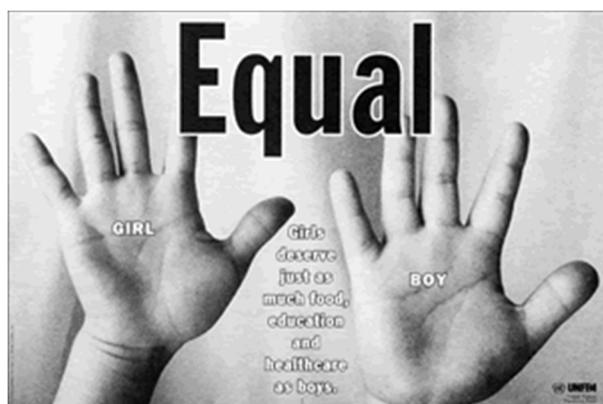


# Are human rights and legal strategies useful for feminist politics ?

by [Sari Kouvo](#)

Can human rights and law help when governments turn against women ? What forms of feminist mobilization are possible in an era when governments form partnerships with patriarchal cultural and religious leaders ? Are Condoleezza Rice and Hilary Clinton feminist forerunners or sexual decoys of militarized neo-liberal politics ? These are some of the questions discussed at a conference Scum Grrrls attended in London the first weekend of January.

During the 1990s human rights strategies were hailed as the most promising of feminist strategies. At the World Conference on Human Rights (Vienna, 1993) women's movements and governments joined together in defining violence against women as a human rights violation. At the 4th World Conference on Women (Beijing, 1995) they decided on a comprehensive agenda for women's advancement and gender equality that included a focus on human rights, law and socio-economic development.



After the turn of the century – not the least due to the War on Terror – governments' commitment to women's rights have been declining and women's movements are having increasing difficulties in promoting international social justice and equality agendas. However, the new era of anxiety and terror has also showed the polyvalent nature of human rights language : Feminists and humanitarians can use the language of rights to argue for social justice and equality, at the same time as the US and its allies use the language of women's and human rights to legitimize military intervention in Afghanistan and Iraq.

The conference "Encountering Human Rights : Gender/Sexuality, Activism and the Promise of Law" organized by the Law, Gender and Sexuality Centre of Westminster, Kent and Keele Universities and Liberty, an organization working with equality and human rights cases brought together women and legal activists from South Africa, India, the US, Canada and Europe to discuss the pros and cons of using human rights and legal strategies in feminist politics.

## **The Failure of 'Mature Multiculturalism' and the Rise of Violence against Women**

A trend that seemed to sweep the globe and an issue that most speakers touched upon was the new partnerships between governments and faith communities. Pragna Patel of the UK-based organization Southall Black Sisters and Women against Fundamentalism described how UK policies over a number of years had come to incorporate an increasing number of cultural and religious rights :

- I am for mature multiculturalism, said Pragna. However, the current UK policies for religious tolerance and multiculturalism do not promote pluralism within cultures or pluralism in religious interpretations. The interpretations of culture and religions put forth by mainstream male leaders are favored. These predominantly patriarchal interpretations force women back into their traditional roles and do not allow for dissenting feminist voices.

Gwen Brodsky and Shelagh Day of the Poverty and Human Rights Centre in Canada gave an equally disturbing account of changing government policies. In the 1970s and all through the 1990s, Canada adopted many pro-woman and pro-social justice policies, more recently the policies have been changing. The gap between the rich and poor is growing and those who lose out are single mothers and women from minority cultures. Canada has also come to adopt culturally-sensitive legislations allowing for the use of cultural and religious legislation in certain cases. These legal changes can be hailed for their cultural and religious sensitivities, but they can also conflict with Canadian perceptions of women's rights and equality.

Justice Yvonne Mokgoro of the Constitutional Court of South Africa gave us an account of post-Apartheid South Africa where laws have been changed, but where the socioeconomic divides of society remain those of capitalist Apartheid. Tshepo Madlingozi of the University of Pretoria did develop in his speech the discussion about women's situation in post-Apartheid Afghanistan. He noted that sexual violence was on the rise and that while the 1994 Constitution of South Africa has been described as the 'best Constitution of the world', it does not provide remedies against real life social injustices and inequalities.

### **Have Feminist Rights Strategies Lost Their Way ?**

As Governments seem to be looking for new and surprising partners, feminists have lost some of their main partners. At the same time, some so-called feminisms are becoming counter-productive for women. Zillah Eisenstein, an American academic and feminist anti-war activist, noted :

- It is no longer clear who is enemy and who is friend. Zillah provided a disturbing account of feminisms in the US. She noted that radical feminists seemed to have more enemies than friends and that American feminism is taken over by a rather scary neo-liberal feminist agenda. Women like Condoleezza Rice and Hilary Clinton are included in order to make the public believe that women and men do have equal opportunities and that democracy promoted by militarized neo-liberalism can be emancipatory for women.

- This is a sham, said Zillah, Condi and Hilary are sexual decoys and we need to see through them and mobilize beyond neo-liberal feminist strategies !

My speech also evoked the issue of 'feminist strategies gone wrong'. As I had been asked to speak about Afghanistan, I talked about how Western feminists during the Taliban time had mobilized for an intervention in Afghanistan in order to end 'gender apartheid in Afghanistan'. Many feminists did of course come to re-think their calls for intervention when the US and its allies decided to bomb democracy and gender equality into Afghanistan : These were not the strategies that we believed in or that we favored ! Nevertheless, quite a few feminists were seduced by the images of timid Afghan women lifting their burqas and peering towards a brighter future : Maybe bombing just a little bit was ok for a good cause ?

Zillah's and my argumentation echoed that of the other speakers : Feminists and human rights advocates are not mere observers of the strange things happening in international law and politics : We are implied in and have a role to play in these developments. Therefore, there is an urgent need to review feminist political platforms, policies and partnerships in the international arena.