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CHAPTER 1

How Women's Rights Became Human Rights

By Charlotte Bunch

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The first mobilizing tool for what became the Global Campaign for Women's Human Rights was a short but groundbreaking 1991 petition to the United Nations World Conference on Human Rights to be held in Vienna in 1993, that asserted, "Violence against women violates human rights," and went on to read:

"The Universal Declaration of Human Rights protects everyone "without distinction of any kind such as race, colour, sex, language...or other status" (art 2). Furthermore, everyone has the right to life, liberty, security of person (art. 3) and "no one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment" (art 5). Therefore, we, the undersigned call upon the 1993 UN World Conference on Human Rights to comprehensively address women's human rights at every level of its proceedings. We demand that gender violence, a universal phenomenon which takes many forms across culture, race and class, be recognized as a violation of human rights requiring immediate action."¹

These simple but powerful words touched a nerve, and helped to spark a movement that was revolutionary in its consequences for women. When the agenda for the Vienna conference was first drawn up, women and gender were nowhere to be found on it, and violence against women was not contemplated as a human rights concern. But by the time the petition was presented on the floor at the world conference less than two years later, women's rights had become a central theme. The petition had been translated into 23 languages, was sponsored by more than 1,000

¹ The petition was launched as the first action of the 16 Days of Activism Against Gender Violence annual Campaign (November 25-December 10) which came out of the first Women's Global Leadership Institute organized by the Center for Women's Global Leadership in 1991.

organizations in 124 countries and had garnered half a million signatures including thumb prints from illiterate women – bearing witness to the truth it spoke.

In a pre-internet era, the rapid movement of the petition by hand, snail mail, or for a privileged few on their sparkling new fax machines reflected the emergence of the women's movement as a global political force. But the petition was not just to be signed. It was an organizing tool for feminists to provoke a discussion of why human rights were not already systematically seen as including women's rights, and gender based violence in particular, and to mobilize women around the world to make their voices heard.

Global Feminism Meets Human Rights

Framing women's rights in terms of human rights, as expressed by the phrase "women's rights are human rights," was an idea and a movement whose time had come. Like many good ideas, it came simultaneously from more than one source, but it began to bubble to the surface in the context of the global feminist movement of the 1980's. This was a formative time for me and many other feminists in our development as women's *human* rights activists.

During the United Nations Second World Conference on Women in Copenhagen in 1980, I organized a small section of the NGO Forum on International Feminist Networking, sponsored by the International Women's Tribune Centre and ISIS International. While the Copenhagen conference became known for its heated exchanges between women from the North and South, most of our sessions on violence against women led to eagerly exchanged stories, tears and laughter, with participants intently listening and learning across these divides. Violence against women existed everywhere – no country was really "developed" when it came to this question, nor thought they had all the answers. The similarity in the problems, social attitudes and feminist strategies was striking - even while the manifestations of violence varied as they intersected with the particulars of culture, race, class or other factors.

Beginning with this experience in Copenhagen, I came to see violence against women as a cross-cultural issue that women could work on together, and soon after, I co-organized a global feminist workshop on traffic in women in the Netherlands in 1983. While discussing what could be done about the traffic in women from Asia to Europe/USA for various forms of sexual slavery, we asked why they could not get refugee status in the countries where they landed? Why had Bangladeshi women raped in the independence war with Pakistan in the 1970's not been offered asylum elsewhere? An insightful paper presented by Ximena Bunster, a Chilean anthropologist, on the sexual torture of women political prisoners in the dirty wars of Latin America asked why this abuse had not been visible as part of the dynamic human rights struggle there. We began to see the gendered exclusion of women's experiences from the human rights agenda as part of the answer.

By the Third UN World Conference on Women in Nairobi in 1985, many issues of gender-based persecution and violence against women were raised at both the governmental conference and the NGO Forum. Domestic violence, sex tourism, forced prostitution and female genital mutilation, among others, were discussed but not yet presented as matters of human rights. The Nairobi Conference was particularly important as the place where feminists from the global South became more visible as leaders of the women's movement and began to exert more influence over its direction.

Regional women's conferences and organizations flowered as well as international feminist networking in the 80's around a number of issues – from women in development to health, trafficking, and violence. In Latin America and parts of Asia which had known significant national human rights struggles, feminists began to try to link women's and human rights issues.

From stuffy UN meeting rooms to peace tents and regional gatherings in classrooms, feminists were looking for ways to hold governments more responsible for the plight of women, as well as for more effective mechanisms to lift violations of women out of the shadows of the private and community sphere. Turning toward human rights as a framework for thinking about this and seeking to work with human rights groups as allies, came naturally for many who had come from and/or supported other human rights struggles. The urgency of why women's rights were not seen as human rights issues grew into a determination among us to change that through applying feminist theory to human rights. We also challenged mainstream human rights organizations to address women's rights and violence against women in particular.

A deeper exploration of this became possible for me at Rutgers University in 1987 when, as a visiting scholar, I led a seminar on Global Feminism and Human Rights. I discovered activists and scholars around the world who were eager to, or already, talking about human rights in relation to women's issues. For example, one women's organization in the UK had published a provocative version of the Universal Declaration of Human Rights using female pronouns.

In this exploration of feminist approaches to human rights, I first remember hearing the expression "Women's Rights are Human Rights" as a campaign launched in 1988 in the Philippines by GABRIELA, a women's coalition that emerged out of the anti-Marcos struggles. It immediately clicked with me as a succinct way of expressing what many of us were saying. I felt it symbolized being pro-active and making the case for women's rights in terms of human rights law, concepts and practices, instead of asking permission from others to include us. When the Center for Women's Global Leadership (CWGL) was founded at Rutgers in 1989, we decided to further develop and popularize this approach. Women's leadership for and feminist perspectives on human rights and violence against women became the themes of our Women's Global Leadership Institutes which began in 1991.

The Vienna World Conference on Human Rights

In the early 1990's, a number of events, campaigns, and articles looking at women's human rights emerged in academic and human rights contexts, as well as among feminist groups, like CWGL. Women's caucuses formed within human rights organizations like Amnesty International and Human Rights Watch established its own Women's Rights division to research global abuses against women and girls in the context of international law.

Such activities laid the ground work for women's organizing around the Second World Conference on Human Rights in Vienna in 1993. Held at the end of the Cold War, it was a time when new thinking about human rights outside of that box became more possible, and it proved to be the turning point in global acceptance of women's rights as human rights. Women from the global South and North organized together for Vienna and also worked across sectors – our caucuses included not only women from the feminist movement but also women working inside human rights organizations, in UN bodies and on government delegations.

The petition calling on the Vienna Conference to address women's rights circulated widely among feminists and became a vehicle for informing women about the conference and the preparatory activities for it. Women activists at the local and regional level met to define issues they wanted on the agenda in Vienna, lobbied both governments and mainstream human rights groups nationally and at the UN regional preparatory meetings in Tunis, San Jose, and Bangkok. For example, Latin American feminists held a parallel event (La Nuestra) just before the regional meeting where they prepared a 19 point agenda for advocacy at it. Women in Law and Development Africa organized a series of sub-regional meetings where women contributed to a regional women's paper for the preparatory meeting in Tunis. Similarly, women caucused and lobbied both governments and NGOs at the International Preparatory meetings, demanding and drafting text to insure inclusion of women's rights and to address violence in particular.

Building on the human rights tradition of giving testimony to violations, the Global Campaign for Women's Human Rights (coordinated by CWGL) organized a Global Tribunal on Violations of Women's Human Rights as part of the civil society activities in Vienna. Feminist organizations in each region selected the cases they wanted to highlight, and the Tribunal included testimony from 33 women from all over the globe. It covered a wide range of issues from domestic violence to rape in war, from trafficking to bodily integrity and the abuse of migrant women to political persecution of lesbians. This riveting daylong event exposed concrete and vivid personal examples of the consequences of the violation of women's rights, demonstrating in graphic terms that being female can be life-threatening and often constitutes not only inhuman and degrading treatment but also torture, terrorism, and slavery. It provided meat for the bones of the language women sought to introduce in the official document.

The Inter-governmental conference negotiations in Vienna often divided North and South and broke down completely several times – particularly over development and socio-economic rights. Meanwhile, the issue of women's rights which had been brought to governments by women from within their own countries and at all the regional meetings emerged as an area where there were few disagreements by region; the text on this issue came to the conference almost free of brackets. Language adopted in the Vienna Declaration affirmed: "The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights" and went on to name gender-based violence as an abuse to be eliminated. It may sound logical – even undeniable—today, but the change in conceptual and policy direction this represented was enormous. The far reaching implications of these changes were probably only barely imagined by the governments who adopted it and not even fully by those of us advocating for it at the time.

After Vienna: Cairo, Beijing and Gender Integration

The Global Campaign for Women's Human Rights continued after Vienna organizing human rights caucuses and global hearings at both the International Conference on Population and Development (ICPD) in Cairo in 1994 and at the UN World Summit for Social Development in Copenhagen in 1995. The language adopted in Vienna contributed to framing women's health, reproductive and sexual rights as human rights at the ICPD in Cairo. This shift in the UN's work on population put women at the center of the discussion and continues to guide the work not only of the UN but also of other players, funders and governments in this arena. It has also attracted some of the most heated controversies and determined backlash against women's rights.

Perhaps most important for broadening and advancing women's rights as human rights was the Fourth UN World Conference on Women held in 1995 in Beijing. The Global Campaign organized another Tribunal at the NGO Forum there and continued to circulate the Vienna petition – this time asking the UN to report on its efforts to advance women's rights as human rights since Vienna, and aimed at bringing a human rights frame to all the issues of the Beijing Conference. First Lady Hillary Clinton's adoption and promotion of the phrase "women's rights are human rights" in Beijing also legitimized it and galvanized media attention to the issue. The Platform for Action adopted by governments in Beijing included a chapter on Human Rights and one on Violence Against Women, but it also served as a manifesto of women's human rights in a wide range of areas from health to poverty and education to equality in political participation.

Framing women's rights as human rights emerged from Vienna, Cairo, and Beijing to become the prevailing global approach to women's issues and empowerment, particularly in the context of the UN. This energized the feminist movement and connected it more to human rights groups as well as to the UN and governments. Women's issues moved from being seen as lamentable (read "inevitable") problems to being the responsibility of governments which would be held accountable for redressing them, as well as for taking positive measures to realize them as rights. An explosion of activity followed in the 1990's as women's groups and human rights organizations began to document abuses and demand changes on a wide range of issues, such as those covered in this book. It also led donors, the media, governments, the UN and other international agencies to respond with greater resources, new laws and mechanisms, and more attention to women's concerns.

Greater interest from the women's human rights movement also revitalized the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its treaty-monitoring committee as the legal instruments spelling out those rights and what governments should do to realize them. Civil society organizations sought to use CEDAW more legally and to do shadow reports that monitored government's accountability to it. Standard setting on women's human rights intensified and new instruments for addressing them were created from the UN Declaration on the Elimination of Violence Against Women and the Special Rapporteur on Violence Against Women, its Causes and Consequences to a number of regional rapporteurs and measures on women's rights.

The Vienna, Cairo and Beijing processes also spawned a commitment from the UN, some governments and many human rights organizations to gender integration into the rest of their work. While the experience of gender "mainstreaming" remains incomplete and even controversial, especially when it is done superficially, it is a critical process for integrating gender and the concerns of women into all fields. In human rights, this has led to an ever expanding body of work on gender in areas like refugees and asylum, socioeconomic rights, torture, armed conflict and transitional justice for example.

Among the most significant successes of gender integration was the inclusion of gender-based persecution and sexual violence - as well as other gender specific procedures - in the Rome Statute that created the International Criminal Court (ICC). This resulted in new opportunities to prosecute crimes like rape in war as well as the ICC becoming the only global judicial body with gender parity among its judges. In 2000, the UN Security Council adopted its first women specific Resolution (1325) on Women, Peace and Security – addressing violence against women in armed conflict and the role of women in peace keeping.

The New Century

After a decade of considerable progress on recognition and adoption of measures around women's human rights, the new century brought ever growing signs of backlash against these gains. As advocates sought to realize and make concrete the UN's agreements on women's rights, the problem of implementing them in the face of long standing patriarchal structures and attitudes proved challenging. At the UN's five year review of the Beijing Platform for Action in 2000, a number of governments sought to weaken its clarion call on women's rights as human rights, especially around women's sexual and reproductive rights. This effort did not succeed, but it detracted attention away from movement forward on the difficult task of implementation.

Such backlash was fueled by religious fundamentalisms in various regions that grew stronger as a result of uncertainty caused by rapid gender changes and the dislocations of globalization. Fundamentalist groups often center on controlling women, using cultural arguments against women's rights. The advent of 9/11 and the US government's pursuit of war in the Middle East, with undertones of the "clash of civilizations," increased polarization in the geo-political context of the world, including at the UN, which has often made it more difficult to advance women's human rights claims.

Nevertheless, an impressive array of global reports and policy recommendations from the World Bank and other key actors highlight evidence of the centrality of women's issues to development and social stability. A country's prosperity seems clearly to rest on improvements in women's status – an often noted fact, yet one that few governments have taken seriously in terms of real economic investment and political will. One significant advance in this direction in 2010 was the creation of UN Women, a stronger consolidated UN body meant to serve as an international vehicle for greater efforts to advance gender equity and women's empowerment as key to global progress. Yet for all its potential and the attention given its creation, donors have thus far failed to respond with the kind of investment needed to make it a success.

Addressing the growing gap between women whose economic and personal status has improved as a result of gains for women and those who have been left behind is another urgent challenge today. The gap between rich and poor, connected and powerless, has widened over the past two decades among men as well as women, but the gap between women has grown more dramatically as some have advanced and others become even more marginal to the world economy. UN Women's 2011 Report on *Progress of the World's Women*, focused on "Access to Justice" – which is essential to realizing human rights – shows clearly that justice is still a distant dream for most women. When it comes to violence against women in particular, impunity still rules and justice is denied.

Significant – potentially revolutionary - advances have been made in awareness, recognition, and standard setting around women's rights as human rights. Yet, all too often in the past decade, women's advocates have found themselves needing to focus on defending previous gains rather than advancing on the difficult tasks of implementing these rights. One central issue that has emerged out of this decade is the backlash and violence experienced by women human rights defenders – females working on any issue of human rights as well as by women and men who advocate for women's and sexual rights in particular.

Women human rights defenders often face gender specific abuse in addition to the threats all defenders face, especially if they are seen as defying societal norms. This can take many forms: sexual violence and harassment, familial pressures and threats to their children, name calling and

sexuality baiting or other attacks on their reputation in the community or work place. Increasing numbers of women activists have been murdered or driven out of their communities for their defense of women's rights from Colombia to Nepal to South Africa and Mexico. Measures to combat these violations include documentation of gender specific forms of abuse, attention to why women activists are often invisible internationally, awards and other educational efforts to make them visible, monitoring trials and other conflict situations, legal, medical and psychosocial counseling, safe houses and hot lines, protective accompaniment, relocation programs that take account of children, as well as demands on state and non-state actors doing the violating.²

Despite all the challenges that remain, women keep showing extraordinary, and often unexpected, courage and creativity in demanding their rights and seeking to create a better world. From the veiled women demonstrating against their government on the streets of Yemen in the Arab spring to topless Ukrainian feminists in bridal veils in the Feb. snow protesting against the mail order bride business to Mexican women standing up drug kingpins to an untold number of other examples, women are responding to the new challenges of the day.

New technologies have spread ideas of change rapidly and young women have played key roles in the revolutions of the past year and are poised to be key actors and potential leaders in movements for change as well as governments in the near future. For a field that has only really existed for two decades, the spirit and vitality of women's human rights is alive. As the chapters in this book attest – there are many problems but there is also an ever widening number of actors – men as well as women, seeking state and global accountability for women's human rights. This engagement with new and old challenges and with new actors and seeking new remedies should lead to another decade of discovery and recognition in the work for women's rights as human rights and the realization of human rights for all.

² The Women Human Rights Defenders International Coalition formed in 2005 has produced a number of useful publications addressing this issue available from the website: www.defendingwomen-defendingrights.org and www.awid.org.