



A Tale of Two Movements: How women's rights became human rights
Manjima Bhattacharjya
April 2013

Since Mary Wollstonecraft's *Vindication of the Rights of Women* (1792), the concept of 'natural rights' (granted to humans as 'god' intended) as put forward by philosophers was found to be lacking an understanding of the realities of women's lives ordered around patriarchal structures (as man, rather than 'god' made). The ideas of natural rights evolved into 'human rights', first defined in the Universal Declaration of Human Rights (UDHR), drawn up in the aftermath of the horrors of World War II as the world looked at human life anew.

The decades that followed saw the rise of movements around the world powerfully using concepts of human rights to address arbitrary detention or torture of people imprisoned for challenging the State or their beliefs, and in documenting abuse by dictatorial regimes. This period saw a parallel rise in feminist movements around the world. This case study, based on a review of key documents and interviews with global and regional women's rights advocates, looks at the points of convergence of these two movements and how they informed and changed one another.¹

Redefining Human Rights

Discrimination on the basis of sex was decried in the UDHR but a real enquiry into the status of the world's women came with the UN Decade of Women (1975-1985), when the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) was created and rising numbers of feminist activists came together over three world conferences. Connections made here deepened over time and led to a coalition, the Global Campaign on Women's Human Rights, which brought women in unprecedented numbers from around the world to the UN World Conference on Human Rights in Vienna in 1993, to speak at a Women's Tribunal on a theme that unequivocally brought them together - violence against women.

¹ The author acknowledges the following for their inputs to this case study: Alda Facio, David Kelleher, Everjoice Win, Gita Sahgal, Hazel Reeves, Heather Barclay, Jenny Birchall, Joanne Sandler, Lina Abou Habib, Lydia Alpizar, Mallika Dutt, Meenakshi Ganguly, Pia Oberoi, Roshmi Goswami, Sara Hossain, Srilatha Batliwala, Suneeta Dhar, Sunila Abeysekera, Sylvia Tamale, Vijay Nagaraj.

Inspiring this initiative were radical new ideas put forth by feminist voices illustrating that: women in all cultures along their life cycle experience abuse not only because of actions challenging the State, but simply because they are women (Bunch, 1990; Oloka-Olyango and Tamale, 1995); domestic violence was another form of torture (Copelon, 1994); and that by ignoring the private sphere (the family or the market) or non-State actors, 'human rights' had been blind to violations of the rights of women.

What resulted was a conceptual framework "wide enough for an incest survivor to a political prisoner to speak on the same platform, for women from all over the world including the USA" (Interview participant, 2012). The slogan 'Women's Rights are Human Rights' resonated as women's testimonies moved the UN General Assembly to pass the Declaration to End Violence Against Women and appoint a Special Rapporteur to report on it. Next stop was Cairo, where sexuality and reproductive rights were put on the agenda, and then Beijing, where the movement's concerns were cemented into a plan of action for governments to take back and translate into policy and legal reform. The outcome: widespread and voluminous documents and policies on gender equality holding governments accountable for the status of women, and a slew of national domestic violence and sexual assault legislation. Intangible gains included learning how to influence policy and a spotlight on the power imbalance in gender relations. These global gains were adapted to local contexts in different ways.

Taking global rights into local realities

Local movements were differently affected by these global shifts. In Zimbabwe, for example, the post Beijing buzz around women's rights "put human rights on the national agenda, providing a lens through which to look at development happening in the country, and giving development groups tools to articulate problems as rights issues" (Interview participant, 2012). Continents had their own human rights machineries,² and women's groups were able to advance their own agendas within these. For example, in the early 2000s, a coalition of activists, academics and lawyers from across Africa came together to push for an African Women's charter,³ the Maputo Protocol, partly because of "the inadequacy of CEDAW for African women, the majority of whom are rural, and partly to make it more detailed on issues affecting African women" (Interview participant, 2012).

For Latin American activists, the process leading to Beijing had been critical and 'ground up', allowing different types of women's movements across the region to dialogue and understand each other's priorities. This was further cemented, and the

² For example, the Inter American Human Rights Commission, the African Commission for Human and Peoples' Rights (encompassing individual and collective community rights) and the European Commission on Human Rights.

³ See www.equalitynow.org for more.

informal body that had facilitated participation in Beijing became a formal monitoring mechanism for implementing the women's rights mandate.

Arab women's participation had been skewed in Beijing, but gains had been made in "entering global activism, breaking through autocratic national regimes and breaking away from religious frameworks" (Interview participant, 2012). This opened up the space for initiatives like the regional Claiming Equal Citizenship campaign⁴ in 2002, that highlighted how women across the Arab region were second class citizens and demanded reform of national citizenship laws so women could claim their rights as citizens.

In the liberal discourse of Western Europe however, human rights had less success at penetrating national debates, still perceived as "for other countries with other problems" (Interview participant, 2012). In the UK, for example, gender issues were framed in equality legislation coming out of a long history of struggles for equal pay and against racial discrimination. Women's human rights were referred to only on occasion, like when preparing for the CEDAW report.

The real challenge for women's groups was to respond to the opposition by local forces in the name of 'cultural' differences. Women's groups worked on keeping the middle ground: knowing that 'context' more than culture indeed made a difference and they would have to adapt their strategies accordingly, but not playing into the hands of those wanting to maintain the status quo.

When incidents of forced marriages and murders of women by family members compelled British South Asian women's groups to appeal to the State for action, they struggled against the State's perception that it was "about culture and community at best, religion and tradition at worst" (Interview participant, 2012). They reframed concepts like arbitrary detention to impress upon the State that affected women needed protection and help from the State although community leaders were upset by their actions. Questions within the groups also came up about whether to use the description 'murder of a woman' rather than 'honour killings', as if there was "a state of exception when you invoke honour" (Interview participant, 2012). The implications of this were also problematic – it gave States a broad brush with which to stereotype communities without looking at the complexities underneath.

International successes

As the nineties drew to an end, an unmistakable feminist presence had penetrated international human rights law. With evidence of mass sexual violence in conflicts, rape was recognised as a weapon of war and war criminals prosecuted for sexual violence. Women's rights advocates ensured inclusion of gender based crimes in the

4 See <http://crtida.org.lb/> for more.

Rome Statute of 1998 that set up the International Criminal Court (ICC) (Spees, 2003). For example, the Women's Caucus for Gender Justice brought activists to all discussions leading to the creation of the ICC and continued to engage with the ICC very closely once the statute came into force in 2002. The caucus was formalised into a monitoring NGO based in the same city as the ICC which continues to ensure ICC's commitment to the women's rights agenda, producing a 'Gender Report Card' of the ICC every year assessing the structures and institutions of the court as well as procedures and substantive issues.⁵ Most recently, the ICC appointed a Special Gender Advisor from amongst the group's functionaries.

Other successes included the Security Council Resolution 1325 in 2000, which established women's rights as a matter of national and international security; re-defining the 1998 UN Declaration on Human Rights Defenders to include the specific retaliation faced by 'women human rights defenders'; and efforts by 'femocrats' within the UN system to transform the inadequate 'gender architecture' (Sandler and Rao, 2012).

The latter had important implications for women's rights work around the world. Post Beijing, women's rights advocates within the UN questioned the marginalisation of UNIFEM (the unit responsible for raising and disbursing money for women's rights work) in the system. It had minimal funds – receiving less than 5% of what UNICEF received, for example (Batliwala, 2007), and was expected to raise its own money, working in financial uncertainty. In spite of the commitments made in Vienna and Beijing, States took a long time to put their money where their mouth was. Even as conflicts raged around the world in Afghanistan, Aceh and Rwanda, and violence against women was an important issue, the UN Trust Fund for Violence Against Women between 1996 and 2006 was able to raise less than two million dollars, although concerted efforts after this period raised this ten-fold (Interview participant, 2012). These internal struggles led to lobbying for the creation of a full-fledged agency dedicated to women's rights – what came to be UN Women in 2010.

Working together

International and local human rights organisations also responded to the calls for action. Many of them committed to long-term work on women's rights after Vienna and Beijing by setting up a gender unit or a women's rights desk, although these were often under-resourced or took a long time to actually be operational. These units strategically networked with other like-minded advocates in development and women's groups for sustenance (Smyth and Turquet, 2012). By expanding mandates and including new perspectives and collaborations, human rights organisations adopted a more intersectional approach, looking at how class, ethnicity, sexuality etc as well as gender blocked access to rights. Yet feminist evaluations of some of their

⁵ See www.iccwomen.org for more.

campaigns⁶ found that many didn't succeed in making gender an abiding concern due to contestations within organisations, and opposition because of patriarchal mind-sets (Kelleher and Bhattacharjya, 2013).

Different working styles of both movements also affected their synergies. Human rights groups, for instance, pick up issues that they feel they will be able to effect a specific "measurable" change on, whereas women's movements tend to express broader concerns. In many cases, this makes for a good fit. For example, a Human Rights Watch report picked up on the regressive 'two-finger test' used in the medical examination of rape victims in India to check whether they were used to sexual intercourse,⁷ because "it was very specific to a particular procedure which violates women's rights" (Interview participant, 2012).

The intermingling of the two movements led to mutual learning. Women's movements have achieved good results when they've used human rights tools, and human rights movements have become more grounded and alert to multiple discriminations. When both have worked in tandem, each other's voices have been amplified. For example, struggles to decriminalise abortion in countries in Latin America and parts of Africa have seen sustained efforts by both Human Rights Watch and Amnesty International. Amnesty's Gender Unit in the mid 2000s worked to build consensus within the organisation to have a position on abortion and also undertook research in different countries to bring out the link between the high maternal mortality rates in countries like Nicaragua and the criminalisation of abortion, finding in essence that "the state was ordering doctors to allow women to die when if they had done abortions they could have saved the women" (Interview participant, 2012). Their submissions to the Committee on Torture on the basis of these findings, and a strong but controversial report pushing to "make abortion legal in all circumstances" amplified the existing voices of feminists and sexuality rights activists working over decades to decriminalise abortion in Latin America.

Informed by both movements, a concept like 'women's human rights defenders' has found increasing relevance, used creatively by diverse movements, from LGBT activists targeted for their work against discrimination and violence on the basis of sexuality to Egyptian feminist groups countering the backlash against women who participated in the Tahrir uprising.⁸ Human rights and women's rights organisations together bring out the Global Report on Women Human Rights Defenders that has helped both groups embrace the concept, and expand its interpretation to include the less visible, but still harmful, effects of stigma, for example. The report notes: "Accusations of WHRDs being 'bad' women, negligent mothers and immoral are

⁶ For an excellent example, see links to summary report of the review of Amnesty's Stop Violence Against Women Campaign by Tina Wallace and Helen Banos Smith, 2010, Amnesty International at <http://www.amnesty.org/en/review-stop-violence-against-women-campaign>

⁷ See <http://www.hrw.org/news/2010/09/06/india-prohibit-degrading-test-rape> for details.

⁸ See <http://nazra.org/en> for more.

common. Comparable charges are far less frequently made against male HRDs.⁹ Such accusations have been used to justify and incite violent retaliation against WHRDs” (WHRD International Coalition, 2012). As several interview participants observed, it's not unusual to be told, “Stop hiding your immoralities in the language of rights” (Interview participant, 2012).

Identity politics and culture: continuing challenges

The ambivalent progress made since Beijing has led to a cautious re-evaluation of past successes (Molyneux and Razavi, 2006): the co-option of women's rights language, failure of 'gender mainstreaming',¹⁰ continued high levels of violence against women, negligence of other issues such as economic rights and poverty, and resistance to changing patriarchal organisational cultures even with women in leadership positions.

For both women's and human rights movements, working on sexuality and reproductive rights, sex workers' rights, religion and fundamentalism has become more difficult with the organised opposition mounted by conservative forces bringing cultural relativism back to the table as well as concerns over the erosion of 'traditional values' as a result of some women's rights work.

It has been difficult in particular to respond to identity based politics¹¹ that dominates national and global contexts. The ban on hijabs in France, for example, has women's groups struggling with divergent views, and human rights groups abstaining from intervening because internally, a consensus could not be reached (Interview participant, 2012). In 2009 there was a public confrontation between Amnesty International senior management and a staff member who had led the Amnesty Gender Unit for almost a decade. The point of controversy was Amnesty's decision to put on a public platform a survivor of torture at Guantanamo Bay who was also, according to the staff member, affiliated with violent, fundamentalist groups. The question posed was: how could Amnesty associate itself with a person or group who was self-admittedly against fundamental rights of women and sexual minorities? This was echoed later by other women's rights practitioners who petitioned Amnesty on the matter (Kelleher and Bhattacharjya, 2013).

⁹ Male HRDs are more likely to be called anti-state, terrorists or anti-social elements as Srilatha Batliwala rightly pointed out in reviewing this paper, but these are considered traditional human rights violations, whereas stigma or being called immoral (more likely to be encountered by women) is not normally addressed as a concern by human rights groups.

¹⁰ A flush of 'gender mainstreaming' dictates coming from the top (the UN or donor agencies) resulted only in the 'add women and stir' approach, or the popping up occasionally of the gender-added-paragraph.

¹¹ Identity-based politics has also had an impact on the structure of organisations. In 2007, a restructuring saw the Equal Opportunities Commission (EOC) in Great Britain morph with two other commissions – the Commission for Racial Equality (CRE) and the Disability Rights Commission (DRC) to become a single Equality and Human Rights Commission. More recently, Amnesty International's Gender Unit became the Gender, Sexuality and Identity Unit.

Lessons learnt

Women's movements continue to be challenged by human rights organisations to translate their broad concerns into specific demands from the State, while human rights organisations are constantly challenged by women's movements to address questions of bodily integrity, cultural relativism and religious fundamentalism¹² without selling out on women's rights.

The last two decades have taught us that global discourses will tend to ignore or marginalise women's rights until women's movements consciously engage and challenge them. Even when this does happen, there is a time lag in how organisations that make up movements integrate gender equality. Strategies that have worked include: making clear links between women's rights and other organisational priorities; internal and external 'champions' working together; and the use of evaluations¹³ as a tool to see gaps and highlight successes in doing women's human rights work. Good results are likely when strengths of both movements can be used, like the politics of feminism and the tools of the human rights framework.

References

Batliwala, S. (2007) *Walk Beside Us*. A speech to the High Level Thematic Debate on Gender Equality and Women's Empowerment held by United Nations General Assembly, New York, March 6, 2007

Bunch, C. (1990) 'Women's Rights as Human Rights: Towards a Re-vision of Human Rights'. *Human Rights Quarterly* 12:4 (1990 Nov) p.486

Copelon, R. (1994) 'Recognizing the Egregious in the Everyday: Domestic Violence as Torture'. *Columbia Human Rights Law Review* 291-367

Kelleher, D. and Bhattacharjya, M. (2013) *The Amnesty International Journey: Women and Human Rights*. Brighton: IDS

Horn, J. Bhattacharjya, M. and Caro, P. (2013) *Gender and Social Movements In Brief Bulletin*. Brighton: IDS

¹² Human rights organisations have been accused of "selling out on women's rights" when other points (such as on torture or protection of rights of those affiliated with anti-women's rights ideologies) are to be made.

¹³ Examples include the Global Report on Women's Human Rights Defenders, the evaluation of Amnesty International's Stop Violence Against Women campaign, and the annual Gender Report Card at the International Criminal Court.

Molyneux, M. and Razavi, S. (2006) 'Beijing plus 10: An Ambivalent Record on Gender Justice'. Occasional Paper 15, UNRISD

Oloka-Onyango, J. and Tamale, S. (1995) "'The Personal Is Political", or Why Women's Rights Are Indeed Human Rights: An African Perspective on International Feminism'. *Human Rights Quarterly* 17:4 (1995 Nov) p.691

Sandler, J. and Rao, A. with preface by Eyben, R. (2012) 'Strategies of Feminist Bureaucrats: United Nations Experiences', *IDS Working Paper* 397, Brighton: IDS

Smyth, I. and Turquet, L. with preface by Eyben, R. (2012) 'Strategies of Feminist Bureaucrats: Perspectives from International NGOs', *IDS Working Paper* 396, Brighton: IDS

Spees, P. (2003) 'Women's Advocacy in the Creation of the International Criminal Court: Changing the Landscapes of Justice and Power'. *Signs* 28:4 University of Chicago Press

WHRD International Coalition (2012) *Global Report on the Situation of Women Human Rights Defenders*. Forum Asia

About the author

Manjima Bhattacharjya is a sociologist and feminist based in Mumbai. She can be reached at manjimab@gmail.com

This case study was developed as part of the BRIDGE *Cutting Edge* programme on gender and social movements. Find out more here:
<http://socialmovements.bridge.ids.ac.uk>