

What is all this talk about Women's international rights ?

by [Sari Kouvo](#)

In the 1990s many feminist and women's advocates began to phrase their demands using a 'human rights' language. National non-discrimination laws and equal opportunities policies had failed women, and it was time to try something new. It was time to become cosmopolitan, go global and strategically use the international human rights regime.

Feminist and women's advocates were very successful in their claims that women's rights are human rights and many new issues, and violations suffered primarily by women, were during the 1990s moved onto the international human rights agenda. However, success seldom comes without constraints, and especially feminist success in mainstream politics tends to be very costly.



In 1992 Karen Engle published an article regarding her experiences from the movement for women's human rights. She writes about her complex relationship to human rights and women's rights : "While I had begun... with many doubts about the human rights law and rhetoric, I had ended... by suppressing those doubts. It seemed impossible both to reject human rights and to promote women's rights. The latter issue took priority" (Engle 1992).

Many feminists and women's advocates probably share Engle's experience : it is natural to have doubts and hesitations before embarking on a political quest. And all political quests tend to demand the suppression of some (critical) knowledge in order to make arguments better or more strategic. However, as politics is about change it is necessary to from time to time take a step backwards and ask : Did we accept too many uncontested truths ? What price did we pay for making this strategy a success ? I will

at the end of this article look into a few of the uncontested truths and prices paid. However, I will begin with an overview of the development of human rights and women's rights.

What are women's human rights ?

The idea of human rights has seduced and infuriated (male) philosophers and (male) political agitators for centuries. There is something seductive with the idea that all human beings are entitled to certain basic rights only because they are human. However, the idea is equally infuriating because there is no good reason for why human beings should have these rights, and claiming that human beings have rights seems a too banal solution in a world where so many have almost nothing.

The idea of human rights as rights belonging to all human beings independent of colour, sex or social origin has however been codified only during 20th century. When citizens' and human rights were introduced in the 18th century American and French rights' declarations they were introduced as the free man's rights. The free citizens' wives, children and slaves were not considered to need rights as they were protected by the free citizen, and as they anyway did not have the mental or physical capacities to make use of human rights.



When human rights, after the Second World War, were made part of international law by the newly established United Nations, women in about half of the United Nations member states, still, lacked basic citizenship rights. The Universal Declaration on Human Rights adopted by the United Nations did however emphasize non-discrimination and the equal rights of men and women. Hence, already in the mid-1950s many women put their faith in the United Nations. When the Universal Declaration on Human Rights was adopted, Eleanor Roosevelt gave a speech at the United Nations General Assembly 'to the World's Women'. According to Roosevelt the international community had, after the horrors of the Second World War, been given a second chance. It was up to the World's Women to make use of this chance through promoting the human rights included in the Universal Declaration and through supporting the United Nations.

The United Nations human rights system has developed considerably since the mid-1900s. A large number of human rights instruments have been adopted all of which include references to equality and non-discrimination. These general human rights instruments have however not resulted in equality between the sexes. Both the United Nations and national Governments have tended to ignore that women are human, and that women as humans should enjoy as much human rights protection as normal humans. In order to promote an increased focus on women and on women's human rights a number of women's human rights documents have been adopted. The most known is the Convention on the Elimination of All Forms of Discrimination against Women which was adopted by the United Nations in 1979. While women were still supposed to be protected by human rights, the special women's human rights were supposed to emphasise that women are humans and that women's rights are human rights.

The development of separate regimes is based on what Laura Reanda has called the familiar dilemma in equality politics : " The creation of separate institutional mechanisms and the adoption of special measures for women are often necessary in order to rectify existing situations of discrimination. The danger of creating a 'women's ghetto' endowed with less power and resources, attracting less interest and commanding less priority than other national policy goals is latent in this approach. On the other hand, efforts to improve the situation of women through general measures addressed to the population as a whole often result in the struggle for equality becoming submerged in global concerns " (Reanda 1995).

The content of both human rights and women's human rights have however changed through extensive lobbying from women's advocates and organisations. The United Nations has since the 1960s organised world conferences on both human rights and women. These conferences have given women's advocates and organisations from different parts of the world an opportunity to meet each other and also to meet and discuss with government representatives. The World Conference on Human Rights held in Vienna in 1993 and the World Conference on Women held in Beijing in 1995 tend to be referred to as major breakthroughs for the promotion of women's human rights. It was at the World Conference on Human Rights (1993) that violence against women was acknowledged as a human rights violation, and it was at the World Conference on Women (1995) that women's rights to decide over their own bodies and their reproductive capacities were acknowledged by the international community.

Do we need rights ? Are they worth bargaining for ?

I noted in the introduction that feminists and women's advocates have been successful in their strategic use of the international human rights framework. It is by way of international human rights that issues such as different forms of violence against women, harmful traditional practice, and trafficking in women and forced prostitution have been pushed onto the mainstream political agenda. In using 'human rights' feminists and women's advocates have however had to omit too much analysis of the

exclusionary history of human rights, the maledefined language of human rights and the patriarchal structures of international politics and lawmaking.

The 1990s slogan Women's rights are human rights exemplifies well the institutionalised feminist dilemma of never really belonging or being (in the mainstream), but always trying to adapt to (the mainstream). The slogan is a tautology, women are human and therefore women's rights are human rights. However, women and many of the rights important to women have throughout the history of human rights explicitly or implicitly been excluded from the human rights sphere. I did for example above show how specialised women's rights had to be created within the United Nations, although women should have enjoyed rights' protection under the general human rights' regime. The exclusions and the attempts to adapt have not been analysed enough by feminists, as such analysis might undermine the good will that is tied to international human rights. That is, in order to claim that women's rights are human rights, and in order to even attempt to fit the women's rights project within the human rights project the human rights project needs to be perceived as worthwhile.

Karen Engle argued in her article that while feminists embark on a journey to change mainstream politics, they often omit thinking about how they themselves will change. The fact that much feminism is becoming increasingly institutionalised and increasingly adapted to the ways of the patriarchal institutions is a negative effect of the interaction with the United Nations and its international human rights regime. These changes might be worthwhile if feminists also manage to change the core. Hilary Charlesworth has however argued that feminists are the 'Sherpas' (Tibetan porters who work carrying goods in the mountains) of international human rights community. That is, they carry the problems to the table at the United Nations and at World Conferences, but they are never really allowed to participate in solving them.

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