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Putting the Highest Aspiration into Effect: Feminist Advocacy at the World Conference on Human Rights 1993 and its aftermath

Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been claimed as the highest aspiration of the common people,... (Preamble to the *Universal Declaration of Human Rights 1948*)

Discoveries

From the moment I came across the Universal Declaration in the 1970s, I believed in that "highest aspiration". I still do: human rights, the aspiration of all people living human rights daily, are my "religion". But back then I also began to realize that the female sex, universally, was de facto, and often de jure, alienated from each of those freedoms, and the rights to enforce them, in many different ways. And, critically important, no one in the human rights fraternity of the time seemed to recognise that freedom from fear and want, and of speech and belief, should be exercised in private as well as in public. Fear and hunger are, by their very essence, private feelings, whatever the terror and deprivation causing them, and the right to be free from them cannot halt at the front door. Speech and belief are internal to each individual mind, even though they may be formed, influenced and led by others collectively.

The discovery of the Universal Declaration, and this gross omission led to the formation of CHANGE as a human rights organisation in 1979, six months earlier than the Convention on the Elimination of All Forms of Discrimination was adopted. From the 1970s to 1993 is a long time, and it was filled with many terrible public wars and atrocities, but over that time evidence of the many terrible private atrocities and systemic horrors also came into my - privileged and protected - awareness through collecting documentation for CHANGE. Sadly, that evidence still pours in, but the legal, institutional and political context into which it is received is wholly different: the outcome of active advocacy over two decades, with special efforts for the World Conference on Human Rights in 1993.

Initially there was scorn and derision, and absolutely no financial help, from the human rights fraternity - including from some now famous - at being so bold as to co-opt their instruments for the use, exercise and enjoyment by women, especially within the normal "human family". Now, no self-respecting brother will fail to mention, if with some confused arguments, women and their human rights; and there is some funding for some programmes particularly those, which impinge on policy and resources, like trafficking in women. Women's claim to the highest aspiration, were

incorporated into *Of Violence and Violation: women and human rights* in 1985, along with some remarks about the failure of intellectual or practical integrity among those who were scornful. This modest document, which also challenged the masculine-reinforcing language of the Universal Declaration, has been acknowledged by numerous feminists all over the world as the origin of their utilisation of human rights standards in their strategies and their belief systems, but I am sure that "discoveries" similar to mine were being made throughout this time, for that is the nature of social and political movements.

Actions on the way to Vienna

The women's movement, however, unlike many political movements, does not usually resort to arms - whether the cause is economic, socialised, "natural", philosophical, or any combination of these is immaterial here - and thus has to use all kind of opportunities to persuade, the lobby, to propose change, to make headway against the recalcitrant forces and idle ignorance of male dominance. The 1993 World Conference offered an enormous opportunity to raise awareness among the human rights fraternity, multi-lateral, governmental and non-governmental, and to alter the framework against which human rights standards are applied - and perhaps to change the masculine philosophy underpinning them. As such there would be no immediate and direct advantage to any lobbyist: such advocacy and persuasion has to be out of blind conviction that there will be benefits to their communities, to some sections of society, or to society at large, in the longer run. Using the changed, heightened expressions of human rights is then the opportunity and the duty of more local groups.

Deliberate preparation took two years; and it contained good fortune as well as hard work, for constructive debate and networking among NGOs and with UN staff was helped by the presence of a few more, quantitatively and qualitatively, feminist women among the latter. Some groups and organisations had adopted slogans, begun courses, held preliminary tribunals, or published materials. There was not necessarily total agreement about approaches or priorities - to North Americans it was primarily domestic forms of violence; to others economic deprivation; to yet others, a full spectrum of violations - but enough to form a new body of thought and language. A number of small conferences took place in various parts of the world, parallel to the formal, inimicable UN "PrepComs". At these, and between these, discussion about the religious, cultural and economic barriers to women exercising their human rights, and their inter-relationship, was heightened. As the draft output document emerged from the UN processes, small groups began to make their own drafts of sections, paragraphs, sentences and phrases. These were brought together at the last UN Preparatory Committee, where an active women's caucus met, and inserted into the draft Declaration, with assistance from sympathetic governments - partly relieved to have new material to change the political stand-off that had marked the preparatory processes. At that time Canada was the government leading the "mainstreaming" of women into human rights - much to the chagrin of the US, which has since tried to steal the limelight - although the word was still rarely used.

Apart from being fully involved in these processes, I was asked by OECD-DAC to prepare two papers on the human rights of women to inform the debate in the external development policy of these twenty-two countries.

Come the World Conference itself, in the tall pyramidal halls of the Austria Centre, and the NGO Forum in the low, wide corridors of its basement, every NGO present had its own agenda, events, priorities. Yet the women's caucus met again, grew, divided into working groups - and splinter groups - and the lobby group, so as to see the agreed text into reality. We had to be NGOs with access to the conference above and, being mostly unknown to each other, identified ourselves with purple ribbons. With their own events, and the distractions of the tribunal, membership of the mid-Forum restructured organising committee, major debating series, some threats from co-nationals or secret police, Asian-Latin American quarrels over the presence of Jimmy Carter, this group fluctuated in numbers, but the core remained mixed internationally and was dedicated to monitoring every sentence through late night vigils and early morning strategy meetings. Governments opposed the presence of NGOs in the drafting committee, except for one morning when the caucus arguments were allowed to be made to an almost empty room, so, for the remaining days, small groups had to wait outside to liaise with supportive members of delegations. Many Asian governments wanted to cite "Asian values" to repel the universality of human rights, but Asian NGOs, with one, well-organised voice, denounced this as a defence of tyranny not of the "common people's" rights. Ireland teamed up with Iran to oppose much of the language on religion and culture, but then UN conferences make for strange, temporary alliances. In the political background, however, there were the murder, rape and ethnic cleansing in Bosnia, which proved the need for agreement and reinforced the arguments of NGOs. As the final *Declaration and Plan of Action* was adopted, with grudging consensus by the governments present (which excluded only Saudi Arabia), I was the only participant in the lobbying group still remaining, but the satisfaction belonged to all of the group.

So what was achieved? Uncontrovertible phrases in new, "soft" law: enough to set a new era in human rights discourse, for the *Vienna Declaration and Plan of Action* cites,

...The equal rights of men and women...

...Deeply concerned by various forms of discrimination and violence to which women continue to be exposed all over the world...

...18. The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

Gender-base violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support.

The human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women.

The World Conference of Human Rights urges Governments, institutions, intergovernmental and non-governmental organisations to intensify their efforts for the protection and promotion of human rights of women and the girl-child.

Then there is Section 3, articles 36-44, "The equal status and human rights of women" reiterating the priority for Governments and the UN itself (Article 36), the need to integrate "the human rights of women into the mainstream of UN system-wide activity" (Article 37) and "to eliminate violence against women in public and private life", along with

all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism...

These last phrases were the subject of intensive lobbying, being the most sensitive of all. Article 38 went on to deal with violations in situations of armed conflict. Discrimination was covered in Article 39, and the requirement for all treaty bodies to adopt new procedures to ensure they welcome women, use gender-specific data and recognise gender-specific violations in Articles 40 and 42, with health and family planning rights squeezed between in Article 41. Finally, the conference urged Governments "to facilitate the access of women to decision-making posts (Article 43), and expressed a welcome to the forthcoming World Conference on Women in 1995, urging that "the human rights of women should play an important role in its deliberations." (Article 44).

The language is without agency, that is no perpetrators are named, which could be said to weaken the document, and it is without context, so no social or political system is given priority, which makes it more acceptable worldwide. And so it became.

Changes in the Aftermath

The *Declaration on Violence Against Women* was adopted by the next session of the UN General Assembly, and the following year the post of Special Rapporteur on Violence Against Women was agreed by the UN Commission for Human Rights, a Canadian proposal, to applause: the first such expression of approval ever. Her reports, following a different theme or form of violence each year, have educated the delegates to the Commission, many of whom hoped to isolate "women's issues" in the Commission on the Status of Women. The Inter-American human rights system upgraded its own regional Declaration on Violence Against Women into a full Convention. An expert seminar was held on "the integration of the human rights of women into the UN human rights system" in 1995, which included my input; however, in the interregnum in the Human Rights Centre between the out-going heads and the appointment of Mary Robinson, the officer-in-charge showed how bureaucrats resist the disruption of such integration, even on the advice of their own invited experts and as directed in their own World Conference. The UN Commission

on the Status of Women began a lengthy process of negotiation over an Optional Protocol to the *Convention on the Elimination of All Forms of Discrimination Against Women*, allowing the right of direct individual or group appeal to the UN, which was finally adopted in 1999.

Then there was the Beijing Conference in 1995, technically the Fourth World Conference on Women, for which the process of preparation had to be reversed: from the integration of women into human rights to the integration of human rights into the policy towards women. Those of us with this interest did manage to ensure that human rights principles under-pinned the final document, as well as being featured in one of the "Critical Areas of Concern". The physical conditions were so difficult for NGOs in China that this was never a foregone conclusion, but member states had now the impetus of Article 44 of the previous World Conference, and the chairing of the intergovernmental drafting committee was excellent - sometimes in these multilateral events sloppy, weak or biased chairing can lose progressive measures.

However, earlier in 1995 the World Summit on Social Development in Copenhagen had been less committed to rights and especially to women's human rights. Being about poverty, employment and social exclusion, the North Americans were less interested in this event and committed fewer resources, while women's NGOs tended to be more absorbed with preparations for Beijing. However, violation by attrition that is diffused and unseen, is still violation, and the right not to die from starvation needs to be asserted as much as the right not to die from visible wounds. With some other NGOs I organised some meetings to draft women's human rights wording across the draft outcome document, but did not have the resources to promote them at the PrepComs and had to trust the work to others, who were less understanding and committed. This demonstrates how important a long build-up of coalition-forming is necessary to successful lobbying, as well as money, know-how, time, determination and good will. The true integration of gender equality and women's human rights should be taking place systemically through the follow-up Social Development Commission, but it is not a dramatic enough process to attract some NGOs, and the officials often find conventional economics more comfortable and so resist.

With the process towards forming an International Criminal Court, there has been a strong women's caucus to ensure both that rape in war is fully recognised as a war crime, not just an unfortunate bi-product of conflict, and that women's human rights are fully integrated in the processes and procedures of deliberation. Whatever the subject, the construction of new institutions reproduces the known structures of command, presence, representation and content, so this endeavour to create a body which integrates women and their rights from the very beginning is critically important. The women's caucus met considerable opposition at the beginning, at the Rome conference, but found some funding and has been able to dedicate itself to this change at the negotiations in New York, with the support of email - a profound technological change to communications about human rights.

The international human rights organisations began programmes on different forms of violence, also assisted by email. That and changes of government here and there have made funding available for issues of sensitivity such as rape in marriage. However atrocities and negative developments also provide impetus: the trafficking of women from Eastern Europe, especially where Western governments intervened, has propelled the neglected issue into the political forefront again. Many organisations have addressed the repression of women in Afghanistan, and there is always the attraction of gross violation that stimulates protest. However, the work on the less visible effects of systemic injustice worldwide must go on too.

By and large, however, the outreach from the Vienna Conference was more by diffusion, for the general public does not know (or care) about resolutions in the United Nations. There has been a proliferation of national human rights commissions, and depending on the presence and credibility of local NGOs and determined individuals, sometimes the various issues outlined in the Vienna Declaration are being integrated. Land and property inheritance, customarily denied women in most parts of Africa, are in contention there. Caste and political participation are important in India. The difference now is that it is more legitimate than it was before 1993 to tackle these issues, despite the promises of the Universal Declaration and the subsequent Conventions.

And now

As I write the World Conference Against Racism is taking place, debating an agenda whose diversity will be the outcome of NGO preparatory work, but whose political arguments will be between governments trying to defend their own record. The integration of women's human rights is now being championed at the highest level. The eventual appointment of Mary Robinson to the post of High Commissioner for Human Rights, and her appointment of some feminist advisers has made a difference, although there must have been resistance still within her staff, and she has found the task so frustrating she does not wish to continue it. However, she began with a commitment to girls' rights, asserted in the Convention on the Rights of the Child, but needing emphasis as "children" can be synonymous with boys (and in many languages actually is). In 2000 she made a commitment to ensuring the nexus between racial and gender discrimination, and exercise of rights, would be a feature of her work for the World Conference on Racism. From the distance of 8000 miles it is impossible to tell how successful this is, and to the media it is still a minor issue; however, we can be sure that there will be an outcome - not linear progress, but an intellectual and practical contribution to the waves of change. Too late for some, sadly, but feminism needs optimism to work for others.