reached the end, we have not deconstructed, we have not been able to disrupt the symbolic violence that is done to women. This symbolic violence can only be grasped by a movement based on reflection, on analytical questioning, of which politics is only the effect and the representation.

"I believe that what women have been reproached for since Genesis, what is envied and destroyed, and used and exploited, is this particular competence to regender humanity indefinitely and infinitely. This is the locus of primordial envy, and from where women are only tolerated in an exclusively masculine universe, throughout every civilisation." - Extract from Antoinette Fouque, *qu'est-ce qu'une femme ?* Film by Julie Bertuccelli for the Empreintes collection (CinéTévé and France Télévisions production), 2008.

Rape remains the most widespread and unpunished crime in the world today, not to mention the shame and the silence to which victims are most often condemned by their communities. In our democracies, a rape occurs every six minutes. It is the physical and cultural act on which patriarchal society is based, and which could not live without the appropriation and exploitation of women's bodies and productive strength.

When we measure the extent of violence against women, we see the importance of this issue for humanity. Nothing is more important for world progress today than the condition of women.

We have travelled the world in support of our sisters, and we know that everywhere women are resisting courageously confronting violence, extremism and discrimination in defence of human rights for all. They are the first victims of civil wars, fundamentalism and totalitarianism, but they are nevertheless the "vanguard of democratic struggle", working for their own liberation and supporting democracy with all their combative and creative strength. "Survivors - super alive rather than survivors - play a role well beyond being a victim, where they carry a triple burden, women find the energy, if they are encouraged, to become the main actors of change, into a force of making active proposals, into the beating heart of a triple dynamic of demography, development and democracy, in order to accomplish a triple revolution, of the symbolic, of

the economic, of the political"

. Fouque, preface to the second edition of *Il y a deux sexes*, op. cit.

The voice of women is the way forward for humanity.

This women's liberation movement is irreversible.

We must rely more than ever on the vital forces provided by women throughout the world: Whether it is the Femen who carry out subversive acts and conduct a struggle of affirmation against all regressive measures that overwhelm their sisters; or NiUnaMenos in Latin America which fights both for reproductive rights and against femicide; to the global #MeToo movement giving a voice to women who have been assaulted (and this as far as China with #WoYeShi), 54 years after the MLF; the baton has been taken up by the younger generation throughout the world and by the NGOs engaged in this struggle, alongside the international Survivors' Network.

"The women's movement is a continuum that cannot be stopped. At any given moment, in any place on the planet, individually or collectively, women are asserting their freedom of action and thought, fighting to maintain their progress and the achievement of their new rights" – with, at their side, men of conscience and true hearts.