

# Women's Human Rights: An Introduction

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## Introduction

The term "women's human rights" and the set of practices that accompanies its use are the continuously evolving product of an international movement to improve the status of women. In the 1980s and 1990s, women's movements around the world formed networks and coalitions to give greater visibility both to the problems that women face every day and to the centrality of women's experiences in economic, social, political and environmental issues. In the evolution of what is becoming a global women's movement, the term "women's human rights" has served as a locus for praxis, that is, for the development of political strategies shaped by the interaction between analytical insights and concrete political practices. Further, the critical tools, the concerted activism, and the broad-based international networks that have grown up around movements for women's human rights have become a vehicle for women to develop the political skills necessary for the twenty-first century.

The concept of women's human rights owes its success and the proliferation of its use to the fact that it is simultaneously prosaic and revolutionary. On the one hand, the idea of women's human rights makes common sense. It declares, quite simply, that as human beings women have human rights. Anyone would find her or himself hard-pressed to publicly make and defend the contrary argument that women are not human. So in many ways, the claim that women have human rights seems quite ordinary. On the other hand, "women's human rights" is a revolutionary notion. This radical reclamation of humanity and the corollary insistence that women's rights are human rights have profound transformative potential. The incorporation of women's perspectives and lives into human rights standards and practice forces recognition of the dismal failure of countries worldwide to accord women the human dignity and respect that they deserve—simply as human beings. A woman's human rights framework equips women with a way to define, analyze, and articulate their experiences of violence, degradation, and marginality. Finally, and very importantly, the idea of women's human rights provides a common framework for developing a vast array of visions and concrete strategies for change.

## A Short History of Human Rights

The *Universal Declaration of Human Rights* adopted by the United Nations General Assembly in 1948 outlines what is considered in this century to be the fundamental consensus on the human rights of all people in relation to such matters as security of person, slavery, torture, protection of the law, freedom of movement & speech, religion, and assembly, and rights to social security, work, health, education, culture, & citizenship. It clearly stipulates that these human rights apply to all equally "without distinction of any kind such as race, color, sex, language... or other status" (Art.2). Obviously, then, the human rights delineated by the Universal Declaration are to be understood as applying to women. However, tradition, prejudice, social, economic and political interests have combined to exclude women from prevailing definitions of "general" human rights and to relegate women to secondary and/or "special interest" status within human rights considerations. This marginalisation of women in the world of human rights has been a reflection of gender inequity in the world at large and has also had a formidable impact on women's lives. It has contributed to the perpetuation, and indeed the condoning, of women's subordinate status. It has limited the scope of what was seen as governmental responsibility, and thus has made the process of seeking redress for human rights violations disproportionately difficult for women and in many cases outright impossible.

The division between the so-called "public" has compounded the difficulties posed by women's peripheral status within international human rights mechanisms and organizations and "private" spheres prevalent in so many societies. The pervasive division of life into "public" and "private" spheres has its roots in the desire to limit the jurisdiction of the government. In

many countries, this has meant that what individuals do in the "public" sphere is subject to regulation, while activities taking place in the "private" sphere are thought to be exempt from governmental scrutiny. Since this "public" sphere is seen as the focus of interaction between state actors and citizens, abuses of that relationship have been the focus of international human rights advocacy. Of course, the status of citizen has often been exclusionary, formally or informally entailing gender, racial and socio-economic bias and privileges. Thus, for those citizens-primarily men-who predominate in public and governmental realms and who enjoy gender, racial and economic privilege, the issues of primary concern have tended to be those abuses to which they are most vulnerable-abuses of civil and political aspects of human rights such as the violation of the right to speech, arbitrary detention, torture during imprisonment, and summary execution.

While women have been able to invoke international human rights machinery when they have found themselves in such situations, some of their specifically gender experiences of such human rights abuse-for example, rape in detention-have not been visible within the prevailing definitions of abuse. This is because women have traditionally been relegated to the "private" sphere of the home and family; the typical citizen has been portrayed as male, and thus the dominant notions of human rights abuse have implicitly had a man as their archetype. A major effect of the gender nature of the public/private split is that human rights violations of women that occur between "private" individuals have been made invisible and deemed to be beyond the purview of the state. It is particularly important to note that gender is a significant factor in the decisions of governments to intervene in the so-called private sphere to prosecute human rights violations. For example, many activities that take place in the private sphere, such as murder between siblings or the systematic enslavement African peoples in the Americas, are subject to government censure internationally. However, governments overlook much of what happens to women at the hands of men and male family members, for example domestic violence or confinement, even when there are laws against such abuse. Thus, abuses done to women in the name of family, religion, and culture have been hidden by the sanctity of the so-called private sphere, and perpetrators of such human rights violations have enjoyed immunity from accountability for their actions.

The historical emphasis on human rights abuses in the public sphere and the concomitant neglect of the human rights of women were exacerbated by the politics of the Cold War. The United Nations' human rights treaties and mechanisms developed after the horrors of World War II and consolidated during the Cold War. The purpose of many human rights organizations that developed along with them was to monitor the treatment of citizens by their governments and to ensure respect for citizens' human rights as they worked for democratic governance. As positions polarized during the Cold War, western governments attributed priority to civil and political rights, which they believed were integral to a prosperous free market economy. Meanwhile, the socio-economic rights to work, shelter, and health, for example, became identified with the socialist bloc and were thus suspect to many in the West. Thus, human rights bodies dominated by western conceptions of human rights priorities, focused on violations within the civil and political realm-the "public" sphere. So, in addition to the obstacles for women posed by the split between so-called public and private spheres, the predominance of civil and political rights within human rights organizations eclipsed the ways in which women often do not enjoy the social and economic conditions that make possible the exercise of civil and political rights and participation in public life.

### **The Concept of Women's Human Rights**

During the United Nations Decade for Women (1976-1985), women from many geographical, racial, religious, cultural, and class backgrounds took up organizing to improve the status of women. The United Nations-sponsored women's conferences, which took place in Mexico City in 1975, Copenhagen in 1980, and Nairobi in 1985, were convened to evaluate the status of women and to formulate strategies for women's advancement. These conferences were critical venues at which women came together, debated their differences and discovered their commonalities, and gradually began learning to bridge differences to create a global movement. In the late eighties and early nineties, women in diverse countries took up the

human rights framework and began developing the analytic and political tools that together constitute the ideas and practices of women's human rights.

Taking up the human rights framework has involved a double shift in thinking about human rights and talking about women's lives. Put quite simply, it has entailed examining the human rights framework through a gender lens, and describing women's lives through a human rights framework. In looking at the human rights framework from women's perspectives, women have shown how current human rights definitions and practices fail to account for the ways in which already recognized human rights abuses often affect women differently because of their gender. This approach acknowledges the importance of the existing concepts and activities, but also points out that there are dimensions within these received definitions that are gender-specific and that need to be addressed if the mechanisms, programs, and the human rights framework itself are to include and reflect the experiences of the female half of the world's population.

When people utilize the human rights framework to articulate the vast array of human rights abuses that women face, they bring clarifying analyses and powerful tools to bear on women's experiences. This strategy has been pivotal in efforts to draw attention to human rights that are specific to women that heretofore have been seen as women's rights but not recognized as "human" rights. Take, for example, the issue of violence against women. The Universal Declaration states: "No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment." This formulation provides a vocabulary for women to define and articulate experiences of violence such as rape, sexual terrorism and domestic violence as violations of the human right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment. The recognition of such issues as human rights abuses raises the level of expectation about what can and should be done about them. This definition of violence against women in terms of human rights establishes unequivocally that states are responsible for such abuse. It also raises questions about how to hold governments accountable for their indifference in such situations and what sorts of mechanisms are needed to expedite the process of redress.

### **Applying the Human Rights Framework to Women**

The *Universal Declaration of Human Rights* defines human rights as universal, inalienable, and indivisible. In unison, these defining characteristics are tremendously important for women's human rights. The universality of human rights means that human rights apply to every single person by virtue of their humanity; this also means that human rights apply to everyone equally, for everyone is equal in simply being human. In many ways, this universality theme may seem patently obvious, but its egalitarian premise has a radical edge. By invoking the universality of human rights, women have demanded that their very humanity be acknowledged. That acknowledgement and the concomitant recognition of women as bearers of human rights-mandates the incorporation of women and gender perspectives into all of the ideas and institutions that are already committed to the promotion and protection of human rights. The idea that human rights are universal also challenges the contention that the human rights of women can be limited by culturally specific definitions of what count as human rights and of women's role in society.

The idea of human rights as inalienable means that it is impossible for anyone to abdicate her human rights, even if she wanted to, since every person is accorded those rights by virtue of being human. It also means that no person or group of persons can deprive another individual of her or his human rights. Thus, for example, debts incurred by migrant workers or by women caught up in sex trafficking can never justify indentured servitude (slavery), or the deprivation of food, of freedom of movement, or of compensation. The idea of inalienable rights means that human rights cannot be sold, ransomed, or forfeited for any reason. The idea of inalienability has also been important in negotiations over the priority given to social, religious and cultural practices in relation to human rights. For decades, work to transform practices which are physically or psychologically damaging to women and that have often been "protected" under the rubric of religion, tradition or culture has been particularly difficult, given both the integrity of culture guaranteed by the *Universal Declaration* and the history of

Northern domination in much of the world. Thus it was important that both the *Vienna Declaration and Programs of Action* from the World Conference on Human Rights held in Vienna in 1993, and the United Nations *Declaration Against Violence Against Women* passed by the General Assembly the same year, affirmed that in cases of conflict between women's human rights and cultural or religious practices, the human rights of women must prevail.

The indivisibility of human rights means that none of the rights that are considered to be fundamental human rights is more important than any of the others more specifically, that they are inter-related. Human rights encompass civil, political, social, economic and cultural facets of human existence; the indivisibility premise highlights that the ability of people to live their lives in dignity and to exercise their human rights fully depends upon the recognition that these aspects are all interdependent. The fact that human rights are indivisible is important for women, since their civil and political rights historically have been compromised by their economic status, by social and cultural limitations placed on their activities, and by the ever-present threat of violence that often constitutes an insurmountable obstacle to women's participation in public and political life. The idea of indivisibility has provided women with a common framework through which to emphasize the complexity of the challenges they face, and to highlight the necessity of including women and gender conscious perspectives in the development and implementation of policy. By calling upon the indivisibility of women's human rights, women have rejected a human rights hierarchy, which places either political or civil rights or socio-economic rights as primary. Instead, women have charged that political stability cannot be realized unless women's social and economic rights are also addressed; that sustainable development is impossible without the simultaneous respect for, and incorporation into the policy process of women's cultural and social roles in the daily reproduction of life; and that social equity cannot be generated without economic justice and women's participation in all levels of political decision-making.

### **The Movement for Women's Human Rights**

The term "women's human rights" does not refer simply to the theoretical approaches that women have used to transform human rights concepts, programs and agendas. In addition to being instrumental in the formulation of the conceptual challenges and demands levied by women, the idea of women's human rights has had immense impact as a tool for political activism. The concept of women's human rights has opened the way for women around the world to ask hard questions about the official inattention and general indifference to the widespread discrimination and violence that women experience everyday. Whether used in political lobbying, in legal cases, in grassroots mobilization, or in broad-based educational efforts, the idea of women's human rights has been a rallying point for women across many boundaries and has facilitated the creation of collaborative strategies for promoting and protecting the human rights of women.

While women have raised questions for a long time about why their rights are seen as ancillary to human rights, a coordinated effort to change this attitude using a human rights framework gained particular momentum in the early part of the 1990s. The opening of space for new debates afforded by the end of the Cold War facilitated the exchange of ideas and experiences among women around the world that led to strategizing about how to make women's human rights perspectives more visible. As women's activities developed globally during and following the United Nations' Decade for Women, more and more women raised the question of why "women's rights" and women's lives have been deemed secondary to the "human rights" and lives of men. Over the past decade, a movement around women's human rights has emerged to challenge limited notions of human rights, and it has focused particularly on violence against women as a prime example of the bias against women in human rights practice and theory.

The United Nations World Conference on Human Rights held in Vienna in 1993 was the first such meeting since 1968, and it became a natural vehicle to highlight the new visions of human rights thinking and practice being developed by women. Its initial call did not mention women nor did it recognize any gender-specific aspects of human rights in its proposed agenda. Since the conference represented an historic reassessment of the status of human rights, it became the unifying public focus of a worldwide Global Campaign for Women's

Human Rights—a broad and loose international collaborative effort to advance women's human rights. The campaign launched a petition calling upon the World Conference "to comprehensively address women's human rights at every level of its proceedings" and to recognize "gender violence, a universal phenomenon which takes many forms across culture, race, and class... as a violation of human rights requiring immediate action." The petition was eventually translated into 23 languages, and was used by over 1,000 sponsoring groups who gathered a half million signatures from 124 countries. The petition and its demands instigated discussions about why women's rights, and gender-based violence in particular, were left out of human rights considerations, and served to mobilize women around the World Conference. Women acted to inject issues of women's human rights into the entire pre-conference preparatory process: Women from all regions demanded that women's human rights be discussed at the preparatory meetings held in Tunis, San Jose, and Bangkok, as well as at other non-governmental and national preparatory events. The idea of women's human rights was a framework for women to articulate and collaborate around broad and similar concerns about the status of women; it also provided women with a way to elaborate on the most pressing human rights issues specific to particular political, geographic, economic, and cultural contexts.

By the time the World Conference convened, the idea that "women's rights are human rights" had become the rallying call of thousands of people all over the world and one of the most discussed "new" human rights debates. The *Vienna Declaration and Program of Action*, which is the product of the conference and is meant to signal the agreement of the international community on the status of human rights, states unequivocally that:

The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. *Vienna Declaration* (I,18,1993).

Women continued to lobby for and gain wider recognition of women's human rights at subsequent United Nations Conferences. So, for example, at the International Conference on Population and Development in Cairo in 1994, women's reproductive rights were explicitly recognized as human rights. A particularly significant development was the way in which the Platform for Action at the IV World Conference on Women in Beijing in 1995 became virtually an agenda about the human rights of women. This signaled the successful mainstreaming of women's rights as human rights.

The agreements that are produced by such conferences are not legally binding; however, they do have ethical and political weight and can be used to pursue regional, national, or local objectives. Conference documents can also be used to reinforce and interpret international treaties such as the *Covenant on Civil and Political Rights*, or the *Covenant of Social, Economic and Cultural Rights*. These covenants, when signed by a country, do have the status of international law and have been used in courts by lawyers seeking redress for human rights violations. The most important international treaty specifically addressing women's human rights is the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* which was initiated during the UN Decade for Women and has been ratified by over 130 countries. Further, local women's groups have integrated the women's human rights framework into their legal literacy programs and legal strategies.

Although the framework of women's human rights has been tremendously useful in efforts to lobby for legislative and policy changes at local, national and international levels, it has been an equally as important tool for grassroots organizing. Women's human rights not only teaches women about the range of rights that their governments must honor; it also functions as a kind of gestalt by which to organize analyses of their experiences and plan action for change. The human rights framework creates a space in which the possibility for a different account of women's lives can be developed. What is so useful about this framework is that it provides women with principles by which to develop alternative visions of their lives without suggesting the substance of those visions. The fundamental principles of human rights that accord to each and every person the entitlement to human dignity give women a vocabulary for describing both violations and impediments to the exercise of their human rights. The large body of international covenants, agreements and commitments about human rights gives women

political leverage and a tenable point of reference. And finally, the idea of women's human rights enables women to define and articulate the specificity of the experiences in their lives at the same time that it provides a vocabulary for women to share the experiences of other women around the world and work collaboratively for change.

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