

WOMEN'S HUMAN RIGHTS It's about Time!

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The advancement of women and the achievement of equality between women and men are a matter of human rights and a condition for social justice and should not be seen in isolation as a women's issue. They are the only way to build a sustainable, just and developed society. Empowerment of women and equality between women and men are prerequisites for achieving political, social, economic, cultural and environmental security among all peoples.

PLATFORM FOR ACTION, ARTICLE 41,
FOURTH WORLD CONFERENCE ON WOMEN, BEIJING, 1995.

At the first meeting of a five-day seminar on Women and Human Rights that I was leading for doctoral students, one of the two men attending expressed deep skepticism about the need to discuss Human Rights through the lens of women's experiences. Didn't the Universal Declaration of Human Rights apply to everybody? Didn't Article 1

Rita Arditti, "Women's Human Rights: It's about Time!" (2005). Reprinted with the permission of the author.

of the Declaration state that "All human beings are born free and equal in dignity and rights?" So, what was the fuss all about? Why was Women and Human Rights even a topic worthy of exploration? As far as he was concerned, we would be wasting our time.

When I recovered from my surprise at his attitude I offered a "yes, but . . ." answer, that got me more or less intact through that first session. For the rest of the seminar, however, his questions stayed with me, forcing me to clarify, expand, examine, and connect in new ways each single topic discussed. By the end of the seminar, I was happy to hear that he had changed his mind. He found the seminar to be a mind expanding experience and expressed his appreciation for the new insights he gathered. I believe that the shock I had because of his bluntness at the beginning of the seminar forced me to dig deeper and do a better job. For that, I thank him.

I hope that this article will be useful to others who, like him, have questions about the relevance of the topic and to those who already believe that women's rights must be an integral part of the human rights paradigm and want to convince others to join them in this belief.

The Universal Declaration of Human Rights

The Universal Declaration of Human Rights, adopted in 1948 by the United Nations starts by asserting that freedom, justice, and peace in the world depend upon the recognition of human dignity and the rights of all members of the human family.¹ It then goes on to spell out a variety of political, civic, social, cultural and economic rights in its 30 articles. Political and civic rights have received most of the attention in the West, while economic, social, and cultural rights have been seen with suspicion, as if not fully qualifying as human rights. For people in the global South, however, this distinction does not make sense and it is because of their unrelenting insistence that now official UN circles have started more and more to pay attention to those rights.

According to the Declaration, all human beings have "inherent dignity," are "born free and equal," are "endowed with reason and conscience," and are "entitled to all the rights and freedoms set forth in this Declaration." Rights are not earned or conferred; they are part and parcel of the human condition. We have those rights by the very fact of our existence, simply because we are born, and the respect for those rights is considered essential to create a free, just, and peaceful world. Moreover, human rights are seen as indivisible and interdependent—they constitute a whole where each right is linked to the others and necessary for the full realization of the principles embodied in the Declaration.

Yes, my learner was right, the Declaration (and later UN documents since 1948) in its final written form, applies to all human beings. However, since its inception, the Declaration has struggled with the issue of women and its inclusion in the human rights framework.² Language was one of the

first important issues that needed to be addressed. Originally article 1 read “*All men are brothers . . .*” Hansa Mehta, a legislator from India and a member of the Human Rights commission working on the Declaration, fought against the use of exclusionary language and warned the commission that the wording in article 1 would be construed so as to exclude women.³ She eventually convinced her colleagues and in 1948, at the last meeting of the Commission, “*All human beings*” was the term accepted, though strangely enough the rest of the Declaration remains written in non-inclusive language (“man,” “brotherhood,” “his,” “him”).

Indeed, a brief history of the rights of women in the United Nations reveals that though equality between the sexes was asserted in the basic human rights documents, in practice women’s rights were marginalized and not considered part of the human rights paradigm.⁴ It was not until 1979, when the United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), that the rights of women were finally enshrined in the transnational human rights perspective.

Feminists from around the world were of course interested in the human rights conversation at the international level and participated and followed it attentively from its beginning. There is now a vast literature on women and human rights from legal and activist perspectives at the international and local levels. In this article I can simply mention a few of the many contributions that I have found especially useful because of the clarity with which they express the author’s viewpoints and because they seem representative of many of the discussions held through the years.

Are Human Rights Only for Men?

When feminists started to question the lack of attention to women’s rights in the human rights paradigm and asserted that women’s rights were not those of a “special” interest group but belonged at the center of the human rights conversation, they identified at least three themes that threw some light on this critical issue. One was the separation between public and private life which is considered “normal” in most societies; the second was the hidden issues associated with the power differential that permeate the relations between men and women in the great majority of cultures; and the third was the gap between the ideals of the UN documents⁵ and its practical implementation by a largely male establishment.

The separation of the public and private spheres is a given in patriarchal societies and ensures the control of women by men within different groups and at all levels. The male, as head of the household rules home life and the individual *right to privacy*, an important human right, is often interpreted as if in the familial sphere there should **not be** governmental or community interference. The *right to privacy*, which includes the right to choose with

whom one associates and deals with all reproductive decisions, becomes instead the right of men to control their "private" families. In other words, the human rights of women are not protected in the home with the result that the intimate relations between men and women follow a rigid hierarchical pattern and are left out of the human rights framework.⁶ As for the public sphere, civil and political rights, which are concerned with the right to life, seem primarily directed at the protection of men in public life. As such they do not address the many life-threatening situations that women encounter all over the world, like infanticide, malnutrition, reproductive health hazards, illegal abortion, less access to health care, trafficking, forced prostitution and many other forms of violence.⁷

The second theme, that of the power differential between men and women, manifests itself in the persistent discrimination against women in practically all spheres of life, in the violence aimed at maintaining women in a subordinate role, and in the dismissal of that pattern as a private or cultural matter. Charlotte Bunch, among others, saw violence against women as a political issue which resulted from the "structural relationships of power, domination and privilege between women and men in society" (491). Bunch located women's bodies as the physical territory of this political struggle, as demonstrated by the resistance to allow control of women's bodies to women and the plethora of laws and regulations that ensure the physical subjugation of women to men.⁸

And on the topic of implementation of women's human rights by the international law-making institutions that developed and support the traditional human rights framework, feminists pointed out that these institutions are very male-dominated "rendering suspect the claim of the objectivity and universality of international human rights law" (103).⁹ For instance, the International Court of Justice, (also known as the World Court) in The Hague, the principal judicial organ of the UN, with 15 elected judges, has only one woman member as of 2004. And the International Law Commission, established by the UN General Assembly in 1947 to promote the progressive development of international law and its codification, with 34 members, elected its very first woman member only in 2001. As for the UN Secretariat, which carries on the day-to-day work of the organization, women hold 32.7 percent of the positions at the senior level. All in all, there is an over-representation of men, which extends also to the committees that monitor the implementation of human rights treaties.¹⁰ Implementation is an especially important issue in order to make declarations and treaties truly effective in the lives of women.

Recognizing that women's rights are human rights is an ongoing and arduous process and an agenda for struggle. New themes and areas of activism continue to arise as a result of this awareness and contribute to deepen and widen the human rights conversation in the near and far future. In the next section I address some of the activism that has both propelled and emerged from the women's human rights agenda.

Women's Transnational Organizing

For the past 25 years women activists from all over the world, but particularly from the global South, have played an increasingly important role in the recognition of the rights of women as part of the human rights framework. The *First United Nations Decade for Women* which took place in 1976–1985 marked an explicit commitment to women's issues and in the midpoint of the decade, in 1979, the General Assembly adopted the *Convention for the Elimination of All Forms of Discrimination Against Women* (CEDAW).¹¹ This Convention expressly addresses violations of the human rights of women and it represents a truly major step in the struggle for the recognition of women's rights as human rights. Its preamble and 30 articles are widely and rightly seen as an international bill of rights for women. Its first article sets the tone of the document by defining discrimination against women as

“any distinction, exclusion, or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedom in the political, economic, social, cultural, civil, or any other field.”

From this first article flows the rest of the document, specifying concrete steps to end discrimination against women and requiring action in all fields to advance women's human rights. Significantly, the Convention is the “only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations.”¹² Just to give an idea of some of its salient points: CEDAW requires the end of traffic in women and the exploitation of prostitutes; mandates equal rights of women and men regarding their nationality and that of their children; demands equal access for women to family benefits, credit, bank loans, sports and cultural life; focuses on the problems of rural women; guarantees equality before the law and equal access to administer property; requires steps to ensure equality in marriage and family relations, etc. CEDAW should be read in its entirety to fully appreciate its comprehensiveness. CEDAW has been ratified by 179 countries as of October 2004.¹³

Since the 1975 UN World Conference on Women in Mexico City, marking International Women's Year, women activists from all over the planet have converged not only at the UN Women's conferences in Copenhagen (1980), Nairobi (1985), and Beijing (1995), but also at the UN World conferences on Environment and Development (Rio de Janeiro, 1992), Human Rights (Vienna, 1993) and Population and Development (Cairo, 1994), pressing for the recognition of women's rights as human rights in all spheres of life. Many voices have convincingly argued that thanks to the persistent work of these activists, the UN global conferences have successfully incorporated gender analysis into areas previously considered “gender-neutral” and that this

"gendering the agenda"¹⁴ has greatly contributed to the recognition of women's rights. In other words, gender has now become part and parcel of the important global conversations in all spheres of life, such as war, peace, health, development, militarism, security, globalization, etc.

In 1995, twenty years after the first Women's conference, 3,000 women participated in the official UN Fourth World Conference on Women in Beijing, China, and over 30,000 attended the parallel NGO (non-governmental organizations) forum. Out of this conference emerged another significant document, the Platform for Action (PfA), which acknowledges the continual barriers to women's empowerment and calls on governments, NGOs and the private sector to take action. It highlights 12 critical areas of concern which are interrelated, interdependent, and considered "high priority."¹⁵ They are worth listing because they present a succinct summary of the main issues that impede the incorporation of women as full members of society all over the world and provide a map that helps inspire us and remind us of what still needs to be done. They are:

- The persistent and increasing burden of poverty on women
- Inequalities and inadequacies in and unequal access to education and training
- Inequalities and inadequacies in and unequal access to health care and related services
- Violence against women
- The effects of armed or other kinds of conflict on women, including those living under foreign occupation
- Inequality in economic structures and policies, in all forms of productive activities and in access to resources
- Inequality between men and women in the sharing of power and decision-making at all levels
- Insufficient mechanisms at all levels to promote the advancement of women
- Lack of respect for and inadequate promotion and protection of the human rights of women
- Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media
- Gender inequalities in the management of natural resources and in the safeguarding of the environment
- Persistent discrimination against and violation of the rights of the girl child.

The Beijing conference was also the scenario of the emerging backlash that the success of the transnational women's movement has generated. Well-organized conservative right-wing groups from various countries (including the United States) framed women's rights as threats to family, nation, and God.¹⁶ This countermovement objected to issues such as reproductive rights

and LGBT rights, and engaged in a vigorous defense of traditional marriage and family arrangements. Women's rights were portrayed as an attempt to discount and take over national and religious values. In spite of this backlash, the conference managed to produce the PfA, which was signed by more than 180 governments although several countries expressed reservations about language that seemed to support abortion or alternative family structures.

Furthermore, in addition to this backlash, globalization and the huge influence of the United States in the international scene have allowed for direct impact on the lives of women all over the world, making more necessary than ever the transnational organizing for women's rights. Consider for instance, the Global Gag Rule. President Bush's first action when he took power in 2001 was to stop all United States financing to the United Nations Population Fund (UNPF) allegedly because the Fund "promotes" abortion. This was undoubtedly an attempt to impose conservative U.S. policies on the rest of the world and is in direct violation of women's reproductive and sexual health as explicitly addressed in the UN Conference on Population and Development in Cairo in 1994. The Global Gag Rule "denies health organizations in countries that receive US family planning monies the right to use their own, non-U.S. funds to perform abortions (even where legal), provide abortion counseling or referrals or advocate to change abortion laws."¹⁷ This has had huge consequences for the health and lives of women in the poorest parts of the world and has prompted a solidarity campaign started by two women in the United States, Lois Abraham and Jane Roberts, to raise \$34 million, one dollar at a time, to make up the funds that have been denied to the UNPF.¹⁸

One encouraging example of women's transnational organizing has been the case of the International Criminal Court (ICC) based in The Hague. The Rome Statute, the creating document for the ICC, raised the standards of responding to crimes against women by recognizing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and sexual violence as war crimes and crimes against humanity. Of the 18 judges elected last year, seven are women. This is an unprecedented proportion in international law circles and reflects the successful work of the Women's Caucus for Gender Justice whose mission is "strengthening advocacy in Women's Human Rights and international justice."¹⁹

Women's Rights and Cultural Relativism

The debates about the universality versus relativism of human rights have been going on since the UN started to work on the Declaration. Are human rights truly universal or are they relative to culture/religion/or nation? In fact, even before the Universal Declaration of Human Rights had been adopted by the UN, the American Anthropological Association wrote to the Human Rights Commission expressing concern about the limitations of a

"statement of rights conceived only in terms of the values prevalent in the countries of Western Europe and America."²⁰ Much work has taken place around this issue with contributions by historians, philosophers, activists, and public intellectuals from many different cultural and religious backgrounds.

However, the central themes of the Declaration, based on the dignity and common humanity of all people, have generally held strong while allowing for differences in implementation and emphasis. This has been reinforced by the 1993 UN Vienna Declaration on Human Rights which states that human rights "must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds."²¹ At the same time, the Vienna conference became the focus for organizing the worldwide Global Campaign for Women's Human Rights which brought to the international scene the idea that "women's rights are human rights." As a result, the *Vienna Declaration and Programme of Action* states that "The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights."²²

It seems though that in practice, over and over again the universality of human rights is particularly challenged when applied to women. The resistance to women's rights often takes the form of adopting a cultural relativism viewpoint and claiming that women's position in the private sphere leaves women outside the human rights framework. Specific abuses of women such as sexual slavery, genital mutilation,²³ forced marriage, systematic rape, violence in the home, discrimination at many levels, etc., continue unabated worldwide.

Many factors come into play in the discussion of universality and relativism particularly because of the history of Western colonialism, national resistance movements, and the role of women in transmitting culture. Women are seen in most societies as the bearers and reproducers of culture and as such they carry a special weight in terms of maintaining tradition and group identity. Equating women with culture often manifests itself in traditional legal systems (sometimes referred as "customary laws") that discriminate against women in family life—i.e. divorce, inheritance, marriage, child custody, property ownership, etc. How to deal with the tension between women's rights as articulated in CEDAW and various cultural and religious systems can be a frustrating matter and as such it has been the focus of intense discussions. One thing that has emerged from these conversations is the need to avoid the "arrogant gaze" of the outsider (i.e. the West) and be extremely aware of the strategies used when trying to modify or eradicate cultural practices that harm women.²⁴

I will illustrate the complexity of the issue by looking at a particular situation that was useful to me because it allowed me to think and learn about these issues in a concrete fashion. In March 2002, Amina Lawal, a poor Muslim woman in her early thirties was sentenced to death by stoning by a lower

Shari'a court in the Katsina state of northern Nigeria, allegedly because of adultery. Married at age 14, she was divorced and at a later stage she became pregnant and had a baby daughter.²⁵ This case attracted considerable international attention. Petitions to the president of Nigeria, Olusegun Obasanjo, and the Minister of Justice, Kanu Godwin Agabi, were circulated and gathered millions of signatures asking that the death penalty be suspended. I signed several of these petitions and encouraged others to do so.

However, in May of 2003, BAOBAB for Women's Human Rights in Nigeria (a HR organization working on the case in Nigeria) posted a letter on the Internet asking people to stop the international Amina Lawal protest letter campaigns. The reasons for this request were many and varied, including the fact that many of the letters in circulation were inaccurate and could even damage Amina Lawal's situation because of the backlash they could create. They pointed out that in a similar case some time ago, a sentence of flogging was carried out illegally and with no notice, deliberately to defy international pressure. A clear example of letters being inaccurate was a letter stating that Amina Lawal was set to be stoned on a certain date, August 27, 2003, (which was the date of her appeal) and that the Nigerian Supreme Court had upheld her sentence. BAOBAB clarified that the Amina Lawal case was still being appealed at the State Shari'a Court of Appeal and that if the appeal was not successful she would appeal to the Federal Shari'a Court and if that was also unsuccessful it would go to the Supreme Court of Nigeria. In other words, there was no imminent threat of executing the sentence and the appeal process had not been exhausted. Moreover, BAOBAB pointed out that they had never lost an appeal process and that it is the lower courts that are the most conservative and repressive in Nigeria. They explained that when petitions with inaccurate information are circulated, they damage the credibility of the local activists because everyone assumes that they have provided the information to the international networks. Furthermore they pointed out that the strategy they were pursuing through an appeal strengthens the local groups, sends the message that people have a right to appeal and challenge injustices successfully, and makes clear that the conviction should not have been made in the first place. They also argued that a successful appeal is more powerful than a pardon because a pardon means that the person was guilty but the state is willing to forgive them.

Another problem with some of the letters was/is that often the international media presents Islam as being incompatible with human rights and this helps foster racism and support right-wing and conservative elements in the West. The petitions may be seen as fostering those attitudes also. Condemning a whole faith because of the behavior of some extremist factions does not help local progressive movements and gives license to these factions which can seriously threaten the life and safety of the victims and those who support them. Vigilante groups are a real problem in Nigeria and can act quickly when they have an excuse to do so and Western criticism may provide such an excuse. BAOBAB and other local groups asked for international solidarity and respect

for the wishes of the local activists involved with the issues on the ground and that those interested in supporting cases like the Amina Lawal case get in touch with them to discuss strategies of solidarity and support. They welcomed resources, in terms of expertise, exchanges of information, knowledge of similar situations and money to support the victims and to pay for the expenses of the appeal process. Eventually Amina Lawal's sentence was overturned by the Shari'a Federal Court and the charges against her dropped.²⁶

This experience was an eye-opener for me and an opportunity to increase my sensitivity to and understanding of how to work on international issues and be able to offer support from a more informed position. As a result I now feel that caution and in-depth research about local activism will be my first concern before I leap into action when I learn about situations in countries and cultures with which I am unfamiliar. In the Amina Lawal case, I stopped signing petitions and instead sent money to BAOBAB to support their work. In retrospect I marvel about my own naivete. Thanks to the Internet, I regularly read news about Argentina both in the Argentine and U.S. media, which keeps me in touch with my country of origin. I know all too well how differently news is portrayed in each country and how the lack of historical and cultural perspectives distorts the news, even in the case of well intentioned observers. The distortions range from egregious errors over simple facts to cultural assumptions and generalizations which are frequently laughable.

Clearly, cultural beliefs, attitudes, and values have often been used to justify the oppression of women. Justifications such as "this is how we do things, this is part of our culture," negate the fact that cultures are dynamic entities, that what is acceptable today is different from what was acceptable 100 years ago (i.e., slavery, foot-binding, widow-burning, etc.). Resistance to cultural change is hard to overcome but we cannot give up and accept practices that deny women basic human rights. Furthermore, extremist positions often present themselves as the "true" bearers of culture in spite of the fact that there are different ideologies and deep contradictions within the cultures themselves. Supporting local activists to engage in "internal dialogue," since women do not speak with only one voice, followed by external dialogue with the transnational women's movement, seems a prudent strategy, though at times admittedly a slow and frustrating one, in furthering the recognition of women's rights.

Bringing Beijing to the U.S.

What about the U.S. and women's human rights? The concept of human rights is still foreign to the majority of the population in this country and a poll in 1997 showed that 92 percent of people interviewed had never heard of the Universal Declaration of Human Rights.²⁷ Many people think that violations

of women's human rights take place only abroad and discount the necessary and continuous work that hundreds of organizations perform locally every-day to uphold women's human rights in the United States. As Loretta Ross, founder of the Atlanta-based National Center for Human Rights Education has perceptively said:

"Most people still think of Human Rights as letter-writing campaigns to help free political prisoners. Few people realize that women's movements, the anti-war and anti-poverty movements, disability rights and even the environmental justice movement have supporting language in the Universal Declaration of Human Rights."²⁸

In the United States, violence against women takes place in both private and public spheres and is compounded by other factors such as race, ethnicity, class, sexual orientation, disability, and age. Violence against women manifests itself in sexual harassment in school and workplace, sexual abuse, forced prostitution, battering, marital rape, and domestic violence. Domestic violence has gained some attention because of the work of committed activists who have brought the issue into the open.²⁹ But is domestic violence the only form of violence we should worry about? If we focus exclusively on that issue and do not look also at the social context it is easy to forget that domestic violence takes place in a society that systematically discriminates against women economically, legally, and culturally.

Clearly, in the United States as in the rest of the world, we must look at all the aspects in the culture that erode women's human rights. So, when we talk about women and violence we need to remember the violence against women in prison in the form of rape, sexual assault, groping during body searches, shackling during childbirth and general medical neglect.³⁰ We need to be aware of the control of women's sexuality and reproductive choice, which affects particularly poor women, and of the increased vulnerability of women to the AIDS epidemic because of the refusal of men to wear condoms. And most glaringly, we need to examine the total impunity for the perpetrators of these actions. In fact, often, the reactions to many of these abuses is to "blame the victim" and to ostracize and shame those who have the courage to speak up about the abuses that they have suffered.

Introducing the human rights framework in the United States will allow us to have an integrated perspective within which any violation of women's human rights will be seen as part of the larger denial of humanity to women. Such a perspective will end the fragmentation and separation of the various types of human rights abuses. It will take us out of the "single-issue" focus and enable coalitions and multi layered campaigns to emerge, zeroing in on the denial of women's dignity in its many manifestations, and fostering transnational connections and a better understanding of the global forces that affect women's rights in the United States.³¹

In the case of women's reproductive and sexual health rights, for instance, it is becoming increasingly clear how these rights, locally and internationally, are connected to economic justice and that they must be linked to

grassroots organizing and a campaign to end poverty. Otherwise they remain abstract and unattainable.³² Another prime example which powerfully illustrates the intersection of various forms of human rights violations in the United States is that of women on welfare, where gender, race, and poverty come together to ensure that poor single mothers of color are blamed and punished for their situations. In 1996, under President Clinton, the PRWORA (Personal Responsibility Work Opportunity Reconciliation Act) known as "welfare reform" was passed and the welfare system known as Temporary Assistance for Needy Families (TANF) was established. Practically all the critical areas listed in the Beijing Platform for Action are violated by this "welfare reform."

The majority of people currently on welfare are poor mothers of color. Study after study shows that family homelessness and hunger have continued to increase and that the low-wage work available for women with limited education leaves them in an extremely vulnerable situation.³³ The act punishes young single mothers, is based on a patriarchal view of the family which promotes marriage as the solution, and contains especially harsh measures against legal immigrants. As Gwendolyn Mink points out, TANF fosters women's dependency on individual men "by sanctioning mothers with mandatory work outside the home if they remain single. Mothers who are married do not have to work outside the home, even though they receive welfare, for labor market work by only one parent in a two parent family satisfies TANF's work requirements."³⁴ TANF requires mothers to "reveal the identity of her child's father and must pursue a child support order against him." It also pressures women to open their families to biological fathers and promotes their involvement, regardless of poor mothers' understanding and judgement of what is best for themselves and their children. TANF also lets states who have "family cap" policies withhold benefits from children born to mothers on welfare. By dismissing women's caregiving work, forcing women into the labor market and increasing their dependence on men, TANF reduces poor mothers on welfare to creatures who are denied any opportunity for growth or nourishment that would help them on their path to strength, freedom, and independence.

Not surprisingly, the movement for the recognition of economic rights as human rights continues to grow in the United States and organizations like the Kensington Welfare Rights Union in Philadelphia, founded in 1991, have received well deserved national and international attention for their organizing efforts. The inspired leadership of their founder, Cheri Honkala, has taken their case to the Organization of American States and to the UN accusing the U.S. government of human rights violation on the issues of welfare, health care, and housing. They have used for their education campaigns: articles 23, (right to desirable work and to join trade unions), article 25 (right to an adequate living standard) and article 26 (right to education) from the Universal Declaration to shift the attention from scarcity to greed: "We say that scarcity is not the issue—greed is."³⁵

Finally, and furthermore, the United States has an extremely poor record in terms of ratification of the international treaties that provide the legal framework for the application of the rights articulated in the Universal Declaration. The United States has voted against the creation of the International Criminal Court (ICC), and has not ratified the Covenant on Economic, Social and Cultural Rights (ICESCR), or the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), or the Convention on the Rights of the Child (CRC) as well as other important treaties. As a result of this inertia, social activists have started pursuing the possibility of local treaty implementation, bypassing the mammoth federal bureaucracy and harsh resistance of archaic legislators, who keep yawning at the mention of treaty ratification. The city of San Francisco adopted CEDAW in 1998 and codified it into law raising the eyebrows of the political establishment nationwide. In 2003, San Francisco finished its five-year implementation plan and one of its accomplishments has been a "gender analysis" of selected city departments and legislation turning the Commission on the Status of Women into a permanent city department. Obstacles remain regarding implementation, compliance, and analysis of the intersectionality of gender with other forms of discrimination, due to race and class. But there is a general sense that the local understanding of human rights has increased and the creation of a five-year Action Plan in 2003 calls for establishing an anti-discrimination committee reporting directly to the local authorities, advocating for resources and acting as liaison with similar efforts elsewhere.³⁶

Inspired by the San Francisco experience, the Human Rights Initiative was born in New York City in 2002 attempting to obtain local ratification for CEDAW and for CERD (Convention on the Elimination of All Forms of Racial Discrimination). A broad coalition of progressive groups is at the heart of the coalition and the hope is to introduce legislation by 2005. When passed, the Initiative is expected to counteract discrimination against women of color, the most marginalized population in the city. And yet another local effort has recently been started in Massachusetts, the Mass CEDAW Project.³⁷

Much remains to be done. Education about human rights in the United States is at the beginning stages. The resistance to the application of the human rights framework to problems in the United States, (sometimes called "U.S. exceptionalism") has been hard to overcome, but there are hopeful signs on the horizon. A plethora of groups has emerged in the last ten years or so, trying to connect the local with the global, understanding that fragmentation and isolation are convenient tools for the maintenance of privilege and injustice.³⁸

Local initiatives for ratification of treaties, human rights education in schools and universities, and a growing interest from activist groups to integrate the human rights framework in their work give me reasons for optimism. One of the women responsible for the introduction of the city

ordinance in San Francisco, Krishanti Dharmaraj, who is also one of the founders of the Women's Institute for Leadership Development for Human Rights, has said: "I do not know how else to do social change in this complex world but to do human rights."³⁹ Her phrase summarizes well the hope and promise of the human rights framework. It simply reasserts the original and powerful insights first articulated in the Universal Declaration. It continually reminds us of the indivisibility and interdependence of human rights so that truly ALL women will be included in the struggles against discrimination, exploitation, and violence. Linking the local to the global will strengthen our movement for justice for all and put human dignity at the forefront of the struggle.

Like the quote at the beginning of this article from the Beijing Platform of Action states, the advancement of women and the full recognition of our humanity is the only way to build a sustainable, just and developed society. So, let's get to work!

NOTES

1. The work of Eleanor Roosevelt, as chair of the Human Rights committee which drafted the Declaration, was instrumental for its adoption by the UN General Assembly. See Glendon, Mary Ann. 2001. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. Random House: New York. The book includes various drafts of the Declaration and the final version.
2. Ibid. See pages 90–93; 111–112; 153–154; 162; 164; 177.
3. Ibid. See page 90.
4. Reanda, Laura. Spring 1981. "Human Rights and Women's Rights: The United Nations Approach." *Human Rights Quarterly* 3, No. 2: 11–31.
5. The Universal Declaration is simply that, a declaration, and it is not legally binding. Two UN Covenants were eventually drafted to implement the principles of the Declaration: the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. Nations that ratify these covenants are legally bound to enforce the implementation of the human rights listed in the covenants.
6. Eisler, Riane. Spring 1987. "Human Rights: Toward an Integrated Theory for Action." *Human Rights Quarterly*, 25–46. See also Gerda Lerner. 1986. *The Creation of Patriarchy*. Oxford University Press: New York, NY.
7. Charlesworth, Hilary. 1995. "Human Rights as Men's Rights." In *Women's Rights, Human Rights: International Feminist Perspectives*, edited by Julie Peters and Andrea Wolper. 103–113. Routledge, New York, NY. Women, though, have also taken leadership roles in the movement for the protection of civic and political rights worldwide. See for instance, Bouvard, Marguerite Guzman. 1996. *Women Reshaping Human Rights: How Extraordinary Activists Are Changing the World and Revolutionizing Motherhood: The Mothers of the Plaza de Mayo*. 1994. Both published by Scholarly Resources, Wilmington, Delaware; Arditti, Rita. 1999. *Searching for Life: The Grandmothers of the Plaza de Mayo and the Disappeared Children of Argentina*. 1999. Berkeley: University of California Press; Clements, Alan. 1997. *The Voice of Hope: Conversations with Aung San Suu Kyi*. New York: Seven Stories Press; and many others.

8. Bunch, Charlotte. 1990. "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights." *Human Rights Quarterly* 12, No. 4: 486-498.
9. See note 7, p 103.
10. Charlesworth, Hilary. 2002. "The Hidden Gender of International Law." 16 *Temp.Int'l & Comp. L.J.* 93.
11. In 1976, the United Nations Development Fund for Women (UNIFEM) was created to provide financial support for innovative projects mainly directed at rural and poor urban women in developing countries. For CEDAW, see Tinker, Catherine. Spring 1981. "Human Rights for Women: The UN Convention on the Elimination of All forms of Discrimination Against Women" *Human Rights Quarterly* 3, No. 2: 32-43.
12. www.un.org/womenwatch/daw/cedaw/cedaw/htm.
13. Many states that have ratified the Convention have done so with "reservations," some of which are quite substantial and compromise the integrity of the convention. For more on this important point see Cook, Rebecca, "Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women," 1990. *Va.J. Int'l L.* 30: 643-716.
An interesting addition to CEDAW is the "Optional Protocol," a separate treaty which countries that have ratified CEDAW can also sign. It allows a woman whose rights have been violated to bring her claims to the U.N. and her government will have to answer her claim at the international level; 39 countries have signed on to the Optional Protocol.
14. Friedman, Elizabeth Jay. 2003. "Gendering the Agenda: The Impact of the Transnational Women's Rights Movement at the UN conferences of the 1990s." *Women's Studies International Forum* 26, No. 4: 313-331.
15. www.un.org/womenwatch/daw/beijing/platform.
16. See note 14 and Butler, Jennifer. 2002. "New Sheriff in Town: The Christian Right Shapes U.S. Agenda at the United Nations." *The Public Eye*. XVI, No. 2: 14-22.
17. Petchesky, Rosalind. 2004, June. www.radiofeminista.net/junio04/notas/cairo+10-ing3.htm. Washington, Joi. "The U.S., Rowing Against the Tide." *National Women's Health Network*. 29, Issue 3: 3.
18. www.34millionfriends.org.
19. The Women's Caucus for Gender Justice has changed its name to "Women's Initiatives for Gender Justice" and their web address is: www.iccwomen.org. For more info on the ICC go to: www.icc-cpi.int and www.iccnw.org.
20. American Anthropological Association, "Statement on Human Rights," 49 *American Anthropologist* 539 (1947). Quoted in Glendon, Mary Ann, see note 1, p. 222.
21. Quoted in Steiner, Henry J. and Philip Alston. 1996. *International Human Rights in Context: Law, Politics, Morals*. New York: Oxford University Press. 235.
22. *Ibid.* 928.
23. The term "genital mutilation" covers a wide range of practices which vary in extent and severity involving women's genitals. Other terms used are "female circumcision," "female genital cutting," and "female genital surgery." Some Western feminists's views on the issue gave rise to a public debate raising issues of colonialism, racism, and simplistic constructions regarding women in the countries where these practices are carried on. See *Genital Cutting and Transnational Sisterhood: Disputing U.S. Polemics*. 2002. Edited by Stanlie M. James and Claire C. Robertson. Urbana and Chicago: University of Illinois Press. Note especially the Prologue, a "Position paper on Clitoridectomy and Infibulation"

8. Bunch, Charlotte. 1990. "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights." *Human Rights Quarterly* 12, No. 4: 486-498.
9. See note 7, p 103.
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14. Friedman, Elizabeth Jay. 2003. "Gendering the Agenda: The Impact of the Transnational Women's Rights Movement at the UN conferences of the 1990s." *Women's Studies International Forum* 26, No. 4: 313-331.
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17. Petchesky, Rosalind. 2004, June. www.radiofeminista.net/junio04/notas/cairo+10-ing3.htm. Washington, Joi. "The U.S., Rowing Against the Tide." *National Women's Health Network*. 29, Issue 3: 3.
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- drafted by the Women's Caucus of the African Studies Association (first appeared in 1983) and Cheryl Chase's essay "'Cultural Practice' or 'Reconstructive Surgery'? Genital Cutting, the Intersex Movement and Medical Double Standards." See also Nahid Toubia's work, *Female Genital Mutilation: A Call for Global Action*. 1993. Women Ink, and visit www.rainbo.org, the webpage of Research, Action and Information for the Bodily Integrity of Women, an African led international non-governmental organization.
24. Coomaraswamy, Radhika, 2002. "Are Women's Rights Universal? Re-engaging the Local." *Meridians: feminism, race, transnationalism*. 3, No. 1, 1-18. Abdullahi Ahmed An-Na'im. 1994. "State Responsibility Under International Human Rights To Change Religious and Customary Laws" in *Human Rights of Women: National and International Perspectives*, edited by Rebecca J. Cook. Philadelphia: University of Pennsylvania Press.
 25. Currently in some states in Northern Nigeria new Shari'a-based penal codes, which apply only to Muslims, have been introduced. According to these laws, pregnancy out of marriage amounts to adultery. The man supposedly responsible for the pregnancy denied having sex with Amina and charges against him were dropped.
 26. For a more detailed discussion of this case see "Please Stop the International Amina Lawal Protest Letter Campaigns" at www.whrnet.org/docs/action-03-05-07.html. Arditti, Rita. *Amina Lawal-To Sign or Not To Sign*. www.umb.edu/human_rights/issues/index. September 25, 2003. Also visit the webpage of Women Living Under Muslim Laws, an international solidarity network: www.wluml.org
 27. Hart Survey on Attitudes and Knowledge of Human Rights/Adults. 1997. At www.hrusa.org/features.shtm
 28. *Close to Home: Case Studies of Human Rights Work in the United States*. 2004. A Ford Foundation Report. Also at: www.fordfound.org/publication/recent_articles.
 29. U.S. Department of Justice, Office of Justice Programs, 2000. "Extent, Nature, and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey." Battered Mothers' Testimony Project at the Wellesley Centers for Women. November 2002. *Battered Mothers Speak Out: A Human Rights Report on Domestic Violence and Child Custody in the Massachusetts Family Courts*.
 30. Davis, Angela Y. and Cassandra Shaylor. 2001. "Race, Gender, and the Prison Industrial Complex: California and Beyond" in *Time to Rise: US Women of Color—Issues and Strategies. A Report for the UN World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance*. Edited by Maylei Blackwell, Linda Burnham, and Jung Hee Choi. Women of Color Resource Center. Berkeley, CA.
 31. Mallika Dutt. 1994. *With Liberty and Justice for All: Women's Human Rights in the United States*. Center for Women's Global Leadership. Douglass College, New Brunswick. NJ.
 32. Petchesky, Rosalind Pollack. 2000. "Human Rights, Reproductive Health and Economic Justice—Why they are Indivisible." *Reproductive Health Matters*, 8, No. 15. Also at <http://urban.hunter.cuny.edu/~respet/RHMedit00.htm>.
 33. Burnham, Linda. 2002. "Welfare Reform, Family Hardship, and Women of Color" in *Lost Ground: Welfare Reform, Poverty, and Beyond* edited by Randy Albelda and Ann Withorn. Boston: South End Press.
 34. Mink, Gwendolyn. 2002. "Violating Women: Rights Abuses in the Welfare Police State" in *Lost Ground*, see note above.

35. See note 28.
36. Ibid.
37. For information on the NYC Human Rights Initiative contact cedawcerdnyc@yahoo.com; for information on the Mass CEDAW Project contact MassCEDAW@yahoo.com.
38. *Something Inside so Strong: A Resource Guide on Human Rights in the United States*. Distributed by the U.S. Human Rights Network. www.ushrnetwork.org. This resource guide was drawn from the Second Leadership Summit on Human Rights in the United States held in July 2002.
39. See note 28.