# GAINS AT THE WORLD CONFERENCE ON HUMAN RIGHTS: A PERSONAL REFLECTION

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The World Conference on Human Rights, held in Vienna in June 1993, was the focus of a global campaign for women's human rights. The campaign, in which I was deeply involved, brought together women from many different countries, regions, and interest groups who were working on the issue of violence against women from a wide range of perspectives. The concept of violence within this campaign was broad-based, and included not only issues of physical violence such as rape, wife beating, female foeticide/infanticide and murder, but also issues related to violence caused and experienced by women as a consequence of economic deprivation, structural adjustment policies, environmental degradation, war, political repression, fundamentalism, racism, and extreme forms of nationalism.

In Vienna, the Women's Lobby Group was one of the strongest and most visible, as well as the best organized in terms of strategizing to achieve our objectives-mainly, to obtain a focus on women's human rights concerns in the Conference Declaration and to obtain agreement regarding the appointment of a Special Rapporteur on Violence against Women within the UN human rights system. During the conference, a petition signed by over half a million women from 124 countries calling on the gathering to "comprehensively address women's human rights at every level of its proceedings" and to "recognize gender violence... as a violation of human rights requiring immediate action" was handed over to the Chairman.

The Declaration and Program of action that emerged from the Vienna Conference was an extremely significant landmark in terms of the campaign since it stated that" the human rights of women and of the girl child are an inalienable, integral, and indivisible part of universal human rights" and that "the human rights of women should from an integral part of UN human rights activities" (UN DOC.A/CONE. 157/23).

The UN Declaration on the Elimination of Violence Against Women which was adopted by the General Assembly of the UN in the fall of 1993 went further by addressing the commission of "any act of gender-based violence...whether occurring in public or private life, " thus bringing the private would as the locus of a large proportion of women rights arena.

In 1994, the Commission on Human Rights of the UN appointed Sri Lankan lawyer Radhika Coomaraswamy as Special Rapporteur on "Violence Against Women,its Causes and Consequences". She presented her first report to the Commission at its fiftieth session in February 1995.

The intensive efforts made by women all around the world as they lobbied and campaigned for women's human rights have thus yielded concrete and tangible results. The challenge of following through on these gains and of winning our place in the international human rights arena is what engages our attention in the post-Vienna phase.

## The conceptual challenges

The recognition that violence against women constitutes a very particular and specific phenomenon, organically linked to the subordinate status of women in society, led feminists and women activists to explore and evaluate different avenues for seeking justice and redress for women who are victims of violence in modern societies. This experience led women to embark on a critical assessment of the gender biases inherent not only in the practice of law and jurisprudence but also in the very conceptualization of terms such as "equality", "right", and "justice".

It is in this context that the consideration of human rights standards as being the possible framework within which women could work towards the achievement of justice for women first became a significant focus of discussion. The coining of the slogan "women's rights are human rights" signalled the beginning of a process that has led to some serious questioning of concepts within the existing framework of international human rights as well as to a demand for rethinking the parameters of that framework.

The way in which the discussion on the human rights of women has been framed contains an explicit critique of the liberal conceptualization of the individual as a free and rational agent and as a bearer of formal rights. The feminist challenge, as articulated by Adriana Cavarero, is that "the modern concept of equality is... false in its logical foundations and homologizing in its concrete effects" (45). At the same time, feminists have also questioned the principles governing the "social" contract on which much of modern society has been modelled on the basis that it is rather, as Carole Pateman has pointed out, a "fraternal" contract which excludes women from consideration.

Another significant area of feminist theorizing in he field of rights has been around the questioning of the dichotomy of state and civil society. Special emphasis has been on the conceptualization of "Civil society", on the grounds that it fails to acknowledge the significance of the division of society into

public and private spheres and the marginalization of women that occurs as a consequences. The discussions about this have focused on the way that the division of rights into civil and political on the one hand, and economic, social, and cultural on the other hand, with an implicit prioritization of the former over the latter, has hand serious implications on women. At the same time, they have looked at the ways in which the division of the world into "public" and "private" has led to many areas of discrimination against and injustices to women being excluded from consideration in the context of international law which is primarily constructed in terms of the "public" world with the state as the main actor. As Mary Dietz has commented, this division has reinforced the idea "that certain rights are inviolable and exist in a private realm where the state cannot legitimately interfere" (4). This division has placed women who are abused and violated in the home outside the protection of international law.

Much of the feminist discourse on the concepts of rights and justice are integrally linked to concrete realities of women's activism across the globe. The campaign for women's human rights has called for a radical reconceptualization of the substance and content of terms such as "equality", "rights", and "justice" on the basis that a more inclusive and pluralistic "norm" is required. Not only for women, but for all socially disadvantaged groups, so that they may live in dignity and with respect.

The emphasis on the universality and indivisibility of human rights has also been a crucial part of the women's human rights campaign. The emergence of various forms of cultural relativism linked to religious fundamentalisms and national chauvinisms that contain a range of negative formulations of "woman" has made it more imperative than ever before for women to support the principle of universality set out in international human rights standards. At the same time, the need to focus on the "integral" nature of women's human rights has critical implications for work within the international human rights system.

## The post-Vienna experience

Since June 1993, it has become clear that unless the women's human rights campaign continues to maintain its pressure on the international community in general, and on the UN human rights system in particular, the verbal commitments made in the Vienna Declaration regarding the integration of women's concerns into the UN human rights system will remain purely at the rhetorical level. This was clearly demonstrated at the 1994 sessions of the UN human Rights Commission and Sub-Commission on Prevention of Discrimination and Protection of Minorities, where the absence of women's concerns in reports and documents submitted to these sessions was a striking feature.

Under Agenda Item 19 (1994 Sub-commission meeting), which refers to freedom of movement, to mention was made of the special difficulties faced by women whose mobility is restricted due to a variety of reasons, including cultural and social sanctions. In a Working Paper setting out a proposal for a "Comprehensive Program for the Prevention of Discrimination and Protection of Minorities" (UNDOC.E/CN.4/Sub.2/1994/36;Asbjorn Eide) there was no reference to women as being particularly vulnerable to discrimination; this is despite the fact that the paper discussed "new expression of racism, racial discrimination, intolerance and xenophobia", all of which are having a very specific and disastrous impact on women worldwide.

A document on the relationship between the enjoyment of human rights income distribution (UN DOC. E/CN.4/Sub.2/1994/21; Asbjorn Eide) did not mention women at all, although the impact of gendered power differentials on income distribution is an area on which there has been much work done in the recent past. In the report on "Human Rights and Poverty" (UN DOC. E/CN.4/Sub.2/1994/19; Leandro Despouy) there was no mention of women or of the specific ways in which women have become the poorest of the poor, again in spite of a great deal of contemporary research and study into the "feminization" of poverty.

The reference to women were set out mostly within contexts which referred to their bodies. For example, the discussion of the report on the regional seminar on "Traditional Practices Affecting the Health of Women and Children" was primarily focused on women. The Working Group on Contemporary Forms of Slavery, which covers issues related to trafficking in persons and prostitution, in their report for 1994 (UN DOC. E/CN.4/sub.2/1994/33; chaired by Ioan Maxim), referred to links between debt bondage and sexual enslavenment of women (in Brazil and Nepal). The consideration of problems created for women by factors such as early marriage and the particular problems of military sexual slavery were also included in this report. What becomes increasingly clear is that despite the rhetoric, women continue to be constituted by their bodies and by what is considered "sexual" in terms of international human rights law and standards.

At the same time, report of the Sessional Working Group on the Administration of Justice and the Question of Compensation (UN DOC.E/CN.4/Sub.2/1994/22) records a specific request by an NGO representative for information regarding the implementation of the Vienna Declaration regarding the concerns of women and children. In response, the Secretariat mentions the passage of various Resolutions and the appointment of the Special Rapporteur without giving any concrete or substantial information regarding the actual steps taken by them to integrate concerns relating to the human rights of women into the mainstream of UN system wide activity.

A Resolution on the integration of women's human rights concerns into the UN system was passed at this session of the Sub-Commission. The Resolution itself is, in my opinion, an example of the continuing neglect and insensitivity to women's human right issues within the UN system. The original text, as drafted by a number of representatives of women's NGOs, asked that the Sub Commission "consider the human rights of women and the girl child under every agenda item as

well as in all studies undertaken by the Sub-Commission". The draft was then changed to include the adjective "relevant" to describe the terms "agenda item" and "studies". Once again, we have reverted to considering only some areas of human rights abuse "relevant" to women!

Some of the report presented to the fiftieth session of the Commission on Human Rights seemed, at a cursory glance, to reflect a concern regarding gender-based specificities. Two resolutions were passed affirming the need for integration and ensuring support for the mechanism of the Special Rapporteur.

The report of the Special Rapporteur (UN DOC.E./CN.4/1995/42) is comprehensive and sets out a general frame work within which Ms. Coomaraswamy will continue to examine cases of violence against women during the coming two years. However, the focus of the report is on a narrow interpretation of "violence" in terms of what the campaign for women's human rights attempted to do throughout the Vienna process. The "causes and consequences" clause, for which many women from southern countries battled fiercely, seems to have been marginalized in the writing of the preliminary report. In addition, the issue of violence against specific groups of women who do not conform to existing "norms" regarding family-for example, lesbians and single mothers-was not placed on the agenda. There were also several controversial points in the report, both at a conceptual and practical level, in terms of references to prostitution and pornography, which need more discussion.

## What happened to the women's human rights campaign?

In part, the framing of this question stems from the fact that in the post-Vienna phase, those of us who were involved in the lobbying and campaigning for women's human rights up to Vienna have not evolved any clear agreement as to what strategies and methodologies we would adopt in order to continue working on women's human rights issues as a collectivity. As a consequence, many of us continue to work on issues related to women's human rights in our individual capacities or within our own particular groups. While this work this is very necessary and important, and in fact has provided the base on which the global campaign for women's human rights was secured, my experiences of the past months, especially in terms of observing the working of the UN human rights systems and all its various mechanisms and procedures, has led me to feel that a vacuum still exists in terms of a collective strategy to deal with issues of women's human rights at the international level. There is also no process of consultation or discussion about issues related to women's human rights that could be of common interest and could lead to collective action. This lack of a "process" can only lead to further fragmentation among us, as well as heightening mistrust regarding questions such as "who determines the agenda?"

It is in this context therefore that I want to emphasize the urgency of the need develop a more consistent strategy to influence the international community, and in particular, the UN human rights system, if we are ensure the implementation of the Vienna Declaration in a way that enhances women's capacities to the full enjoyment of their human rights, and also guarantee that the Special Rapporteur on Violence against Women has the backing she need to fulfill her mandate. At the same time, I want to urge that we, as a activists in the women's human rights campaign, need to discuss a future "Plan of Action" for the campaign. I feel it is critical to assess our role in women's movements worldwide, not only in terms of further involvement in the UN human rights system but also in terms of our involvement in the processes leading up to and beyond the World Conference on Women in Beijing in 1995.

In a way, the campaign for women's human rights served as a temporary "unifying" factor for a large number of vary disparate groups and organizations from all over the world. However, the end of the Vienna Conference demonstrated clearly that this unity was indeed a very fragile one. The divisions that emerged in Vienna on the basis of region and language have never been openly addressed up to the present. Contentious issues of power and control over decision-making processes are also perhaps partly for our reluctance to structure a post-Vienna process for the women's human rights campaign. The national, regional, and international processes of preparing for Beijing have brought further divisions in women's movements to the surface.

This indicates that we cannot embark on the process of structuring a follow-up process to Vienna and, for example, speak of setting in place certain mechanisms for monitoring and facilitating the implementation of the Vienna Declaration from a women's perspective *without* first addressing divisions and struggle for power that exist within our circles. Although our experiences show us that such a discussion of "differences" can become very divisive, it will be impossible for us to continue working together unless we have courage to take this discussion on. The challenge before us is this: we must place the discussion of difference on the agenda in an open and honest way, and must devise a strategy for dealing with differences that is positive, constructive, and conducive to collective action by women who come from a variety of backgrounds and contexts.

I feel the present moment is an opportune one in which to evaluate our experiences since Vienna and to establish a future plan of action for an on-going and systematic campaign for women's human rights. There is an urgent need to take some concrete steps towards consolidating the gains we achieved in the Vienna Conference. There are two areas which are of particular concern to me: the issue of dealing with the UN human rights system as a totality and the issue of dealing with differences among us as members of the women's human rights campaign.

Unless we as women's human rights activists continue to press our claims for inclusion and integration, neither the UN nor the mainstream human rights organizations will "give" us

our place. This is essential if we are to press ahead with maximizing the impact of our achievements.

Among the areas I feel to be critical are firstly, the need to initiate a process of consultation through which we can evolve a structure for monitoring the implementation of the Vienna Declaration in a systematic way. The form and nature of the structure, the location, the women-hours involved in this work, as well as its financial implications, are all matters that need to be discussed in detail.

Among the areas that would need to be addressed through the establishment of such a permanent structure would be: 1) methodologies and procedures for analyzing the agendas and reporting mechanisms of the UN human rights system (the Committee, the Commission and the Sub-Commission) to see where we can most effectively direct our demands regarding the protection of women's human rights; 2) development and maintenance of a network and system of coordination which will enable us to gather and disseminate information regarding abuses of women's human rights in the most efficient and effective manner; 3) linkage of such a network with the office of the Special Rapporteur on Violence against Women; 4) ensuring effective participation of representatives of women's NGOs in sessions of the UN Human Rights Committee, Commission, and Sub-Commission on a regular basis as well as ensuring submission of oral and written interventions every stage of deliberation; and 5) facilitating access to the UN human rights system for women's NGOs, including assistant in gaining accreditation and consultative status.

Secondly, we must examine methods for strengthening the links between the women's human rights campaign and other organizations and groups working in similar areas in order to develop a better mutual understanding of the possibilities for working together on women's human rights issues. Among the groups we should pay special attention to in this respect are: the Geneva-based NGOs, including assistant in gaining accreditation and consultative status.

Secondly, we must examine methods for strengthening the links between the women's human rights campaign and other organizations and groups working in similar areas in order to develop a better mutual understanding of the possibilities for working together on women's human rights issues. Among the groups we should pay special attention to in this respect are: the Geneva-based NGO Women's Committee; other women's groups and organizations that do not necessarily have a specific human rights focus but work on women's rights issues; as well as other human rights groups and organization that do not necessarily have a women's rights focus but work on human rights issues.

Thirdly, we must address the need to continue working towards the expansion of human rights standards and concepts to include the concerns not only of women but of all socially disadvantaged groups in each and every aspect of existing human rights standards, instruments, mechanisms, and treaty bodies.

The emphasis on the indivisibility and universality of human rights as well as the critique of existing standards of equality and justice that have not sufficiently challenged all forms of discrimination were significant components of the contribution we made to discussions in Vienna. As activists in the women's human rights campaign we must continue to work in the area of re-definition and reconceptualization of human rights standards and practices, including legal frameworks.

## Dealing with "differences"

Observing the processes at many of the preparatory meeting for Beijing, it seems to me that the differences within the women's movements worldwide are rapidly multiplying. While the existence of differences among us is in itself very exciting and energizing, the manifestation of these difference is divisive. This transformation of differences into is, to me, an indicator of our inability, so far, to deal with issues of identity and difference in a manner that will affirm our ability to take collective action, as women, to improve our situation.

I feel strongly that unless we begin a discussion into the ways in which difference are present, and active, in all our attempts to arrive at common bases for collective action, the meetings in Beijing and our future plans of action will be damaged in a lasting way. This discussion is no doubt a very difficult sensitive one. On the one hand it necessarily means taking into consideration the many manifestations of religious fundamentalism, xenophobia and chauvinistic nationalism, and all other forms of identity-based politics, especially with regard to their impact on the position of women. On the other hand, it means giving serious consideration to the phenomenon of the large-scale involvement and participation of women in such movements based on identity politics.

We must also, from the point of view of its implications for democratic and collective praxis, look at the ways in which differential access to power, "professional skills", and decision-making is creating discontent and divisions among women. There is no denying that things may get worse before they can get better. However, the fear of heightening those tensions and divisions that already exist must not stand in our way. It is absolutely imperative to recognize that ignoring our differences can only be destructive. Our energy must be aimed ar devising methods of dealing with and affirming differences among us in a way that leads to better understanding between us and lays stronger foundations for collective political action.

I feel the issue of differences among us should be given a priority consideration. We should look at divisive issues such as race, region, language, and sexual orientation in an open honest way.

We must examine other levels of differences among women. For example, "north/south" from the point of view of marginalization experienced by many southern women in terms of access to resources and opinion building networks, as well as from the point of view of "elite" southern women who

themselves wield inordinate power over their less-privileged "sisters" At the same time, there is a need for women in various positions of "power" due to their race, class, professional status, and so on to discuss from the point of view of their privilege and their readiness to "surrender" those privileges.

The specific issues of divergent attitudes and approaches towards working within the UN system, towards professionalization and alienation from the community as a consequence of professionalization also need to be addressed.

Working out how to "build in" every activity in Beijing the discussion of differences is also crucial. If we are to make a correct assessment of the possibility of dealing with the issue of differences when we bring it up ourselves and when we are forced to confront is as raised by others, we must take into consideration the geo-political context of China and Asia, where the conference is being held. It is important to understand the reality that the suppression of any discussion of "differences" that are seen to be problematic may be a part of "official" strategies for Beijing.

In this context I feel it is critical to develop a code of conduct to guide our responses and behaviour in situations where highly "politicized" issues such as that of "self-determination" for minority?indigenous communities are raised or where women representing fundamentalist perspectives put forward their views. The human rights framework may be useful in constructing a basis of mutual respect and reciprocity on which this code of conduct could developed. This could be both in terms of resolving conflicts as well as in structuring space which allows every person the right speak and to be without experiencing prejudice and discrimination and which permits the voicing of different and diverse opinions in an environment of respect.

Through discussions, we should try to identify areas of potential conflict and evolve collective and democratic strategies for dealing with conflicts *when* they arise. (I hope you realize I am not saying *if* they arise, since I am writing this on the basis of my conviction that the conflicts *will* arise and need not necessarily be negative!).

We should also develop a strategy for dealing with media and media personnel, especially in Beijing, since past experience has shown how conflicts between women are more often than not sensationalized blown out of proportion and used against us in a variety of ways.

## Post-script

This piece was written largely as a very personal reflection addressed to my friend in the Global Campaign. The thoughts and ideas contained in it are, therefore, all my own and I bear full responsibility for them. I should say that I have had many second thoughts regarding this exercise. I know very well that no matter how careful I have tried to be, some reactions to these reflections may be extreme. also know that I may have touched on many potentially "dangerous" and sensitive issues, firstly in speaking of the need to "institutionalize" the women's human rights campaign to some extent, and secondly, in speaking of our "differences," I was prompted to set this out on paper mainly because of my genuine fear that failing to begin engaging in this discussion would have disastrous consequences for the work that many of us are involved. I strongly believe that basis of trust and understanding between us that has been built up in the course of preparing for Vienna can provide us with the possibility to take an open and honest view on these problems.

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**"Any society that would trade a little liberty to gain a little safety, will deserve neither and lose both".**

**Thomas Jefferson writing to James Madison on the proposed Bill of Rights, 1776**