DEMANDING ACCOUNTABILITY

The Global Campaign and Vienna Tribunal for Women's Human Rights

CHARLOTTE BUNCH AND NIAMH REILLY

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published by:

Center for Women's Global Leadership,
Rutgers University, New Jersey, USA

United Nations Development Fund for Women (UNIFEM)
New York, USA

The views expressed in this book are those of the authors and do not necessarily represent the views of UNIFEM, the United Nations or any of its affiliated organizations.

Demanding Accountability: The Global Campaign and Vienna Tribunal for Women's Human Rights
C. Bunch, N. Reilly
ISBN 0-912917-29-6

First printing: 1994
Second printing: 1999
Second printing by Lithoid Printing Corp., East Brunswick, NJ

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and the United Nations Development Fund for Women

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Website: http://www.unifem.undp.org

All UNIFEM publications are distributed by Women, Ink.
777 UN Plaza, 3rd Floor, New York, NY 10017 USA
Phone: (1-212) 687-8633; Fax (1-212) 661-2704

Cover & book design by Emerson, Wajdowicz Studios, Inc
1123 Broadway, New York, NY 10010 USA

Desktop Operator: Cynthia Madansky

Cover Production for Second Printing: Bruce Hanson, EGADS, Cranbury, NJ

Edits for Second Printing: Christine Lit, dotArt, North Brunswick, NJ

Photo Credits: Cindy Ewing

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Acknowledgements

To name all who have contributed to the Global Campaign for Women's Human Rights, the Global Tribunal on Violations of Women's Human Rights and this book is impossible. Nevertheless, at the risk of leaving some out, we want to mention a few who have been particularly important to us. Above all, we must emphasize that the movement behind this book is the product of the collective wisdom, vision, and work of many women throughout the world.

The Center for Women's Global Leadership could never have launched this campaign without the cooperation of many groups internationally, but we wish to thank especially those organizations whose ongoing collaboration in developing the campaign was crucial: Asian Women's Human Rights Council, Austrian Women's Human Rights Working Group, Feminist International Radio Endeavor (FIRE), Human Rights Watch Women's Rights Division, International Women's Tribune Centre, ISIS International, United Nations Development Fund for Women (UNIFEM), Women in Law and Development in Africa (WiLDAF), and Women Living Under Muslim Laws International Solidarity Network. Locally our work was enhanced enormously by the New York/New Jersey area Working Group on Women's Human Rights, and we appreciate all those who attended its meetings and helped to develop strategies with us there.

The Campaign has benefitted from the leadership and guidance of many, but we have especially depended upon a core of strong feminists from around the world including but not limited to: Sunila Abeyesekera, Gladys Acosta, Georgina Ashworth, Ariane Brunet, Florence Butegwa, Roxanna Carrillo, Rebecca Cook, Rhonda Copelon, Alda Facio, Hina Jilani, Leni Marin, Rosa Logar, Suzanne Roach, Lourdes Sajor, María Suárez, Dorothy Q. Thomas, and Anne Walker.

For The Global Tribunal, we must express our deep gratitude to the women who testified, the judges, the moderators and the opening speakers—all of whom are listed in the programme (Document C in Part IV) and most of whom are quoted in Part II. In addition, we thank the International Coordinating Committee, the legal counselors, the Communications Consortium, Gerry Rogers of Augusta Productions, Helene Rosenbluth, Ingeborg Schwarz, Valerie Oosterveld, and all those from many countries who helped to prepare testimony and who supported those who testified.

The staff, interns, and associates of the Global Center over the past few years maintained the daily work of the campaign and prepared for the Tribunal. In particular, Raahi Reddi, Andrea Romaní, Sita Venkateswar, and Tamara Xavier of our Center along with Meera Singh from IWTC and Jennifer Klot from UNIFEM were support staff for The Tribunal in Vienna. Global Center staff members Diana Gerace and Susana Fried kept the work going back home. Other affiliates of the Center who helped with aspects of the campaign include: Asma Abdel Halim, Rosa Briceño, Seble Dawit, Sam Frost, Cici Kinsman, Lori Heise, Stephanie Lentini, Linda Posluszny, and Susan Roche.

In the preparation of this book, we express great appreciation for the assistance of Sam Frost—she has edited, proofread, and backed up all that is here and for Joanne Sandler who has made the co-publishing with UNIFEM a pleasure. For personal support and constant intellectual challenge in seeking to complete this book, we thank Roxanna Carrillo, Susana Fried, and Ed Hatton.

The Center could not have done any of this work without the steady backing of Mary Hartman, the Dean of Douglass College which houses us, the Associate Alumnae of Douglass College, and the support of many within the Rutgers University community. Finally, we want to thank those who have expressed their confidence in this work as funders (listed at the end of this book), and especially Margaret Schink, June Zeitlin, and Carmen Barroso for their strong commitment to women's human rights and their trust in us to carry out this work.

Preface

Throughout history, women have been absent from those arenas in which important decisions concerning the political definition of rights have taken place. Women have been confined to a space of shadows and domesticity, a situation which was well-expressed by Xenophon in the fourth century BC: "The Gods have created women for the domestic functions and men for all other functions." The fight for the recognition of women's humanity, and thus of their entitlement to human rights, has a long history that continues to the present day. To be confined to only one social space, the home, has meant that through the centuries men have played the role of intermediary between women and all the other spheres of social life. To mediate such a relationship is a formidable exercise of power, even for those men who do not have access to wealth and social prestige.

If there is one intriguing pattern that seems to cut across centuries and different civilizations, it is that a woman is always less entitled to rights than a man. This is so in spite of the inequalities of social class, race, ethnicity, religion, and culture that permeate societies and affect both men and women. Perhaps it is this puzzling universality that helps to explain why, more and more, women's movements for equity and social dignity are becoming international.

I consider the Global Campaign for Women's Human Rights and its Global Tribunal on Violations of Women's Human Rights to be a central and key part of this process. The international campaign which called upon the United Nations to recognize that violence against women is a human rights violation reflects a growing movement that is grounded in the assumption that Women's Rights are Human Rights.

The Tribunal was a successful and most necessary event that clearly revealed to governments, UN officials, and other sectors of the NGO world the extent to which women are submitted to violence, the wide-spread incidence of so-called domestic violence, and the general disrespect that exists for women's physical and emotional integrity. The Tribunal testimonies, by women from very different countries and backgrounds, are pieces of a unique tapestry that point to a common story of disrespect and violation that occurs even today at the turn of the century. Since neither nationality, class, race nor religion are determining factors in either the roots or prevalence of such violence, The Tribunal called for a revision of the concepts of public and private spheres, and of individual and social rights, in the formulation of national and international laws and regulations.

The Tribunal is also evidence of a failure, the failure of most societies to recognize women as full citizens, as human beings who are entitled to civic, social and political rights, to the recognition of themselves as human beings, and thus to protection by national and international human laws and procedures.

Using different strategies and instruments, women continue to build roads that will lead them, as full citizens, into the national and international public arenas. Let us keep working together for a time when campaigns and tribunals like this will no longer be necessary.

Jacqueline Pitanguy
Rio de Janeiro, Brazil
Director of CEPIA (Citizenship Studies, Information, Action)

Part I
The Road to Vienna

Chapter 1
The Global Campaign for Women's Human Rights

The United Nations *Universal Declaration of Human Rights*, proclaimed in 1948, states unconditionally that it applies to all human beings "without distinction of any kind such as race, colour, sex, language...or other status" (Article 2). Nevertheless, many violations of women's human rights continue to be ignored, condoned, and perpetrated by societies and governments in every region of the world. A particularly clear example is gender-based violence against women, which has not been understood as a human rights issue much less as one requiring attention from the international human rights community.

It came as no surprise, therefore, that the United Nations resolution to hold its second World Conference on Human Rights (the first had taken place in 1968) did not mention women or recognize any gender-specific aspects of human rights in its proposed agenda. Yet, by time the World Conference ended in Vienna in June 1993, gender-based violence and women's human rights emerged as one of the most talked-about subjects, and women were recognized as a well-organized human rights constituency. The final statement issued by the 171 participating governments at the Conference—The Vienna Declaration—devotes several pages to treating the "equal status and human rights of women" as a priority for governments and the United Nations; further, it sounds an historic call to recognize the elimination of "violence against women in public and private life" as a human rights obligation. This progress on women's human rights did not happen by accident.

Over the past four decades, the international human rights community has focused primarily on certain aspects of civil and political human 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 organizations (NGOs) have lobbied with moderate success to broaden the implementation of human rights through specific conventions, working groups, and/or special rapporteurs in areas such as the right to development and rights of the child, as well as on topics like disappearances, racial discrimination, religious intolerance, and contemporary forms of slavery. However, the United Nations' *International Covenant on Civil and Political Rights* (ICCPR) still receives more resources than other human rights instruments and has more effective implementation mechanisms; it therefore plays a predominant role in the practice of human rights globally. This approach to human rights, which gives priority to protecting citizens from certain types of direct state coercion, also facilitates the "protection" of male-defined cultural, family or religious rights often at the expense of human rights of women. Further, the failure to develop effective measures to monitor violations and secure implementation of socio-economic rights has hindered the recognition of systemic gender-based socio-economic violations which prevail in every region.

The Global Campaign for Women's Human Rights—a loose coalition of groups and individuals worldwide working for women's human rights—seeks 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 human rights. For example, violations of women's human rights committed in the "private sphere" of the home, or in the context of familial or intimate relationships, have not been considered within the purview of a government's human rights obligations.

The challenge from women in Vienna, and the increased awareness of the human rights of women there, reflected the movement around women's human rights that has emerged over the past decade. This process has its roots in the growth of diverse women's movements globally during the United Nations Decade for Women (1976-85). Since then, women have continually raised the question of why "women's rights" and women's lives have been deemed secondary to the "human rights" and lives of men. Declaring that "women's rights **are** human

rights," women sought to make clear that widespread gender-based discrimination and abuse of women is a devastating reality as urgently in need of redress as other human rights violations. More women die each day from various forms of gender-based discrimination and violence than from any other type of human rights abuse. This ranges from female infanticide and the disproportionate malnutrition of girl children, to the multiple forms of coercion, battery, mutilation, sexual assault and murder that large numbers of women face in every region of the world, throughout their lives, simply because they are female.

Organizing for Change

While a variety of women have raised these questions for some time, a coordinated effort to change this attitude using a human rights framework gained momentum in the early 1990's. Various international, regional and local women's groups began meeting to strategize on how to make women's human rights perspectives more visible. In 1991, the Center for Women's Global Leadership (Global Center) convened a New York area working group on women's human rights. This group was composed of women from many countries who were living in the area and working in human rights and women's NGOs, as well as at UN agencies and area universities. This working group has continued to meet to discuss conceptual issues and plan strategies for women's human rights, and has parallels in other cities around the world.

The UN World Conference on Human Rights became a natural vehicle to highlight the transformative visions of human rights thinking and practice being developed by such groups. The Center's active focus on the World Conference began at its 1991 Women's Global Leadership Institute, where participants developed the idea of an annual campaign of *16 Days of Activism Against Gender Violence,* linking the International Day Against Violence Against Women (November 25), to International Human Rights Day (December 10)[1] The *16 Days* campaign has grown steadily since then, involving women's groups in dozens of

[1] November 25 was declared International Day Against Violence Against Women by the first Feminist Encuentro for Latin America and the Caribbean in 1981, Bogota, Colombia. The day commemorates the Mirabal sisters who were brutally murdered by the Trujillo dictatorship in the Dominican Republic in 1960. December 10 celebrates the anniversary of the Universal Declaration of Human Rights proclaimed in 1948. The period also includes World AIDS Day (December 1), and the anniversary of the Montreal massacre (December 6) when a man gunned down 14 engineering students for being "feminists."

countries who have organized hundreds of events, including petition drives, hearings, demonstrations, lobbying, media campaigns, street theatre, cultural festivals, radio programs, panels, and the production of buttons, t-shirts and posters.

During the first *16 Days* campaign in 1991, a petition drive was initiated which called upon the United Nations World Conference on Human Rights "to comprehensively address women's human rights at every level of its proceedings" and to recognize "gender violence, a universal phenomenon which takes many forms across culture, race, and class... as a violation of human rights requiring immediate action." The petition, originally sponsored by the Center for Women's Global Leadership and the International Women's Tribune Centre (IWTC), was distributed in English, Spanish, and French through dozens of women's networks. It was subsequently translated into 23 languages and used by women in many different ways at the local, national, and regional levels. By the time of the World Conference, over 1000 sponsoring groups had gathered almost a half million signatures from 124 countries.

At the same time, regional movements for women's human rights were working to transform the limited interpretations and applications of human rights in their areas. At the regional preparatory meetings for the Vienna World Conference held in Tunis, San Jose, and Bangkok, women demanded that the human rights of women be discussed. For example, groups in Latin America organized a women's human rights conference called *La Nuestra (Ours)* prior to the regional meeting in San José. They prepared a *19 Point Agenda* to be presented there which women from other regions also utilized.[2] Women were also an active presence at various national preparatory meetings, and held other non-governmental events aimed at influencing the World Conference agenda. For example, Women in Law and Development in Africa (WiLDAF) organized a series of sub-regional meetings where participants defined their own human rights concerns and then drew up a regional women's paper which was presented at the final international Preparatory Committee meeting in Geneva in April, 1993.[3] Since the Asian regional meeting was held very late in the preparatory process, Asian women were able to use work that had already been done in other regions and globally. Despite frequent oppo-

[2] For a detailed description see *Satellite Meeting "La Nuestra."* Feminist International Radio Endeavor, Costa Rica. 1992.

[3] See *The World Conference on Human Rights: The WiLDAF Experience.* ed. Butegwa, F. Women in Law and Development in Africa, 1993.

sition from their governments, they drew upon these efforts as well as their own regionally specific initiatives to integrate women's issues and perspectives into the final Asian NGO statement.

Regional, national and global documents were written, exchanged and revised by women in this process, and several international gatherings were held to develop some common points of emphasis to present in Vienna. In February 1993, the Center for Women's Global Leadership organized a Strategic Planning Institute[4] to focus on how women could most effectively influence events at the Vienna conference. The meeting brought together a small group of women from around the world who had already made significant strides toward addressing women's rights as human rights regionally and locally. The specific tasks of the meeting were twofold: 1) working on lobbying strategies for the UN World Conference, which included further development of a set of recommendations on women's human rights to be used at the final preparatory meeting and in Vienna itself; and 2) planning women's non-governmental activities at Vienna and, in particular, a global tribunal on women's human rights.[5]

In addition to those groups already mentioned, other regional networks, such as the Asian Women's Human Rights Council and CLADEM (Latin American Committee for Women's Rights), and international organizations like Change Inc. and the International Human Rights Law Group were also mobilizing to put women's concerns on the governmental agenda for Vienna. (See *Part IV, Documents B* and *H* for reports on other organizing efforts around the Vienna Conference.) By the time of the final meeting of the international Preparatory Committee held in Geneva in April 1993, which was to draft the Conference document for Vienna, women were prepared with common demands to present to the governments.

Meanwhile, there was still uncertainty about whether the Conference would even be held. In two prior international Preparatory Committee meetings, the governments had not been able to agree on the conference agenda nor to start

[4] The results of this meeting are included in *International Campaign for Women's Human Rights 1992-93 Report.* Center for Women's Global Leadership, 1993.

[5] Most UN World Conferences, which are meetings attended by govenment delegations, are accompanied by parallel NGO activities which generally include panels, workshops, public events, and lobbying activities. These parallel activites may precede or coincide with the governmental meetings. Increasingly, the NGOs who participate in the parallel activities work together to produce a coherent NGO statement addressing the official conference agenda. In Vienna, the NGO Forum was organized jointly by the NGO Planning Committee in Geneva and the Vienna-based Boltzmann Institute for Human Rights, and was held on June 10-12 immediately preceding the UN World Conference.

drafting the document for it. These meetings had split, primarily along North-South lines, over the questions of which human rights issues had priority (socio-economic versus civil and political) and what rights should be considered universal. Thus, at the opening of the final Geneva Preparatory Committee meeting there was still no agreed-upon text to serve as a basis for the agenda for the UN World Conference. This provided an important opportunity for women who had focused on building coalitions across North-South lines and addressing socio-economic as well as civil and political rights, to get their ideas included in the Conference agenda.

The women's caucus at the final meeting of the International Preparatory Committee included representatives of international women's and human rights non-governmental organizations that are often present at such gatherings, as well as Third World women active in their regional processes, many of whom were organized to attend through the United Nations Development Fund for Women (UNIFEM). This coalition crossed longtime divisions, not only along North-South lines, but also between women working in government, in non-governmental organizations, and in United Nations agencies. The women's caucus succeeded in two critical areas: first, it effectively pressured for the inclusion of text on women in the draft document which was accepted by governments at the Geneva meeting almost without reservation—a process which virtually assured its passage later in Vienna; and second, it formed the basis for many women to continue working together across these lines in Vienna. (The lobbying process for the final *Vienna Declaration* is discussed further in Chapter Ten of this book.)

This phase of active lobbying for the inclusion of women in the Vienna proceedings, and in the international human rights agenda generally, was accompanied by grassroots hearings which were launched as part of the second *16 Days of Activism* campaign in 1992. The Global Center and IWTC sent out a call with suggestions for how to hold such hearings, and also distributed a revised UN documentation form for receiving complaints that took more account of women. The hearings aimed at giving voice to gender-based human rights violations, articulating more precisely the spectrum of issues behind the global petition drive for recognition of women's human rights.

From November 1992 on, women held hearings to document individual complaints and group cases of violations of women's human rights. Public hearings

were convened in diverse places such as Argentina, Costa Rica, India, Nepal, and the United States, and dozens of speakouts were held in other locations to document female human rights abuse. (See *Part IV, Document B* for a fuller account of these events.) The resulting testimonials were recorded, and the documentation sent to the UN Centre for Human Rights, providing concrete evidence of the need for human rights mechanisms that are more responsive to women's lives. Many women who could not hold hearings also gathered available information and documented female human rights abuses. These records informed submissions to the final international Preparatory Committee meeting and to the Conference itself.

Throughout the spring, women from diverse regions exchanged perspectives and information regarding these hearings and other women's workshops and initiatives that were being organized as part of the NGO activities in Vienna. Two of the major strategies that emerged from this process and which ensured women's visibility at the Vienna meeting were *The Rights Place for Women* (See *Chapter Nine* for a detailed description) and *The Global Tribunal on Violations of Women's Human Rights.*

The Global Tribunal on Violations of Women's Human Rights, which took place on June 15, 1993 in Vienna, gave vivid expression to the life and death consequences of women's human rights violations. It provided graphic demonstration of how being female can be life threatening, subjecting some women to torture, terrorism and slavery daily. The Global Tribunal called international attention to a pattern of female human rights abuse which must be taken seriously if human rights are to be an effective and credible component of the global political and economic order for the 21st century. This book focuses on The Global Tribunal and the movement for women's human rights from which it originated.

Chapter 2
Concept and Organization of The Global Tribunal

Purpose of the Tribunal

The idea of convening a Global Tribunal on Violations of Women's Human Rights at the 1993 World Conference on Human Rights emerged from a variety of discussions over several months amongst those active in the Global Campaign for Women's Human Rights in different regions. Previous events, such as the World Women's Congress for a Healthy Planet (Miami, 1991), the International Tribunal on Crimes against Women (Brussels, 1976), and various People's Tribunals, were mentioned as sources of inspiration by many who suggested that we undertake a Tribunal in the field of women's human rights.

The Tribunal was also a natural extension of the worldwide petition drive and hearings campaign launched as part of the *16 Days of Activism Against Gender Violence* in 1991 and 1992. Many of those who had become involved in the petition drive calling for the inclusion of women in the World Conference agenda were asking, what next? How do we show more clearly what it means for women's perspectives to be incorporated into human rights? With these concerns in mind, the Global Center and IWTC launched the Second Annual *16 Days of Activism* in 1992 with a call for international hearings and for increased documentation of violations of women's human rights which women wanted the World Conference and the international human rights community to address. The Tribunal was seen as

an event that would draw upon these local and regional hearings and mark the culmination of several years of campaigning for the recognition of women's human rights.

The Tribunal was to be part of the non-governmental parallel activities taking place in Vienna during the UN World Conference and was to help inform human rights NGOs about women's human rights. In addition, the Tribunal intended to formally address the governmental delegates, and therefore was planned for the second day of the UN World Conference so that it would immediately call attention to the demand that the conference address gender-specific human rights concerns. The Tribunal was also understood as a way to utilize the media present at the World Conference, not only to reach the delegates in Vienna, but also to bring greater mainstream attention to female human rights abuses and violence against women generally.

The final decision to hold a tribunal, and the development of guidelines for it, took place at the Strategic Planning Institute convened by the Global Center in February 1993. Institute participants agreed that the over-arching objective should be to provide a global forum in which to demonstrate the failure of existing human rights mechanisms to promote and protect the human rights of women. (This placed it in the context of the UN World Conference agenda, which was to review and appraise the effectiveness of human rights machinery internationally.) The testimonies that women would recount at The Tribunal were to be symbolic of the situation of many thousands of women who could not be there. They would define, document, and make visible violations of women which the current conceptualization and practice of human rights had not adequately addressed. By bringing patterns of gender-based human rights violations to the foreground, Tribunal speakers would make women's challenges to the international human rights community concrete. This tactic was essential, for if human rights are to be a defining value for people into the 21st century they must be more universal; women, as well as all men, must have greater recourse to human rights instruments as a means of contesting abuses of their humanity.

The Tribunal planners sought to pose key challenges to the United Nations, national governments, and the international human rights community in several areas. In particular, it sought to:

- **Demonstrate obstacles to women's enjoyment of human rights that stem**

from the distinction between public and private, especially around violence against women.

Human rights abuses committed against women and girls—from rape and battery, to forced sterilization, compulsory marriage and sexual exploitation—are acts of "cruel and inhuman treatment." For millions of women they constitute "torture" and the denial of "life, liberty and security of person." Yet, traditional human rights practice has relied upon a biased understanding of "public" and "private" spheres, whereby violations experienced by men as citizens tend to be more readily acknowledged as important than those experienced by women in the so-called private domain. The Tribunal was to challenge this distinction by demonstrating the impact on women's lives of gender-based violations in many contexts, whether perpetrated by state actors or by private individuals.

- **Expose the often ignored violations of female human rights in war and conflict situations.**

As the Tribunal was being planned in early 1993, international attention focused on the conflict in the former Yugoslavia and the use of rape and forced pregnancy as modes of ethnic cleansing. The UN World Conference offered an opportunity to expand people's understanding of this issue by showing how gender-based violence is used as a military strategy in many conflict situations. Thus, the case of the former Yugoslavia was to be presented in the context of other military abuses of women in contemporary and historical conflicts, such as Somalia, Peru, and Palestine as well as during World War II.

- **Reassert that women's human rights are indivisible and universal, and highlight the ways in which some claims to cultural and religious rights impede the universality of human rights with respect to women.**

The human rights of women must be unconditionally protected and cannot be negated in the interest of claims made by some regarding ethnicity, culture or religion. Religious fundamentalism—Christian, Hindu, Jewish, Islamic or any other—which seeks to enforce its edicts through prohibitions on women's freedom, either in terms of violations of bodily integrity, or the exclusion of women from social, political and economic power, cannot be tolerated if human rights are to be realized for all. Similarly, traditional practices which are intrinsically injurious to women and girls can find no justification or immunity in a human rights framework that claims to be universal.