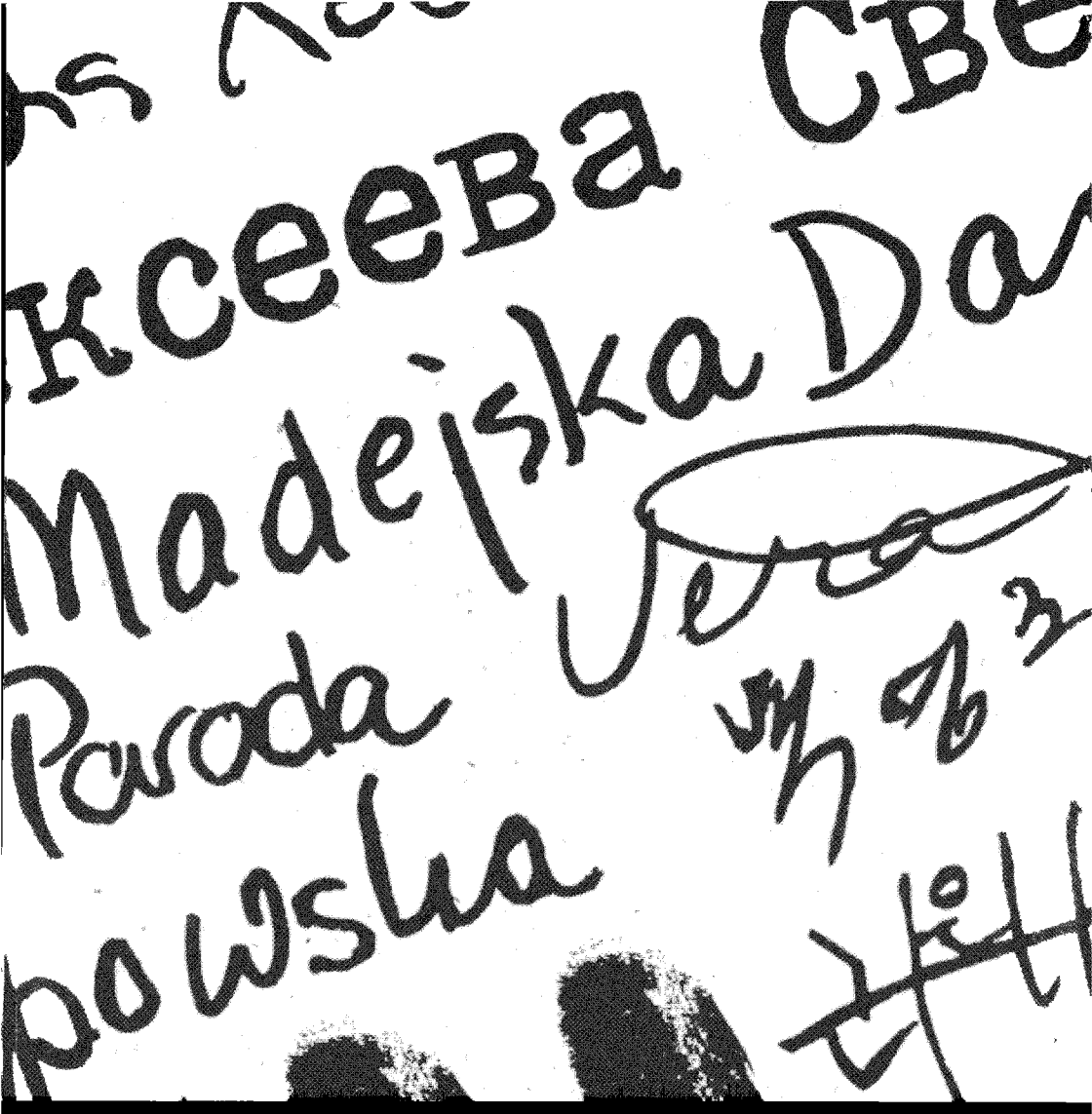

Without Reservation:

the Beijing Tribunal on Accountability for Women's Human Rights

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Preface

The world has changed dramatically since the first UN World Conference on Women in Mexico City in 1975. At the end of this century, we find ourselves in a time of many transitions as power blocs shift and the global economy redefines the conditions of everyday life. This process is accompanied by considerable upheaval and violence, where the need for women to take leadership in providing more humane directions for our societies has never been greater. The Fourth World Conference on Women in Beijing in 1995 marked the culmination of a series of UN World Conferences in the 1990s through which women have sought to exert such influence on global policy making and have begun to emerge as a significant force for the 21st century.

From the Earth Summit on the Environment in Rio in 1992 to the Vienna World Conference on Human Rights in 1993, the International Conference on Population and Development in Cairo in 1994, and the Copenhagen World Summit on Social Development in 1995, women have shown how gender interfaces with all issues and have begun the process of redefining global policy-making to include the experiences of the female half of the population. These UN conferences have served as global town meetings where women have engaged governments, UN agencies, and non-governmental organizations in discussion about how to look at the world through women's eyes. This process has also sought to demonstrate how women's perspectives can transform policies and lead to new solutions in every area from the environment and population to peace and human rights. Women have also utilized UN world conferences and the activities surrounding them to meet, debate, and build alliances amongst ourselves across lines of culture, religion, race, class, sexual orientation, age, physical abilities, and nationality.

In the context of these world conferences, the international movement for women's human rights has grown and emerged as a political force. One of the most potent feminist strategies — speaking the truth of our lives — women have broken the silence on abuses they suffer and have exposed them as the crimes and human rights violations that they are. This strategy can be seen in everything from the *International Tribunal on Crimes Against Women* held in Brussels in 1976, which was a non-governmental response to the first UN Decade on Women,[1] to the *Vienna Tribunal on*

Violations of Women's Human Rights in 1993 and all the thousands of local and regional hearings and speak-outs that women have held around the world over the past two decades. As women testify, they not only make visible the abuse to which all too many females are regularly subjected. They also move from being victims to becoming survivors engaged as political actors in changing their own lives and in creating the conditions necessary to end such abuse in the lives of millions of women around the world.

The strategy of holding hearings and Tribunals locally and regionally, as well as internationally, was adopted by the Global Campaign for Women's Human Rights as part of the effort to gain recognition of gender-based human rights violations at the UN World Conference on Human Rights in Vienna in 1993. The powerful impact of the *Vienna Tribunal* led the Center for Women's Global Leadership to coordinate a series of hearings entitled "From Vienna to Beijing," which included hearings in Cairo and Copenhagen as well as another Global Tribunal in Beijing. *Without Reservation* documents this last milestone in the evolution of the international movement for women's human rights: The Beijing *Global Tribunal on Accountability for Women's Human Rights*.

The Fourth World Conference on Women held in Beijing demonstrated the extent to which the world had begun to recognize women's rights as human rights and served as a referendum on the human rights of women. The voices in favor of women's human rights prevailed, by and large, and protected the gains that women had made in Rio, Vienna, Cairo, and Copenhagen. However, this was not achieved without backlash and considerable opposition from a wide range of conservative forces, both religious and secular, that sought to return women to our "proper" place of subordination and silence. The ferocity of the opposition to women's human rights demonstrated, as it had in Vienna and Cairo, that the challenge to the human rights of women is at the forefront of the attack on human rights and democracy in the world today. From rape and forced pregnancy in Bosnia and Rwanda to the stoning of women in Iran and the violent attacks on abortion clinics in the USA, life and death struggles over the rights of women to our humanity continue throughout the world. For those who understand the importance of human rights to the creation of a civil and humane society, it is vital to realize that this is the cutting edge on which rests the defense of the human rights of all people, men as well as women.

The global dialogue about women's human rights has expanded rapidly from Vienna to Beijing. It is now vital to continue this dialogue beyond world conferences and to move from visibility to accountability. The discussions presented in this book not only document the *Beijing Tribunal* but speak to the on-going struggle for accountability to women's human rights at every level. We seek a commitment from governments, UN agencies, and all members of civil society, without reservation. The 21st century needs the full strength and vision of its women to realize a more just social order. The world's women demand unconditional respect for our human rights as the basis upon which we take up the full responsibilities of citizenship and seek to meet the challenges of the next century.

Charlotte Bunch,
Executive Director
Center for Women's Global Leadership

NOTES

1. This ground breaking event is documented in the book: *Crimes Against Women: Proceedings of the International Tribunal*, Diana Russell and Nicole Van de Ven, eds. (California: Frog in the Well, 1984).

Women's Human Rights from Vienna to Beijing

PART ONE

Introduction: From Visibility to Accountability

HISTORICAL BACKGROUND

The modern idea of universal human rights was popularized in the wake of World War II through the *Universal Declaration of Human Rights* (1948) and the establishment of a United Nations Commission on Human Rights Member states of the newly formed United Nations (UN) were forced to account for the sordid realities of concentration camps, genocide, mass destruction, and the one million displaced persons that had resulted from the alliance of military technology, fundamentalist nationalism, and virulent racism. For those who wanted a UN *Declaration of Human Rights*, the explanation for why so-called civilized countries had engaged in such heinous acts was that there had been a general failure to make human rights fundamental in the business of nation-building, that state sovereignty had been too absolute, and that the time had come for an international system of accountability in order to ensure that states were no longer permitted to trample with impunity upon the human rights of individuals. The UN *Declaration of Human Rights* therefore represented a major challenge to the public/private divide in the global arena: The international community was given a tentative opening to question the "private" affairs of individual states and to hold them accountable to international human rights standards.

Not surprisingly, the process of drafting the *Declaration* in 1947 was shaped by the political, economic, and cultural debates and divides of the time — many of which continue to define human rights concerns today.[1] Eleanor Roosevelt, former United States first lady and a women's rights advocate, chaired the drafting process. The gender-neutral terms "All human beings," "Everyone," and "No one" were written into the *Declaration*, as opposed to "All men," "Every man," and "No man" after protests by a woman delegate from India who effectively argued that the latter terms would be interpreted to exclude women in future applications of the *Declaration*. The Chinese delegate pushed for the priority of collective rights over individualism, while the Lebanese participant, a Christian humanist, argued for the centrality of the "human person." The delegates from the Soviet Union emphasized employment and economic well-being while the United States focused on personal freedom. Smaller states were eager to

produce a human rights covenant that would be legally binding while the emerging cold-war superpowers favored a declaration of aspirations. Significantly, the United States was resistant to a legally-binding commitment because of fears that African Americans and others would utilize such an avenue of redress against discrimination and racism.

Having gained the support of the then 55 UN member states, the *Universal Declaration of Human Rights* emerged as a moral blueprint enshrining the principles of non-discrimination and equality, and the duties of states to promote the "universal and effective recognition and observance" of the civil, political, economic, social, and cultural rights contained in the *Declaration*. It therefore reflected, however tenuously, a "common standard of achievement" to which delegates from diverse perspectives, cultures, and geo-political standpoints had subscribed. Viewed in this light, far from being the final word on human rights, the *Universal Declaration* represented a first step toward the effective realization of human rights for all and toward the institutionalization of measures to ensure human rights accountability in an international framework. How universal human rights would be subsequently defined and put into practice — including questions of accountability — depended upon many factors such as the distribution of power and wealth internationally and the relative effectiveness of the non-governmental human rights movements that were to follow.

The story of international human rights since 1948 can be told in a variety of ways. It can be seen as the elaboration of a legal system. Alternatively, it can bee seen as the development of human rights policy in international relations where, too often, human rights standards have been selectively applied to justify particular foreign policies by the more powerful players in the global arena. The history of human rights can also be told in terms of the popular movements that have resisted specific abuses, such as state-sponsored torture; or movements that have advanced the human rights of particular groups such as indigenous peoples; or more recently, the movement for women's human rights, which has contested the invisibility of both gender-based human rights abuses and women's perspectives on human rights in international agendas. The ways in which human rights are defined and implemented are frequently challenged and revised, and while this process is shaped by ideological and political power struggles, changes in

definition or policy often reflect victories for justice and for the spirit of the *Universal Declaration*. The successes of the international movement for women's human rights are examples of such victories.

THE MOVEMENT FOR WOMEN'S HUMAN RIGHTS

The movement for women's human rights crystallized around the second World Conference on Human Rights (Vienna, 1993). It emerged in response to numerous concerns and reflected the collaboration of women's efforts in diverse contexts. In particular, many women in different regions believed that the issues they were organizing against — especially different forms of gender-based violence such as battery, rape, female genital mutilation, female infanticide, or trafficking and forced prostitution — were human rights crises that were not being taken seriously as such by the international community.

In the decades since the *Universal Declaration of Human Rights*, the international human rights community focused primarily on certain aspects of civil and political rights, which address important but limited concerns such as the denial of freedom of expression, arbitrary arrest, torture in detention, and the death penalty when perpetrated by state actors. Some non-governmental initiatives have led to broadening the implementation of human rights in areas such as the right to development, the rights of the child, as well as around issues like disappearances, racial discrimination, religious intolerance, and contemporary forms of slavery. However, the UN *International Covenant on Civil and Political Rights* (ICCPR) still receives more resources than other human rights instruments and has more effective implementation mechanisms. Such an approach to human rights, which emphasizes the protection of citizens from certain types of direct state coercion, facilitates the protection of male-defined culture, family, or religious rights, often at the expense of the human rights of women. Further, the failure to develop effective measures to monitor violations and secure implementation of human rights in the socio-economic arena has hindered recognition of the gender-specific impact of socio-economic violations which prevail in every region.

The challenge to human rights thinking and practice posed by women at the Vienna World Conference on Human Rights, and later at the International Conference on Population and Development (Cairo, 1994), the World Summit on Social Development (Copenhagen, 1995), and the Fourth World Conference on Women (Beijing, 1995), reflects a movement that has

emerged over the past decade. This initiative has its roots in the growth of diverse women's movements globally during the UN Decade on Women (1976-1985). Since then, women have continually raised the question of why "women's rights" and women's lives are treated as secondary to the "human rights" and lives of men. By insisting that "women's rights are human rights," women are asserting that widespread gender-based discrimination and abuse of women is a devastating reality as urgently in need of redress as other human rights violations. Advocates for women's human rights seek to demonstrate both how traditionally accepted human rights abuses are specifically affected by gender, and how many other violations against women have remained invisible within prevailing approaches to women's human rights. Violations of women's human rights committed in the "private sphere" of the home, for example, or in the context of familial or intimate relationships, have not been considered within the purview of a government's human rights obligations.

The Global Campaign for Women's Human Rights — a loose coalition of groups and individuals worldwide concerned with women's human rights — formed in preparation for the World Conference on Human Rights in Vienna. One of the Campaign's early actions was a petition drive that aimed to gather 100,000 signatures calling upon the Vienna conference to "comprehensively address women's human rights at every level of its proceedings." Having contributed to women's success at the Vienna conference, the initiative culminated three years later in Beijing at the Fourth World Conference on Women, this time with a call to implement the *Vienna Declaration's* commitments to women's human rights and to incorporate them into the *Beijing Platform for Action*. By the time of the Beijing conference, the petition had well over one million signatories, it had circulated in 148 countries, was translated into 26 languages, and had gained over 1,000 sponsoring organizations (see Appendix B for a reprint of the final petition and Appendix C for a full report on the petition campaign). The annual campaign of "16 Days of Activism Against Gender Violence" (November 25 - December 10), was also launched by the Center for Women's Global Leadership in 1991. Its aim was to promote public awareness about gender-based violence as a human rights concern and to lobby for specific commitments to women's human rights locally, nationally, and globally especially in the context of the UN world conferences.