Without Reservation:
the Beijing Tribunal on Accountability for Women’s Human Rights
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Acknowledgements

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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
Women's Human Rights from Vienna to Beijing

PART ONE
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. 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 be 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.
Following the enthusiastic response to the petition drive, the second "16 Days" campaign (1992) called upon participants to hold grassroots hearings in order to demonstrate more clearly how violence affects women and what it means for women's perspectives to be incorporated into human rights. From November 1992 on, women began to convene public hearings and speakouts to document individual complaints and group cases of violations of women's human rights. The resulting testimonials were recorded and the documentation sent to the UN Centre for Human Rights. At the same time, regional women's groups began to focus on the forthcoming World Conference on Human Rights to be held in Vienna and to articulate their demands to that global forum. As part of this process, the Center for Women's Global Leadership held an international Strategic Planning Institute in early 1993 to plan how to influence events in Vienna effectively and to place violence against women squarely on the conference agenda. One of the strategies to emerge was the holding a *Global Tribunal on Violations of Women’s Human Rights* as part of the Non-Governmental Organization (NGO) Forum in Vienna.

Prior to the Vienna conference, the Global Campaign made a strategic decision to emphasize issues of gender-based violence since they illustrate best how traditional human rights concepts and practice are gender-biased and exclude a large spectrum of women's human rights abuse. Different forms of violence against women clearly parallel other types of human rights violations that the international community has already condemned, such as torture, enslavement, and terrorism, so they were a useful starting point for formulating and demonstrating a gender perspective on human rights. In Vienna, the message that "violence against women violates human rights" came through loud and clear, and it promoted the introduction of new human rights instruments including the adoption of a *UN Declaration on the Elimination of Violence Against Women* and the appointment of a UN Special Rapporteur on Violence Against Women. Women had effectively challenged the public/private divide in the global human rights arena; they had exposed violence against women as a human rights violation, whether perpetrated by a male relative in their home or by a soldier in a war zone.

The documentation of female human rights abuse gathered throughout the Global Campaign and at the *Vienna Tribunal* repeatedly demonstrated that the prevalence of violence against women in societies
everywhere is inseparable from their lack of socio-economic power and status. Similarly, the routine denial of women's bodily integrity in the implementation of national and international population policies is linked to the same forces that leave women vulnerable to violence. The Vienna Tribunal also featured testamonies on violations of women's socio-economic and cultural human rights and on gender-based political persecution, but these were largely overlooked by the media. Some women were concerned that the focus on gender-based violence in Vienna had detracted attention from other types of human rights issues, especially abuses associated with the actions of non-state actors like international financial institutions and transnational corporations, or around policy areas such as women's health. After the Vienna conference, in addition to pushing for the prompt implementation of the Vienna Declaration's commitments to women, the Global Campaign sought to underscore the indivisibility of women's human rights and the interconnectedness of the civil and political as well as the social, economic, and cultural dimensions of all human rights. In doing so, the Campaign set out to deepen its analysis and extend its activities into every sphere in which women's human rights are under threat.

To move forward in this direction, the Center for Women's Global Leadership, together with other participants in the Global Campaign coordinated a series of activities entitled From Vienna to Beijing: Building Human Rights Accountability to Women. The series included workshops, strategic planning meetings, and hearings on women's human rights at the International Conference on Population and Development (ICPD) and the World Summit for Social Development. It culminated in the second Global Tribunal on Accountability for Women's Human Rights and other activities at the Fourth World Conference on Women in Beijing.

The Cairo Hearing on Reproductive Health and Human Rights advanced the message that "women's health is a human right." Women from the United States, Nigeria, Poland, India, Egypt and Mexico recounted the human rights abuses they had encountered through involuntary sterilization, forced childhood marriage and pregnancy, illegal abortion, and the denial of reproductive and sexual health to disabled women and girls. The testimonies demonstrated the multiple forces that affect women's health, including the state, population policies, pharmaceutical companies, the medical profession, the family, religion, and culture. The Cairo hearing
further showed that if the international community is serious about women's human rights as pledged in the Vienna Declaration (a document signed by all member states participating in the World Conference on Human Rights), then both a gender-aware approach to health as a human right and effective strategies to ensure accountability on the part of diverse non-state actors must be put in place.

The final Programme of Action agreed upon at the ICPD reflected the pivotal role that the women's movement played in Cairo. In guidelines for the formulation and implementation of population and development policies, gains for women included recognition that women's empowerment, the elimination of violence against women, women's education, and women's ability to control their fertility need to be cornerstones of development; that development is a fundamental human right; that women's reproductive health and rights, including sexual health, along with maternal mortality and the health impact of unsafe abortions must be addressed; and that demographic targets need to be underplayed in favor of a focus on the overall reproductive health needs and plans of women.

The Copenhagen Hearing on Economic Justice and Women's Human Rights was convened by the Center for Women's Global Leadership and DAWN (Development Alternatives with Women for a New Era) in collaboration with others at the World Summit on Social Development. The Summit focussed on poverty, unemployment, and social disintegration, and thus was a particularly important venue to make visible violations of women's human rights in the socio-economic arena. The Copenhagen Hearing questioned prevalent understandings of human rights and broke new ground in the struggle to ensure human rights accountability by highlighting in particular the United States' complicity in perpetrating socio-economic human rights abuses within the U.S. and internationally. The explicit focus on the United States arose from an acknowledgement of its powerful position in the world economy as well as its self-proclaimed role as a world leader on human rights.

Women from Tanzania, the United States, the Philippines, Mexico, and Cuba testified in Copenhagen about violations resulting from structural adjustment programs (SAPS), budget cuts that target social welfare measures, and trade polices and economic sanctions that are indifferent to human rights. They recounted stories of forced prostitution, the abuse of
migrant workers, and environmental destruction — all of which are growing in the face of economic globalization. While women did not transform the Social Summit's final *Programme of Action*, there were positive advances towards a gender-aware understanding of human rights as indivisible and towards greater accountability on the part of international financial institutions. These advances included an affirmation of the importance of core human rights standards — civil, political, economic, social, and cultural — including the rights to development; a commitment to promote gender equality and improve the status of women; a recognition of the increased burden on women created by poverty, along with a broad definition of the family and a call for the valuation of women's unremunerated work; the advancement of the rights of workers, including migrant workers, and indigenous people; and an acknowledgment that SAPS must be reviewed to reduce their negative impact and that International Financial Institutions should give higher priority to social lending.

THE BEIJING TRIBUNAL

The *Global Tribunal on Accountability for Women's Human Rights* took place September 1, 1995 at the NGO Forum held as part of the World Conference on Women but in the city of Huairu some 40 kilometers outside of Beijing. The *Vienna Tribunal* had achieved greater visibility for violations of women's human rights, especially those perpetrated in private contexts. The Cairo and Copenhagen hearings advanced a gender-aware understanding of the indivisibility of human rights by exposing the lines between women's economic and social marginalization and violations of bodily integrity, and by challenging economic polices that inexorably foster the impoverishment and exploitation of women. The *Vienna Declaration* had contained many exemplary commitments to women's human rights and further positive agreements had emerged from both Cairo and Copenhagen.

As the Beijing conference approached and plans were underway for parallel NGO events, women's groups and networks around the world were eager to see the rhetoric of recent UN conferences put into effect in ways that would make a difference in women's daily lives. They wanted governments to be accountable for the realization of their promises; they wanted governments to be accountable for violations of women's human rights in which they were involved, either through direct action or through
inexcusable inaction; and they wanted governments to hold accountable both individual and institutional private perpetrators of female human rights abuse.

The **Global Tribunal on Accountability for Women's Human Rights** was planned as a major public forum that would move the women's human rights agenda forward from visibility to accountability, from awareness of violations of women's human rights to active implementation of women's human rights. Like previous hearings and tribunals, the **Beijing Tribunal** set out to provide a high-profile public venue to hear women's voices, to document women's human rights violations, and to foster a political climate in which such abuses would no longer be tolerated. In addition, the **Beijing Tribunal** aimed to build upon the Global Campaign's successes in the area of gender-based violence, and to further the Campaign's objectives to realize women's human rights in the social, economic, and cultural domains. The event was also envisioned as an opportunity to demonstrate the strength and creative strategies of the movement for women's human rights. In addition to presenting accounts of violations of women's human rights, testifiers were urged to incorporate into their statements concrete strategies and recommendations for achieving accountability in the areas addressed.

The process of organizing the Beijing Tribunal followed a path similar to that taken in previous hearings convened or co-convened by the Global Center. Sponsoring groups for the event included the Asian Women's Human Rights Council, DAWN, the Global Alliance Against Trafficking in Women, ISIS Internacional — Chile, Women in Law and Development in Africa, Women Living Under Muslim Laws, and the United Nations Development Fund for Women. A regionally representative International Coordinating Committee was formed to identify and develop potential cases for presentation at the Tribunal. The Coordinating Committee was comprised of participants in the Global Center's 1995 Strategic Planning Institute as well as women from groups that had collaborated in the organization of the Vienna, Cairo and Copenhagen hearings (see Appendix E). In addition to focusing on the interconnected thematic areas of gender-based violence, women's health and bodily integrity, and the indivisibility of women's human rights, the Tribunal cases were selected to reflect the diversity of women's experiences across geo-politics, race, class, sexual orientation, ethnicity and religion. In order to highlight the strategies and analyses that women had
developed in response to female human rights abuses, it was agreed that first-person testimonies were not essential and that strong testimonies from advocates could also be very effective. First-person testimonies were only included in cases in which the survivor was actively engaged as an organizer in seeking redress, and/or was receiving ongoing support from an organization represented on the Coordinating Committee. The uncertainty around logistics and conditions for the NGO Forum provided further reason for not bringing vulnerable survivors to testify in China where it might be difficult to meet their needs.

Where possible, members of the Coordinating Committee were asked to work with the testifier to prepare a “summary of accountability” that identified specific human rights agreements, laws, and standards that had been violated; outlined the political or legal strategies that had been utilized, or were planned for the future, to demand accountability for the human rights violations described in the testimony; and posed further demands and recommendations to governments, UN entities, and/or private actors. To assist with this and other technical aspects of the Tribunal, an International Human Rights Advisory Group was also formed (see Appendix F). Many participants in the Advisory Group shared their expertise with the Tribunal speakers and/or the members of the International Coordinating Task Force by reviewing draft testimonies and helping to develop the accountability dimensions of the cases. This included assistance with the formulation of appropriate human rights demands, recommendations, and actions to promote accountability and to benefit the particular case in question and/or other cases in similar situations. This process gave rise to important contributions to the Beijing Tribunal that are presented in Chapter 6. Other Advisory Group members, including Sunila Abeyesekera, Rebecca Cook, Alda Facio, Mel James, Alice Miller, Donna Sullivan, and Dorothy Thomas, worked with the Tribunal judges in developing recommendations for accountability in specific cases as well as more generally.

An expert panel of three judges presided over the Tribunal and commented on how to advance accountability around specific cases, or aspects of those cases, within their areas of expertise. The judges were: Jacqueline Pitanguy, the founder and Executive Director of CEPIA (Citizenship, Research, Information and Action) in Rio de Janeiro, Brazil, and
a longtime activist on women's human rights issues including violence against women and reproductive rights. Trained as a political scientist, Pitanguy was president of the first National Council for Women's Rights in Brazil and was Brazil's representative to the UN Commission on the Status of Women for several years. Pierre Sané from Senegal has been the Secretary General of Amnesty International since 1992. Previously, he was Director for West Africa and for East and Southern Africa for the International Development Research Centre in Ottawa. Educated in France, the UK, and Canada, Sané holds an M.S.C. in Political Science from the London School of Economics. Sharon Hom, a Chinese-American, is Professor of Law at the City University of New York Law School. She was a Fulbright scholar in China and has published extensively on international human rights and feminist theory.

The Beijing Tribunal was an early and formative event at the NGO Forum and set the tone for many of the activities that followed. Approximately two thousand people crowded into the Huairou International Convention Center to hear twenty-two testifiers from seventeen countries — ranging from Bangladesh and Brazil, to Kazakhstan, the United States, and Zimbabwe. The Tribunal opened with welcoming statements from Niamh Reilly, Coordinator, Noeleen Heyser, Director of UNIFEM, Radhika Coomaraswamy, UN Special Rapporteur on Violence Against Women, and Charlotte Bunch, Director of the Center for Women's Global Leadership. Charlotte Bunch then moderated the day's proceedings which consisted of testimonies presented in four thematic areas: violence against women in the family and in conflict situations, economic discrimination and exploitation, violations of health and bodily integrity, and political persecution. Each section of testimonies was moderated by women active in the women's human rights movement: Gladys Acosta of the Instituto Legal de Servicios Alternativos (Colombia), Bisi Adeleye-Fayemi of Akina Mama Wa Afrika (UK), Farida Shaheed of Women Living Under Muslim Laws (Pakistan), and Mallika Dutt of the Global Center. The Tribunal ended with statements from the judges moderated by Roxanna Carrillo of UNIFEM.

The Beijing Tribunal, along with the World Public Hearing on Crimes Against Women held the following day and coordinated by the Asian Women's Human Rights Council, helped demonstrate the centrality of human rights to many of women's most serious concerns. This provided a key point of intersection between the NGO Forum and the agenda of the UN
Inter-governmental conference. The distance between the NGO Forum in Huairou and the inter-governmental conference in Beijing made it difficult for many women who wanted to lobby during the first week of the conference when the two events overlapped. Nevertheless, lobbying efforts were strengthened by the high visibility of women's human rights activities at the NGO Forum. Another event that linked the two was the dramatic delivery at the governmental conference of thousands of the Global Campaign's petitions to the UN High Commissioner for Human Rights. As a result of these and other efforts, a gender-aware human rights perspective permeated debates around the Beijing Platform for Action. Previous UN conferences on women had been seen primarily as about “women and development” or “women’s rights.” However, the Beijing conference saw the expansion of what is generally considered to be a “human rights issue” to encompass the wider set of concerns that women had been organizing around from the Rio Earth Summit in 1992 through the UN conferences in Vienna, Cairo, and Copenhagen.

The Beijing Platform for Action reasserted the universal and holistic nature of women’s human rights. Governments agreed to promote and protect women's human rights to freedom from violence, to sexual and reproductive health that is free from discrimination and coercion, and to equal rights to inheritance for women and girls — although not the “right to equal inheritance.” Further, governments undertook to pursue and punish as war criminals the perpetrators of rape and sexual violence against women and girls in situations of armed conflict. Universal ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was also supported by the Platform, along with the introduction of an optional protocol to strengthen its implementation and the integration of women's human rights throughout the UN system. In all of this, commitments to women from previous conferences were maintained and were expanded in several areas, including the protection of human rights activists; the acknowledgement that systematic rape during armed conflict is a war crime, and in some cases a crime against humanity; the recognition of the rights of women to control over their sexual and reproductive health; and the qualification of parental rights to ensure they respect the privacy and access to information of adolescents and children.
Fifty odd years after World War II, the human rights of people everywhere continue to be disregarded through racism, xenophobia, fundamentalism, the displacement of entire populations through war, and even the genocide that the *Universal Declaration of Human Rights* sought to make impossible. In addition to the gender-specific human rights violations that all of these entail, there is now also recognition of a wider range of human rights abuses that affect women in particular. Clearly, a human rights framework is needed more than ever, one that moves human rights from rhetoric to reality and that guarantees human rights to all without reservation. The diverse women who are part of the international movement for women's human rights are well-positioned to provide leadership in this direction.

Following the Beijing conference, participants in the movement can proceed in the knowledge that they have secured many victories for the ideal of universal human rights; they have gained many concrete commitments to women's human rights which, if enacted, will go a long way toward ensuring the reality of human rights for all. A vital piece of this process is establishing accountability for human rights in a rapidly changing world where global trends and forces increasingly shape local experience. It is hoped that the testimonies of women and their strategies recorded in this book will contribute to this important endeavor.

NOTES


The Tribunal

PART TWO
Global Tribunal on Accountability for Women’s Human Rights
September 1, 1995

Huairou International Convention Center
Fourth World Conference on Women, Beijing, 1:00pm - 7:00pm

Welcome
Niamh Reilly, Tribunal Coordinator Center for Women’s Global Leadership
Noeleen Heyzer, Director, UNIFEM United Nations Development Fund for Women

Opening Remarks
Charlotte Bunch, Director, Center for Women’s Global Leadership
Radhika Coomaraswamy, UN Special Rapporteur on Violence Against Women

I. Violence Against Women
MODERATOR: Gladys Acosta,
Instituto Legal de Servicios Alternativos
In Situations of Conflict
Zazi Sadou (Algeria)
Norah Matovu (Uganda)
Felicite Umutanguha Layika (Rwanda)
Heisoo Shin (Korea)

In the Family
Mary McGoldrick (Ireland)
Nomsa Ncube (Zimbabwe)
Thea DuBow (United States)

II. Economic Discrimination and Exploitation
MODERATOR: Mallika Dutt,
Center for Women’s Global Leadership
Mahfoudha Alley Hamid (Tanzania)
Fanny Molina (Colombia/Netherlands)
Gina Melgar Alunan and Teresita Cuizon (Philippines)
Maria Guadalupe Torres Martinez and Julia Quinoñes de González (Mexico)

III. Violations of Health and Bodily Integrity
MODERATOR: Bisi Adeleye-Fayemi
Akina Mama Wa Afrika
Galina Sumarokova and Dina Igsatova (Kazakhstan)
Juanita Williams (United States)
Lidia Casas (Chile)
Daphne Scholinski (United States)

IV. Political Persecution
MODERATOR: Farida Shaheed,
Women Living Under Muslim Laws
Annette Pypops for Guiadem
Ange Tekam (Cameroon)
Ruth Manorama (India)
Eliane Potiguara (Brazil)
Sultana Kamal and Meghna Guthakurta (Bangladesh)

V. Judges’ Statements
MODERATOR: Roxanna Carrillo, UNIFEM
Jacqueline Pitanguy, Director of Citizenship Studies, Information and Action in Brazil
Pierre Sané, Secretary General of Amnesty International
Sharon Hom, Professor of Law at the City University of New York
Opening Remarks

Niamh Reilly
Tribunal Coordinator, Center for Women’s Global Leadership

I am very pleased to welcome you to the Global Tribunal on Accountability for Women's Human Rights. Over the past several months in preparing for this event, I have had the good fortune to work with dozens of individuals and groups whose daily commitment to advancing women’s human rights has made this Tribunal possible.

I especially want to thank the 22 women who have come here today to share their testimonies with you and who have shown great courage in surmounting many obstacles — including those of simply getting here.

This Global Tribunal on Accountability for Women's Human Rights is the culmination of a series of hearings and tribunals that we have convened with others since the World Conference on Human Rights in Vienna in 1993. The women who have testified at these hearings have strengthened and inspired a growing movement for women’s human rights. They have made violations of women’s human rights visible and they have helped to insure many critical UN and Governmental commitments to furthering women’s human rights.

Here today, as we gather to witness 22 testimonies about violations of women’s human rights, we call for those commitments to be made real. We call for the words to be transformed into actions so that the kinds of human rights abuses that we will hear about today can have redress and so that further violations can be prevented. In short, we call for accountability for women's human rights.

On that note, I am delighted to introduce the director of UNIFEM — the United Nations Development Fund for Women — Noeleen Heyzer, whose life's work has been dedicated to addressing women's issues and concerns.
Noeleen Heyzer
Director, United Nations Development Fund for Women (UNIFEM)

My sisters, welcome to this *Global Tribunal on Accountability for Women’s Human Rights*. Your energy is tremendous and transformative. It has transformed the silence of violence, the silence of the violation of women’s lives, brought it into the open, and demanded from many authorities and the violators, accountability, and from this conference, action.

Sisters, please allow me to say a few words in Chinese:

(English Translation:) Greetings to you. We are very happy to be here. This opportunity can help us to understand women’s experiences. We are not afraid of asking questions, discussing different issues, and solving problems. Because we women work very hard, we can improve our skills very fast. Our methodology is helping each other, exchanging experiences, and strengthening friendships.

UNIFEM is pleased to have been a sponsor of a series of global hearings on women’s human rights that is culminating here in Beijing at the Fourth World Conference on Women. UNIFEM, in its commitment to the world’s women, is pleased to support the initiative of women’s groups in the critical role of shaping strategies for action. Such strategies are necessary for shaping a world where women’s rights are recognized as human rights; a world free from all forms of violence; a world where women can participate in cultural, economic, and political decision-making; a world where women are treated as legal adults, able to exercise their fundamental rights of citizenship and democratic participation; and a world where women have control over their own bodies and lives in the private realm, without which it is often impossible to exercise our public rights.

Women want a world where we can have equal access to shelter, food, education, health, a secure environment, and the right to equal wages. We are not waiting for permission to have our human rights recognized, but rather are stating that issues like female infanticide, illiteracy, violence against women, female sexual slavery, and the feminization of poverty are all fundamental human rights issues and must be addressed as cornerstones of all human development agendas.
While some aspects of human rights are the same for men as for women, many human rights violations are based upon gender divisions. The ways in which women are abused and the ways in which they experience torture, imprisonment, slavery, displacement, and other violations are often specially shaped by their being female. Let me give you a real life example. I recently heard a story of how a blind woman in Pakistan was raped by her employer and his son. Because she had to make sure that there were four male witnesses who would testify to her being raped, they would not accept the fact that she was raped. Being blind, she could not tell who were present but she could recognize their voices. That was not acceptable, so she was jailed. She was jailed because she was accused of seduction. I could go on, but this form of violation must not continue.

I know from my participation in the Copenhagen Hearing on Economic Justice and Women’s Human Rights at the UN World Summit on Social Development that the testimonies you will hear today, the stories of these courageous women who dare to bring before you their lives, their suffering, their scars, will be moving and powerful testimony to the obstacles and violations that millions of women around the world confront every day. But I also know that these women are not simply victims. They are initiators of change, a change towards the end of abuse for many other women. They are the creators of a new world where violence against women will no longer exist, and where we can create a world of peace, not just for ourselves but for our children.

Thank you.
Greetings on behalf of the Center for Women's Global Leadership. The first thing I would like to do is ask all of you to join me in thanking Niamh Reilly, the Tribunal Coordinator, for making this event happen today.

I would also like to thank all of the incredible women around the world who have worked so hard to make this Tribunal a reality. As Niamh said, it is really a testament to the existence of a global movement of women that this Tribunal has been possible, against all the odds. Further, it is a testament to the potential of this global movement to change the conditions of life for all people in the 21st century. There were many times in the last few months that I doubted this, but today looking out at all the determined women who have made it to this NGO Forum and to this tribunal, I believe it again.

In 1993, at the United Nations World Conference on Human Rights in Vienna, our first Global Tribunal on Violations of Women's Human Rights declared that women were tearing down the wall of silence that has surrounded the abuse of the human rights of women for too many centuries. Today, as we did at the International Conference on Population and Development in Cairo and at the Social Summit in Copenhagen, we seek to remind the world, on the occasion of the Fourth World Conference on Women, that there are still only a few holes in that wall of silence. There is still too much abuse that is hidden. Women are still enslaved, tortured, mutilated, and killed in every region of the world every day. Too little has been done to end these abuses.

Therefore, we are here today to challenge the UN conference that begins next week — a conference that claims to defend the human rights of women — and to demand accountability from both the governments attending it and from the United Nations. We are here to ask: What are they doing to fulfill the promises made to protect and promote the human rights of women? What have they done to fulfill the promises made in Mexico City in 1975, the promises made again in Copenhagen in 1980, and again in Nairobi in the Forward Looking Strategies produced there in 1985. What about the promises made to women in Vienna at the World Conference on Human Rights in 1993? Most of these promises remain unfulfilled. We do not
need more words, we want action. We want to know concretely what will they commit themselves to in the conference next week. What commitments will they make to take effective action to end violations of the fundamental human rights of women to life and to human dignity? What will they do to make the promises of this new document — this *Platform for Action* — more than just another set of words?

In this last decade of the 20th century, and at this conference, the UN is on trial. The UN is on trial before the peoples of the world. We live in a time of great upheaval, transition, and change, and the question many are asking is, will the UN rise to fulfill the vision of its original statement of purpose as a defender of the human rights of all people? Or must we go elsewhere to find a way to promote and protect the human rights of women and other marginalized and oppressed peoples of the world?

Today, we ask that you listen respectfully to the stories of these courageous 22 women and realize that, although each is an individual story, behind each one there are millions of women whose stories are similar, whose rights are violated in these and other ways every day of every year, in every country of the world. These stories are concrete manifestations of the problems addressed in the critical areas of concern in the *Platform for Action* that the World Conference on Women takes up next week. So we ask that you listen to these testimonies, that you hear not only these stories, but also the echoes of both the millions of women who have died from similar abuse and the cries of women who are struggling to stay alive and to bring change so that others will not suffer such violation in the future.

I would now like to introduce Radhika Coomaraswamy, who is the director of the International Centre for Ethnic Studies in Sri Lanka. Radhika is a concrete manifestation of one of the victories of the women’s human rights movement in Vienna in 1993. That conference made a commitment to seek the appointment of a UN Special Rapporteur on Violence Against Women. That post was created by the UN Commission on Human Rights in 1994 and Radhika has been appointed to it. Please welcome Radhika Coomaraswamy.
Greetings sisters. I would like to thank the organizers of this Global Tribunal for inviting me to be a presenter here with you today. We have gathered together to hear the voices of women who are not so much the victims of violence, but empowered women who have reversed their victimhood to make it a source of strength. To tell the story of your victimhood requires a lot of courage. It is to break the barriers of silence, shame, and privacy, to let the world know the extent and nature of cruelty and the violations of human rights in the home, in the community, and by states.

These testimonies remind us of the fundamental fact that women’s rights are human rights, and that women should be the beneficiaries of legal and community protection. The world of information is controlled by men. The world of the written word is completely their domain. These oral testimonies are a dent in this power hierarchy. They give the other point of view and validate experiences which for all these years have been hidden from the world. Perhaps the strength of this process is that a grievance becomes a right and a right leads to a remedy. This ability to get a remedy, to assert one’s rights so as to demand a remedy, is the source of empowerment. That is why the women gathered here are so special. They have become empowered, and in that they are an example to all of us.

The doctrine of privacy and the concept of the privacy of the family are the causes of violence against women in society. These doctrines require women to be silent when they are battered and wounded. The public-private distinction has been responsible for silencing women. Today there is a new approach. Realizing that violence against women is a violation of a fundamental human right, states are required by standards of due diligence to prevent and to punish crimes of violence which take place in the private domain.

Even in the public sphere, trafficking, prostitution, and sexual slavery are all seen as the private acts of individuals, and therefore are treated less seriously. It is only in recent years that people have begun to speak out against this kind of enforced silence in the public sphere. “Sex is a private act, man and woman in their relationship enjoy a private contract.” It is myths
such as these that have allowed for a great deal of abuse, and it is perhaps timely that these are now being challenged by the brave women who have come forward.

Even in the world of armed conflict, rape and sexual slavery are treated lightly. It is believed that these are “normal” acts of war. It is only recently that women who have been kept in sexual slavery are beginning to make their voices heard. Their claims are now being heard, and new institutions such as the Tribunal in the Hague are trying to remedy centuries of injustice—of keeping women silent.

As Special Rapporteur, I receive countless stories of brave women who are resisting the curtain of shame to come forward and speak their minds—whether they are “comfort women” from World War II, women living under Muslim laws, victims of armed conflict in Bosnia Herzegovina, or victims of domestic violence. Just recently we had a hearing on domestic violence cases in South Asia which more than shocked the conscience. My hope is to incorporate some of these testimonies into my work so that there is a record at the international level of the cruelty done to women as illustrated in individual case studies.

Let me thank the organizers for their courageous vision in bringing this idea forward. Charlotte Bunch and the Center for Women's Global Leadership at Rutgers University have truly created a revolutionary movement, both in Vienna at the World Conference on Human Rights and now in Beijing. They have given a window of opportunity for the women's movement to unite based on shared real-life experiences. As Charlotte Bunch said earlier, the UN is on trial here in Beijing. What redress in the future can it bring to these 22 women whose stories we are about to hear? How can it respond to make justice real in the lives of ordinary women?
CHAPTER ONE

Violence Against Women

The recognition of violence against women as a human rights violation, and the implementation of legal and policy measures to make this recognition a reality, have been pivotal goals of the international movement for women's human rights. As a result of women's efforts in recent years, and especially around the UN World Conference on Human Rights (Vienna, 1993), many concrete commitments to tackle violence against women as human rights abuse now exist at the international level. These include the UN Special Rapporteur on Violence Against Women, the UN Declaration on the Elimination of Violence Against Women, and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women and its provision for an individual complaints procedure. In 1992, the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), which monitors adherence to the Women's Convention, also adopted a General Recommendation (number 19) that calls for the inclusion of gender-based violence in reporting processes related to the Women's Convention. Further, rape as a war crime has been clearly articulated to be within the purview of the International Criminal Tribunals for the Former Yugoslavia and Rwanda, and several initiatives by women's NGOs are underway to monitor this process.

The Vienna Tribunal on Violations of Women's Human Rights presented violence against women as the global human rights emergency that it is, and demanded that governments and the UN take actions commensurate with the scale and gravity of the problem. The testimonies given at the Vienna Tribunal symbolized the spectrum of human rights abuses perpetrated against women, including violence in the home and in the context of intimate relationships, as well as violence against women in situations of conflict. The women who recounted their stories of gender-based violence sought to expose human rights abuse that had been invisible, neglected, and even trivialized by the international community. Their testimonies painted graphic pictures of violations that would not easily be ignored again, including rape, battery, incest, attempted murder, and other forms of physical brutality at the hands of husbands, fathers, or military men.
The testimonies in this section of the *Beijing Tribunal on Accountability for Women's Human Rights* revisit the issue of violence against women in private and public settings. They emphasize what must be done to secure accountability for the prevention of such human rights violations in the future, the punishment of the perpetrators, and the compensation of survivors.

The testimonies are presented in two parts: (i) Human Rights Abuses Against Women in Conflict Situations and (ii) Human Rights Abuses Against Women in the Family. This collection of testimonies underscores a number of critical issues for the women's human rights agenda. First, the dangers of fundamentalism to women — whether religious, nationalist, or ethnic — are strongly evident throughout the first three testimonies. For example, in referring to Muslim fundamentalism, and in particular to the testimony of Zazi Sadou, founder of the solidarity network Women Living Under Muslim Laws, Marie-Aimée Hélie-Lucas, explains:

> Muslim fundamentalism is not a religious movement but a political one. Religion is only one of the means fundamentalists use to gain power; the end of our century is also witnessing the fragmentation of people by fundamentalist movements based on culture and on ethnicity. All these political movements... have little to offer as political and economic programs; their focus is on identity and subsequently on women who are seen as the guardians of identity, of culture and religious values, and of the purity of the blood. The control of women is therefore essential to fundamentalist politics.

Whether the context is ethnic cleansing in the Former Yugoslavia or in Rwanda, or rebel camps in Algeria or Uganda, the use of gender-specific violence can be seen as integral to conflicts fueled by fundamentalist beliefs with respect to religion, nationality, ethnicity, or gender.

A second critical issue raised by these testimonies is the importance of recognizing the links between armed conflict and war and the violence that is perpetrated against women in the home. Gladys Acosta of the Latin American Institute for Alternative Legal Services (Bogotá, Colombia) introduced this section of the Tribunal with the following comments:

> Every war causes us pain, and in the last few years we have been removing the veil of suffering of women in these times of war. These
wars concentrate the greatest destructive capacity of humankind.... But there is another war. There is an invisible war, a war more difficult to name, which is the one that women suffer in those closed spaces called our homes, and from which some of us survive and others don't.

A third dimension highlighted by most of the accounts given in this section is the extreme vulnerability of girls and young women to multiple forms of violence. The cases from Ireland and the United States recount many years of spousal abuse and battery that began when the testifiers were just 17 and 21 years old respectively. The testimonies from Algeria, Uganda, and Zimbabwe tell of the abduction, rape, incest-rape, or forced pregnancy of very young girls. As a result, a number of the testifiers call upon their governments to ratify and/or implement the UN Convention on the Rights of the Child with particular sensitivity to violations perpetrated against the girl-child. Such a demand underscores the need not only for the effective utilization of gender specific human rights documents but also for the ongoing mainstreaming of gender concerns throughout the work of the UN human rights machinery.

Fourth, we are reminded that there is a constant need for vigilance to ensure that our national laws reflect international human rights documents, especially those to which our governments are signatories. The story of 13-year-old Revai Khosa in Zimbabwe is an example. Raped by her father, she is further victimized by a law that defines her as his "property," and that thereby prevents her from receiving the rehabilitation and support she needs to recover from the abuse. Similarly, when the implementation and enforcement of laws is inadequate, good laws are meaningless. This is highlighted by Mary McGoldrick's testimony which demonstrates how, prior to very recent changes in laws that have yet to be implemented, the onus has been entirely on the victims of domestic violence to obtain and to enforce barring and maintenance orders issued by the state.

Importantly, however, this section also contains a report from Heisoo Shin of the Korean Council for Women Drafted to Sexual Slavery by Japan. She describes some of the successes of the efforts to achieve accountability on behalf of the so-called comfort women. Under the umbrella of this movement, there are many encouraging examples of how women can move forward toward the achievement of justice and the obtainment of reparations for war crimes committed against them.
Human Rights Abuses Against Women in Conflict Situations

Algeria: The Martyrdom of Girls raped by Islamic Armed Groups

Zazi Sadou

INTRODUCTION
This testimony is obviously not based on imaginary events. It is the sum of dozens of accounts that have come from young girls who were kidnapped in the streets after leaving school, or right in front of their parents. Islamic armed groups abducted them for the purpose of rape, often by gangs. The terrorists kept them in their hiding places for long months, frequently under inhuman conditions, and constantly subjected them to the terror imposed by young, hateful, and totally unbalanced gunmen. They were forced to cook, wash, and be successively raped, beaten, burned, and mutilated.

Some of them were later found decapitated; such was the case of our sister Zoulikha, a 20-year-old university student, and Saida, a 16-year-old secondary school student. Some of the following accounts have already been made public via the independent national press. Others were collected through interviews that I conducted with these girls and their parents.

In my country Algeria, in 1995, dozens of young girls and women continue to be abducted and raped on a daily basis by groups of fundamentalist terrorists who consider females to be the spoils of war to which they are entitled. These self-proclaimed emirs would assert that Islam authorizes them to take any woman they desire as a "temporary wife." This practice from the dark ages has now become "legal" and was generalized by a "fatwa." In this way, barbaric acts such as rape, mutilation, and decapitation are trivialized and justified as retaliation and appropriate punishment for women who refuse to submit to the dictates of a theocratic and fascist ideology.
Once they are pregnant, some of these women are released by the armed groups. They are found in a deplorable state of moral and physical degradation. Such was the case of Karima, who at the age of nine was abducted from her home in a small village. After several months of unbearable detention and successive acts of rape, she became pregnant and was released. When found, she was completely insane and her physical health was broken.

Many children are born as a result of such rape. The official census in no way accounts for them. Furthermore, the state assumes no responsibility for them or their mothers. Most of them are rejected by their families and thrown out into the streets. According to the information collected by state institutions, some of these children, left with no means whatsoever, are the easy prey of prostitution. With these children, the hospitals’ “X” classification, that is “name unknown,” can only swell.

My name is Zazi Sadou. I am 34 years of age, and I am the mother of one child.

My own flesh has not directly experienced what I am about to recount. However, I have experienced it, and I continue to live with it both psychologically and physically. I am a women’s rights activist. I am the spokesperson of an Algerian women’s organization (Rassemblement Algerien des Femmes Democrates — RAFD), which is resisting Islamic fundamentalism and struggling for life, liberty, and dignity. Having met with the young girls who did experience horror in their own flesh; having held Ourda, Amel, and others in my arms; having drunk their tears and wept with them; and having cried in their pain, I agreed to come before you and relate what they have undergone, for they no longer have the strength to do so. You can forget my face and my name, but please do not forget what those young martyrs are going to tell you.

OURDA’S TESTIMONY

My name is Ourda. I am 17 years old. Until October 13, 1994, I was a secondary school student and I lived with my family in the neighborhood located in the downtown area of Algiers, the capital of my country. In addition to my regular courses, I studied music in a school directed by a famous master. I had my friends at school, and I
went out from time to time. I was very happy at home and very
coddled because I am the youngest child. But my life was turned
upside-down on that horrible day, October 13, 1994. I'd just left school
and was heading home when a young man approached me. He asked
me to show him where the neighborhood doctor's clinic was located. I
wasn't mistrusting in the least, and before I knew what had happened,
he'd violently shoved me into a van that was parked nearby, tied me up
and blindfolded me. Then the van sped off. I was completely terrorized
by what had just happened and by the knife that the man was holding
against my cheek so that I wouldn't scream. However, I still hadn't
realized that I was on my way to hell.

The ride seemed endless to me. My fright and anguish
increased as the minutes ticked away. I thought about my parents and
their panic. I hoped that someone in the neighborhood had seen me,
that my abductors would soon be discovered, and that I'd soon be free.

Finally, the van stopped. I was taken out, and one of the young
men removed the blindfold. First I saw an old house in ruins. Then,
when I saw all the young girls there, I began to feel a little calmer.
There were ten of them. Some were my age, three were over 20, and
two were only about ten years old. A group of young armed men was
there watching over us. The girls had all been kidnapped either off the
street as I had been, or directly from their homes. Their parents had
been threatened at gunpoint by the terrorists, who always moved in
groups of 15 to 20 men when they abducted the girls. One of them had
even been raped in her uncle's house by the terrorist "emir," who had
gone back to find her again because she was so pretty. Her name was
Khadidja, and she was only 15. She lived in a small village near Bouira.
Every morning the group leader meted out different tasks: cooking,
washing, mending, and so on. I had to wash their clothes, and of
course, just like all the other girls, I was raped every day. I was left to
the guards because I wasn't that pretty. The most beautiful girls went to
the so-called emir, and the others were left to the troops. My suffering
lasted two and a half months. It was only after being found by the secu-
rity forces that I discovered how long I had been in captivity. It had
seemed to be eternity itself, but I was no longer able to measure time.

The worst of the horror in the terrorist hideout came at meal-
time a few days after I'd arrived. All the women were eating in a circle.
There were two guards there that day. I later found out that they called
themselves Boualem and Kamel. They were staring at me while they talked to each other and laughed. I was terrorized. I said to myself: “My God, today it’s going to be my turn.” I’d seen what they’d done to the other girls. After a short while, one of them asked me if I’d finished eating. I said “no.” He asked me the same thing several times after that. I think that the meal was the longest one I ever had. I stuffed myself to delay the horror. Then Kamel and Boualem sent the other girls out of the room. Since they knew what was coming, some of them — especially Souad, who was later killed one evening after trying to escape — recommended that I not resist. They said that I should just close my eyes; if not I might be mutilated.

When all of the other girls were gone, one of the guards came back to me; he was still armed. I don’t know if it was Kamel or Boualem that day. He ordered me to take off my pants. I refused and told him that what he wanted to do was not right and that God condemned such an act. He threatened me with his dagger and said that he was going to slash me, cut me up in pieces, and do whatever he wanted with me because God allowed him to because he was a “combatant;” and because he was going to marry me later anyway. I begged and cried and told him I was young and a virgin. Then he placed the blade of the dagger on my cheek. I took off my pants while I continued to beg. I refused to take off my panties. Then he grabbed a cigarette, lit it, and started to burn my thighs. I screamed out of pain, and when he did it again I passed out. I don’t know what happened after that. When I came to, I was on the ground, covered with blood and bruises. I cried and refused to speak with the other girls who came to help me. I was raped again several times.

From the day I arrived in that hell, I knew what was in store for me because the other girls had warned me. They’d told me how some girls had been slashed because they resisted. The worst of all was when the terrorist rapists came to interrogate us after all that horror to see if we felt anything. Since that ill-fated day, I experienced the same anguish of my companions: the fear of being left pregnant as a result of a grotesque act.

Amel was one of us and was 20 years old. She had been there for several months and was pregnant. She was suffering. Sometimes she stayed awake the whole night sobbing and groaning. There was no medicine or anything else. She cried the whole time. What drove her
crazy was the thought of going home to her parents and possibly being rejected because she was pregnant. When the girls were close to giving birth, the terrorists would release them near a village, but I don’t know what became of them after that. I only heard that the children born as a result of these rapes were abandoned in the hospitals and that most girls were sent away from their homes.

We all hoped to be freed someday, and every time one of the girls was raped, the terrorist promised that she would soon be released. One evening, a girl decided to escape, no matter what. She had also been there for several months. She was about my age and she was very pretty. She was always crying and thinking about her mother, her family, and her “disgrace.” We tried everything we could to talk her out of it, but she got up in the middle of the night and tried to leave. One of the guards who was sleeping with us got up, grabbed her by the hair, turned on the light, and then put two bullets in her head there in front of us. Little Miriem, who was only ten years old, was sleeping next to me that night, and I only had enough time to put my hands over her ears to muffle the ringing of the shots. Some of us really cracked up that night, particularly the youngest ones. Then, they threw her body outside. I’ll never forget her shattered beautiful face. They waited until the morning to dig a hole somewhere and bury her. Her parents probably don’t even know what happened to her. I’m free now but I can’t look for her parents because none of us told the others our true names nor who we really were, nor where we came from. I myself changed my name and said I had been abducted from a village. I was so ashamed and my dignity had been trampled to a point that I had to invent a new identity. All the girls did the same thing. We all knew that we were lying to each other, but perhaps the lying helped us to survive. Each of us would look forward to being freed, and we couldn’t leave any tracks behind us. If I told someone who I was, I could be recognized in my neighborhood and “disgrace” my family. In my country, when a girl is abducted and raped, even under such atrocious conditions, the subject becomes taboo and must be kept under cover.

I’m only free now because of the alertness and help of some people living in a village where our abductors had taken me along with some other girls so as to transfer us to another terrorist hideout. I was in a deplorably sorry state. I had become very thin and was ridden with lice. The few pieces of clothes still on my body were in
tatters. I had to use some of my clothes as sanitary napkins. I hadn't been able to wash properly because, just like the other girls, I was only entitled to a litre of water every two days to take care of all my needs, and I didn't have a change of clothes.

Although I've come home to my loving family, I am continuously harassed by an obsession that makes me cry out in fear every night: I'm afraid that the terrorists will try to retrace me, even though we've moved to a new address, and they will try to retaliate by attacking me again, as well as my entire family. I still remember the hell that I experienced. What kind life can be ahead of me now? How can I heal my deepest wounds and dream of the future? How can I ever dream of falling in love and having children? I just can't anymore. My family and all the others who look after me do love me and try to comfort me. They tell that I'm young and that I'll get over the nightmares and the pain, that someday I'll be able to look at my own body without hating it, that someday I'll stop hating men. But I'm not there yet. Like all Algerian sisters who have been raped, disfigured and even decapitated, like Zoulkha and her sister Saida were, I still shudder to think that those who are guilty of these crimes are still ruthlessly plaguing our country.

I can't sleep peacefully knowing full well that the fundamentalist leaders of armed groups continue to issue their "fatwas," which legalize their barbaric acts. There is no way I can go to sleep when I remember every day how my raped sisters have been thrown out into the streets by their families, taking their pain with them, and receiving no help from the state or anyone else.
Wartime Abduction and Sexual Abuse in Uganda: The Story of Agnes

Norah Matovu

INTRODUCTION

I am called Norah Matovu and I work as a lawyer in Uganda. I do sincerely appreciate having been given this opportunity to testify on behalf of so many children in the northern part of Uganda whose rights and human dignity are being abused by rebel groups in that part of the country.

The National Resistance Movement (NRM) government came to power in Uganda in 1986. This was after a period of 20 years of civil wars and turmoil which began soon after independence in 1962. I think for the first time in Uganda, people were able to experience peace and some tranquility, apart from those areas that are being troubled by the rebel groups.

However, remnants from armies of the former governments started a rebel war against the NRM government. Later in 1988, the NRM government did sign a peace accord with the rebel leaders of the Ugandan People's Democratic Army (UPDA) in order to come to some understanding so that we could work together to rehabilitate and reconstruct our country. There was peace in the northern parts of the country for a short time. Another woman rebel, Alice Lakwena started her Holy Spirit Movement. Her army was successfully defeated in 1990 and she went to live in exile in Kenya.

Renewed hopes for peace in the north of Uganda were shattered when Joseph Kony's Lord's Resistance Army (LRA) staged yet another rebellion against the NRM government around late 1991. Kony's Army has proved very notorious and disastrous to the people in the north of Uganda. In all these wars, children — especially the girl child — have suffered the most. Children have been abducted and defiled, lost their parents, lived on camps, dropped out of school, and of course many have died and contracted AIDS.

The girl I am testifying for today is called Agnes. She preferred to give only one name because she wanted to protect herself from being identified by anyone. Agnes was born on October 9, 1980, which is our independence day in Uganda.
AGNES' TESTIMONY

I started school when I was six-and-a-half years old in the Gulu district. At the time of my tragedy I was 14 years old. I was coming from school in May 1993. It was around 4:00 pm. I was walking home with several other children as we always did.

One of the children warned us that there were men coming behind us. They were coming from the bush. He shouted, "Run for your lives." We were all aware of the rebel attacks and we responded immediately. The boy who had warned us was hit by the rebels and he died instantly. The men who ran after us were part of a rebel group from Kony's LRA. Several children I was walking with on that day were abducted. They tied a piece of cloth around our eyes and we set off on a very long journey. I had never walked such a long distance in my life. My feet hurt so much. I was very thirsty, but at the same time, very much afraid because I did not know where we were going. I didn't know whether my parents would ever find me, and I didn't know whether I would ever see them again. I was sorry for myself, I was hungry and very afraid.

Our eyes were only opened when we reached the "command post" of Kony's LRA. They were speaking several different languages which meant I could not catch all that they were saying. I only found out later that the boss was not too pleased by the work of his men because they had brought back many young girls but only two boys; the rebels were more interested in having boys because they would take them for military training and to carry out rebel attacks. The young girls were needed but most of them were too young to participate in the dangerous attacks of the rebels.

As we were not allowed to talk to each other, I was assigned the duty of looking after one of the commanders and to please him sexually whenever he wanted. The same happened to the other girls. Apart from looking after these harsh men, we also took care of the sick rebels, dressed their wounds, fetched water, and sometimes we also looked for food for the rebels.

I had never had any sexual experience before. I was so afraid of the dark, ruthless man I was assigned to. I resisted him, but when I did it was so painful and I decided to give in. He held me, he abused me, he hit me, and he raped me. Every time he wanted to do it, it was so disgusting. I was so depressed and sometimes hysterical because of this treatment. I hated this man, I still hate him. If it was not for fear of
being killed, I would have killed the man who humiliated me repeatedly and shortened my childhood. I had very limited interaction with the boys who were taken for military training. Most times we were guarded and our movement limited, except when we had to look for food and water.

In the command post of the rebels we lacked many things. There was no soap and water was scarce. There was no medicine and sanitary facilities were not adequate. Life was so horrible and terrible to say the least. I was one of the unlucky ones, with all my misery and depression, to actually conceive. I have a child whose father is a monster. It is a daily challenge for me to love this child and protect her from what has happened to me. I never want her to know the truth about the circumstances under which she came into this world. I know of two other girls who also have children from the rebel commanders. We come from the same sub-county but we never talk about what happened to us and never tell anyone who the fathers of our children are.

After giving birth in the most horrible of circumstances you can imagine, I became obsessed with the idea of escaping from the rebels’ camp. On the day I gave birth, the camp was attacked. We were hurriedly taken to a hiding place. I had to walk another long journey. I do not know how long we walked. My labor pains started as we walked and I gave birth to a baby girl right in the middle of the bush. It was very fortunate that I never suffered complications as a result of this birth. I survived this ordeal and I do believe that it was only God who made this possible.

I do experience back pains today because of carrying the baby on my back all of the time. Babies were not permitted to cry because it could lead the government forces to where the rebels were. So we had to keep them quiet, so I carried my baby everyday, everywhere I went.

But I did manage to escape. I had left the camp briefly for firewood and I just did not return. I ran and ran. It seemed like it was for ever. I do not know where I got the strength but I ran on and on with my child tied firmly on my back. I did not know where I was going, where I was, but I ran on until my feet were absolutely sore. For two nights I slept in the bush exposed to everything. On the third day, I found a group of men and women who took me on. I seriously thought that I had been captured again. I cried the whole night. I dreamed about the father of my child and that I had killed him. When I woke up,
I was just alone with my child. I cried again. I was given food and water and I was reassured that these were not rebels. These people were kind and they looked after my child. Fortunately, they also did not ask me many questions. I just did not want to talk about my experience to anyone. I only told them the necessary information. They allowed me to rest for two days before they helped me to find my home village. I was so afraid to go home. So I decided to report to the Reception Centre at the military barracks and tell them that I was an escapee from Kony’s rebel camp.

I did slowly relate my story. I needed someone to confide in. However, after two days of intensive interrogation and repeating parts of my story to different army officers, I noted that I was merely an informer. The officers were not necessarily interested in helping me to meet my needs and those of my child. The conditions in the barracks were also very bad. Water was rare. We had only one full meal a day. There were no counselling services. Sanitary facilities were very poor. It was these conditions that forced me to accept that I would have to look for my family again. I did not want them to know what had happened to me. But it gave me the chance to get away from the uniformed men.

I do want the war to end because I want my child to grow up in a normal peaceful environment. I also want to see that the people who abused us so much, and made us lose our dignity, are fully punished. Who can help me do this? Though I have decided to tell my whole story, I am very concerned, afraid and full of anguish that what happened to me in the bush is still happening to so many other children in different parts of the world.

CONCLUSION

The government in Uganda has ratified the UN Convention on the Rights of the Child. Uganda also has a very progressive constitution in place which is to be enacted soon. They have included in it provisions on the rights of the child. We also have a children’s bill, which has yet to be discussed and passed by the parliament, and this too addresses the situation of children in conflict situations. But we have yet to see the practical commitment of our government to apply these liberal provisions, to punish the initiators of children’s suffering, and to support traumatized children so they can grow up into productive citizens of our country.
War Crimes against Women in Rwanda

Felicité Umutanguha Layika

TESTIMONY

In a call for the legal and material reparation, and the restoration of the psychological health and morale of the women and girls who were raped during the genocide and massacre from April to July of 1994, I present the case of Rwanda.

The tragedy that the Rwandan people have just experienced is the culmination of long and detailed developments for over thirty years. A dictatorial regime established an exclusionary system which kept people in ignorance and poverty. This clearly explains somewhat why the extent and the horror of the present genocide surpass the limits of comprehension.

In effect, the initiation of hostilities during the preparations for independence in 1959 coincided with a social revolution. This period also coincided with the first wave of refugees. Thus, it was decided that certain Rwandans were strangers in their country, and that they should be excluded from it. They were pushed into exile and marginalized, and women were always at the center of this drama, without being its authors. This machine of violence did its work on a grand scale in 1959, in 1973, in 1990, and has just culminated in what will qualify as “the third genocide of the century” in 1994, with the mass killing of the Batutsi, and the massacres of other sections of the population, notably the Bahutu and the Batwa (non-extremists).

Compared with the genocide of the Jews, which lasted four years, the genocide in Rwanda was more rapid, more efficient, and just as cruel. In only three months, an astounding number of victims was reported: more than a million deaths, more than 250,000 widowed, 300,000 to 400,000 orphaned (the majority of the orphans without any other adults in the family), thousands physically — and especially morally — mutilated, and more than two million made refugees or internally displaced persons.

Since the instigation of the war by the descendants of the refugees forced into exile in October 1990, Tutsi women were one of the targets of the country’s political authorities. They were arrested for
complicity with the enemy, many women were horribly raped during this period, and testimonies to this effect are numerous and corroborating. The "10 Bahutu Commandments" drawn up by the Kangura journal set the tone that followed. Among others of these ten commandments, Tutsi girls were classed among the first and most terrible enemies of the Rwandan people. They even went so far as to define as an enemy any Hutu who married a Tutsi woman, who had a Tutsi woman as secretary, who did business with Tutsi women, or who lived with a Tutsi woman.

Whereas during the massacres of the preceding periods (1959, 1973, 1990) men were primarily targeted, this time the orders had been given by the organizers of the genocide and massacres not to commit the mistake of 1959 in which the women and children were spared. While the men were immediately butchered (this was a kindness!), the Rwandan women suffered terribly. After having powerlessly witnessed the murder of their family members, they were subjected to the horror and humiliation of rape before being executed themselves (if they were lucky), or left to carry on their lives sadly crippled and destroyed. Their dignity was violated by their people's torturers and executioners. The rape of Rwandan women was of a scale that surpasses the imagination.

In certain regions, almost every adult and adolescent woman who was spared death by the soldiers and militiamen was spared at the price of her own body. For Kigali, the capital, it is estimated that most of the women between thirteen and fifty years of age will have been raped to save their lives. These statistics are currently being confirmed. The militiamen were so brutish that they did not even spare five-year-old little girls, or cadavers, or old women. Further, not content to satisfy their sexual instincts, they often defiled women with knives, hot peppers, or acid. There have been cases reported of women mutilated in this way who did not even dare to seek treatment.

Pregnancies followed, with the added distress of being the mother of a criminal's child, conceived in pain, in violence. The consequence is that a large number of children are alone; this is because the raped women have been robbed of their maternal instinct and they simply cannot care for these children. Some women decided to keep the children of their people's murderers, others have abandoned them. Others currently suffer from AIDS, deliberately
transmitted, as well as other sexually transmitted diseases (STDs). Such abuses constitute delayed genocide and murder for victims who are suffering a slow, terrible and especially humiliating death.

The rape of Rwandan women was used as a weapon of ethnic cleansing to destroy women’s psyche, their ability to have children, and their community and family ties. Here, it must be noted that children have killed their mothers; husbands have killed their wives; brothers and cousins have killed each other because one is Tutsi and the other Hutu. For some it was done willingly; others were forced to do it upon pain of death. This crime against humanity was planned in a systematic fashion at the national level, and has been practiced since April 6, 1994, in particular. It has been committed during the course of arrests and exodus. These rapes were committed by gangs and by individuals. In the refugee camps in Zaire, Tanzania, and Burundi the rapes continue. Hundreds of Tutsi women, and others who are non-partisan, are still held as “spoils of war.”

The consequences can be counted by the thousands. The surviving women’s nightmare is still not over today. After having seen their parents, spouses, children, and brothers and sisters stabbed to death, after having been raped in public by several killers, after having been mutilated, they are left to face numerous problems alone. They have no homes, the killers razed them all. They have no more work because their employers have been killed, or have left, or because farm work is unthinkable since those who took part in the genocide are still there, free. They are free because the justice system needs to be reorganized and the International War Crimes Tribunal for Rwanda is still, at this moment, an aspiration, a dream.

Raped women are doubly punished by society. First, judicial practice does not grant them redress for rape as long as graphic evidence is not brought out into the open. Second, from society’s point of view there is little sympathy, for at the moment that men and children died without defense, these women used the sex card, “selling their bodies to save their lives.” Thus, they are judged from all sides, and even among their families they are not easily pardoned. Even worse, people reproach them for having preferred survival through rape. Many of them are unaware of their rights and will have difficulty lodging complaints against the criminals. A wall of silence has been built between them and their families. They are confined in the refugee
camps and suffer permanent anxiety and psychic trauma following the rapes. Furthermore, many have become lone heads of households, and have lots of children in their charge and no means to care for them.

One could continue to tell the drama of these raped women without ever finishing. Because of this, I am going to present some conclusions to you.

One wonders why the international community remains indifferent to these women’s predicament when the rapes and all the violence perpetuated in Rwanda have been denounced. While these are crimes against humanity and have been recognized as such around the world, how can the international community ask these women — who have been raped in their hearts, in their flesh, and in their spirit — to forget, to pardon, to wait, while the system delays in adjudicating these genocidal criminals?

In the face of the lack of action by the United Nations, I am going to propose to this august assembly to help Rwandan women claim their right to insist that justice be done, not only to benefit these particular women, but to benefit the whole of Rwandan society which has been raped with these women. We must judge the murderers in Rwanda quickly and with all the severity necessary to ensure that this never happens again anywhere in the world.

Rwandan women call on the International War Crimes Tribunal, if it ever comes into effect, and on the United Nations system which initiated it, among others, to recognize rape as a crime against humanity in the case of Rwanda.

We demand thorough investigation of the rapes and their consequences in Rwanda.

We demand recognition of rape as a tool of ethnic cleansing; recognition of the wrongs committed against the raped women and girls; moral and material reparation for these rape victims; and the rehabilitation of the victims, and their protection against possible attacks, so that they can regain their place in society, and so that their dignity as mothers and wives can be restored.

We demand the judgement of these criminal rapists by the International War Crimes Tribunal for Rwanda created to judge those responsible for the genocide.

Given our feeble resources, Rwandan women demand that the International War Crimes Tribunal be held in Rwanda rather than in
another country — at least for the sessions concerning rape — in order to allow the victims to have access to it.

We demand material assistance to facilitate the creation of files on the victims.

We demand legal assistance for the victims of rape.

Considering our culture, Rwandan women ask that demands not be made for very graphic evidence, since it is a very delicate matter for women to admit they have been raped, even to a doctor, a priest, or a pastor.

We demand that the UN not hide behind the pretext of an absence of proof in order to refuse to condemn a crime against humanity.

We ask that, given the complexity of the problem, experts on the matter be made available so that the problem can be defined more clearly and the follow-up mechanisms for resolutions will be respected and will not remain "dead letters."

If I have presented this case, I have done it, perhaps not as a woman who has been raped, but as a sister of raped women, as a mother who has agreed to take on the children abandoned by raped women, and as the president of a widow's association which daily receives testimonies and requests for advice on cases of rape.
The Situation of the Comfort Women: An Update

Heisoo Shin

I am Heisoo Shin with the Korean Council for Women Drafted to Sexual Slavery by Japan. For some years now, we have been raising the issue of military sexual slavery by Japan — the so-called Comfort Women issue. Military sexual slavery by Japan is an example of an extreme form of violence against women during wartime. During World War II, an estimated 200,000 women from Korea, China, the Philippines, Indonesia, Malaysia, Taiwan, and the Netherlands became sexual slaves of the Japanese imperial army. The women were kidnapped, lured, or deceived, and brought to the “comfort stations” where they had to sexually serve the Japanese soldiers who stood outside in lines. The whole system was planned, implemented and operated by the Japanese imperial army.

We began this movement in the late 1980s, and it was only in 1991 that a survivor came forward in public in South Korea. Now the numbers of surviving victims are about 170 in South Korea, 130 in North Korea, 100 in the Philippines, and several other victims have come forward in Taiwan, Indonesia, and the Netherlands. The victims, and NGOs like us representing the victims, have been demanding full disclosure of the issue, punishment of the perpetrators, reparations for the victims, the erection of a monument for the victims, the revision of Japanese school textbooks, and a public apology.

Initially, the Japanese government flatly denied any military involvement, saying that private entrepreneurs recruited the women. Because of the evidence, they had to admit the existence of the “comfort stations,” but they said that no force was used. This made the survivors very angry because it implied that they had become comfort women voluntarily. It was only in August, 1993, that the Japanese government officially acknowledged in their second report on the issue that the use of force by the army was involved in the recruitment of comfort women.

I am happy to inform you now that our four-year campaign to appeal to the United Nations Commission on Human Rights to
investigate the comfort women issue has been answered. Radhika Coomaraswamy, the Special Rapporteur on Violence Against Women, made an investigative trip to Korea and Japan in July and we are expecting her report in the near future.\(^1\) Just two weeks ago, the Sub-Commission on Discrimination and the Protection of Minorities also appointed Ms. Linda Chavez, a United States expert, as Special Rapporteur on Slavery during Wartime.

The Japanese government continues to say they are sorry but that everything was resolved by the *San Francisco Treaty* and other bilateral agreements. You may have seen the picture of Prime Minister Murayama apologizing to the victims. But we do not believe in it, because as he apologizes individually, another member of his cabinet says the complete opposite, arguing that the war waged by Japan was a liberation war.

As a solution to this issue, the Japanese government in July announced the establishment of the Asian Women’s Fund, which is basically a plan to collect donations from the private sector and give a one-time payment to the victims. The victims have rejected the money and are demanding reparations as the legal responsibility of the state. Two victims, one from Korea and one from the Philippines, are attending this NGO Forum to make their voices heard. We strongly demand that the Japanese government cancel the idea of a private fund and assume full responsibility for the crimes committed. We need your support in protesting Japan’s becoming a permanent member of the UN Security Council unless they solve this issue in the appropriate manner. We appeal for your support in securing state responsibility in this matter.

**NOTES**

Domestic Violence in Ireland

Mary McGoldrick

TESTIMONY

My name is Mary McGoldrick. I am 35 years old. I live in Dublin, Ireland, with my three children aged 6, 16 and 18. Six years ago I barred my husband from my family home because he was beating me.

I had met this man when I was 14 years old and fell in love with him. I became pregnant and married him at 17. In 1977, when I was seven months pregnant, he went missing for a weekend. I could not eat I was so worried that something had happened to him and I reported him missing to the police. When he came home he was very annoyed with me for doing this. I tried to explain that I was very frightened but he started to shout at me and to tell me how stupid I was. I ran upstairs to get away but he chased me and I fell flat on my stomach — he just laughed at me. Shortly after this I was admitted to hospital with heavy bleeding. No one asked me there how I got the bruising, nor could they say why I was bleeding. I didn’t want to tell them that the man I lived with had done this to me. I was worried for my baby and I felt that it was my fault.

In 1978, while pregnant with my second child, his brother-in-law left me his baby to take care of and went out with my husband. They were gone for hours and I couldn’t cope with the two babies. I was annoyed when they returned so my husband started to beat me. I begged his brother-in-law not to leave, but he just took his baby and went saying it was none of his business. I tried to leave that night but he made me go to bed with him. My mouth was bleeding and my body ached. I was afraid for the child I was carrying.

The following morning, I left my son with my mother-in-law and went and stayed in a friend’s parents’ house. The next day my husband came and spoke with her father, who told me to go home with
my husband and not to break up my family. As I walked home, my husband told me he would never hit me again.

In 1978 I had my daughter. She was born with jaundice and was very ill. She needed around the clock attention. My son was one-and-a-half years old and between them both I was exhausted. My husband came home in the early hours one morning after being out with his friends. I was feeding my daughter and I told him that it was unfair that he did not help me with the children. He told me to shut up, and when I didn't he punched me in the nose and I blacked out. He got a fright and he took me to the hospital. I didn't speak when we got there and the doctor only spoke to my husband. The doctor asked my husband how it happened. My husband lied, the doctor believed him and sent me home with pain killers.

It wasn't long after this that I went to a social worker who sent me to a hostel for homeless people which is run by the Catholic Church. I remember vividly walking down the street to the hostel with one baby in my arms and holding the other baby by the hand, and I had a bag that I had packed in a hurry. I was 19. When I saw all the people sitting along the road outside the hostel drinking bottles of wine, I was too scared to bring my children into that place. I went to a church to feed my baby and to get out of the cold. I knew it was useless to think that I could make it on my own with two babies and no money. I had no choice but to go home.

In October 1981, it was my 22nd birthday. I was preparing dinner, boiling some potatoes on the cooker, when my husband arrived home with a friend and told me that they were going to the cinema. I asked him to stay home because it was my birthday. He got annoyed and said I was guilt-tripping him. I don't remember everything he said but I do remember the shock that I got when he took the pot of boiling water from the cooker and threw it at me. I put my hands up to protect my face. The water hit my upper arm and down into my elbow joint. My husband left with his friend. Two or three days later I went to the doctor. I was in an awful lot of pain. I couldn't straighten my arm because I had been holding it in a bent position and the skin had begun to heal across the joint. When I went to the doctor he had to pull my arm straight, tearing the burnt skin. He told me that I was lucky that I did not need to have a skin graft. I told him that I had slipped straining the potatoes, a story which couldn't have been consistent with the injury. I hoped that somehow he would know what my husband was
doing to me and do something to make him stop, but he didn’t seem concerned about how it had happened. I didn’t consider going to the police at that stage, but even if I had, they do not have the power to enter the family home and they rarely arrest a man for assaulting his wife. The onus to do that is nearly always put onto the woman, who has to live with her abuser while she is waiting for the case to be heard in court.

I am going to skip ahead 8 years to 1989. Not because the years in between were peaceful but because there were too many times when I was beaten, intimidated, and made to feel useless and stupid, too many times when he withheld money that I needed to live on. I would be here for a week if I were to retell half of it.

I had my third child in April 1989. During my pregnancy he made me feel ugly and stayed out as much as he could. I was constantly worried that he would lose his temper and that he would beat me. The memories of my previous pregnancy were very vivid, so I tried to do everything right like keeping the house clean and cooking nice meals just to keep him in a good mood. I never argued or spoke my mind for fear he would beat me. The following August he left me to live with a woman he said he was in love with because, according to him, I was no longer sexually attractive. I was both relieved and terrified. Because I had been brought up as a Catholic, I believed that marriage was for life. I had taken vows which I believed on my wedding day: "For better or worse, till death do us part."

The majority of people in Ireland would say, "You made your bed, now lie in it." I felt that I was a failure. I was ashamed of admitting that I was a deserted wife with three children to bring up on my own. I hadn’t yet realized the damage that he was doing to the children.

In the following months, my husband would not financially support me and my children. My children were having problems at school, and when I explained to the headmistress she was very unhelpful and unsympathetic. She made school very difficult for my children. Occasionally the public health nurse, who was a nun, came to check on the baby’s health. When I told her what a mess my life was in, she just kept repeating, "Oh you poor thing" over and over again, which was no help.

I went to the local health center to ask for help because I had gotten into debt with bills and I was desperate. The man that I saw there did not believe me. He had to visit my home later that day before
he could give me any money — which was in the form of a check. By
the time he came and satisfied himself that I was telling him the truth,
it was too late to cash the check anywhere. He told me that I could get
a payment every week from him but the onus was on me to prove my
husband wouldn't support me. To do this, I had to travel quite a
distance to the family law court and queue for hours to apply for a
maintenance order. I had to go to other offices, and queue again to get
forms stamped and to apply for a deserted wives allowance. All of this
took a lot of time and mental and physical energy which I was already
short on.

During the following months, my husband wanted to return
home. I was exhausted and I often felt that it would be easier to take
him back instead of battling on to a very uncertain future alone.

On Christmas Eve in 1989, in the early hours of the morning,
my husband called to the house. He wanted to spend Christmas with
us and when I refused he punched me. He threw me down the stairs
and he banged a door full force into my head. I was in real fear for my
life and for my children's mental well-being. I attended my doctor with
the injuries that I had received, which were concussion, carpet burns
and bruising. He gave me a letter to take to the family law courts where
I applied for a barring order, a custody order and a maintenance
order. By March I had managed to get all three, but I soon found out
that I had to enforce all three myself. For instance, I had been granted
custody of my children and my husband had been granted access to
them. He used these visits to make life very hard for me, and when he
did take the children out he sometimes would not bring them back 'til
midnight and had me worried sick.

In relation to the maintenance order, I had to collect the money
from his place of work, which was degrading, and he gave up work
anyway to avoid paying me. The barring order was not much use when
he arrived at midnight and I had no phone to call the police. I just
wished at that time that someone would lock him up so that myself and
my kids could get on with our lives.

One night I came home and found him in my bed. My
babysitter had been too afraid to stop him from coming in. I rang the
police from a friend's house and they came and told him to leave. I did
not realize at that time that the police should have arrested my
husband and charged him with breaking a court order. They did not
do this, and although my husband had committed a criminal offence he was allowed to walk free with no consequences for his actions.

My barring order expired after 12 months and I tried to renew it. I was told that I couldn’t unless I had fresh evidence of abuse but that I could have renewed it if I had applied to do so before the previous order had expired. My solicitor never gave me this information, and because of this I have not had any protection from my husband in the last five years. I am on a waiting list to go to court to get a legal separation but I can go no further than this as there is no divorce in Ireland. This is due to the influence of the Catholic Church on the Irish people and on our laws.

Because of the beatings that I received over the years I had to have a damaged disc removed from my spine. I will never be able to return to manual work without risking further surgery, and I have never been compensated by either my husband or the state for injuries received. I believe that the Irish Government is accountable for not protecting me from violence and should therefore be held accountable for the compensation that I should receive.

I have to depend on Social Welfare for my income, which would be stopped immediately if I were to cohabit in a new relationship with a man. Again, I would become, in the eyes of the state, totally dependent on a man to support me and my children. I am being denied the basic human right to live my life as an independent person without being classed and judged in relation to a man.

I feel that I have been sentenced to a life of hardship and isolation for the crimes that my husband committed against me and my children. His only punishment was being ordered not to live in the family home for 12 months. He can re-enter my home at any time. The Irish Government has never treated his actions as a serious crime. The Government’s failure to prosecute men in cases of domestic violence and rape clearly gives the message that these crimes are not serious. Since then, my husband has been free to enter into a relationship with another woman who has since had two children with him. He is never asked if he is Miss, Mrs., or Ms. He is always Mr. in the eyes of the world.

I would like to end on a positive note by saying that I now know that none of what happened to me was any of my fault. I am no longer a victim, I am a survivor. I now work with Women’s Aid as a
volunteer. After 21 years of lobbying and two years of consultation by our organization with the Department of Equality and Law Reform, the present Government has introduced progressive legislation which, if enacted, will go further to protect women and children from male violence in the home.

Through the work that I do with Women’s Aid, I am committed to fighting for the rights of women who are being subjected to violence so that it might be easier for them than it was for me to leave.
Incest Rape: The Story of Revai Khoza In Zimbabwe

Nomsa Hazel Ncube

INTRODUCTION

My name is Nomsa Ncube and I come from Zimbabwe. I am a lawyer by profession, and I appreciate having this opportunity to speak on behalf of all of the minor children who are victims of incest and sexual abuse. In 1995 alone, in Matabeleland — which is a small province in Zimbabwe — there are 25 official cases of children who have been victims of either incest or sexual abuse. The problem is increasing with the AIDS epidemic, which is a very big problem in my country. It is believed by a lot of men that having sex with a minor child is a cure for AIDS. I will now read the story of one of the children who cannot be here to read her story herself.

REVAI'S TESTIMONY

My name is Revai Khoza. I am 13 years old and I come from Zimbabwe. My parents were divorced when I was an infant. After the divorce, my mother remarried and went to live with her new husband in an area that was very far away. Under our customary law, she could not take me with her to the new marriage. My paternal aunt Selina looked after me until I was eight years old. After that, my paternal uncle Jeremiah came to collect me from my aunt because he wanted me to attend school. I started school in 1989 and I stayed with my uncle until 1990 when my father came to collect me. He was a laborer in a big commercial multinational farm. I was happy to go with him as he was my future.

When I started living with my father, he was living with his girlfriend Raina. Their homestead on the farm was far removed from the others as he was foreman guarding a special paddock. Three nights after I arrived, my father came home drunk. Raina gave him food and afterwards we all went to sleep. I occupied a separate hut from them on my own. Later that night I was awakened by someone holding my legs and prying them open. I tried to scream, but the person closed my mouth — but not my eyes — and I could see that it was my father. With his other hand he forcibly removed my pants and
lay on top of me and raped me. I bled a lot and I felt a lot of pain. After he had finished, he left me and went back to Raina. They quarrelled because she asked him why I had been screaming. My father told her that I was not her child and she should not be concerned about me. My father hit her, and the same night she ran away.

During the time she was away, my father had intercourse with me every day. I used to cry every night, and after each act he would warn me not to tell anyone. After about two months Raina came back. I was happy to see her and I told her what had been happening. She refused to help and packed her clothes and left. At the same time, my father did not allow me access to anyone. He took me with him to work, and since the farm was big I never saw anyone who I could report to.

At the beginning of 1993, my father left the farm and we went to his village where his homestead was near other people’s. I immediately reported to the Village Youth Leader. When the youth leader tried to confront him, my father assaulted him and he became afraid, and the matter was simply left like that. Meanwhile, my father continued to rape me every night. On February 28, 1994, I ran away from him and went to a sugar estate about 60 kilometers away. I had employment as a maid, but two months later my father came and collected me. He told my employers that I had run away from school and he had come to take me back to school. When we got back he severely assaulted me. Straight after the assault he raped me again.

On the night of July 9, 1994, we went to bed; it had been happening so often that it looked normal and I had stopped resisting. On this particular night after the intercourse, we slept, and the police came and found us in bed. It turned out that the Village Youth Leader had finally gone to the Chief who had told the police. They arrested my father and they took me to a hospital. I was diagnosed with a sexually transmitted disease as I had vaginal warts. My father was taken to court and tried. He is currently in prison awaiting sentence.

CONCLUSION

Revai Khoza is one of many children victims of incest who my organization, the Bulawayo Lawyers Association, is trying to assist. At the moment she is staying at a Juvenile Delinquents Detention Centre. The reason for this is that there is no facility in my country for children in her position. Because of her circumstances she is deemed not
suitable for foster care, and the Detention Centre is the only place available to keep her. The painful thing about this case is that my organization actively tried to provide financial and medical help to Revai, but there was so much resistance from the social welfare offices concerned and we have not been able to get further access to her. The fact that the state does not provide for any counselling and does not care what happens to the child after the trial is a big problem. After she has given her evidence and the accused has been convicted they have no use for her. She has to be taken care of by a parent, and in a case like this one where there is no parent who can look after her, she winds up in the Detention Centre. The mother cannot assist as she cannot bring children from another marriage to her new one.

Revai's father was sentenced to 12 years in prison with two of them suspended. But the way the system works, with good behavior and remission, he theoretically will serve five years or less. If he comes out of prison and Revai is still a minor, technically he can still get custody of her. There are other children who are younger than Revai who are in similar circumstances. If the fathers come out of prison they can still get custody of them. That being the case, we would like our government to try and stop this, and put laws in place that can prevent situations like this. However, it is very important that we also address the link between the sexual abuse of children and the AIDS epidemic. As long as men think that sleeping with small children is a cure for AIDS, we will always have this problem.
Domestic Violence in the United States

Thea DuBow

TESTIMONY

I am a forty-three-year-old woman. I come from a white, middle class background. I have a B.A. in early childhood education and an M.S. in the same discipline. I am the Assistant Director of My Sister's Place, an organization working to end violence in the family. The agency is in Westchester county, New York, a suburb of New York City.

Last year, in 1994, My Sister's Place turned away 681 women because we were filled to capacity. This figure does not take into account the children that the women escape with.

I want to tell you about what motivated me to start doing this work to end domestic violence, and what raised my consciousness on this issue.

I lived in Westchester county when I was being abused by my husband, Albie, in the 1970's and early 1980's, and went to prison in the same county from 1984 through 1987 for his death.

My testimony will focus on the ways in which I tried to get help from the systems that we are taught will help us when we are in need. These systems that violated my human rights when I was being abused are still failing women in 1995.

I married Albie three months after I met him. I was 21 years old and he was 27. He was so exciting, so charming, so convincing, and so smooth. He had been married prior to his marriage to me. After being married only a short time, I noticed my husband was jealous of my relationships with my girlfriends. He made it difficult for me to see them. In a short time, I had no friends of my own at all. Isolated from my friends, my dependency on my husband grew. Albie also isolated me from my family.

Shortly after I was married, my parents found out my husband had been married before. When they found out, they tried to get me to leave him. I would not leave. I was going to make my marriage work.

After about two years of being torn between my husband and my parents, I needed to relieve the strain I was under in order to make my marriage work. I didn't speak to my parents for a year, even though they lived only a mile away.
During the same period, I let my driver’s license expire, and Albie drove me everywhere I needed to go. This made my isolation complete. I had no friends for all intents and purposes. I didn’t speak to my family and I had no means of transportation. I see my isolation as the vehicle for the battering; once isolated, then battered. I had nowhere to go, no one to see, and no way to get there. During my marriage to Albie he punched, slapped, kicked, and bound and gagged me. For example, one evening when my husband’s friend was visiting our apartment, Albie and I started play fighting. Albie lifted my arm behind my back. He must have wanted to show his friend the control he had over me. He told me to say “uncle.” Unfortunately, on this occasion, I decided to resist his control. I would not say “uncle.” So, he kept lifting my arm until it broke.

Even though I didn’t recognize or identify myself as a battered women until after I was in prison, I had reached out and tried to access help. I called the police, went into therapy with a psychiatrist, and went to an emergency room at an area hospital. But not one of these interventions helped me. In fact they made matters worse. One night after Albie slapped and punched me, he threw me practically naked out of our apartment but he would not let me back in. Finally, I went to a neighbor’s apartment and called the police. When the police arrived, I apprised them of the situation and told them I only wanted to get some clothing and my pocketbook. The only question they asked me was whose name the lease for the apartment was in. When I told them it was in my husband’s name, they said there was nothing they could do for me. Finally, after begging, pleading, and apologizing, later that night he let me in.

On another occasion, after Albie beat me one evening, I decided to go to the emergency room. I couldn’t let Albie know my plan. The emergency room doctor examined me and confirmed I had bruises and contusions. I told him that I had received them from a beating my husband had given me earlier that evening. I had asked him to please record the way I became injured in the medical record. He would not. He said he would only write the nature of the injuries, but not how I received them, because he wasn’t there to witness the abuse. I left feeling frustrated and frightened. I had not gotten the validation that I needed and I had taken a big chance lying to my husband.

Ultimately, after nine and a half years, my relationship with my husband ended violently and tragically in December of 1982. Albie
and I had an intense argument. It ended when he told me I had better take some pills that he had clenched in his fist or he would hit me. I knew he would definitely carry through on his threat, so I let him put the pills in my mouth. I have no recollection of what happened after the pills took effect. My husband died of a single gunshot wound to the head. To this day I have no memory of this horrendous event, but I do take responsibility for it. I was charged with second degree murder, but took a plea of first degree manslaughter, which carried a sentence of three and a half to ten and a half years.

Again, the system meant to protect my rights failed me. At the time of sentencing, after accepting the final plea offered, my attorney made a pre-sentence report to the judge. This consisted of letters written by each member of my nuclear family. Individually they addressed their experience of me. They wrote about a frightening change they had observed in me while I was under his control. Two sworn depositions were signed by people who had witnessed my husband’s physical violence towards me. These were also submitted to the judge.

When the judge pronounced the sentence, he banged his gavel, and told me that because I had a college education, and a better than average upbringing, I should have known better. I should have had the wherewithal to get out of the marriage before it came to this. He said he was remanding me to prison not to be rehabilitated but to be punished. I could not help but wonder, had I not been punished enough?

In 1985, after approximately one year of imprisonment, I heard that groups from outside of the prison were planning a hearing dealing with domestic violence. Women from the prison were being sought to testify about the family violence they had suffered and which ultimately had led them to prison. It was hoped that such a hearing would help women who were presently being abused out in the community. When I thought about the possible impact the hearing might have, I decided to testify. In doing so, I shared my darkest secrets.

The other women who testified felt similarly to me. Organizers of the hearing saw our need and helped us to form a support group. Ultimately, the hearing at Bedford Hills Correctional Facility gave birth to a permanent Family Violence Program at the prison, a program I have been involved with since its inception in 1987. I currently facilitate a support group for women who have been victims of intimate
violence. The women who are members of the Family Violence Program want you to know who they are and what they need. They asked me to speak the following words to you:

We are mothers, sisters, lovers, daughters. We are women, not just people who committed a crime and are now inmates. We are not born criminal. And we are certainly not who you think we are — we are not cold-blooded, we are not vicious.

We are you, and you are everything you think we are. We are sensitive, caring, softhearted, sweet (sometimes). We have a heart, a conscience, and we are as scared of society as it is of us. But, we desperately need you to see us as individuals — not collectively, not stereotypically.

The way we grew up, we were in prison in our homes and all of our lives. No one listened and when we spoke up it was turned against us. There was never anyone to trust, no confidentiality, no one cared. We are human beings, who in spite of it all survived. We survived beatings with iron cords, belts, fists, and worse. We survived being sexually assaulted and ripped to pieces at age two, three, four, five, six, seven, eight, twenty-eight. We survived living in terror all the time.

The most important thing we need to know and trust is that if you are going to start something, don't fail (and give us the usual excuses: lack of funding, partial and bandaid responses). Don't start something you can't finish. That doesn't mean you don't struggle and some things work better than others. But don't give up too easily. It's not about money, it's not about programs. It's about relationships, it's about trust and commitment, it's about integrity, consistency, and tenacity. Because the bottom line is that people make the difference, not a program, not an agency, not a service, but people — people who are consistent, knowledgeable, and who care.
CHAPTER TWO

Economic Discrimination and Exploitation

Current trends in global economic policy, and the resulting patterns of economic development, restructuring, and transition that are affecting countries in every region, have serious negative implications for the protection and enjoyment of human rights. Moreover, the negative human rights consequences of changes in the global economy have specific gender dimensions. Worldwide, there has been an escalation in economically driven human rights abuses that particularly affect women and girls. Many corporations increasingly prefer female workers who are not as likely as men to be organized and who, because of sexism, can be paid less and be otherwise exploited. As a result, women’s human rights are under attack. Women are facing greater impoverishment, trafficking and forced prostitution, unsafe, unhealthy and harsh working conditions, and harassment and violence from employers. This is especially the case for women who are forced to become migrant workers and who lack even the semblance of basic legal protections.

Poverty and economic exploitation erode and deny the social, economic, civil, and political aspects of human rights. The following stories of human rights abuses experienced by women who are economically powerless demonstrate the interdependence of all human rights. They show that it is impossible to define where violations of women’s social and economic rights end and abuses of civil and political rights begin. If the accountability of governments, the UN, and international financial institutions for such abuses is to be secured, we must approach human rights as truly universal and indivisible. This requires dispensing with the false hierarchy that has privileged narrowly defined political and civil rights while fostering the conditions for extensive human rights abuses in the name of economic progress.

A number of the testimonies in the Vienna Tribunal highlighted the interconnectedness of women’s exclusion from economic power and resources, the high degree of women’s economic dependence and poverty, and violations of women’s human rights. The realities of gender-based discrimination and women’s lack of economic power come to bear acutely in
the unquestioned pursuit of free-market, trade-oriented economic growth. The *Copenhagen Hearing on Economic Justice and Women's Human Rights*, convened at the United Nations World Summit on Social Development (Copenhagen, 1995), sought to explore in greater depth the idea that women's experiences of economic injustice are violations of human rights. In particular, the *Copenhagen Hearing* focused on the accountability of the United States as a major architect and champion of the international financial institutions and their present mandates. When opening the *Copenhagen Hearing*, Peggy Antrobus of DAWN (Development Alternatives with Women for a New Era) noted:

> [Violations of women's human rights... are not acts of God, or the "natural order" of things. They take place within, and are a consequence of, a particular set of macroeconomic policies — calculated and deliberate policy choices of people in authority, who are usually men. These policies... go by different names — structural adjustment policies, supply-side economics, neoliberalism, export- and market-oriented policies, Reaganomics — but they constitute a framework which places the interests of capital before those of people.]

The dominant economic framework being advanced by the World Bank, the International Monetary Fund, international financial institutions and regional trade agreements is based upon the so-called free market, with the maximization of corporate profits being understood as the primary engine of economic growth. This fosters economic activity that favors large corporations over small enterprises, because the former can turn over the goods (usually for export) and the profits most quickly. Yet, to the extent that women in particular have gained a foothold on their economic survival in recent decades it is through smaller informal enterprises. The present economic regime therefore negates the advancements that women have made and exacerbates their vulnerability to poverty, malnourishment, and exploitation. The testimony of Mahfoudha Alley Hamid exemplifies this "free-market" dynamic and its capacity to destroy women's livelihoods.

Profit maximization associated with free-market economic growth finds its counterpart in the promotion of cost reduction as a primary goal of economic activity. In such a scenario, social and environmental welfare protection, along with regulated earnings for workers, come to be seen as
inimical to the goals of greater efficiency, competitiveness, and profits. With the decline of socialist economies, the market mechanism is increasingly seen as the only legitimate form for organizing national economies. Given this construction of the world economy, poor countries are compelled to compete with each other to provide multinational corporations with the best deal — the cheapest workers with the fewest health and social benefits and the most lax environmental regulations. At the same time, the governments of so-called developed economies legally and fiscally subsidize corporations that lay off and impoverish workers in their own countries in order to relocate production to “free-trade zones” in third world countries where labor is much cheaper. The testimonies of María Guadalupe Torres and Julia Quiñones de González describe the working conditions that prevail in such free-trade zones on the Mexican-United States border, in factories known as maquiladoras. Their stories underscore the threats to human rights that the maquiladoras embody as well as the gender-specific abuses that occur there.

In this increasingly fluid global economy, where jobs are uncertain and short-term, people are often forced to leave their countries in order to earn a living for themselves and their dependents. Such conditions of widespread poverty and insecurity create opportunities for some to profit from the vulnerability of others. Low-income and poor women from all regions are often recruited as domestic and childcare workers for affluent private homes in both developed and developing countries. While these women are poor and lack citizenship rights, they are also invisible in the contexts of private home and family, and thus are vulnerable to physical and sexual abuse committed with impunity. Gina Alunan and Teresita Cuizon explain the human rights violations faced by women migrant workers. Often, women are coerced into becoming sex workers after believing a recruiter’s false promises of good, well-paid jobs overseas. Fanny Molina recounts Marta’s story of deception, followed by imprisonment, forced prostitution, and physical and sexual abuse.
Structural Adjustment Programs and Women’s Human Rights in Tanzania

Mahfoudha Alley Hamid

TESTIMONY

I was born on the island of Zanzibar in Tanzania. I have come here to testify on my own behalf and on behalf of millions of other women who didn’t have the opportunity that I have. I come from a farming family, and since my childhood, it has been emphasized that farming is a great form of economy and the future of our country.

I had a dream that I would become a modern farmer. After years of working and toiling, I managed to set back a few coins and buy some undeveloped land. I wanted to do farming as well as poultry.

I took a loan from an insurance company with the farm as security, because I had no other immovable property. Unfortunately, when I started the project I had no idea of any financial deals between my country, the International Monetary Fund (IMF), and the World Bank, and I did not know what a structural adjustment program was.

When things did not go so well, my country, as much as it had resisted, yielded to the superpowers and adopted a Structural Adjustment Program (SAP). In doing so, Tanzania had to devalue its currency more than 200 percent within a short period. The rate of exchange for the United States dollar, which was 40 Tanzanian shillings then, quickly reached 560 shillings — 14 times more. Since my testimony in Copenhagen last March, the US dollar (then valued at 560 shillings) has gone up to 650 shillings within the short period of six months. I find that I cannot repay the loan I took as it accrues interest and I have not been able to get use out of my farm. This is a problem.

The devaluation of my currency increases my discomfort and that of many other women. The policy of privatizing industries, as was demanded by the IMF and the World Bank, has made life tougher for many low-income women who used to work in these industries. Their main source of income, small as it was, has been cut off. Worst of all, social services like health, education, and utilities, which were formerly subsidized by the government, have now to be fully born by the people in a new program requiring contributions from the people.
At the same time, commodities have sky-rocketed in price whilst the minimum wage is less than US$30 per month.

The privatization system has made a loophole whereby a few individuals have managed to enrich themselves at the expense of others — mainly women — by selling industries which had been profitable and a source of income to the government.

A great percentage of these displaced women have yet to receive their unemployment benefits from the government. The lucky few who have been able to retain their positions in these industries work under stress and uncertainty about being able to retain their jobs. They do not have proper legal representation, and security of work is practically nonexistent. They are ignorant of, and cannot care about, their rights as they are desperate to secure employment under any conditions in order to survive.

A living example is of a chicken feed industry operating in the capital, Dar es Salaam. This industry, which is now privately owned, once solely prepared chicken feed primarily for small-scale poultry keepers, who were mainly women.

Slowly, this company expanded and started a hatchery. The government encouraged this company to operate by providing a license and helping with the red tape of the bureaucracy. As if that was not enough, they began breeding broilers, and then selling both alive and frozen chickens. Up until this point, it was mostly individual women who sold eggs and chickens to hotels, hospitals, schools, restaurants and individuals. After this company started to do breeding, other companies followed suit, and now almost all venues which bought from individuals are supplied by these companies who have taken almost all of the contracts, even for small places like the food vendors and "chicken-chips" kiosks, thereby hitting the informal sectors.

Where has this left the common woman? It has left her in the lurch, in a situation worse than before. Many women had taken loans to start their projects. The market has been flooded by these chicken companies, and local poultry keepers can do nothing to change the situation.

My association, the Tanzanian Women's Media Association (TAMWA), has tried to highlight the worsening situation of these women. Our stories are read and filed away or laughed at without remedy. No one has bothered to see if these companies have the right
to do business this way, or if their contracts are valid for breeding and selling poultry, or for preparing chick feed.

These very companies fail to employ women and they bring foreigners to do jobs which could be filled locally. When we travel to the North, our passports are endorsed with a “No employment allowed” stamp; we wonder, how are they allowed to employ foreigners?

Other industries which used to employ women are the textile companies of which Tanzania used to boast several. These also have been closed or sold, and all of their workers have been laid off or re-employed under different and harsher terms.

The policies of the World Bank and the IMF imposed upon our country are a gross violation of our rights, and we feel that the time is now ripe for our cries to be heard outside our country, at international venues like this forum and by entities like the United Nations (UN). They must realize that the SAPs are sapping us.

While these companies are operating with support from the government in a way that worsens the economic prospects for women's small business, the conditions which have developed could be argued to violate several international human rights instruments — particularly those which seek to protect the right to subsistence, to an adequate standard of living, and the right to work under equitable and satisfactory conditions. These instruments include the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, and the African (Banjul) Charter of Human and Peoples’ Rights, all of which Tanzania has ratified.

I can go on lamenting, and as a journalist and farmer, I can go on analyzing. The hue and cry will continue, for we are told in the South that the God these days is the market economy. They tell us people cannot own kiosks or be in the informal sector. The reason they give is that it is causing pollution and is an eyesore in the cities. Yet, the streets are polluted by big posh cars blocking the pedestrian ways and being an eyesore. It is a class issue here. When the poor do it to fill their stomachs it is an eyesore; when the rich do it, it is “progress.” This trend puts women in an even more precarious position, for the little they have earned is now denied to them and they are forced to be dependent beings once more.

I stand here, not as a victim alone, but as a proponent for our collective rights as peoples who want to live with dignity. Human rights
for us mean the rights to our full participation in our destiny. This includes our right to question and hold the World Bank and IMF accountable for their actions in our part of the world.

It is in this light that I am standing here so as to testify to a collective experience of the nongovernmental community who represent the civil society in our country. My hope is that this tribunal, these testimonies, will be a step towards putting this world in the right direction.

My hope is that we as a movement succeed to put pressure on UN agencies, that we see to it that the World Bank and the IMF behave themselves and stop these economic atrocities. This is not only an appeal to conscience, but a warning that if these atrocities do not stop then capitalism will also see grey. They got the message in South Africa, and as you know South Africa is Africa.

I end now with a poem. Though English is not my mother tongue, I have tried to compose in English so that you will understand the pains that we feel:

**Enough is Enough**

*Here in Beijing*
*we meet after a decade*

*Far and wide*
*from all corners of the world*

*From here, from there*
*and from everywhere*

*All colors, all races,*
*all nations and languages*
*to be heard*

*Why the hue and why the cry?*
*Everybody is wondering why*
*The reasons are there*
*and are very obvious*
*of them the world pretends*
*to be oblivious*
Here we are and the world hears
though we are visible but
invisible made
We raise our voices to ears
full of cotton wool
We want recognition and
say “enough is enough”

Enough is enough
misconstrue me not
Enough of the bad
of the good has never been yet
Enough is the cry of ones
who have had it
Billions of voices crying
enough should not in vain be

Recognition of what we do
and why
Recognition of individual
and collective knowledge
We want visibility where
mists shroud us
We want to bloom where suppression cripples us

We want elimination of
SAPs which dry us
Better economic policies
which would set us free
Alternative structures for
formal and informal services
We say enough is enough
we can swallow no more

We say enough to the violence
which has long dominated us
We say enough to the legislation
which our rights have suppressed
Enough to the exposure of
cases of violence
and sexual harassment
Special tribunals should
shield us from ridicule
and embarrassment

We want simplification of
legal jargons which confuse
Legal literacy for laws
as defense when abused
Access to the legal process
for women indiscriminately
of these we don't have enough
we hunger for them
absolutely

Enough of having things planned
for our lives
The choice of family planning
to the women should be left
Health for all women is a must
as they are
the real caretakers of
other's health while they suffer

Enough of favoritism of
education in all stages
preference to boys rather than girls
should change
Education for all at all stages
Judgement should be by ability
not by gender or age

Traditional prejudices are
really a hinderance
they tend to leave a
woman in total ignorance
We say enough to them all,
they deter our progress
Enough to mutilation of
tfemale genital and faces

If the mother earth
would be the paper
and for ink we use
the ocean and all the waters
These wouldn’t be enough
to write of how much
we’ve had enough!

So let these few
verses suffice to say
"ENOUGH IS ENOUGH!"
CHAPTER TWO

Sex Trafficking from Colombia to Europe: Marta’s Story

Fanny P. Molina

INTRODUCTION

In the 1970s, the European networks of traders in human beings began to flood the sex market with Latin-American women. They were, and are still, recruiting women between 19 and 25 years of age, originating from villages or medium-sized towns, with a low level of education, and from a low or medium social level. Many are unmarried mothers, but most of them have had no experience in prostitution before.

In Latin America, the trafficking networks operate from centers in countries like Brazil (the northern region), Colombia (the central and the south-eastern region), and the Dominican Republic. In the last few years they have extended their fields of activities to Uruguay, Venezuela, Perú, and Ecuador. Countries like Surinam, Panama, and the Dutch Antilles are used as transit countries to send the women to Greece, Spain, Germany, Belgium, Holland, and Japan.

More and more people in Latin America are being confronted with this growing problem. In spite of the huge obstacles posed by political and criminal organizations in a country like Colombia, some initiatives are beginning to take shape. One of these is “ESPERANZA: por un retorno seguro” (HOPE: for safe return). This is a joint initiative of organizations in Holland and Colombia.

ESPERANZA will help the victims after their return by offering them a reception home and professional consultations. The foundation also wants to inform and educate Colombian women and to prevent them from being trafficked within Colombia, as well as to other countries, and forced into prostitution.

ESPERANZA tries to gain national and international support to create the conditions that will guarantee the social, psychological, and economic reintegration of the victims of trafficking and forced prostitution who want to return to Colombia.

Marta’s testimony was prepared by the Foundation Against Trafficking in Women (STV) and ESPERANZA’s Women’s Centre for a Safe Return. At the conclusion of her story, Marta was 20 years old.
Although she would never tell her own family what happened, she said she hoped that by sharing the pain, the anger, the frustration, the fear, and the helplessness that she had felt and experienced during that traumatic period in her life, it would help other women to learn from her story. That is why we are telling Marta’s story today.

MARTA’S TESTIMONY

My name is Marta. I was born in a small provincial town in the center of Colombia in South America. When I had finished secondary school I went to work in a textile factory in order to help sustain my parents, two brothers and my one-year-old daughter. I was 18 years old. I had broken up with my boyfriend because I realized I could not rely on him. He was using drugs and not doing his best to find a job to support me and our daughter.

The work in the factory was monotonous, and the working environment was unhealthy due to the poor ventilation of the plant. Very soon I seemed to be always having a cold due to breathing in cotton particles the whole day. The pay was also very low for the number of hours I had to work each day. In addition, the factory foreman was always leering at the girls and making sexual propositions to them. We had to be careful not to offend him, because he had the power to recommend that someone be fired if he felt like it.

At the factory, I heard stories about the possibility of earning money in Europe. Somebody’s cousin had gone to Europe and come home with enough money to build a new house for her family. They said that in Greece one could earn US$4000 to $5000 in 6 months’ time. That was very appealing to me; my mother was sickly and my father had worked hard all his life to bring up their three children, of whom I was the eldest. I wanted to do something to secure the future for my family and my daughter.

Through the colleague whose cousin had gone to work in Europe, I got the address of a man named Antonio who could arrange employment in Europe. He told me that the procedure would take about a month to process, because he had to send my application to the European managers. There were many possibilities for work, he said, but he could not tell me exactly what kind of work yet, because it depended on which European manager was interested in me. For this, I had to fill in a form with personal data and also hand in a full-length
photo and one of my face only. I also had to pay him US$500 for the expenses that this procedure would bring about. My parents put all their savings together and borrowed some money from a relative, because they considered this an investment for the future.

I felt happy and full of expectations when Antonio informed me that my application had been accepted. I would be required to work as a folk dancer. I told him I could not dance very well, but he answered, "You can move your hips and shoulders, can't you? This is enough to dazzle the European public."

On November 19, 1990, I signed a contract to work for six months in Greece as a folk dancer. I was 18 years old, but Antonio said it was better to add a couple of years so that I would not get cheated because of my age.

I had a few days to make the arrangements for the journey and to practice the steps of the "salsa," the "cumbia," and the "porro." He took care of the passport (which said that I was 20 years old), the visa, and the airline ticket. He said that the expenses of the journey would be deducted from my first wages. I was so excited that I agreed to everything. But I explicitly said that I would not go to bed with customers. That was not a problem: according to Antonio, it would be completely my own decision whether to do so or not.

This was my first journey and it would be the first time I would not spend Christmas with those dear to me. But I would not be alone, because there would be five more women from other regions in Colombia. On December 20, Antonio and I took a plane to Bogotá, the capital, where the other women were waiting. In Bogotá we were given our papers and we travelled together to Athens.

In Athens we were met by Niko, the manager who had contracted us. He could speak some Spanish. We took leave of Antonio, who said to us, "This is as far as I go, my work is finished." He gave our papers to Niko, who took us to a house where there were three Colombian and two Dominican women who had come via Spain.

Niko told us to take a rest, because the next day we were to start work. But what he then told us made us all frightened, nervous, and confused. He said that our task was not only to dance (naked, not folk dancing), but also to entertain the customers, to drink alcohol with them, and even to have sex with them if they wanted to. When this became clear, we began to revolt and resist because these require-
ments were not part of the contract. But it was useless. He threatened to denounce us to the police if we did not do as he said. We did not know what to expect of the Greek police, and having the experience of the corrupt Colombian police we dared not take the risk. He also threatened us with reprisals against our relatives in Colombia if we continued to resist; he knew where to find them. We did not know what to do, so we had to submit to work as prostitutes.

After three months working without receiving any money at all, which they said was according to the agreement, we were told that if we wanted to be paid for the next three months we would have to sign a contract to go to a Northern European country after that. I wanted to go home after earning some money, but I had to agree, because otherwise I would not receive anything at all. How could I then go home at all?

After the three months, during which I managed to send some money home to my mother in order to buy the medicines she needed, I was taken to Holland, together with the two Dominican and three Colombian women. We were accompanied by a Dutchman called Jan, who was to be our new manager. He kept our papers. At the airport in Holland we were met by another man called Frank. Jan and Frank brought us to a big nightclub in Rotterdam. Frank could speak Spanish and was the one to explain our new tasks, for which we were to receive about US$30 per day. From this money we had to pay for everything we needed — food, clothing, medicine, and so on.

In Rotterdam, it looked as if the police were collaborating with the club managers. Two policemen came to the club, stamped our passports, and said that we could stay for three months to work at Jan's nightclub, but if we were to leave the club we would be illegal. We did not understand why the police were giving us permission to work there, while we were being forced to work as prostitutes which we did not want to do, and we were not being paid as promised. The policemen did say that we could tell them if there was any problem in the club, but because they were so friendly with the manager and other workers there, we dared not say anything to them.

Now I had to work the whole week from three in the afternoon to eight in the evening, and from nine in the evening to six the next morning. One day I did not feel well because I was menstruating, and I told Frank that I could not work. His only answer was: "This is no
problem, don't you know what your mouth is for?" And he looked so fierce and angry that I did not say anything anymore!

We slept on the top floor of the club. Six women had to share one room with two beds. I had to sleep on the floor with the women from the Dominican Republic. It was dirty and uncomfortable and there were mice and cockroaches. I was very frightened all the time. We were watched all the time and always accompanied whenever we needed to do some shopping. Anyway, we could not communicate with anyone easily. I had not expected that people in Holland would speak a language completely different from Spanish!

Once there was a customer called Wim, who was very friendly. He came back several times to me, and one day I decided to tell him my problem, hoping that he would help me. But later that evening Frank called me to his office. Wim was there too, and I knew at once that he was a spy. I was beaten badly that time. After that I gave up any hope of escape. The other women also told me to relax and accept my fate — they had also tried to escape and failed.

Sometime in January 1992, I discovered that I was pregnant. I was very ignorant about contraceptives when I was in Colombia, because nobody had spoken of these things to me. In Greece, the women there taught me how to use a condom. However, some of the customers refused to use condoms and I was not allowed to refuse anyone. Sometimes the condoms leaked. It was a terrible time. I felt so sinful because abortion is forbidden for Catholics, but Frank insisted and took me to a clinic for the abortion. I had to pay 500 guilders for it myself.

Afterwards we returned to the club, but I felt very ill and continued to bleed terribly. That night they had to bring me to the hospital where the doctors discovered that one of my intestines had been perforated during the abortion. They left me there and never came back to see how I was.

I was getting more and more depressed because of the abortion and not knowing what to do. One day a Spanish-speaking social worker visiting the patients stopped to chat with me. She told me that she was working with an organization called HUMANITAS, which was giving assistance to sex workers in Rotterdam. One of the nurses was worried about me and had asked her to come and talk with me. I decided to tell her everything. Finally, someone heard my story and
responded. The social worker told me about a woman’s organization, Foundation Against Trafficking in Women (STV), that helped women who had been forced to work like I had been. Two days later she came back with another woman, Patty, from the foundation. Patty explained my rights. She said that I could file charges against the people who had forced me to work, and that I need not be afraid of being deported. She would get me a lawyer and arrange for me to get all the assistance I needed from the social services. Now was my chance to leave. I decided to accept their help.

I stayed in the hospital for about two weeks having actually been abandoned by the traffickers. When I could leave the hospital, I quietly returned to the club very early in the morning, when I knew the managers would not be around, and collected my things, telling my roommates that I was going back to Colombia so that they would not look for me. Instead, I went with Patty from the foundation. She brought me to a shelter for battered women. I felt safe, but I was still confused and getting more and more depressed. Patty made an appointment with the police so that I could tell my story. It took two whole days. But I decided not to really press charges because I was afraid that if I did so, Antonio, the man who had recruited me for Greece, might harm my family as he had threatened. I felt better having escaped from the club. I could lead a normal life. STV brought me to a lawyer who would see if I could sue the hospital for compensation for the complications of the abortion. And it gives me some satisfaction that STV was really working to get the managers of the Club convicted.

But I still felt insecure and worried about my family in Colombia. I had received bad news from home. My mother was in hospital as she had to have her womb removed. She would need extra money for the operation and medicines. I felt desperate. I did not have any money and I was far away. I wanted to go home to look after her and my daughter.

CONCLUSION

With the help of friends and STV, Marta returned soon after to Colombia. STV has not heard of her since and the case could not be investigated further. The support which STV could give to Marta stopped when she returned to Colombia. Often, the women do not want to be reminded of what had happened to them once they are back home, even though they had felt safe and supported by STV.
The support for women like Marta should go on in Colombia. In fact, efforts should be made to prevent more women like Marta from being victimized by traffickers.

The history of Marta is at the same time a collective story, true for thousands of Latin American women, in which the only thing that is different is the name, the nationality, and the kind of contract signed.
Human Rights Violations against Migrant Workers: The Stories of Susan Paciano and Teresita Cuizon

Gina M. Alunan and Teresita Cuizon

Gina M. Alunan

INTRODUCTION

I am Gina M. Alunan from the Philippines. I have worked for Filipino overseas migrants for the past fourteen years. I was in Hong Kong from 1982 to 1986 working for Filipina domestic workers. From 1986 up to the present, I have been working for Philippine-based nongovernmental organizations doing support work for migrant workers who have suffered abuse and maltreatment while working overseas. I have talked to hundreds of Filipino migrant workers forced to leave behind their families because of the lack of better opportunities in their own country and who have suffered various forms of abuse.

I am also pleased to have with us today a Filipina migrant worker, Teresita Cuizon, who will be able to tell her own personal story and testify about her experiences as a migrant worker in the Middle East and now in the United Kingdom (UK). This will be her first time to speak before a huge crowd, but she feels she has to speak so the world will know. Teresita is a member of Waling-waling and works with Kalayaan and the Commission for Filipino Migrant Workers, all of which are nongovernmental groups campaigning for migrant workers' rights in the UK.

First, I will relate to you the story of Susan Paciano, who could not be here to testify. Her experiences typify the kind of horror stories and human rights violations that Filipina migrant women are commonly subjected to.

SUSAN'S TESTIMONY

My name is Susan Paciano. I am 39 years old, married and a mother of five. I was born and grew up in Northern Mindanao. Both my husband and I come from peasant families. All our lives we have worked on our land to sustain the needs of our growing family. But life in the barrio is
getting difficult every day as we are faced by either drought or too much rain.

I was recruited to work as a domestic helper in the Kingdom of Saudi Arabia. I had to pay US$ 140 in placement fees plus 100 Saudi Riyals (US$28) to be deducted from my monthly salary each month for the next six months. My contract stipulated a monthly salary of US$200.

On May 1, 1994, I departed for Saudi Arabia and worked there for nine months. My work as a domestic helper included cleaning the entire two-story house and taking care of my employer’s five children. I woke up at around 4 or 5 o’clock in the morning and started working without having any breakfast.

We only had one main meal a day served at around 3 o’clock in the afternoon. All the food for all members of the household was placed on the table in a big plate. The first to eat were the male members of the family, followed by the female members, and only then could the servants and employees of the family eat whatever was left. I always felt hungry because I had to work very hard in the day.

My employers did not pay me on a monthly basis. I only received the equivalent of US$100 in January, 1995, and not US$200 each month as stipulated in my contract. I wanted to go home because I felt physically weak from lack of food, lack of sleep, and too much work. But my employer would not allow me to go. Because I could not finish my work on time, my employer would constantly beat me and slap me. I got weaker everyday and eventually I was brought to the doctor and given some medicines. By then everything was hazy.

Finally on January 28, 1995, my employer brought me to the airport. I was entrusted to an Arab man. He told me that he would only give me my passport and air ticket if I would have sex with him — I refused. He took hold of my arm and forced me to drink something. I cannot remember what happened after that but I am sure that I was raped. I also do not know how I managed to return to the Philippines. My passport indicated that I arrived on January 31, 1995. Apparently, some Filipinos who were on the same plane that I took to Manila brought me to the mental institution as I was not in my right mind anymore. They also contacted my family in Mindanao who immediately came to Manila to see me. On February 7, 1995, I was discharged from the hospital and brought to the Kanlungan Center for Migrant Workers for temporary shelter. Kanlungan is a nongovernmental organization that provides support services to Filipino migrant workers. I stayed
there for two weeks with my husband. During this time, Kanlungan assisted me in retrieving my passport and air ticket which were with the Filipinos who brought me to the hospital. They also facilitated my claim for medical and transportation assistance from the Philippine government, which took an eternity to process. During this time too, I remembered the inhumane and degrading experience that I went through in the hands of my employer. I cannot understand how a human being can do such things to another human being. I also could not understand why the Philippine government continues to allow its own citizens to be exploited and abused in another country. Can't the government provide us with decent jobs in the Philippines?

I am now back with my family in our little barrio in Northern Mindanao. I have fully recovered, and I am in the best of health and receiving a lot of love and attention from my husband, children, and family. Life in the barrio is simple and oftentimes difficult, but something I cherish now more than ever before.

CONCLUSION

I met Susan again in May of this year when I went to Mindanao to study the migration patterns of Filipinas coming from Mindanao. Physically, Susan looked totally different from the time when she was staying in our center. She had gained more pounds, her cheeks were not hollow anymore, there was a sparkle in her eyes, and she was able to talk animatedly about her experience. But once in a while, a tear or two would threaten to fall as she related the most difficult part of her life story as a migrant worker in Saudi Arabia. She vows never to leave her family again. She may have survived death but she is scarred for life. Susan keeps in constant communication with Kanlungan. Susan may be lucky as she has a loving family who understood and supported her all the way. But this is not the case for many of the women who have had similar experiences and receive no support from their families or the government.

Teresita Cuizon

TESTIMONY

My name is Teresita Cuizon. I am a 34-year-old widow with two children. I come from the Philippines. My husband died in April 1985. After his death, I had to take the responsibility of being a father and a
mother to my children. I was working as a seamstress in the Philippines and my salary was not enough to support my children anymore. My son was five years old and my daughter nearly four. I asked the help of my sister-in-law who was working as a chambermaid in the United Arab Emirates (UAE) University. She recommended me as a domestic worker. After a few weeks, I had a job. She told me that my salary would be US$400, but when I reached UAE, they just paid me 400 Dirham which is equivalent to only US$108. I complained to my sister-in-law but they said to her that she had misunderstood them. We could not do anything because I was already there, they took my passport and I never saw it again. They took me for a medical examination even though I had already had one in the Philippines. They gave me medicine to clean my stomach. They said my stomach was dirty because I ate pork in the Philippines. They asked me to take a bath afterwards.

I had no time to eat or to wash my own clothes. There was no day off, not even any time off. I could only eat when they finished, and I had to eat the leftover food. I could not use their plates, spoons, or glasses. Once they saw me using them and they asked the chef to boil the utensils. I could not even use their toilet. They would shout at me if I spoke to anyone. It is hard to believe, but we are only animals to them and not human beings. After two months, they took me to London. There was no room for me so I slept on the floor. They told me to wash the flat, clean the carpet with soap, and wash and bleach all the curtains with my bare hands. My hand became allergic; it had cuts and it bled.

My boss tried to do bad things to me whenever I was alone. He would ask me to go the guest house at 12 midnight and said "I will be happy." I became afraid of him, but never mentioned this to his family. One night he was drunk and knocked on my door. When I opened it, he kissed and hugged me. I pushed him and said if he did not go out I would shout, so he left. He offered me a watch and money. One time he tried to convince me again. His wife saw us, but because she couldn't speak English I had to call her daughter and tell her everything. I asked her to send me back home, but because I was hard working and had been very good to them, they didn't want to send me home. So I was transferred to her daughter.

In 1990, we went to London again. After a week, I asked them about my salary because my sister needed it for my children. They did not pay me that time for about six months, and my employer said she
could not pay me because there was a problem in Kuwait (there was a war going on). She said there was a problem in the bank too, but they still kept going shopping.

One day we went to Grosvenor Square Park, and I met an English lady named Eleanor. While the children were not looking, I told her about my difficulties with the family. She was very concerned about me. She tried to give me ten pounds but I refused to take it just in case my employer saw it and would think I stole it from them. She gave me her telephone number in case I needed help. After that day I was not allowed to go to the park anymore. Eleanor and the police helped me to get out of the house. I was very scared, but I still did not want to go back to my employers even though they were trying to convince me to go back to them. People from the Commission for Filipino Migrant Workers came to help me. They were able to get me a solicitor who handled my case. Later on, I was able to find a job with a family whose daughter had cerebral palsy. My new employers also helped me to try and change my visa.

Lots of people gave me the strength and confidence to carry on — I remember during the first few days after leaving my employer, every time the doorbell would ring in the center, I was very nervous, thinking that my employer had come to take me back.

I became a member of the organization of unauthorized domestic workers. We call ourselves Waling-waling after an exotic Philippine orchid that can only be found hidden in the mountains. The Waling-waling are very active in promoting and participating in the campaign of our partner organization, Kalayaan, which is working for justice for all unauthorized domestic workers. Our goal is to acquire our immigration and employment rights. We attend several training seminars to raise our awareness and meet regularly so that everyone is well-informed. We hold a number of fund-raising and social events each year, including discos, trips, and picnics. The money raised from these activities is used to help members in need — those who have suffered a death in the family, the unemployed, someone who has an appeal or court hearing and must pay legal fees, those who have just left their employers and have nothing with them, and those in hospital. The Waling-waling also gives contributions to partner organizations and donations to fund-raising appeals in the UK and from their home countries.
Over the years the Waling-waling has received a lot of support from the Commission for Filipino Migrant Workers and Kalayaan. The three organizations continue to work together in partnership to fight for the rights and welfare of unauthorized domestic workers. In Britain, such workers have no rights. We are tied to our employers in a form of modern-day slavery.
Violations of Women's Human Rights in Maquiladoras

María Guadalupe Torres Martinez
and Julia Quiñonez de González

María Guadalupe Torres Martinez
TESTIMONY

My name is María Guadalupe Torres Martinez. I am from the city of Matamoros, Mexico, which is at the border between Mexico and the United States. I come here today to tell you about my experiences with the maquiladoras at the Mexican border and with the women who work there.

The maquiladoras are companies from the United States (US) and other countries that come to the border to take advantage of Mexican labor which is very cheap, and at the same time, close and accessible to the US market. In these factories, workers assemble electrical devices and components for car, computer, communications, and other industries. There are also clothes, shoes, and textiles factories. In other countries, these kinds of industrial sites are known as "free trade zones" or "export-processing zones." In all, there are 2,100 maquiladora factories along the length of the border, with a labor force of more than 500,000. The vast majority of maquiladora workers are very young women, and many are children.

I Thought I was Going to Like It

I started working in a maquiladora twenty-eight years ago. I came from the town of San Luis Potosí, which is the interior of Mexico. My mother came from the country and I have always had the country in my heart. However, we had to leave San Potosí to find a way to make a living. My mother was a widow and there was no decently paid work where we lived.

My mother wanted us to go to the Mexican border, because she wanted us to cross into the United States to look for work there. So we did. In the United States we worked as domestic employees in wealthy homes, but I never liked it. When I found out that the first
maquiladora factories were arriving in the border city of Matamoros, I said to my mother, "Let's go there, let's return to Mexico!" I thought that since they were American factories, they would pay well and that the work would be cleaner. I thought I was going to like it.

I found work in a maquiladora factory called Kemet — a capacitor factory that was a subsidiary of Union Carbide. I remained at Kemet for eighteen years. I worked in many areas of the factory, but for most of the time I was preparing epoxy, a kind of glue. Other workers did not call me by my name, Lupita Torres, but called me Lupita Epoxy.

The head of the epoxy department was a man from the United States who treated us very badly. He would yell at us from across the room, telling us we were lazy women who were not good for anything. He would scream, "Work, this is what we pay you for!" This bothered me a lot. It was not alright with me for someone to come to my country and treat us this way.

Conditions in the maquiladora factory were primitive. We never had enough materials to meet production quotas. We had to invent ways of meeting them. For example, there were only ten molds to make the 3,000 pieces a day we were required to make, so we took the pieces out of the molds before they were cured. And this is why we burned our hands every day — just to meet the production rate. Once in a while, the ovens would overheat and explode, and everyone would run out of the factory in a panic.

One day I said to my fellow workers, "We have to do something to defend ourselves!" But what could we do? One of the women workers knew about a person who was organizing groups of workers in meetings. I attended a meeting simply out of curiosity. The workers at the meeting were discussing the Mexican Federal Labor Law. I could not believe that there was a book such as this that talked about all of our rights as workers!

I continued to attend the group's meetings. The leader would ask what our work was like and some of us answered that we were working with solvents, with epoxies, with glues. Later on we began to discuss the dangers of these chemicals. We copied down the names of the chemicals we worked with from the bottles they were in and brought them to meetings. We were told that we were working with dangerous substances. We did not even know about protective equipment like gloves, masks and fume extractors. No one had ever
told us that these liquids were dangerous — the warning labels were in English, and we couldn’t understand them because maquiladora workers don’t have time to study.

In my workers’ study group, I could see how my fellow workers hoped to put an end to poor working conditions by organizing. We took the warning label of one of the chemical barrels at Kemet and sent it to a church worker in New York. She explained to us that we were washing components with methylene chloride, a substance which causes miscarriages, cancer, and extreme skin irritation. I spent eighteen years washing components in methylene chloride, dipping my hands in it without gloves or any kind of protection. Finally, I understood that the same substance that had been stripping oils from metal components had also been stripping off my skin.

The church worker sent the label to Kemet’s headquarters in the United States. This resulted in a huge change in my factory, because people came from the headquarters to inspect Kemet and they fired some of the supervisors and the plant manager because they had sent false safety and health reports to the headquarters. From then on, we had all the safety and health equipment we had lacked, and Kemet is now known as a world leader in health and safety.

Women have many false hopes when they come to work in maquiladoras. They think they are going to earn good wages, that it is clean and safe work, that they are going to be able to help their entire family. But it is not long before they wake up and realize what the reality is.

*Thousands of Histories*

It’s been many years since I quit work in that maquiladora to dedicate myself to the organizing of women workers with a group called the Border Committee of Women Workers (Comité Fronterizo de Obreras — CFO). These days, I organize meetings for women who are working in maquiladoras. In our study groups we learn the *Mexican Federal Labor Law* so that women can know their rights. They learn self-determination and how to defend their rights when it is necessary.

In my years with the CFO I have listened to thousands of women workers’ stories, including many that are much more serious than mine. The maquiladoras illegally dispose of vast quantities of
chemical wastes which go directly into the ground and into the groundwater. Because of this, many children have been born with anacephaly — a fatal birth defect where babies are born without brains — or with spina bifida. I hear many stories of women who have given birth this way, or who have miscarriages due to chemical exposures in factories. This kind of thing is happening all the time.

Many women suffer workplace accidents, cutting off a finger or injuring a hand. There are 20-year-old women whose arms no longer work and countless others with carpal tunnel syndrome from repetitive motion at work. In the majority of cases, the factories refuse to send workers for treatment at the Social Security hospitals where health care is generally provided to Mexican private sector workers. The supervisors in the maquiladoras are Mexican men. They like to be the boss, but few are trained on how to treat women workers. Many believe that they own the women workers on their line. There is one manager in a Canadian maquiladora who I know of who takes a different woman worker each week to "dance" (a euphemism for sexual relations), but then doesn't remember her afterwards. Stories like this are all too common.

The harm that the maquiladoras are doing by paying such low wages has widespread consequences. For example, there are women workers who become prostitutes in order to obtain more money. Many of the workers' children do not have the opportunity to go to school or kindergarten because their parents can't afford the cost of books or uniforms. So these children are entrusted to older women, or to the eldest sister who watches the younger ones, or to the fathers. Many children are left alone and many children have become victims of sexual violence.

A New Maquiladora Language

With the arrival of the North American Free Trade Agreement (NAFTA) among Mexico, the United States, and Canada, the problems for women workers have become more severe. The language that the maquiladoras use is the language of industrialists and bankers. They talk in words we don't understand — bank privatization, tariffs, new forms of productivity, the modernization of Mexican law. These terms are always spoken with such optimism as if they signal really good changes. But for whom?
With NAFTA, we know the other side of the coin. We know that "improved productivity" means that they have increased the workload again, but with fewer people on the assembly and many more accidents. "Modernization" of Mexican labor law means that the employers want to put an end to all of our protections and rights. NAFTA, which they promised would bring us a better life, has instead brought a terrible currency devaluation and the worst economic crisis Mexico has ever experienced.

Who is Responsible?

The maquiladoras have created a huge social problem, but neither the Mexican government nor the companies have taken any responsibility. For more than a decade, women workers in the Border Committee of Women Workers have been developing skills and strategies to advance their struggle. By organizing, women in the CFO have been able to bring about hundreds of positive changes, like how to keep their jobs when someone is trying to unjustly fire them, winning severance pay, successfully insisting on protections like fume extractors and safety equipment, and winning more just wages. When women learn about our rights, we are able to organize ourselves and achieve all that we propose no matter where we are.

Julia Quiñonez de González

TESTIMONY

My name is Julia Quiñonez de González. I come from Piedras Negras, Coahuila, on Mexico's northern border with the United States. As a child, I had hoped that I would go to university and study law. However, this dream was cut short when I was only 15 because my family did not have resources, and since I was the third of nine children, I had to help with our family's expenses. So at the age of 15, I started out in the maquiladora as a seamstress in a factory which made surgical bandages for hospitals in the United States. I spent five years there.

My experience in the maquiladora factory is a very difficult part of my life. My life surrendered its meaning to repetitive and monotonous labor. To work without knowing why or for whom destroys all sense of pride and satisfaction. As workers, we know only that our
work never ends, and that day after day we must go through the same routine.

In the eyes of the companies, we are simply a factor of production. The workdays are far longer than in the United States, without taking individual physical differences into account. It is not easy putting up with the screams and humiliations of the factory supervisors, or to endure accidents like cuts on your hands from scissors because the pace of work has been accelerated so much to meet production quotas. It is not easy to work while seated for so much time that it causes back problems and intense pain in your shoulders and neck.

The maquiladora industries robbed me of some of my best years, valuable years that I could have used to study and grow, and to make more of a contribution to the development of my country.

The maquiladoras stunt the dreams and aspirations of young women who work there. Women who grow up among production quotas and inhuman working conditions lose the opportunity to be young — but they also do not learn to be adults. They never learn to ask, "Who am I?" and their identity is left hanging. These women live in a state of confusion, trying to adapt themselves to a system that swallows them up, robbing them of their youth, their physical strength and their intellectual capacity. After a few years they are tossed away without ever having been able to develop — their capacities diminished, their resources for facing life reduced.

The maquiladoras damage our integrity as women. To get a job, you have to take a pregnancy test. If you are pregnant they won't hire you. In the job application they ask for the date of your last menstrual period. In my case, when I started working I hadn't begun menstruating yet, so I lied. I thought maybe if they knew I wasn't a woman they wouldn't give me the job. So I just made up the date. The companies are always looking for very young workers because they are more submissive and obedient.

Every day more women become sick from working in the maquiladoras. I knew one woman who went to the doctor because she had a cough, difficulty walking, and felt exhausted all of the time. The doctor told her that she had to quit smoking. She replied that she had never smoked in her life — she didn't even know how to smoke.
Her sickness was caused by her work. For ten years, she had been working with lead solder without any kind of protection. She had absorbed all the vapors into her lungs and blood.

International standards are completely ignored, as are Mexico's constitutional guarantees of national sovereignty, labor rights, and social services. Flagrant violations of our laws have severely weakened the unions, leaving workers without protection against all sorts of attacks.

Wage levels have fallen so low that Mexicans can no longer live a decent life. For example, where I live, a gallon of milk costs three dollars, which is more than an entire day's pay for a maquiladora worker. Without food, our families are becoming malnourished. The situation is even more critical for widows, single mothers, and elderly women.

The lack of adequate economic resources has caused grave social problems. Young working women are an irreplaceable resource for our society, but today their situation is frightening. Our families are reacting to thousands of pressures, shifting toward a new way of being, the consequences of which are clear to no one. We are fighting to receive a living wage so that we do not have to send our children out to work. We want our young people to have a chance to study so they may become members of a well-balanced society.

Women's participation in the world is growing. I’m proud to be a woman, to feel anger and thirst for justice. There's no limit to what we can do together. What I have lived through — the injustices I have seen and experienced — inspire and move me to fight for a better future for the coming generations of young women. Women workers must defend our rights.

Through the Border Committee of Working Women, maquiladora workers are joining our strength, our ideas, and our hearts into a movement of solidarity. We are asking, "Who is benefiting from this system?" and "How is it possible to speak of justice when there exist international agreements which do not mention the rights of women workers?" We are waiting impatiently for the answers to these questions.
the GLOBAL CAMPAIGN for
CHAPTER THREE

Violations of Health and Bodily Integrity

Women and girls are especially vulnerable to abuses of their human rights to health and bodily integrity. As demonstrated in the preceding chapters, the prevalence of gender-based violence in all societies, in conflict situations, and under conditions of economic exploitation, constitutes an ever-present threat to these rights. In addition, women are often subjected to human rights abuses in the course of seeking medical treatment such as reproductive healthcare. The latter issue was taken up in detail by the Cairo Hearing on Reproductive Health and Human Rights at the United Nations International Conference on Population and Development (Cairo, 1994). At that forum, women testified about forced sterilizations and hysterectomies, involuntary pregnancy, botched illegal abortions, the denial of contraceptives, and restrictions on birth control information. The testimonies underscored the complicity of medical and development establishments, private medical practitioners, as well as religious, cultural, and family institutions. Dr. Mahmoud Fathalla, who is a senior adviser on reproductive health research at the Rockefeller Foundation and was a commentator at the Cairo Hearing, made this statement:

We have heard tragic stories. They are important in themselves, but they are most important as illustrative examples of thousands and thousands of cases of violations of women's most basic human rights... Our legal counsel assures us that what we have been hearing are violations of human rights that have already been approved and agreed upon by member states in international conventions. Women have the right to health, women have the right to equality, women have the right to security, women have the right to decision-making, and these rights are already enshrined in international conventions. They need to be respected.

The recognition of women's health as a human right is in place, so what is needed is real accountability: enforcement, implementation, and proactive monitoring by states and the international community.
With the urgency of securing accountability as a foremost concern, the testimonies in this section of the *Beijing Tribunal* focus broadly on abuses of women’s right to health perpetrated in the course of the supposed provision of healthcare, and on human rights violations resulting from state-sponsored nuclear testing. All medical establishments and practitioners, but especially those that are wholly or partially financed, subsidized, or governed by the state, have a particular responsibility to provide their services in accordance with international human rights standards.

Juanita Williams’ account of the breach of confidentiality, and the insensitivity of her doctors when she was inadvertently diagnosed as being HIV positive, are symptomatic both of a wider health care crisis and of the neglect of women in the United States — especially African-American women — with HIV/AIDS. The stories of “María” and Daphne Scholinski recounted below describe gross gender-based violations spanning the entire spectrum of human rights, from the right to freedom of belief and expression, to the right to be free from cruel, inhuman, and degrading treatment and torture, and the right to physical and mental health. The abuses they describe were perpetrated by individual members of medical staff, as well as by policy-makers within hospitals. Where the state fails to take adequate steps to be aware of, prevent, and punish such abuses, it is also complicit. Recent challenges by such organizations as Human Rights Watch and Amnesty International around the abuse of children in Chinese orphanages, and especially of girl-children, is an important step towards demanding greater accountability for human rights violations that occur in the very institutions that are supposed to provide care and/or treatment to sick and vulnerable members of societies. The onus is on the international community and individual governments to uphold human rights standards in such contexts rigorously.

Another area of grave concern is the insidious impact of environmental destruction — especially nuclear testing — on the health and well-being of present and future generations. Galina Sumarakova and Dina Igsatova from Kazakhstan present testimonies on the horrendous effects of nuclear testing on the health of tens of thousands of former Soviet Union citizens. Deaths, severely shortened lifespans, and chronic illness, disease, and disability are the results of decades of cold-war nuclear testing. Women, as the primary caretakers in society, carry an extraordinary burden in the
communities that have been violated by such testing. They are the ones who give birth to, and must care for, children with severe health problems. Further, as states like Kazakhstan make the so-called transition to free-market independence, publicly provided social and health services are at a minimum while compensation for the victims is practically nonexistent. Groups like the Union of Nuclear Test Victims in Kazakhstan are playing an important role in moving towards greater accountability for such crimes against humanity. The disclosure and documentation of information on the scale and impact of nuclear testing in every region is a critical step forward. Health is a human right, and states that conduct experiments and tests that injure the health of their citizens must be held accountable for stopping the destruction and responsible for compensating the victims.
The Human Rights of Nuclear Test Victims

Galina Sumarakova and Dina Igsatova

Simultaneous translation by Natalia Mirovitsakaia

INTRODUCTION

My name is Galina Sumarakova and I am from the Union of Nuclear Test Victims. I am from Semipalatinsk in Kazakhstan though I am Russian. Previously, Kazakhstan was a republic of the Soviet Union and it is now an independent republic seven times the size of Japan and rich in natural resources and developed industry. To the north, we border Russia, and to the south, China. For 40 years, from 1949 to 1989, the Soviet Union conducted atmospheric, above-ground, and underground nuclear tests. The testing site is less than 100 miles from Semipalatinsk, the city where I live. Radioactive clouds have contaminated areas for hundreds of miles around the testing site, both in Kazakhstan and in Russia. The curtain of secrecy surrounding the tests has been opened only recently in 1989 due to the efforts of Kazakh poet and social activist Olzhas Sulemenov. The ugly truth caused the growth of an antinuclear movement in Kazakhstan and in other parts of the Soviet Union and abroad. Finally, wisdom won over madness. In 1989 nuclear tests were suspended and two years later the testing site was officially closed by a decree of the President Nazerbaev of Kazakhstan.

However, its legacy is still there. In certain areas, there is a marked increase in blood disorders, in cancer, in birth defects, and in many other diseases. In the Semipalatinsk area alone, there are 850,000 registered victims. For instance, in Abraly village, every child and adult has at least ten certified diseases. Some 149 out of 1,300 children in this village are invalids from birth with deformities. Radiation does not know geographical, national, or gender differences. It penetrates everywhere; it kills everything alive. However, in the case of women and girls, not only their general health suffers, but their reproductive function, and consequently the entire future generation is affected. The third generation of Semipalatinsk victims is more weak and sick than their parents and grandparents.

In 1993, Kazakhstan adopted a decree on the social defense of victims of nuclear testing. But due to economic crises, this law has only
been partially implemented. The victims are not given adequate means to secure medical and social rehabilitation. Kazakhstan is the first and still the only nuclear state which has ended testing and has made public information on the consequences. The environment and people of other nuclear states are also in peril. However, existing data are either incomplete or falsified.

The nuclear situation in the world has been recently exacerbated. The French government has proclaimed its intention to proceed with tests. China has never stopped testing. There is a visible threat of nuclear proliferation in the world.

We ask this Tribunal to call for the speedy creation of an international commission to study and assess the consequences of nuclear tests in all the regions of the world. The results should be made public to all the states and international organizations in the world community so that the violations of the human rights of numerous victims of tests can be recognized everywhere. We demand that the activities of governments who still carry out nuclear testing be condemned as an infringement on basic human rights. We demand that, following the example of Kazakhstan, all nuclear testing sites be closed. We ask this Tribunal to call upon the Fourth World Conference on Women to include in the Platform for Action the cessation of production, storage, and all usage of nuclear weapons.

Dear women, I ask you as sisters and as mothers, let us do everything to eliminate nuclear weapons from the world.

Dina Igsatova
TESTIMONY

My name is Dina Igsatova. I am from the region near the Semipalatinsk nuclear testing ground in Kazakhstan. The testing ground has no marked boundaries, and winding your way along the roads, you can never tell where the peace territory ends and the war territory starts. The same is true when you speak about the fate of the people living here; it is impossible to shield yourself or your dear ones from breathing the deadly air of the testing ground. The people never know whether to see themselves as hostages taken by the war, or to see life itself as predetermined so that one is never the owner of their own fate.

One by one, ground and atmospheric explosions were carried out during the year of my birth and for the following ten years.
Atomic and hydrogen bombs were tested. I want to tell you these stories of those who witnessed the tests, stories which will give you an idea of longsuffering history of Semipalatinsk, the land of great Aba. Andrey Zharikov, military officer of the Semipalatinsk testing ground testifies:

The testing field had the shape of a pear; its radius was about ten kilometers and the distance from the Irtish river was about 70 kilometers. An atom bomb, or later an H bomb, was dropped down from a plane. The bombcarrier was followed by two fighters, who had the order to guard the bomb carrier, and in case it had not dropped the bomb, to shoot it down. The bombcarrier didn't make any mistakes. The bomb hit the target precisely. It caused a huge flame of lightning, almost as big as the testing field, followed by a dazzling flash of redness. Then a whitish immense dome emerged, quickly going up and taking the shape of a white mushroom head on a black stem that thickened towards the earth. Everywhere around the soil turned into a caked glass mass of darkbrown color, with many fractions, and everywhere there were melted lumps of earth.

The atomic explosion light blinded people. Kabden Yesesngarin told that after the underground testing on October 5, 1989, in Kaskabalak village and its neighborhood, hundreds of crows, magpies, and sparrows died. Our livestock delivered freaks — lambs with six legs, three legs, or one eye. Grass-cutting workers would scare wild hares, but they were so ill and devoid of life that they couldn't run away. And what about people? Baten Shalabaeva, an obstetrician-gynecologist, testified that doctors had to sign an agreement of nondisclosure of facts about abnormal babies that were born without a face, or with an enormous head and a tiny body. Now she cries, and crying says that our women are afraid to bear children.

We, the children of that time, also watched those explosions. As a child, a famous Kazakh writer, Rollan Seysenbaev, would run with other children to the nearest village hill to watch the explosions. I'm one of those children in whose eyes the nuclear tests left their purple light, and whose eyes keep the reflection of black atomic explosion. In Kazakhstan there are many families like ours. Fortunately, our parents
had the opportunity to provide the necessary medical help, food and
care to their children. Nevertheless, even our family lost two children in
Semipalatinsk. The military dispensary doctors concluded that my two
baby sisters, having not reached one year of age, died from acute
leukaemia. According to the law for the social protection of the victims
of nuclear testing in Semipalatinsk, my parents are due compensation.
My mother received about US$20, and my father approximately
US$50. Now both of them are nearing their seventies. For four years,
my father has been suffering from cancer. According to the same law,
depending upon the area where a person lived during the explosions,
the state pays a yearly sum of about US$7. Probably it is quite obvious
how insufficient this sum is. But there are people who cannot receive
even this.

The total disrespect of the state for the individual that has
existed till now amounts to a form of criminal negligence with respect
to the people's needs. And even now, though several years have passed
since the testing ground was closed and there have been no
explosions, we see that already the third generation is suffering from
different diseases, and there is no one available who can define and
diagnose the conditions, let alone cure them. A lack of vitality is
apparent in children. Mortality caused by cancer has been steadily
growing during all these years. I have faith and hope that this first hand
information, my sad story, will somehow influence the state and
military officials to change their attitude to the nuclear technology, and
to realize the great danger that goes along with creation of nuclear
weapons and their testing. Our common home, the biosphere, may fail
to endure new nuclear testing. We call upon all governments to follow
Kazakhstan's way and close all nuclear testing grounds.
AIDS and Human Rights

Juanita Williams

TESTIMONY

On November 10, 1989, I was scheduled for a tubal ligation. During that time the state of South Carolina was doing free "tubals" for low-income women. I was 33 years old with an 18-year-old daughter, and my days of having children were over.

My medical and gynecological needs were being met at Orangeburg Health Center in South Carolina. So when the offer for a free "tubal" was given to me by the clinic, a private physician, who was referred by the clinic and was labelled "the best," was to perform the surgery. I was excited and I agreed. The day before the surgery I had my laboratory work done. Upon arriving at the hospital, the nurse gave me all sorts of forms to fill out. Not knowing a lot of medical terminology, or really what I was looking at, I asked her what the forms were. She said they were consent forms for the surgery and the necessary blood work that needed to be completed before surgery, so I signed.

The next morning, I arrived bright and early with my aunt because the surgery was scheduled for 8 am. After waiting for two hours, the nurse came in and asked if I would like for my aunt to come in because the doctor was going to be delayed for a while, so I agreed. It was now noon, and I was beginning to be very impatient and went to the nurses' station to see what was going on. The nurses were very short and abrupt with me when I asked why I was being kept waiting. They sent me back to my room. But before I left, I noticed my chart on the desk with a big band of red tape on the front that said "HIV Positive" (Human Immunodeficiency Virus). I thought it was my blood type. That's how ignorant I was when it came to medical terminology. Shortly after that the doctor finally arrived, he stood in the doorway, and informed me that he couldn't do the surgery because I had AIDS (Acquired Immune Deficiency Syndrome). He told me the clinic would be in touch with me and proceeded to leave the room. I called him back in an attempt to ask him "AIDS?" and "Are you sure?" and "What are your chances of being wrong?" He answered those questions,
"Yes, yes," and he "wasn't wrong." Again, he told me the clinic would be in touch with me. Then he disappeared.

I was hysterical. When I think about my hysteria, a lot of it was anger. How could someone from the medical field be so callous and cruel to give someone a terrifying diagnosis and leave them alone like that? I always felt that it was the physician’s duty to be supportive and caring about people— that’s why they were in that field. My aunt asked the nurse to come in. She told us there wasn’t anything she could do for us but gave me the number of the clinic.

I went home devastated. All I could think about was suffering and dying alone. My aunt pulled up in front of my home and told me if I needed anything to call her later because she was going back to work. I felt like she abandoned me because of this awful disease. I wanted to die. When I went inside, I cried all day thinking about my death sentence, and decided “Why wait and suffer, and put my family through hell, when I could do it quickly myself?” The number I got from the nurse was for the clinic, which was only open 9 am to 5 pm, Monday through Friday. It was after 5 pm, so they were closed. Here again, I felt abandoned. Isn’t it the hospital’s or doctor’s responsibility to inform a patient about resources to cope with a diagnosis that’s so terrifying and life-threatening? Fortunately, a really good friend talked me out of my suicidal thoughts and started educating me.

We started off talking about transmission, and when and how I was infected. I was in what I thought was a monogamous relationship with an intravenous drug user who I didn’t know anything about—not even his drug use, until it got out of hand and he could no longer control it. It took six months of living with this man before I really knew him. A lot of times, women are so desperate for a relationship that we go into it blindly, we don’t look before we leap, and we often close our eyes to things that could be detrimental to our well-being. We lack self-esteem, and are told by society that we are second class, and men, their needs and well-being, come first in every aspect of life. Most of the women with AIDS in the United States are African American. While Blacks make up only 12 percent of the population, Black women and girls make up 54 percent of the population infected with HIV/AIDS; African American children under five are 60 percent. Men are first in the political arena, in job placement, and even in determining how much we are going to get paid for doing the same job. So when we find
someone who we think makes us feel worthwhile, we neglect everything else.

After a week on the telephone with my girlfriend I had some hope, and so I decided to stay and fight this injustice. I wrote to Mr. Steve Williams, a lawyer in Columbia, South Carolina with the medical society, because I was questioning the breach of confidentiality by my doctor. But most of all, physicians must learn the nature and content of pre- and post test counselling. No one told me I was being tested for AIDS. People receiving HIV testing should be informed with a detailed explanation of the test, its meaning, and potential consequences of the results. Physicians must understand the need for confidentiality unless otherwise requested by the patient. Because of the fear of AIDS, I have lost a part of my family who would prefer to sever the relationship than to catch AIDS. I was told by Mr. Williams that I had no legal grounds and that's sad. I know times have changed, but not too much, particularly in certain parts of the United States. Because of the ostracism, discrimination, and fear surrounding AIDS, people are not only losing their lives, but their homes, jobs, and families. So a lot of them are living alone, secluded, living with the secret, or living a lie.

My experience with all of this has had a profound effect on me. I represent a lot of those infected women in rural areas who are not into politics and can't even tell you who their state representative is, what their beliefs are, or where they stand on certain issues. We don't know, or are not aware of, the things called our constitutional rights until we are violated. Then it's too late to be concerned with who's in office, or how come laws aren't passed and enforced. I didn't know about the conservatism and the lack of compassion that the state had when it came to the issue of AIDS. I wasn't aware of the lack of services regarding AIDS in South Carolina. So I relocated to Georgia, a state that wasn't so lax. Also, because of this I haven't seen a medical doctor for the past five years until recently. I have taken control of my life, health, and well-being. I have taken the holistic approach to my healthcare, started to educate myself and others about HIV/AIDS. I have even gotten interested in the political arena surrounding healthcare issues that concern me and with interested politicians.

But even now, I still deal with uneasiness and mistrust concerning the quality of medical care. I recently went to a clinic in Atlanta, Georgia, the Southside Medical Center, for my gynecological
exam, only for it to take three doctors to complete the exam. The first doctor who came in introduced herself as my doctor, read my chart, and said she'd be right back. Well, she didn't return. An intern came in and said she would do the exam, only to have another doctor come in and finish up to make sure everything was done correctly — and it wasn't. So, I had to get back up on the table again. I felt like a guinea pig. Of course, I had flashbacks of my previous experience.

Will I ever get over this? Will I ever get over my fear of doctors? Will the slightest thing that goes wrong cause me to take it personally and to have flashbacks?

No! No! No! Legal recourse? Redress assured? I'll never feel that my wrong will be made right. This situation has had a great impact on my life. This was a potentially dangerous situation. I felt that the doctor had pronounced a death sentence and I was willing to carry it out by committing suicide. I hate to think about the many women who must have felt this way and went on to destroy themselves. I was very fortunate to have a strong support system and, most importantly, undying faith in God.
Violations of the Human Right to Health: María's Story

Lidia Casas

INTRODUCTION

My name is Lidia Casas. I work with a network of women’s organizations, the Foro Abierto de Salud y Derechos Reproductivos, that promotes and defends women’s health and reproductive rights in Chile. We have been working for the last two years to bring about changes in the legislation with respect to abortion. Abortion is illegal in Chile under all circumstances. We are one of the 16 countries in the world that do not allow abortion at all, even to save the woman’s life. Therapeutic abortion was revoked in 1989 at the end of the military government and women were not allowed to speak out. In spite of the illegality, more than 160,000 women terminate unwanted pregnancies, and some of them, especially if they are poor, confront the possibility of being criminally prosecuted. The conservative forces in parliament are debating three proposals to increase the penalties from 3 to 15 years imprisonment for women who undergo abortions. We have been collecting the stories of women like María who have been prosecuted.

Early in 1990, María was treated at a publicly funded and operated hospital, where her intrauterine contraceptive device (IUD) was removed following a misdiagnosis of a burst appendix. This resulted in the need to remove part of her intestines and create a surgical opening to discharge her bowels. Eight months later, María was pregnant and procured an unsafe illegal abortion. She went to the same hospital for treatment due to related complications. She was reported to the police by the staff there — the same people who had not provided any contraceptives following the removal of the IUD, and yet had told her not to get pregnant for medical reasons.

MARÍA’S TESTIMONY

I am 40 years old. I am from the south of the country and I was brought to the capital, Santiago, when I was 14 to work as a live-in maid. I got married two years later. My husband did not allow me to work. By the time I was 17, I had my first child. Every year, I had a child. After my
second child, my husband began beating me really badly, at any time of the day or night, for no reason at all. My third child was born with some sort of sickness. The doctor said he may die as he had trouble breathing. When he was three months old he died. I was so sad that I had to have another baby. When I became pregnant again, my husband thought the child was not his, so he kept beating me more and more. Sometimes he would chase me with a knife and I had to take refuge with the neighbors. I would go to the police to report him, but they would not get involved in domestic fights.

My life was not easy with my husband's beatings, taking care of my three children, and working at two jobs to feed them: cleaning houses and chopping onions at a patty factory. I separated and I met another man, a good man, but my health was no longer good. At the beginning of 1990, I went to the local clinic because I felt something in my lower stomach. The people at the clinic said I had to go to a hospital for an ultrasound test, but I wanted to know what was wrong right away so I went to a private clinic, paying lots of money. At the clinic they said I had a tumor. I was feeling really sick for several days. A few days later I talked to my boss and she said I should go to the hospital emergency room after work. I was taken to the maternity ward at the San Juan de Luis hospital which was publicly run. A doctor there thought that my IUD was making me sick, so he removed the IUD that I had had for 14 years. While at the hospital, I began to feel worse and all of a sudden I could barely walk to the bathroom. I was taken to surgery right away. The hospital had misdiagnosed my condition; my appendix had burst. When I woke up I had a hole in my belly — a colostomy. I was in hospital for a month and was told not to get pregnant, or I would be risking my life. But they didn't give me contraceptives, or put in a new IUD, or anything else. But they kept telling me not to get pregnant. They could not operate to fix the hole in my belly because I had a heart condition and I could die in the operating room from the anesthesia. My valves are obstructed and I need surgery. Because I'm poor and don't have enough money for the surgery I have to live with my condition.

After I left hospital I did not have sex for a long time, but later I did and I got pregnant. I realized it two months later. I was sad, I was scared, I wanted to have the baby but I couldn't. So I talked to my children and my whole family and we decided that it was better to have an abortion. I went to a woman in October of 1990 and I paid the
equivalent of US$50. I was scared, very scared. I don’t know anything about abortions. I asked the woman if everything was going to be alright or whether I was going to end up dead. Later after the abortion I was feeling very sick. I was taken to the same hospital where they had removed my IUD. I was in very bad shape, I could hardly move my arm, and my feet were completely swollen and blue, it really hurt a lot. The minute I was taken into the emergency room, a woman began to insult me. She told me that she knew that it hurt but that I had done it to myself. A nurse ordered me to get into a stretcher, but I couldn’t. I waited until a doctor came. He made a slight cut in my arm and I lost consciousness.

Things began to happen really fast. They took me on a stretcher to another room and I felt blood running through my legs. First I think they completed the abortion. I was awake and felt all the pain during the procedure. Then my arm was amputated — it was gangrened because of an infection caused by the illegal abortion. The pain was so great, I don’t wish this pain on anybody. Later, they opened me up again, I didn’t know why, but I later found out they had done a full hysterectomy. When I woke up my mind was clear, thank God I was alive. But then, a court officer came to my room, and she said to me with a stiff face that I was under arrest. I asked why I was in detention and she said “Do you think what you have done is right?” It was horrible for me, it was like the world coming to an end. At that moment, I said to myself that it would have been better to have died. Then I had a relapse and was in the intensive care unit for 25 days. Some nurses came to my room and told me that with the loss of my arm God did not need to punish me anymore. They couldn’t understand why the head doctor had denounced me to the police.

Later, I was placed in an isolation room, I had bacteria all over my body. While I was in isolation, two armed plainclothes policemen came in. Displaying their arms, they asked me why and where I had had the abortion. I told them I was not well and that I was already in detention. They said in a threatening way that they were going to pick me up at home the moment I got out of jail.

The hospital janitor reported everything I said to the prison guard. Right after one incident, she came in and said to me not to think about escaping or committing suicide. At that time it was almost Christmas. On Christmas Eve I asked to go home. The janitor told the
prison guard that I was being discharged under my own responsibility. The prison guard called the "paddy-wagon," and I was taken to jail in my night gown with no clothing even though I pleaded to get some. In April 1992, I was found guilty and given a suspended sentence of three years and one day in prison. A prison sentence means losing all civil rights and a prohibition on being employed in the public sector. I felt very sad, I did not want to go home, I did not want to see anybody. I have to sign a book every month, and once in a while a prison social worker comes to visit. I cry a lot, I feel very guilty, it's a guilt that I carry inside of me. I fight with myself a lot and I cry until I feel better.
AfterWards: The Persecution of Lesbians

Daphne Scholinski

TESTIMONY
My name is Daphne. I am 29 years old and currently live as an artist and writer in San Francisco, California. I am here today as a surviving, living testimony, and to give voice to the experience of many lesbian, gay, bisexual youth and young people who do not conform to traditional gender roles. Thousands of us continue to be stripped of dignity and brutalized by psychiatric abuse in institutions, or we are struggling to survive after psychiatric incarceration. I must stress LIVING, because many never make it this far due to high suicide rates resulting from this abuse or the internalized fear and shame of their experiences.

Most of my childhood I was mistaken for a boy. Constantly in need of defense for my self-expression, I spent lot of time hiding. I would be asked, “Why don’t you try to look more like a girl?” I couldn’t even if I tried. Throughout grammar school and into junior high school, I was continually abused verbally and physically by my family, teachers, and peers for being too masculine. In my defense, I frequently needed to fight with people and eventually was forced out of social activities, or I refused to go to events because of the stress it created for me. I became angry and rebellious. Given a background of abusive and unsupportive family members, teachers, counsellors, and peers, I eventually gave in to the depression caused by these circumstances, and at the urging of doctors and teachers my parents had me institutionalized.

So in 1981, at the age of 14, I was labeled “mentally ill” and confined to the psychiatric ward of Michael Reese Hospital in Chicago, Illinois. I was later transferred to Forest Hospital in Des Plaines, Illinois, and then to the Constance Bultman Wilson Center in Faribault, Minnesota, losing four entire years of my youth. I was admitted for reasons of: depression, not adjusting well to adolescence, not attending school, exhibiting suicidal thoughts and gestures, but most specifically, as they put it, for lacking signs of being a “sexual female.” The initial comment given to my parents was, “People in your daughter’s condition usually spend the rest of their lives in mental institutions.”
My primary diagnosis was “gender identity disorder.” Although the American Psychiatric Association removed homosexuality from its official list of mental disorders in 1973, the U.S. mental health system remains an extremely hostile environment for lesbian, gay and bisexual youth, who are still routinely viewed by child and adolescent psychiatrists as “emotionally disturbed” and in need of aggressive psychiatric treatment “to prevent adult homosexuality.” The doctors attempted to “cure” me of “prehomosexuality” and of any wish they thought I had of being a boy. This was based on assumptions due to my “choice of clothing, friendship patterns, and career goals.” Much of my so-called treatment consisted of pressure to conform to norms of heterosexuality and femininity. I was being forced to try to be more feminine. I was to become more concerned with my appearance and more “obsessive about impressing boys.” The goals set for me were to “learn about makeup, dress more like a girl, curl and style my hair, and spend quality time learning about girl things with female peers, such as what boys like, etc. These attempts to force me to be what they thought I should be were failing. So they saw me as a failure. I was never going to be a “normal female.” I was on a point system, and received points for “good” behavior and lost points for “bad” behavior. You needed these points to receive privileges like being able to walk to meals unescorted, watch a movie, make a phone call, or even to shower without someone watching you, or leave your room. Having no privileges was not only embarrassing but torturous. You had no escape. I would spend months never leaving my unit, never going to the bathroom without someone staring at me (who, I must add, were not always female attendants).

Stretches of solitary confinement, heavy medication, physical restraint and horrific treatment from staff became routine. Though I don’t remember if I ever received shock treatment, I witnessed it, and it was one of the most terrifying things I have ever seen. I lived with people who claimed to be “Jesus” and angrily accused me of “stealing their bones.” The woman who lived next door to me screamed, over and over again, “I want to die, let me die!” And I was supposed to be maintaining my sanity? I was growing up in a mental hospital, beginning at the age of 14 and continuing until I was 18 years old, in three different hospitals. I was subjected to abuse all around me, feeling deserted by my family, and left in a mental hospital with extremely disturbed adults who yelled at, teased, and abused me.
One of the first statements ever made to me by a patient was while I was in seclusion. She walked right up to the little window in the door, looked in, and said, "I think I'm going to have to kill you." I was sexually molested by a male in his late 20's while I was restrained and helplessly strapped to my bed, not to mention how many times I had patients masturbating around me. I was physically assaulted countless times by out of control patients. Staff were sometimes equally as violent. Restraining was often painful. All I would have to do is get a little angry, maybe just call someone a name, and I would get thrown to the floor with my arm twisted so far behind my back that I feared it would be broken. This was usually followed by a shot of thorazine, a powerful tranquilizer that would put me to sleep for the rest of the day, only to awaken in seclusion, often without any memory of how I had gotten there. A staff person once held his foot on top of my head while he said "shut up you fucking crazy ass queer," and then yelled for help to calm me down because he felt I was out of control. None of this was ever dealt with. Instead, I would have to continually be accused of insanity for my actions, while I believed I was responding very sanely to a very insane situation.

Stranded in a place where you cannot win, everything you do becomes a symptom of something. If you stand or pace, you are hyperactive. If you sit you are withdrawn. If you say you need help, you are looking for attention. If you say you do not need help, you are in denial. I was to explore in therapy my "feelings related to the opposite sex." The goals of treatment at this time were stated as "Elimination of depression, and for the patient to come to terms with herself as a sexual female."

They described my relationship with my best friend as "an expression of a fixated level of sexuality that was being acted out." Nothing about our friendship was out of the ordinary. But because of my "masculine" manner, we became suspected of "acting gay" and presumed to be sexual, which we never were. They never believed us. We were forced to be restricted from each other. We were not allowed to speak about each other or to each other. We could not even make eye contact without being punished. I was to spend my entire treatment never really dealing with my depression or the symptoms resulting from the abuses I suffered from parents, teachers, peers, or previous psychiatric interactions. Instead, I was immediately targeted for my
"sexual identity" as the problem and the only "thing" that needed resolution. Each and every day was reinforcement that I WAS THE PROBLEM. The silence around the issues of the abuses forced me to believe that I deserved it, the idea being that only if I changed, became more feminine, more "beautiful," more "acceptably heterosexual"—then there would be no reason for anyone to treat me poorly, and then I would no longer need to be depressed and could go on to lead a "happy, normal life." I was defeated from the beginning.

I had been sentenced to an adolescence spent surrounded by white walls and lab coats. Quite a punishment for a 14-year-old who was really showing the typical signs of growing up gay in a heterosexual society. It was not until two and one-half years into my treatment that my parents (specifically my mother) became aware of the intent of the institution and my doctors. When my mother said she thought I might be gay, the doctor responded, "Oh no, don't worry about that. We'll take care of that." She specifically told them not to treat me for that. She believed that her wishes would be respected and followed. I was never aware of this conversation taking place, but once you are behind those closed doors, nobody knows what is really going on. You become a prisoner of that system. I can tell you my treatment never did change.

Every hospital came with the highest of recommendations, but conditions were grossly inadequate for an adolescent. In the first institution, I was in a unit of approximately 30 people, and only four other patients were under 18. The rest of the patients were much older, ranging from the age of my parents to older than my grandparents. Some patients had already been there for years. There is no hierarchy of sanity; everyone is treated the same, no matter how sane or insane you are, or people think you are. I believed this was not only my future, but my only future.

In the end, my parents would be convinced that the hospital saved my life; after all, I am alive, aren't I? While I believe it was necessary to remove me from my home, taking away my freedom, dignity, and any ounce of self-respect was not the answer. I was dying there, they killed my spirit, and no progress was being made. I was ready to live and die there, until three years into my treatment, an intern looked me in the eyes and said, "What are you doing here? You are so sane." Up to that point, the thought never crossed my mind that I could be
sane, they could be wrong, and I could be free. I will never forget that
moment, the spark that this woman alone created in me, so that I could
finally believe in myself.

I was finally released five days after my 18th birthday when they
were unable to legally keep me and, conveniently, just as my
insurance had run out and would no longer cover my treatment. In
total, my treatment cost over one million dollars. One month after my
million dollar insurance policy ran out, my father received a bill for
$50,000.

Is it not totally absurd, attempting to prove that which is not
provable — the charge of insanity? No matter how hard you try, you
cannot convince them of your sanity. I am afraid I will have to wear this
mark on my forehead for the rest of my life. This scar follows me like a
shadow, watching my every move, my every thought. Is it possible for
anyone to understand what it is like to be at the mercy of people who
at any moment can exercise their authority, their “expert” opinions,
their “god complex” over you? That with one swift mark of a pen, they
can write the orders that will change your life forever?

We need to create a safe space for us to continue breaking the
silence that has allowed this issue to be ignored for far too long, that
has prevented this issue from receiving the attention it urgently
requires. We need to clearly identify homophobic psychiatric abuse as
a violation of the most basic human rights, including personal dignity,
bodily integrity, and individual autonomy.

I was left traumatized by homophobic counseling and
treatments. Damaged, silenced, and discarded, with emotional scars
that will take a lifetime to dissolve. Being labeled and treated as men-
tally ill, simply because of who I am, has had long-term disabling
effects that have prevented me from speaking out about my experi-
ences. While some have remained incarcerated in the mental health
system into adulthood, and others are lost to suicide or other forms of
self-directed violence, there are the ones who, like me, have been
silenced by shame and the overwhelming fear of being further
stigmatized or discriminated against as a former mental health patient.
When you have had your sanity challenged, you always have
something to prove. I have often felt so overwhelmed by the
tremendous difficulty of surviving and attempting to build a life in the
aftermath of extreme trauma.
It is now eleven years later. I realize that I was not supposed to survive. I realize that my treatment was designed to leave me with only two options: either change or do not exist. Some might say change would have been easy — act straight, get discharged, and then go on with your life. But it would have been at that moment of acting that I would have surely lost my self. My identity would have disappeared, and then they really would have had someone to treat. At the time I chose neither, and today, as an artist with approaching over 3,500 paintings, I have chosen to exist.

_Ambition is the last refuge of the failure — Oscar Wilde._
CHAPTER FOUR

Political Persecution

This chapter contains the testimonies of women who have been persecuted or tortured because of their political activism, their social status, their race, their ethnicity or cultural background, or because of their sex. In every situation recounted below, the fact that the victims are female is always significant — it affects the mode of persecution and torture, and severely limits the likelihood of recognition and redress for the abuses perpetrated.

The story of Guiadem Ange Tekam highlights the ways in which sexism operates in the suppression and torture of women who are activists. Ruth Manoroma describes the gender-specific violations of rape and sexual abuse to which women from marginalized groups are often subjected by officials and others. Those in power can abuse marginalized women with impunity because of the low status ascribed by the society to oppressed communities. Eliane Potiguara’s story sadly demonstrates both of these realities, while Sultana Kamal and Meghna Guthakurta call attention to violations of women’s human rights carried out by fundamentalists who hide behind a lie of religious integrity.

Women are affected in particular ways by rising fundamentalism in every region of the world. Fundamentalists, particularly those who justify their actions in the name of religion — Christian, Hindu, or Islamic — but also those driven by other forms of ideological fundamentalism, often take women and women’s sexuality and reproductive capacity as the vehicles through which to both define their vision of society and instill fear in those who dare to not conform. Women are set up as the repository of male honor, which in turn is equated with the honor of the community, and women are “respected” only when they conform to male-defined norms of behavior.

Deviation from these norms is met with a wide range of coercive tactics including violence, other forms of public or private censure, and various obstacles to women’s independence from men. Under such circumstances, women are particularly vulnerable in times of war and conflict as targets in the effort to humiliate the wider community to which they belong. From the kidnapping and torture of girls by fundamentalist Islamic
rebels in Algeria, to recent attempts by Hindu fundamentalists in India to prohibit women from working at night, to renewed initiatives to challenge reproductive freedom in the UK, women's basic political and civil human rights to life, liberty, security of person, freedom of movement, and bodily integrity are under attack. Particular efforts are needed at present to fight the erosion of women's human rights by fundamentalist forces worldwide.

Within the international human rights community, the mechanisms to address political and civil human rights violations — which undeniably must include the abuses described in the following testimonies — are the most effective in the human rights machinery. For instance, the International Covenant on Civil and Political Rights is so widely ratified and accepted as an international standard that it is difficult for most states to flagrantly violate it without some degree of embarrassment within the international political and economic community. Therefore, even though it is incredibly important to strengthen the Women's Human Rights Convention (CEDAW) and to integrate gender throughout the entire human rights machinery, women must not limit their appeals and activities to gender-specific agreements, programs, and procedures. It is also critical to build upon the existing potential of the Political and Civil Covenant as an avenue for women like Nurjahan or Ange to demand accountability of state and non-state actors for their violations of human rights.

Another relevant initiative being supported Amnesty International at present is the completion and adoption of a strong UN Declaration on Human Rights Defenders. The Beijing Platform for Action clearly recognized the role of women activists and the need to protect them; a gender-aware declaration protecting human rights defenders will be an important step in implementing this commitment. At the close of the NGO Forum in Beijing, a panel discussion on the human rights of women (discussed in Chapter VI below) evaluated ways of integrating women's rights into mainstream human rights practice, including into the work of the Political and Civil Covenant. The recommendations of this panel, if taken seriously, will contribute greatly to achieving accountability for women's human rights.
women. The victims of bonded labor, child labor, and prostitution come largely from Dalit communities.

Although violence is experienced by all the oppressed everywhere, the sexual abuse and subjugation of Dalit women has a specificity of its own as it is part of an institutionalized setting of caste, religion, and economic domination and is rooted in the polity and in society.

What is the status of a Dalit woman in India today?

She is the slave of slaves or the downtrodden among the downtrodden. Born into a condition of bondage and slavery, she is shackled by a vast structure of laws, customs, and duties. Her task has been to "obey and serve." The Brahminical world inflicts on her the idea of her own inferiority and the inevitability of her position. Therefore, she is the natural victim of the brutality of the upper caste landlords, employers, money lenders, local bureaucracy and local police, in her day-to-day life, or even during the course of political struggles.

A Dalit woman today could be a militant agricultural worker who becomes the victim of mass killings by landlords and their henchmen. Consider, for example, the case of the struggle of Dalits of Kilvenmani, where the landlords told the people they had to wait for an auspicious time to receive their wages. They waited and waited and then decided to protest and ask for just wages. All of the 42 women and children who had participated in the protest were put into a hut and burned to ashes. Not surprisingly, the guilty were set free by the court owing to a "lack of evidence."

Dalit women will not forget Madhubani where a group of Dalit women were attacked when an upper-caste boy died of a snake bite and a Dalit woman was accused of having used her evil powers. Four Dalit women were dragged out of their houses and brought before the body of the dead child and ordered to bring him back to life. When the women cried out, "How can we bring the dead back to life," they were kicked and brutally abused. The upper-caste village elders stripped them naked and branded their bodies with hot irons. The local police refused to register the case and the hospital staff would not touch the "untouchables."

There are innumerable and growing numbers of cases involving many upper-caste "criminals in uniform," the police. A former inspector general of police issued a confidential circular to his
subordinates asking them not to commit any rape while the state assembly was in session as it would spoil the image of the police. Once, a policeman in a small village in Uttar Pradesh took a young Dalit girl to a nearby temple for interrogation and raped her brutally. There was a hue and cry in the village — not because the girl had been sexually abused — but because the “sanctity” of the temple had been spoiled by the presence of the “untouchable” girl. A Dalit woman at Chidambaram was raped in a police station in front of her husband who was also murdered by the police.

Gang rape of Dalit women in Hamirpur, gang rape by government functionaries and the subsequent death of a young woman Anganwadi worker in a place where I come from called Kustagi, are yet other instances of the infliction of sexual violence by the powerful on the powerless. In Belgum, Dalit youth were beaten up and forced to eat human excrement by upper-caste villagers — including a school teacher and a government functionary — on the charge that they had stolen fodder. There are many more cases and I could go on at length.

There is also another problem: in the name of religion, women are dedicated to gods and goddesses in India. This is known as the Devadasi system. Today, thousands of Dalit women from poor and landless peasant families are Devadasis, “female servants of god,” and they are found, not in sacred temples, but in the brothel networks of cities like Bombay. The Jogini system in Telengana areas, the Basivi system in Karnataka, and the Moti system in Maharashtra are part of the Devadasi system where young girls are dedicated to a female deity, like Yellama. The dedication ceremony involves the upper-caste patron of the ceremony having the “privilege” of spending the first night with the girl, or of “deflowering” the girl. The man may “keep” the girl or discard her. This system of patronage has now given way to a system of commercial prostitution. Devadasis have raised their voices against a system which humiliates them by extracting their energies, their labor, and their dignity.

The Government of India Report by the Commission for Scheduled Castes admits there were 21,360 human rights violations in India from January to October. However, for every nine such violations, just one is reported.

The rising consciousness of Dalits, and their resistance on a wide range of issues such as the distribution of surplus land, minimum
wages, untouchability, sexual abuse, inter-caste marriage, temple entry, self-dignity, and justice, have led to brutal caste violence against Dalits and Dalit women in particular.

I would like to end my presentation by saying that the attacks on Dalits and Dalit women are deliberate, systematic, and organized. Racial discrimination against them in the form of untouchability must end. I note here that the Indian government is a signatory to the *International Convention against All Forms of Racial Discrimination*, but they allow this to continue. The CEDAW committee must recognize the violation of the human rights of Dalit women. The Special Rapporteur on Violence Against Women must recognize this violence and demand accountability from the responsible governments. I also appeal that she should come to India to visit and meet the victims of violence. It should be emphasized that women of color, the economically poor, and politically powerless women have no remedy under international human rights law to enforce their human rights. Human rights abuse and crimes against Dalit women should be considered as crimes against humanity.

I look forward to international women's solidarity for the cause of Dalit women in our struggle to attain equality, peaceful existence, and development.
Political Persecution and the Human Rights of Indigenous Women in Brazil

Eliane Potiguara Lima dos Santos

TESTIMONY

My name is Eliane Potiguara Lima dos Santos. I am a teacher, writer, activist, mother of three children, grandmother, and founder and president of GRUMIN (Indigenous Women Education Group). I am 45 years old. I belong to a displaced indigenous family from Potiguara in the northeast of Brazil.

I grew up in Rio de Janeiro almost imprisoned in my own house and constantly protected by elder women: my grandmother, two great aunts, my aunt, and my mother. I grew up watching them agonizing, suffering, and crying over things that I, as a girl, couldn't understand. We lived in an extremely poor barrio populated by prostitutes, immigrants, and other marginalized people.

In 1979 I visited, for the first time, the state of Paraiba, from which my family had been displaced in 1930 due to socio-political and economic reasons. I went in search of my roots and of my grandmother's words. When I arrived the cacique told me that he had been waiting for me. He knew who I was because of the birthmark that I have on my face. He sent me to speak to an elder man, Mr. Marujo, who remembered my family and gave me more details about them, like the fact that the family had left in the 1930's.

Some time later, when I was doing my work, I found out about the abuses that indigenous peoples had suffered at that time and that had forced many people to leave the community, including my family. As a result of foreign colonization, a textile factory and a cotton plantation were established using Indians as cheap or slave labor. I also found out that those who denounced the situation were threatened and many died. Others escaped to the city, among them my family, in search of better living conditions.

In 1983 I began to participate in the indigenous movement at the national level. I realized that women did not participate in the discussions, nor in the indigenous movement. A few of us got mobilized with the idea of creating an organization of indigenous
women. That is how GRUMIN was born in 1986, with the support of the Program to Combat Racism from the World Council of Churches.

In November 1989, GRUMIN organized the first Encuentro Potiguara de Lucha y Resistencia Indígena (Meeting of the Potiguara Indigenous Struggle and Resistance Movement) which was the dream of the cacique. At this historic event, we created consciousness about the impact of the illegal renting of the lands. We denounced the exploitation of the indigenous peoples of Potiguara. At this event, we distributed a pamphlet that I wrote, entitled "The Land is the Mother of the Indian." Immediately after, we published an eight-page document with the results of the Encuentro that was distributed at the national level.

At the international level, I participated in the 47th Congreso de los Indígenas de Norte América (Congress of the Indigenous Peoples of North America), representing Brazil. Out of this congress, the Declaration of Support to Brazilian Indigenous People was created. Months later, I was a delegate to the International Council of Indigenous Treaties, which has consultative status with the United Nations.

As a result of these local, national, and international actions, which made visible the problems and abuses that we suffer as Indians, a terrible persecution and defamation campaign was initiated against me which I suffered for three long years. From 1990 to 1993, in the papers of the state of Paraíba, a series of articles and commentaries started appearing by people who did not want to expose the problems of indigenous peoples — specifically the conflicts over the control and management of the lands. These included land owners, right-wing local politicians, and a few indigenous men who illegally benefitted from the renting of the lands that belonged to the community. They stated that my indigenous identity was false, that I was using this identity for personal benefit, that I was using international resources for my benefit, that I was a thief and a prostitute, and that I had bought and manipulated Indians with money and false promises.

In the beginning of 1991, I was working in the community when the federal police arrived to hand me a summons to appear before the authorities. Before going, the eldest woman of the tribe, Tia Severina, advised me not to go by myself, but with the cacique and the indigenous leader, Maria de Fátima. We showed up, and they asked
me for extensive documentation about my identity and work, including my identification card, receipts of my salary as a teacher, and materials about my organization and who financed us. The summons was not filed due to lack of evidence. But that was the beginning of a different more subtle kind of persecution because I did not know who were the people that were intimidating me. I was constantly receiving anonymous phone calls at night from men making comments and sexual propositions. My family was also victimized by this persecution. A teacher called me one day to tell me that a man had been following my son at school. When I would go away on trips, they would scare my children by knocking on the door in the middle of the night. My children failed school that year. In one of my visits to the community, I was sexually abused by a white man who threatened me if I denounced him for the rape.

This situation, which lasted for three years, affected me physically, psychologically and emotionally. I felt confused. I feared for my life and had many doubts about myself, my work, and my struggle. I also had an ulcer, high blood pressure, and uterine hemorrhages. I was emotionally unstable. I thought I was going mad and fabricating this situation.

I went to see a lawyer and other people who told me that this was a personal situation, that it was not possible that I was being persecuted when those things "did not happen in Brazil anymore."

In 1992, the state's attorney general, Dr. Luciano Maia, became interested in my case. He was the first state representative to take an interest in the legal situation of the Indians of Paraíba. He contacted me so I could tell him my story. I was accompanied by Maria de Fátima, Mr. Domingos de Jacaré, an elder man, and other people from the community. He asked me for proof of my identity and for the reasons that led to the displacement of my family. Maria de Fátima said if I would fall in a "hole," all the women would fall with me. This expression of solidarity helped my political situation because the attorney confirmed that I had the support and acknowledgement of my community. I was the great-great-granddaughter of Chico Solún who had been "disappeared."

In 1993, the Pen Club recognized my work and initiated an international solidarity campaign sending letters to the federal and state government. After this action, the intimidations stopped.
My work currently focuses on strengthening the political participation of indigenous women in Brazil. I finally understand the suffering of my grandmother, aunts, and mother who were displaced from their community and who had to experience racism, poverty, and social, political, and economic discrimination.

In August of 1995, we organized the first Consulta Nacional sobre los Derechos de la Mujeres Indígenas (National Consultation on the Human Rights of Indigenous Women). We are now documenting violations to assess the situation and make recommendations. This will inform a bill to be submitted to the National Congress and to be introduced into the General Statutes of the Indigenous People of Brazil. There are no points in the current statutes that refer specifically to indigenous women.

These legal reforms should serve as a mechanism by which indigenous women can demand that the government assume responsibility to ensure the full realization of the human rights of indigenous people, particularly of indigenous women, both under the national constitution and international human rights law.
The Politics of Religion and Women’s Fundamental Rights in Bangladesh

Meghna Guthakurta and Sultana Kamal

Meghna Guthakurta

INTRODUCTION

My name is Meghna Guthakurta. I am 39 years old. I am a member of Projorno 71 (Generation 71), an organization of children whose parents were killed by the Pakistani military junta, or by their collaborators, for standing up for Bengali culture and language, or for simply being Bengalis during the Liberation War of 1971. Like the families of three hundred thousand martyrs of Bangladesh, I too lost my father, who was a professor of English at Dhaka University. I witnessed four executions. Like many other civilians in Bangladesh, I too witnessed the horror of the genocide that was unleashed by the military crackdown of the Pakistani military regime in 1971, and the subsequent torture, mass rape of women, ethnic cleansing, and looting and arson committed by the collaborators of the regime. The ideology of such state oppression was provided by a very communalistic interpretation of Islam adopted by the Pakistani state.

But neither the perpetrators nor their collaborators were tried or punished. Because of so-called diplomatic reasons, most war criminals were given an amnesty soon after the war. After August 1975, when the independent state of Bangladesh reverted to martial law, the ideology of Islam was again used to legitimize the regime in power. As a deliberate policy of social and political control, secularism was struck off the constitution and Islam was brought in, first as a principle of the state, and then as a state religion by a subsequent martial law regime. Such developments led to the rehabilitation of the Jamaat e Islam, the party which gave a national platform to Islamic fundamentalists and most wartime collaborators.

It is interesting to note that it has been women from all walks of life who have recognized this link between the wartime collaborators and the fundamentalists of recent years. The reason is perhaps not difficult to understand; women have always been one of the first groups to be victimized by state violence, as victims of war, or as pawns in the
hands of establishment politics. It is both a credit to, as well as a tragedy of, the women's movement that they have often been the only ones who have been able to recognize this. In Bangladesh, the current mainstream ideology is one of apathy if not revulsion towards the ideals of the Liberation War.

Why bring up an issue which has been dead for 25 years? Because hundreds of thousands of people whose lives were destroyed by the war are demanding justice. My group, Projomo 71, believes that the collaborators should be charged with war crimes and crimes against humanity. The movement has spread to Britain, where a television program called "The War Crimes File" made allegations of serious crimes against three men who are now active fundamentalist leaders there and who are British citizens. We believe that these men should be tried and charged in Britain.

Yet the aggression and violence demonstrated by fundamentalism is not just an historic phenomenon. As Sultana will tell you, it is active in new and dangerous ways today. Fundamentalism derives its strength from a politics of forgetting; a politics cultivated by a state which chooses to forget the history of oppression, but only at the cost of its own future.

Sultana Kamal

TESTIMONY

My name is Sultana Kamal. Rapes, mass killing, and arson occurred in my hometown of Sylhet during the war. In Sylhet, where I live, the fundamentalist political forces who collaborated with the Pakistani army and were defeated in the 1971 war have re-established themselves.

Earlier this year, I was among a large number of people in Sylhet who were involved in preparing a reception for the poet Shamsur Rahman, one of the recipients of the state's highest awards for literature and also someone who is held as a symbol of the Bengali secular, literary, and cultural struggle. Many people fought and died for the right to use the Bengali language, a fight which ultimately culminated in our independence war. The Jamaat-e-Islami and other fundamentalist forces that were completely defeated during the 1971 war of liberation attempted to foil poet Shamsur Rahman's reception in Sylhet. They beat up and stabbed the organizers, burned their
vehicles, and set fire to their business houses and looted them. I too was made a target of their attacks. The anti-democracy fascist forces threw huge bricks aimed at my house, breaking the front door. They hurled petrol bombs onto the roof.

Due to the timely intervention of our friends, my husband and myself, along with our twelve-year-old daughter and some friends, were saved from grave consequences and the house [was saved] from burning down to ashes. This was done to me because my husband and I had taken part in the liberation war; because my family has been involved in the country's struggle for democracy, in the movements for women's and human rights, and in demanding the trial of the war criminals; and because my husband and I belong to two different religious communities and we work for communal harmony and secular politics. There has been a conscious effort by these groups to push their own agenda under the façade of Islam and to work against whatever it is that progressive forces stand for.

They have issued fatwas or decrees against a large group of poets, writers, and progressive thinkers, calling them blasphemers and apostates and threatening them with death sentences. These include, among many, the poet and leader of the women's liberation movement Sufia Kamal, poets and literary figures like Ahmad Sharif, Kabir Choudhury, Shamsur Rahman, Taslima Nasreen and the member of parliament, Farida Rahman.

After terrorizing individuals, they are campaigning to force a bill on blasphemy through parliament. This is an attempt to stifle freedom of expression under the guise of protecting religious practice. If passed, the law would clearly violate the fundamental human rights to freedom of religion, to freedom of speech and expression, and the right to life as spelled out in Article 18 of the Universal Declaration of Human Rights. They are carrying out other campaigns too. They have attacked the mosques and properties of the Ahmadiyas, a minority sect of Muslims, and have demanded that the government declare them non-Muslims. The demand for a blasphemy law and the attack on Ahmadiyas are major planks of the international campaigns of the political party Jamaat e Islami. Their brother party in Pakistan has made the same demands, and there they have succeeded in getting the Ahmadiyas declared non-Muslims and in enacting a very severe blasphemy law with a death penalty.
In different places, they tried to prevent women from coming to vote or to deprive them of their right to work for the basic survival of their families. In 1993, they began to systematically attack women who joined the non-governmental (NGO) development programs like BRAC, or the Grameen Bank, which teach literacy and give loans. They are the ones who burned more than a hundred literacy classes run by BRAC, cut the mulberry trees planted by women in the rural areas, and demanded that NGOs be banned.

In 1993 in the Sylhet district where I live, we heard that a young woman called Nurjahan committed suicide because of a *fatwaa* — a decree issued by an illegal and self-appointed village court. Horrified at the news, one of my colleagues from the legal aid organization, Ain Salish Kendra (ASK), went to find out what had happened. Her family was in a state of shock and many, including Nurjahan’s father, spoke at length. This is her story:

Nurjahan was a young Muslim woman who was called Lakshmi by her parents. This is the name of the Hindu goddess for domestic harmony and prosperity and means “the good and peaceful one.” She was given in marriage by her father when she was very young to a man who soon abandoned her. She started to look for opportunities to maintain herself and joined the credit program offered by an NGO, Heed Bangladesh, and also registered as a day laborer with the department of forestry. Her father, Ashrafullah, obtained the divorce papers from her husband. Nurjahan had received a number of marriage proposals from different people, including the imam of the local mosque. But there was another man, Matlab, who was chosen as the most suitable one by her father who, being an old man, was in a hurry to marry her off so that she could have the shelter of a man. The local imam, Maulana Mannan, was infuriated that he had been rejected. He tried to stop the marriage by saying that Nurjahan had not had a proper divorce. He had already certified the divorce documents and had given his consent to the wedding earlier. Nurjahan was then married off for the second time in October 1992.

A group belonging to the village elite led by Maulana Mannan held an emergency meeting to review the marriage. They declared the marriage illegal on the basis that she had not been properly divorced by her first husband, and that she should be charged with bigamy. Her husband Matlab was judged guilty for having married somebody
else's wife. Her parents were also condemned and judged guilty for arranging such a marriage.

Maulana Mannan and eight others delivered the verdict on January 10, 1993. Nurjahan was not allowed to defend herself. She heard from others that she was to be punished according to religious sanctions by being publicly stoned to death.

They came to the house with some other people and started digging a pit in the front yard. The family could not believe what they were seeing. This was not a normal or customary punishment in the village or in Bangladesh. When the pit was ready, Nurjahan was ordered to come out of the house. The family heard from others that one of the leaders had asked the group to reduce the punishment to throwing only 101 pebbles and thereby spare her death.

Nurjahan's father was sent to take her to them. She was afraid, she was terribly afraid. She asked her father to ask for more time. He went out and came back to say that they had not agreed to give her any more time. Rather they said, "Time is in our hands, the law is in our hands." Her father helplessly told her to come out and accept the punishment. She was in a trance. She covered her face with a red shawl and came out. She was immediately dragged forward and buried in the pit up to her waist. Stones were thrown at her by the villagers at the instigation of Maulana Mannan. She was allowed to leave after the stones were thrown. When Nurjahan came back from the punishment ground, where she was partially buried and pelted with stones by the villagers, she said, "They have dishonored me in front of so many people, dishonored my innocent mother and father. I do not want to live anymore." She swallowed pesticide and committed suicide in utter humiliation. In her father's words, she said she could not bear to face the world anymore. Some of the women's organizations, like Mahila Parishad, along with other human rights organisations like ASK, intervened and a case was filed against the perpetrators. They were tried and each of them got a sentence of seven years rigorous imprisonment. The perpetrators have appealed to the high court against the verdict. The appeal case is still pending.
CONCLUSION

Nurjahan is not the only case in Bangladesh. Like Nurjahan, many rural women are working for local NGOs and struggling to survive on their own. They are beneficiaries of the development process which has targeted these women as the most needy in the population. But by gaining some independence, they have become the victims of a vicious backlash. While fundamentalist political parties have attacked NGOs and agencies that are trying to empower women, individual maulanas, many of them settling private scores, have used these illegal religious edicts to attack women.

Another Nurjahan was burned to death after being abducted by people involved in trying her for “sexual offenses.” Feroza was driven to commit suicide as she was punished by public flogging for being in love with a Hindu man. Momtaz, a child of six years, was drowned by her husband, who married her at the encouragement of religious leaders who asserted that child marriages were approved by Islam. He subsequently came to know that it was illegal in Bangladesh and that he could be punished. Many, many more could be added to this list. These incidents are taking place, one by one, over a long period of time. The punishments are being illegally carried out by the self-appointed “dispensers of justice” who remain untouched by law enforcement agencies. We want all of these brutalities and violations to stop. Therefore, we, the people of Bangladesh, particularly the women

1. Demand the trial of all violators of our fundamental rights, to be administered peacefully and only in accordance with the laws consistent with the directive principles of the Constitution of Bangladesh and international human rights documents.

2. Express our condemnation of the violation of the rights of the civilian population and the threat to their peace and security, and we express our condemnation of crimes against women in the 1971 war or conflict situation. The state of Pakistan must apologize to the people of Bangladesh for its conduct in 1971 and give compensation to all those affected.

3. Call for the trial of the killers and collaborators who actively took part in the war against the independence of Bangladesh and collaborated
with the Pakistani military junta in the killing, mass rape, arson and looting in 1971.

4. Demand a ban on the politics of religion which encourages fascist tendencies and provides the basis for legitimizing discrimination, regimentation, and colonization of one community by another, ultimately taking away people's freedom of choice and expression.
CHAPTER FIVE

The Judges' Statements

Jacqueline Pitanguy
Founder and Executive Director, CEPIA (Citizenship, Education, Research, Information, and Action), Brazil

Thank you for your courage in coming here and in sharing with us your experience. We are moved and outraged. In speaking out at this tribunal, you are using words as an instrument of resistance. To speak up is a political act. Violence has a social, public existence only when it is named and recognized as such. Your powerful voices will help strengthen us in the work that we have to do immediately on the Platform for Action for this conference, and in the work that has to be carried on as long as situations like the ones you have brought us still exist.

The testimonies you have given on violence against women occurred in situations of war and armed conflict, and they occurred in situations of peace when, supposedly, the social institutions were functioning normally. When we think of armed conflicts and war, we think of territories being conquered and of their inhabitants being made prisoners and being exposed without protection. All sorts of abuses impede us from existing as human beings. The prison guard is the mediator between the prisoner and the world in situations of war and armed conflict. In these situations the enemy dominates and rules.

The testimonies showed clearly how women's bodies were kidnapped and abused like the prey of war. Similarly, it is possible to refer to the same framework of war to understand the testimonies given by the survivors of family violence. In both cases, we have heard of bodies being violated and conquered by an enemy. We have heard of minds being violated by an enemy, of the loss of control of a woman's most intimate territory — her body — expropriated in situations of war between nations, or between factions within a nation, or in situations of domestic terror. In both cases, the woman is the prey and the prisoner, and the perpetrator of the
violence and abuse — be it the husband, the father, or the soldier — is the prison guard. In both situations, there are prison walls supporting the abuse and impeding the woman’s escape from the violence and the hate. We have heard here the testimonies of women who are warriors and survivors, who are breaking through the walls of their prisons. In refusing to live in perverse relationships where they only exist as prisoners in relation to guards, they are regaining their territory and their dignity. These testimonies on family violence help us to recognize and to name the institutions, the laws, and the customs that in each one of our countries constitute the walls of social prisons which provide the ground for the reproduction of these situations of abuse and conflict.

We have also heard testimonies about abuses of reproductive health and rights. We have heard moving testimonies about the lack of respect for women’s health, such as when a woman does not have access to contraception and to safe, affordable abortion, when a woman is not capable of protecting herself from unsafe sexual relationships, and is not respected by medical institutions, when a woman’s sexual rights are not respected and she is punished for her sexual orientation. Let’s remember that reproductive and sexual health are human rights, yet they are in brackets in the Platform for Action that will be produced at this conference. There are thick walls around the sphere of reproduction and sexual rights because they are menacing. They are menacing to the conservatives, and they are promising to all of us who are trying to enlarge the concept of human rights.

There is enormous physical and psychological damage resulting from these aggressions for which we have to hold the state accountable. States must be held accountable for the failure to protect against violence against women in the house and for turning women away when they search for such assistance; for the failure to put in place laws that prohibit violence against women and to ensure that such laws are enforced according to the requirements of international law; for the failure to ensure women’s equal status in the family and to guarantee their equality and equal protection in the law; and for the denial to women of the highest attainable standard of health and of their right to make reproductive and sexual decisions free of coercion, violence, and discrimination. These among many others are all failures of the system, yet we still have to ask why the system fails. What are the deep roots of the phenomenon of rampant violence against women, of
the disrespect for our reproductive rights and the expropriation of our citizenship? We have to turn to values, to customs, to religions, to societal arrangements, to the balance of power in society, and to the role of women in society. We have to turn to the education system and we have to focus on the girl-child. We have to focus on the mechanisms that will provide the girl-child with self esteem. We have to turn to the man and offer him roles other than aggressor and protector against other men. We have to turn to the root causes in order to understand why conservative forces are still advancing over the territory of our dignity, of our social and cultural rights, by putting brackets throughout the Platform for Action of this conference. Let us break the walls that are still present in the form of all the brackets in this document and in the minds of so many delegates to this conference.
Pierre Sané  
Secretary General, Amnesty International,  
Senegal/United Kingdom

It is a great pleasure for Amnesty International to have been invited to sit on this panel. I have been asked over these past few days how it feels to be a man in the midst of 30,000 women at this conference. But this conference is not about women's concerns or issues. It is about the nature of the relationship between women and men and between women and the state. It should be clear by now that this hall should be filled by ordinary men, by male community leaders, by male government officials, by the chiefs of army staffs, by the chief executive of the World Bank and the International Monetary Fund. On behalf of Amnesty International, let me assure you that it is a privilege to be sitting on this panel.

Women continue to suffer the many abuses we have heard today. Women continue to be threatened, imprisoned, raped, made to disappear, and killed by agents of the same governments who, in three days time in Beijing, will agree upon fine-sounding prohibitions of such actions. Women's rights are human rights, and human rights are universal and indivisible. They apply to all women wherever in the world they live, and whatever their circumstances. In practice, however, the context of women's lives in their own societies brings additional barriers to their enjoyment of human rights. Few countries treat their women as well as their men. Discrimination on the grounds of gender makes women more vulnerable to abuses of their human rights and will almost always affect their access to remedies on local, national, and international levels — especially when gender is compounded by race, ethnic identity, or caste.

At all levels, the question is: Does the government concerned have the political will to face up to its responsibilities and to halt human rights violations? Testimony after testimony demonstrates that the answer can be summarized in two words: government failure. The failure of governments to stop detention without charge, the failure to end torture by security forces, and the failure to investigate cases of torture like the cases we have heard from Cameroon and India. These are all violations of the governments' solemn treaty obligations under the United Nations International Covenant
on Civil and Political Rights and the Convention against Torture. There is also
the further failure of governments to ensure even the rule of their own laws
— in Bangladesh, the Constitution includes the right to be treated in accor-
dance with law and only in accordance with law. Yet, the government has
consistently failed to ensure that the local salish do not assume functions for
which they have no legal authority. In Brazil, there are comprehensive
guarantees for indigenous rights in the Constitution. But the authorities have
consistently failed to prevent abuses or to bring those responsible to justice.

In Rwanda, of course, we are faced with the risk of the international
community again failing the victims of the genocide and other crimes against
humanity. It is necessary to call on states to ensure that the International
Criminal Tribunal, as a matter of high priority, has the resources to fulfill its
mandate in investigating reports of widespread and systematic rape in
Rwanda as a crime against humanity and as an element of the
genocide. The international community should also provide prompt
assistance to rebuild the judicial system in Rwanda in order to ensure fair
trials. Both processes should incorporate procedures which give women clear
access to justice, including the identification and punishment of the
perpetrators, and compensation, medical assistance, and other forms of
rehabilitation for the victims. To achieve this, the process must take full
account of the need for resources for legal advice and for training for women
witnesses, the need for women to be able to attend the trials, and the need
to overcome the social obstacles women face when coming forward to
testify. It is also important that states adopt legislation that enables their
authorities to cooperate with the International Tribunal by gathering
evidence and arresting and transferring suspects to the tribunal. In addition,
all states should bear in mind that they have universal jurisdiction to bring to
justice in their own courts persons suspected of crimes against humanity and
serious violations of humanitarian law. This is another potentially important
channel for bringing to justice those responsible for violations of the human
rights of Rwandan women.

The testimonies of each of these women symbolize the multitude of
women for whom this decade has meant terror, deprivation, and the
imperative of fighting for justice, but whose fate has been largely hidden
from history. Today what unites women internationally — transcending class,
race, culture, religion, nationality, and ethnic origin — is the denial and
violation of their fundamental human rights together with women's dedicated efforts to claim those rights. The great failure of the world's community of governments is not just that they have been unable to guarantee women their social, economic, and cultural rights. It is that they have been unable to prevent, and in some cases they have sanctioned the violation of women's civil and political rights: the rights not to be tortured, raped, killed, made to disappear, or imprisoned. What we want from governments is not simply that they give their assent to the need to protect and promote women's human rights in yet another piece of paper. If it is to achieve anything, the Beijing Conference must be more than just another occasion for fine rhetoric and conviviality. It must be a genuine catalyst for action and for the swift delivery of real protection.

In conclusion, the testimonies of today cry out for the strong commitment of governments to emerge from this conference with a Platform for Action that will not fail women once again. Let me just cite two areas: First, with regard to rape, the Platform for Action must be clear that under humanitarian law rape is a war crime. All parties to a conflict are bound by humanitarian law. In addition, governments have obligations under international human rights law to prevent, investigate, prosecute, and punish all acts of rape and to compensate the victims. This should be made explicit in the Platform for Action. Second, the Platform for Action must include explicit commitments by governments to guarantee the enjoyment of human rights by women activists, so that they can change the lives of women, so that they can change our lives, so that they can change the world. For we know that most of the advances that women have made towards claiming their rights have been the result of grassroots campaigning by independent women's rights organizations.
I want to thank the courageous women who spoke today. As I listened to their testimonies, I couldn’t help thinking of the millions and millions of girls and women who are not here and could not speak out, and perhaps I should include women who are here who cannot speak out. We have heard the stories of girls and women who have survived in a world in which it is dangerous to be female, and the stories of those who have survived in a nuclear, militarized world in which it is dangerous to be human. We have heard the stories of children and women who have been abducted, killed, or raped, and like the children in Uganda, who have endured the final travesty of being forced to care for the sick and wounded victims of violence. We have heard the stories of women subjected to the deadly consequences of capitalist greed and exploitation, and we have heard the stories of women who have been mentally and physically battered and tortured by societies that are limited by their impoverished vision of human sexuality. We have also heard the stories of women who have struggled, fought back, and claimed their human rights for themselves, for others, and for their communities.

Violence, economic discrimination, and exploitation are, as Mahfoudha Alley Hamid expresses it, economic atrocities. These include: the atrocities perpetrated by governments that allow their own citizens to be exploited and abused by other citizens and by other countries; the atrocities of international financial institutions (the International Monetary Fund and the World Bank) whose structural adjustment polices (SAPs) are sapping the wealth, resources, and independent spirit of communities, peoples, and individuals; the atrocities of Transnational Corporations (TNCs) who have robbed women even of their names, so that María Guadalupe Torres became “Lupita Epoxy;” and the atrocities of TNCs who have robbed people of their wealth, their health, and their dignity, and who profit from this theft. All of these atrocities are related — they bleed into one another. Zazi Sadou has called upon this panel of judges to pronounce the only legal and just result and to declare those responsible guilty.
Many of the women who spoke have come from countries whose governments have signed the Women's Human Rights Convention (the Convention on the Elimination of All Forms of Discrimination Against Women — CEDAW) as well as other human rights covenants and protocols. These are not just policy commitments for when the time is politically convenient; they are legal obligations. The governments in question are guilty of gross failures to live up to these commitments.

The international financial institutions and the TNCs, as well as private actors such as traffickers, factory managers, fundamentalist terrorists, and abusive husbands, are responsible for the ongoing violations of the economic, social, and cultural human rights of women. Like the unholy alliance of the church, the state, and the law in Ireland and in other countries, these actors are complicit in the violence, discrimination, exploitation, and economic atrocities that women suffer.

Clearly, enough is enough. But more than a declaration of guilt is needed. There is still a long road before us, not least in the immediate weeks ahead here in Beijing. During the final negotiations over the proposed Platform for Action — in the line-by-line struggles over the bracketed language — these testimonies we have heard today need to be remembered.

There is an urgent need to push for stronger implementation mechanisms that will go beyond recognition, the naming of abuses, and the ascription of guilt to the full implementation of women's human rights. We need to push for stronger human rights standards and a human rights framework for the implementation of economic, social, and cultural rights. We need, for example, international human rights standards through which the policy-makers of the international development and financial institutions will be held accountable. We need more effective and specific monitoring and implementation procedures, including procedures for the international financial institutions to make periodic reports regarding the impact of their policies on women's human rights. We need gender-specific statistics gathering and reporting. We need to have NGOs working in conjunction with governments to continue the political, media, and economic pressure to hold TNCs accountable for the consequences of their greed. And we need to push for a ban on nuclear testing to end the threat to the life and health of all humanity. In addition, to implement, protect, and ensure all economic, political, and cultural rights, the deadly and the dead
CHAPTER SIX

Toward Greater Accountability for Women's Human Rights

INTRODUCTION

The idea that women's rights are human rights is increasingly being acknowledged and reaffirmed in principle by the United Nations, its member governments, and the international human rights community. However, the translation of this principle into action in the form of real accountability for women’s human rights is proceeding much more slowly. Supporters of women’s human rights are calling for an expansion of methods of accountability so that women who suffer abuses of their human rights can have more effective avenues for redress. Throughout the Tribunal process, women's human rights advocates, including those working directly with Tribunal testifiers, struggled to find more concrete ways to achieve accountability. This chapter highlights the strategies of advocates who are seeking greater accountability with respect to several of the testimonies presented at the Global Tribunal on Accountability for Women's Human Rights (Beijing, 1995).

The Global Tribunal on Accountability for Women's Human Rights concluded a two-year campaign of popular hearings and tribunals that began at the UN World Conference on Human Rights (Vienna, 1993) and continued at the International Conference on Population and Development (Cairo, 1994) and the World Summit on Social Development (Copenhagen, 1995). Together, these global hearings aimed to raise awareness about violations of women's human rights in public and private contexts, in situations of war and conflict, and in relation to global policy making — especially with respect to health, development, macroeconomics, and human rights. Throughout the hearings campaign women have documented violations of their human rights perpetrated by spouses, relatives, employers, doctors, police officers, and soldiers among others. They have also demonstrated how, for example, structural adjustment polices, anti-abortion legislation, family and marriage laws, or discriminatory welfare policies have eroded their human rights.
In bringing these gender-specific human rights violations to light, the women who joined the hearings campaign have challenged and expanded the understanding of what accountability for human rights entails. The international human rights system has generally focused its attention on state-sponsored violations — especially abuses of civil and political human rights more likely to be exercised by men in public contexts — including freedom of expression and movement and freedom from arbitrary detention and torture at the hands of state authorities. But women’s experiences, as symbolized by the many testimonies gathered throughout the hearings campaign, demonstrate that violations of the human rights of women often take place in the private contexts of home, family, religious and cultural practices, and in the increasingly privatized arena of economic production and exploitation. Even within the traditional understanding of human rights, violations directed at women such as rape by the police or military have often been “privatized” and made invisible. While it is essential to fully address such gender-based state-sponsored violations, it is also necessary to redefine “accountability” so that abuses of women’s human rights perpetrated in private contexts and by non-state actors can also be effectively challenged.

The preamble to the *Universal Declaration of Human Rights* proclaims that “member states have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.” Similarly, the covenants on economic, social, and cultural as well as on civil and political rights both assert the “obligation of states under the Charter of the United Nations” to achieve the same goals, while the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW or the Women’s Convention) proclaims that “states parties to the International Covenants on Human Rights have the obligation to secure the equal rights of men and women to enjoy all economic, social, cultural, civil, and political rights.” Clearly, the framework of international human rights as set out by the UN Charter, the *Universal Declaration of Human Rights*, and the subsequent treaties defines states as accountable for the promotion and protection of the human rights of all people living under their jurisdiction. To be accountable is to be obligated to take responsibility for one’s actions and to be “subject to giving an account,” as the dictionary puts it. Further, “while the state may not be responsible for private acts, it may be responsible for its
own lack of diligence to prevent, control, correct, or discipline such private acts through its own executive, legislative or judicial organs."

In every situation of human rights violation, then, the state is answerable for its role in the failure to protect and promote the human rights in question. However, the human rights machinery that has evolved over the last 50 years is almost exclusively concerned with states whose officials engage directly in human rights abuses.

A more comprehensive understanding of accountability that would be truly responsive to women's human rights concerns requires that states are held accountable for:

- violations resulting from direct state action or policies either within their territories or abroad;
- violations perpetrated by non-state actors of one state — including private citizens, multinational corporations, and/or private institutions — within the territory of another state;
- violations perpetrated by non-state actors against any person living and/or working within their territory, or over whom they have regulatory powers;
- violations resulting from the actions or policies of any international institution of which the state is a decision-making or voting member, including international financial institutions such as the World Bank, the IMF, and the World Trade Organization.

In order to achieve this level of accountability for human rights, each state must:

- refrain from directly perpetrating violations of human rights;
- monitor and address the human rights impact — including the gender dimensions — of all national legislation and policy making;
- take proactive steps to prevent human rights abuses by non-state actors — either private individuals or institutions — and to promote respect for human rights throughout the society;
hold accountable non-state actors — individuals or institutions — who have violated human rights, including ensuring appropriate punishment for violators and compensation for victims;

be accountable as members of collective governing or policy-making bodies, such as the UN General Assembly, Security Council, or the international financial institutions, and adhere to international human rights obligations in these contexts.

In defining accountability, we also include the United Nations both as an international governing body with the mandate to protect and promote human rights and as a collection of agencies and programs that carry out or sponsor programs in many regions of the world. Throughout the entire range of its operations, the UN is obligated to respect the human rights of those affected by its programs and policies and to give special attention to gender concerns. In addition, the UN as an institution has a particular responsibility to eradicate gender-based discrimination and harassment within its own bureaucracy. In particular, the devastation in women's lives wrought by international economic policies that impoverish women and foster economic and sexual exploitation demands the development and implementation of UN measures that will monitor the human rights costs of current and emerging macroeconomic policies enforced by international financial institutions. Such measures must include the provision of avenues for redress for those who have suffered human rights abuses as a result of the imposition of harsh economic regimes. To sum up, accountability for women's human rights means that the UN must:

monitor the gender-sensitive compliance of member states with all human rights agreements and standards;

integrate women's human rights and gender perspectives throughout the entire human rights machinery, including in the work of the International Criminal Tribunals, all of the human rights treaty bodies, working groups, rapporteurs and commissions, as well as in the work of the specialized agencies;

ensure respect for women's human rights in the UN policy and program areas.
Achieving accountability for women’s human rights is a multi-layered process and will require diverse strategies. Some of the major obstacles to advancing this process including weak and poorly supported implementation mechanisms and unresponsive institutions are outlined in *Demanding Accountability* (pp. 112-117). Nonetheless, key elements in the process to secure accountability include:

- documenting the violations, which entails naming the perpetrators (public or private, individual or institution) and detailing the violations along with the international treaties and agreements that have been breached;

- identifying and utilizing existing human rights mechanisms and legal processes on behalf of women in order to secure the punishment of perpetrators and the provision of gender-sensitive remedies on behalf of the victims. It may also be necessary to demand and develop new processes and procedures;

- securing explicit commitments to women’s human rights from governments in national and international forums;

- calling for, developing, and executing local and national women’s human rights implementation plans;

- mobilizing, organizing, and lobbying to build public support and political will toward implementing women’s human rights;

- using the media to expose situations of abuse.

As distinct from the legal or policy aspects, the political dimension of transforming accountability for women’s human rights from principle into practice is extremely important. Persistent mobilization, organizing, strategizing, and lobbying on the part of women’s and mainstream human rights groups have played a critical role in achieving the gains secured to date. Since around 1990, the movement for women’s human rights worldwide has secured many concrete commitments, especially in the area of violence against women. These include, among others, the *UN Declaration on the Elimination of Violence Against Women* and the appointment of a UN Special Rapporteur on Violence Against Women. The Special Rapporteur,
Radhika Coomaraswamy, has developed a form to assist in the documentation of violence against women. This form, which was attached to her 1996 report to the Commission on Human Rights, has been included here in Appendix A as a useful guideline for groups to know what information needs to be documented in order to make effective use of the UN human rights mechanisms.

The Vienna Declaration and Programme of Action, which came out of the World Conference on Human Rights (Vienna, 1993) and was signed by 171 countries, also outlines a host of measures which, if enacted, would truly integrate women’s human rights and gender perspectives throughout the UN human rights machinery. These include calling upon all of the treaty-monitoring bodies to enable women to make more effective use of the treaties, urging the adoption of an individual complaints procedure for the Women’s Convention, and calling for the convention’s universal ratification by the year 2000.

However, it is important to emphasize that the entire spectrum of existing human rights treaties, mechanisms, and procedures also always applies to women. This includes the UN Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICECSR), the Convention on the Elimination of All Forms of Racial Discrimination, and the conventions against torture and genocide. Further, many specific commitments to women’s human rights have been made at recent UN conferences. The UN International Conference on Population and Development (Cairo, 1994) restated many of the Vienna Declaration’s commitments to women’s human rights and added others, including a call for universal access to a full range of reproductive health services in order to reduce maternal mortality and the health risks of unsafe abortion. In addition, the Cairo Programme of Action strongly advanced the language of rights in the area of population and development, asserting that reproductive rights include the “right of all to make decisions concerning reproduction free of discrimination, coercion, and violence.” Similarly, the movement for women’s human rights had some success in influencing the Copenhagen Declaration coming out of the Social Summit. This conference document included a reaffirmation of the importance of human rights standards including the right to development, a call for gender equality in
economic development, and a recognition of the increased burden on women created by poverty and social disintegration.5

The following section takes some of the analyses and strategies of advocates working around several of the cases presented at the Beijing Tribunal as illustrations of how to work concretely for accountability. It seeks to identify existing commitments and mechanisms that can be used to further the goal of greater accountability for women’s human rights.
Analyses and Strategies from Cases in the Beijing Tribunal

Violence against Women in the Family

Accountability is most clear when a state is the direct perpetrator of human rights violations against its citizens. A state inflicting such abuses is more likely to meet with some form of international censure ranging from mild reprimands to aggressive economic and political sanctions. However, the situation is more complex when a woman's human rights have been violated by a private individual, particularly when that individual is also a husband, father, or other male relative.

Mary McGoldrick's testimony describing more than a decade of battery and psychological and economic abuse at the hands of her husband, and her account of the repeated state-sponsored obstacles she encountered in seeking to escape the abuse, demonstrate the ways in which the state, and not only the direct perpetrator, is responsible for denying battered women their human rights. Ireland has ratified the Women's Convention whereby it has pledged to eliminate discrimination against women, including discrimination by any person, organization, or enterprise as well as discriminatory laws, regulations, customs, and practices. Mary's testimony illustrates how information about how to access the limited legal remedies that are available to battered women (mainly barring orders) has been inadequate. It also illustrates how women, who are often economically vulnerable, are required to expend much of their time and resources to secure the court orders necessary to protect their human rights. Once the barring order has been obtained, little is done by the state to enforce it. When Mary McGoldrick came home to find her barred spouse in her bed and subsequently called the police, they did not arrest or charge her husband even though breaking a court order is a criminal offence that carries a penalty of a fine and/or up to six months in jail.

This failure to enforce the law on behalf of women is clearly discriminatory, as is the failure to provide adequate and accessible preventative and remedial legal measures and services with respect to domestic violence. The serious shortage of places in refuges for women who are fleeing violence in
the home is also indicative of a general failure to take seriously the protection of women's human rights. The Women's Convention requires states to ensure women's equal legal protection. Therefore, when a woman is terrorized or battered, the state is accountable for failing to protect her and must take appropriate remedial action. If the state fails to take adequate steps to prevent the abuse and to punish the violator, any woman whose human rights have been violated by a family member or cohabitant ought to be entitled to make a complaint against and to seek compensation from the state through a regional or UN human rights complaints procedure.\(^7\)

Economic Discrimination and Exploitation

Current dominant macroeconomic regimes that equate economic growth and development with large scale, free market, trade-oriented activity are fostering a global economic climate that is eroding and violating human rights. Most developing countries are dependent upon the international financial institutions (including the International Monetary Fund (IMF) and the World Bank) for loans to pursue their development strategies. In order to receive the loans, however, countries must institute Structural Adjustment Programs (SAPs) that usually involve the devaluation of their currency, severe reductions in social services and public welfare spending, and the increased production of goods for export. The testimony of Mahfoudha Alley Hamid details how such requirements create a system of economic penalties and rewards whereby local women-operated small enterprises are repeatedly squeezed out by larger, often foreign-owned, companies. The deepening impoverishment of women and their dependents is just one of the serious human rights implications that accompanies this process.

Even though the international community is reluctant to address economically driven human rights violations, there are several human rights instruments and commitments in place that require the protection and promotion of the economic dimensions of human rights. The International Covenant on Economic, Social and Cultural Rights (ICESCR) sets out the following standards:

The right of all peoples to “freely dispose of their natural wealth and resources without prejudice to any obligations arising out of inter-
national economic cooperation, based upon the principle of mutual benefit and international law. In no case may a people be deprived of its means of subsistence" (art. 1)

"The right of everyone to an adequate standard of living for himself [herself] and his [her] family, including adequate food, clothing and housing". States parties to the covenant are to "take appropriate steps to ensure the realization of this right, recognizing... the essential importance of international co-operation based on free consent" (art. 11).

The African Charter on Human and Peoples' Rights asserts:

the right to work "under equitable and satisfactory conditions" and the right to receive equal pay for equal work (art. 15);

that "All peoples shall have the right to assistance of the states parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural" (art. 20.3);

that "All peoples shall have the right to their economic, social and cultural development" and that "States shall have the duty to... ensure the exercise of the right to development" (art. 22).

The Women's Convention also contains specific articles on the human rights of rural women with respect to the economic sphere, including the assertion that "States parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure... that they participate in and benefit from rural development" (art. 14.2).

Mahfoudha Alley Hamid’s testimony exposes the widespread silence around abuses of human rights in the economic sphere, abuses whose prevalence goes far beyond Tanzania. Nonetheless, to take Tanzania as an example, it has ratified all of the preceding human rights instruments and thus is accountable for implementing their provisions and for assuring preventative and remedial action with respect to violations of the same. In addition, the international institutions that create economic policies with no input from the local women most affected by those policies are also responsible for the human rights implications of their activities. Economically powerful states that are represented on the governing boards of the
international financial institutions are also accountable according to the terms of the *Universal Declaration* as well as the treaties, agreements, and covenants which they have signed and ratified as individual states.

Another manifestation of economic globalization has been the proliferation of *maquiladoras* (free-trade zones) along the Mexico-United States border over the last thirty years. The testimonies of María Guadalupe Torres Martínez and Julia Quiñonez de González describe the many human rights abuses that are associated with the maquiladoras. Once welcomed as potential sources of good jobs and economic development, the reality of the maquiladora experiment has been extensive abuses of Mexicans' human rights along with environmental destruction. However, the protection of human rights and of the environment is never without costs. For less powerful countries like Mexico, who enter into the global economy with few bargaining chips except to offer the lowest production costs to multinational corporations, such reduced costs are often achieved by allowing workers to work long hours for very little pay and by ignoring the environmental degradation that accompanies modern production. To date, the Mexican government has lacked the means or the resolve to impose restrictions on foreign-owned corporations in the interests of the human rights of its citizens. As the example of Mexico shows, this aspect of economic globalization undermines national legal and constitutional guarantees of human rights and also underscores the urgent need for greater vigilance by the inter-national community with respect to human rights in the economic arena.

As further steps towards regional and global economic integration are underway, it is critical that effective measures are put in place to ensure accountability for the human rights effects of international economic policies that benefit some nations and communities at the expense of others. Phoebe McKinney, who directs the Mexico-United States Border Program of the American Friends Service Committee, cites the North American Free Trade Agreement (NAFTA) as an example of the further erosion of human rights in the name of economic development. She argues, for example, that NAFTA's provisions for challenging violations of labor laws are completely inadequate. As part of its commitment to the North American Agreement on Labor Cooperation (NAALC) — a side agreement to NAFTA — the US
government established the United States National Administrative Offices (USNAO) to provide some “oversight mechanisms to ensure that labor laws are being enforced” in the US, Mexico, and Canada. McKinney goes on to say:

In August of 1994, a complaint was filed with the USNAO against Sony Electronics Company documenting the repressive and illegal tactics used by Sony and the Mexican government (including election fraud, company intimidation, firings, and police violence) in response to grassroots organizing efforts by workers in Sony's maquiladora plants...

[The USNAO made an unprecedented ruling last spring, finding that the Mexican government had colluded in denying workers at Sony the right of free association guaranteed by the Mexican constitution, federal labor law and international commitments...]

[After two months of consultations... an agreement was reached between the US and Mexican governments which was cynical in the extreme. The agreement simply promised further academic study and “discussions” among Sony workers, local labor officials, and Sony management about “remedies available to them under Mexican law.” Based upon the experiences of Sony workers and upon the USNAO’s own findings concerning the Mexican government’s failure to enforce its own laws in the specific case of Sony workers, such remedies are simply theoretical...]

The result of the NAALC process shows that there is much work to be done to create effective accountability and enforcement mechanisms when corporations and governments can so easily get away with abusing workers' fundamental rights and holding labor and human rights laws in contempt...

This example illustrates the difficulties associated with ensuring accountability even for violations of human rights that traditionally are widely acknowledged as such — in this case, the violation of the right to freedom of association. However, it is not hard to imagine that if the violations in question were sexual abuse or harassment by maquiladora supervisors, the accompanying difficulties would be multiplied many times over.
The Border Committee of Women Workers has made the following recommendations which would promote accountability for human rights with respect to the maquiladoras:

Work place inspection programs should be established in the maquiladoras, and existing programs should be effectively enforced with severe penalties for firms that do not meet health and safety standards or that fail to protect the social or natural environment. Such penalties should include heavy fines and temporary or permanent closures.

Criminal charges should be brought against managers, owners, and government authorities who weaken, obstruct, or otherwise violate the human rights, constitutional rights, and labor rights of workers.

There should be close scrutiny of government officials who are responsible for enforcing international agreements and standards.

Other human rights concerns for women include sex trafficking and forced economic emigration. These are increasingly prevalent because a system of economic constraints and incentives exists that permits and encourages traffickers and others to profit from women's poverty. Poor women are abducted or lured into international prostitution networks on the pretext of being given good jobs or they are recruited overseas as exploitable domestic workers. Tens of thousands of women become cheap suppliers of sexual labor and house cleaning and child care services to more affluent populations in all regions, and especially in Europe, North America and the Middle East. In the process, they are frequently subjected to physical and sexual abuse, further impoverishment, unwanted pregnancies, and disease, including HIV/AIDS infection. In order to move toward greater accountability for violations of women's human rights in these situations, groups such as the Global Alliance Against Traffic in Women have sought to place trafficking in the broader context of women's human rights, and they are currently preparing a report on this theme for the Special Rapporteur on Violence Against Women.

The *Beijing Platform for Action* calls for the international conventions on trafficking in persons and on slavery to be reviewed,
strengthened, and implemented. Governments are asked to address the root causes that "encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages, and forced labour... including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators through both criminal and civil measures" (paragraph 130 (b)). In the case of Susan Paciano, for example, a lawsuit might be brought against the agency that sent her to Saudi Arabia. In addition, a formal complaint could be registered against both the Philippine and Saudi governments for violations of International Labour Organization standards. Furthermore, while it was not advanced in Beijing, the universal adoption and ratification of the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families would go a long way toward promoting accountability for the human rights of 125 million migrant workers around the world, 50 million of whom are women.

Violations of women's human rights in the economic sphere are not confined to women originating in the South. Women and their dependents make up the majority of the poor and are facing growing impoverishment in every region of the world. Workplace sexual abuse and discriminatory practices that exclude women from well-paying jobs or that pay women less than men for the same work affect women worldwide. In addition, as primary care providers in most societies, women must bear the brunt of cutbacks in public spending on social and welfare programs since they are forced to compensate for the lack of publicly provided services. This is true whether the cutbacks are justified as part of Structural Adjustment Programs in Africa, as part of the "requirements" of the transition from a socialist to a market economy in Eastern Europe, or as part of efforts to maintain economic competitiveness and efficiency in more affluent economies. Furthermore, many welfare systems have policies that actively discriminate against women with respect to their marital or parental status. For example, Mary McGoldrick described how her attempts to rebuild her life after years of abuse were obstructed by a welfare and family law system that refused to treat her as an individual in her own right. In the words of Niamh Wilson of Women's Aid in Dublin:

Mary still struggles to provide for herself and her three children on social welfare payments. If she co-habits with a man in a new
relationship she will lose her payment and will again be classed as
dependent upon a man. Mary was refused a place on a government-
sponsored employment scheme with Women's Aid because she
receives a deserted wives allowance. This means that she is not on
the unemployment register as she is not available for work because
she is a mother. Married women cannot avail [themselves] of these
schemes either, [schemes] which have a substantial training
component. This means that... training and employment and long
term... [opportunities for] becoming financially independent are
severely curtailed because of discriminatory welfare legislation.

Violations of Health and Bodily Integrity

Women often experience human rights abuses at the hands of other non-
state entities that have authority in society, such as religious, medical, or
educational institutions. When such institutions are also quasi-state actors,
the state is directly accountable and it should not be difficult to ensure that
the state takes responsibility for the abuses that occur within them. However,
this is a largely unexamined area of human rights abuse. The Beijing Tribunal
heard two cases, presented by Lidia Casas and Daphne Scholiński, of gross
human rights abuse in hospital settings in the course of the so-called provi-
sion of health care. The right to health is protected in several articles of the
Women's Convention (CEDAW) and in the International Covenant on
Economic, Social, and Cultural Rights (ICESCR). This includes the right of
women to:

the highest attainable standard of physical and mental health
(ICESCR, art. 12.1);

conditions which would assure to all medical service and medical
attention in the event of sickness (ICESCR, art. 12.2 (d));

access to specific educational information and health care services
including information, advice and services with respect to family
planning (CEDAW, art. 10 (h) and 12.1);

decide freely and responsibly the number and spacing of children
(CEDAW, art. 16.1 (e)).
Chile ratified the *Women's Convention* in 1989, and is therefore obliged to "refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation" (art. 2). Early in 1990, María, who was acutely ill, went to a publicly funded and operated hospital in Santiago. The doctors there failed to diagnose her condition — she was suffering from appendicitis — and instead removed María's intrauterine contraceptive device (IUD) on the assumption that it was causing her illness. Subsequently, María's appendix burst causing permanent injury to her intestine and a further deterioration in her overall health. Thereafter, doctors repeatedly warned María that a pregnancy would be dangerous to her health, but they failed to replace her IUD or to make alternative birth control methods available to her. This sequence of actions constituted gender-based discrimination by doctors at a public hospital that put María, a woman who could not afford private health care, at risk of serious illness or death. María did become pregnant, and because abortion is prohibited in Chile — even where a woman's life is in danger — she had to resort to an unsafe, illegal abortion. She suffered life-threatening complications and had to have her arm amputated due to gangrene that resulted from the unsanitary abortion. She was also subjected to an involuntary hysterectomy and was verbally abused and harassed by hospital staff.

María was vulnerable to the human rights violations she endured because she is a woman and because she is poor. Dependent upon free public health care, and living in a state which has institutionalized fundamentalist Catholic beliefs with respect to contraception and abortion, María was denied the human right to health and subjected to torturous medical procedures. To exacerbate a situation of gross human rights abuse, María was denounced to the police by her doctor for procuring the abortion. In this case, none of the human rights guarantees listed above that Chile has promised to uphold nor the *Universal Declaration's* guarantee of security of person and freedom from cruel and inhuman treatment were respected.

It can also be argued that the state is obliged to ensure the protection and promotion of the human rights of individuals in the care of private institutions and to hold all such institutions accountable for human rights abuses that occur within them. From the age of 14 through 18, Daphne Scholinski was institutionalized in three different mental health hospitals in
the United States. She was admitted to be treated for severe depression, which Daphne had developed in response to abusive and hostile treatment meted out to her by family members and others because she is a lesbian. The doctors, however, acting from institutionalized homophobic principles, treated Daphne not for depression but for what they called "gender identity disorder." Her treatment entailed a harsh regime of punishments and coercive practices aimed at making Daphne more "feminine." More generally, the hospital environments she lived in left her vulnerable to physical, verbal, and sexual abuse by staff and other patients. While the doctors involved in Daphne's treatment are directly responsible for the cruel and inhuman treatment she endured, their actions were sanctioned by the existence of "gender identity disorder" as a defined condition in the Diagnostic and Statistical Manual (DSM) of the American Psychiatric Association (APA). Although the APA is not a state agency, the DSM is recognized as the standard of care in mental health by the state as well as by private medical insurance companies. The institutions in which Daphne was incarcerated collected a total of one million dollars from her parents' insurance company in reimbursements for her "treatment."

Numerous human rights contained in the Universal Declaration, in the covenants on social, economic, and cultural and political and civil rights, and in the Women's Convention were violated in the course of Daphne's treatment. The United States is accountable for investigating cases like Daphne's and for ensuring that remedial and preventative actions are taken. Daphne's testimony demands that all states review the treatment of lesbian and gay persons in public and private psychiatric institutions and that states actively intervene — on human rights principles — to stop any treatment that seeks to change someone's sexual orientation. The decades-long emphasis on limited definitions of civil and political rights has rendered invisible the human rights abuses that occur in many private and quasi-state institutions worldwide.

Similarly, when violations of human rights are the direct result of less tangible state actions — such as secret nuclear testing — the international community has failed to respond appropriately or to acknowledge the connection between such state actions and the ill-health of entire populations. Testimonies from Kazakhstan (formerly part of the Soviet Union) addressed violations of the right to health and bodily integrity
perpetrated by the state through its nuclear testing policies from 1949 to 1989. In the city of Semipalatinsk alone there are 850,000 registered victims who currently suffer from serious health problems, including cancers, reproductive, immune, and nervous system disorders, and sensory organ diseases. This massive denial of the human rights to health and bodily integrity for millions of people in Kazakhstan and its surrounding area is the culmination of innumerable offenses related to nuclear testing. These include the compulsory imposition of harm and risk, the complete denial of rights of participation in decision-making with respect to activities at the test site, the denial of information on the likely adverse health effects, the active suppression of knowledge about the nature and extent of human injuries known to be caused by the testing (in particular, doctors were forced to sign non-disclosure statements regarding the births of babies with serious abnormalities), and finally the failure to rehabilitate, compensate, and provide redress to the victims. Such state actions violate virtually every enumerated human right, including the rights to health, food, a safe environment, and freedom of information, as set out in the covenants on economic, social and cultural and on civil and political rights. Other international agreements that have been violated in the Kazakhstan situation include the Convention Against Torture, the Declaration on the Right to Development, the Rio Declaration on Environment and Development, the Declaration on the use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and the Basic Principles of Justice for Victims of Crime and Abuse of Power.

The former Soviet Union signed and ratified the economic, social, and cultural and the political and civil covenants. Both Russia and Kazakhstan succeeded to these treaty obligations and they are also bound by the UN Charter, the Universal Declaration of Human Rights, and the various declarations and principles listed above. Both states are accountable and should ensure the compensation and fullest rehabilitation possible of the victims of nuclear-testing in their present and former territories. Furthermore, the World Health Organization and all relevant UN agencies should take leadership in a global drive toward rehabilitation, protection, and prevention with respect to all present and potential victims of nuclear testings. The testimonies from Kazakhstan also highlight the ways in which women, who are primary care-givers, mothers, or potential mothers, are
forced to carry an additional burden in the aftermath of the environmental, biological, social, and economic destruction brought about by nuclear testing. The gender dimensions of responding to these and similar human rights crises must be fully addressed.

Violence against Women in Situations of Conflict and Political Persecution

Demanding accountability for war crimes perpetrated against women is an area in which considerable progress has been made in recent years. The case of the “comfort women” is a prime example. Approximately 200,000 women were systematically abducted by Japanese soldiers between 1932 and 1945 and were forced to serve in hundreds of army brothels across Asia. Most of the victims were under 20 years of age at the time, and 80 to 90 percent were from Korea. The women or girls had to entertain 30 to 40 soldiers a day, they suffered disease and severe abuse, and it is estimated that less than 10 percent of them survived the war. Over the past decade, an important movement to seek redress on behalf of former “comfort women” has achieved many significant advances. First, under pressure from women’s organizations, the Japanese government has admitted to its involvement in the establishment and management of the comfort women system of sexual slavery. Further, the International Commission of Jurists, meeting recently in Tokyo, advised the Japanese government to compensate individual victims of Japanese military sexual slavery. In addition, the issue is prominent in the Platform for Action of the Fourth World Conference on Women and was reported on by the Special Rapporteur on Violence Against Women at the 1996 session of the Human Rights Commission (UN Document #: E/CN.4/1996/53/add.1).

However, many critical steps in achieving accountability have yet to be secured. While Japan has admitted its involvement, it does not concede direct responsibility and liability for compensating the victims. Further demands for accountability on this issue include:

The Japanese government must make public all materials and records on the “comfort women” system;
The Japanese government must issue a formal statement of responsibility and a state-level apology;

A war crimes tribunal must issue a formal war crimes judgement against Japan;

The United Nations and governments everywhere must make it a priority national objective to secure reparations for victims of, and protect all women from, military sexual slavery.

Efforts to ensure accountability for similar crimes against women in more recent conflict situations in the former Yugoslavia and Rwanda are strengthened by the example of the “comfort women” movement. Women’s groups have been working to ensure that the international criminal tribunals for Yugoslavia and Rwanda comprehensively address rape and sexual violence in their mandates. Unlike the Nuremberg and Tokyo international tribunals following World War II, which only mentioned rape in passing, the call for a war crimes tribunal for the former Yugoslavia was fueled by international shock at the use of “rape camps” and “forced pregnancy” as instruments of genocide. If the present war crimes tribunals are to be successful avenues of accountability, redress, and reparation for women victims of war crimes, gender sensitivity must be built into the process at every step. One example of how this is being sought is through the establishment of a Victims and Witnesses Protection Unit which has the mandate to provide legal advice as well as culturally aware and gender-sensitive counselling and rehabilitation services to its participants. Yet, even this advance has been undermined by the failure to staff and fund it adequately, and thus the danger exists that no women will feel safe to testify. Legal advocates are also working to ensure that the concepts used to understand sexual violence against women in conflict situations are commensurate with the gravity of the violations. While the inclusion of the charge of rape as torture in the first round of indictments issued by the tribunal for the former Yugoslavia represents an important step forward in this regard, the failure to include rape or any gender-specific charges thus far in the Rwanda Tribunal proceedings indicates how fragile such progress is.

There are well-developed human rights response networks and mechanisms for addressing state-sponsored violations of human rights,
especially for abuses that occur while people are held in detention. In recent years mainstream human rights organizations like Amnesty International have begun to address such human rights abuses as they affect women. If women like Guiadem Ange Tekam are to have justice, this development must continue and be expanded. However, it is more difficult to seek accountability for women's human rights when the abuses are concealed behind a fake protective barrier of religious or cultural expression, as in Bangladesh; when abuses occur in arenas where the rule of law has been suspended, as in the case of rebel nationalist or fundamentalist military camps in Uganda or Algeria; or when the abuse of women's human rights is part of a deeply embedded and institutionalized pattern of racism and prejudice, as in the case of the Dalit women in India or indigenous women in Brazil. To eradicate these kinds of abuses, states must be vigilant not only in preventing and punishing the involvement of government officials but also in ensuring that existing national legal and constitutional guarantees, in addition to the states' international human rights commitments, are being respected and enforced. Further steps to eradicate these abuses include changing any national legal framework that erodes international human right provisions.

The testimony presented by Sultana Kamal and Meghna Guthakurta from Bangladesh symbolizes the crisis of rising fundamentalism in diverse regions and cultural contexts around the world. It illustrates the arbitrary use of power by private individuals to coerce and persecute others in the community. In this case, the perpetrators are distorting and manipulating religious, cultural, and customary legal traditions to justify their actions. In background materials prepared for the Beijing tribunal, Sultana Kamal explains the situation as follows:

A salish traditionally was a forum where disputing parties sought to have their conflicts arbitrated. The arbiters were usually the local elite... [and] both sides were represented. The decision given at the salish was not binding, however... A fatwa is an opinion given by a jurist in response to a question involving a point of law, not evidence. The fatwa is now being used to bolster the authority of the village elite. It is being pronounced by people who have no authority and it is being used not to clarify an ambiguous legal situation... but as
evidence.... Salishes are now pronouncing fatwa on very serious issues like rape, adultery and so on.

Kamal goes on to describe the actual legal provisions under the Bangladesh Constitution that are being ignored by the fundamentalist salish.

To take part in a criminal trial by a salish...violates national laws and all norms of fundamental rights accredited by the Constitution.... [T]he Bangladesh Constitution has clear directives against such activities... Part III of the Constitution states that every citizen irrespective of religion, race, caste, sex, or place should be entitled to protection of the law... This is stated as an inalienable right of every citizen and in particular no action detrimental to the life, liberty, body, reputation, or property of any person shall be taken except in accordance with the law. Article 35(1) says no person should be convicted of any offence except for violations of a law in force at the time of the commission of the offence... [Article] 35(3) reaffirms that every person accused of a criminal offence shall have the right to trial by an independent and impartial court of tribunal established by law. [Article] 35(5) says no person shall be subjected to torture or to cruel, inhuman, or degrading punishment of treatment.

Moreover, the salish has wrongly projected the offenses dealt with by them as offenses against the state. In fact, these offenses are not listed...in the Criminal Code of Bangladesh. Judged in this light of constitutional principles as well as the existing legal code,... the salish members have beyond doubt infringed upon the fundamental rights of the people concerned... These are cases of gross violations and abuses of laws and justice... They have also violated all norms of international human rights and are therefore guilty of committing heinous crimes against humanity.

Therefore, a critical strategy in achieving accountability for women's human rights, especially where fundamentalist forces are operating, is to reassert and strengthen the implementation of existing laws and constitutional norms that already guarantee the human rights of women.
Strengthening the Human Rights System to Ensure the Human Rights of Women

The preceding discussion explored some of the analyses and strategies being used by nongovernmental organizations to achieve greater accountability for the human rights of women. Advocates for women’s human rights, like those who have participated in the hearings campaign, have started to utilize the language of international human rights treaties to question the reality of countless violations of the human rights of women in every region of the world. In doing so, they are challenging the conceptual and institutional barriers to implementing various treaty provisions, particularly on behalf of women. While the UN human rights machinery is extensive, and includes thematic and area working groups and special rapporteurs as well as other functions of the UN Centre for Human Rights, the treaty-based mechanisms and oversight bodies play a pivotal role in securing ongoing state accountability for human rights. The implementation of the Vienna Declaration’s commitment to integrate women and gender perspectives throughout the human rights system, especially with respect to the treaty bodies, is therefore critical. In 1995, there were two substantive meetings on how to proceed with this aspect of the Vienna Declaration which are quite useful to people working in this area.\textsuperscript{11} Many of the recommendations that emerged are similar to ones contained in the Beijing Platform for Action, and if they were to be enacted together they would constitute a major step forward in achieving accountability for women’s human rights. The Beijing Platform for Action includes recommendations that governments:

- ratify all treaties;
- put in place national-level plans for the implementation of human rights treaties;
- apply gender analyses to human rights violations and adopt gender-sensitive guidelines in carrying out their reporting obligations to treaty bodies;
- provide adequate resources and support for all treaty bodies to facilitate the execution of the gender dimensions of their mandates.
With regard to the Women's Convention, the Beijing Platform urges universal ratification by the year 2000, withdrawal all reservations that are contrary to the intention of the convention, and the adoption of a complaints procedure that will both allow for individual and collective complaints and provide for an investigative procedure in response to such complaints. If these recommendations were implemented, the Women’s Convention could become a powerful tool for ensuring accountability for violations of women's human rights that result from discriminatory action or inaction. Furthermore, the role of the convention would be transformed from its current marginal status to a more prominent position in the human rights system. Other recommendations include facilitating the input of women's groups into the work of the treaty committees, including the Human Rights Committee which oversees the International Convention on Civil and Political Rights (ICCPR), and encouraging women's utilization of the individual complaints procedure that is in place for the civil and political covenant. Further, the development of a complaints procedure for the ICESCR, similar to that envisaged for the Women's Convention, is also critical to this instrument becoming a more effective tool for women's human rights. Finally, several of the testimonies in Beijing underscored the vulnerability of girls to a wide spectrum of human rights abuses. The effective implementation at the national level of the Convention on the Rights of the Child is thus also a vital step toward attaining the goal of accountability for women's human rights.

NOTES

1. We would like to thank the many individuals and groups, in addition to the testifiers, who prepared materials for the Beijing Tribunal and contributed to the ideas and suggestions contained in this chapter. This includes Upendra Baxi, Florence Butegwa, Roxanna Carrillo, Rhonda Copelon, Lin Lap Chew, Clarence Dias, Jennifer Greene, Ilana Landsberg-Lewis, Hope Lewis, Alice Miller, Phoebe McKinney, Rachel Rosenbloom, Heisoo Shin, Donna Sullivan, and Niamh Wilson.

2. Report of the Expert Group Meeting on the Development of Guidelines for the Integration of Gender Perspectives into Human Rights Activities and
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3. For a fuller discussion of this document, see Demanding Accountability: The Global Campaign and Vienna Tribunal for Women's Human Rights (C. Bunch and N. Reilly, UNIFEM, New York, 1994).

4. From Vienna to Beijing: the Cairo Hearing on Reproductive Health and Human Rights (Center for Women's Global Leadership, 1995)

5. From Vienna to Beijing: the Copenhagen Hearing on Economic Justice and Women's Human Rights (Center for Women's Global Leadership, 1995)

6. Thanks largely to the work of women's groups in Ireland, new domestic violence legislation has come into effect in 1996 that includes measures that are designed to make barring orders a more effective tool in the protection of victims of domestic violence.

7. The Women's Rights Project of Human Rights Watch has sought to demonstrate how states violate the non-discrimination clause of the Women's Convention and many due process guarantees in state constitutions when, in discriminatory fashion, they fail to take seriously or prosecute cases of violence against women in the family. For a description of this approach to state accountability for the actions of private actors, see Americas Watch. Criminal Injustice: Violence Against Women in Brazil (Human Rights Watch, 1991).

8. These suggestions were contributed to the discussion by Jennifer Greene from the Center for Constitutional Rights in New York.

9. The Korean Council for Women Drafted to Sexual Slavery by Japan and the Asian Women's Human Rights Council have played leadership roles in this movement.

10. Women in Law and Development in Africa (WiLDAF) based in Zimbabwe, the Coordination of Women's Advocacy based in Geneva, and the International Women's Human Rights Law Clinic at CUNY Law School in New York are women's human rights groups that have been particularly active in this work. See, for example, Human Rights of Women in Conflict Situations (Women in Law and Development in Africa, 1995). In addition, many mainstream human rights groups such as the International Commission of Jurists, the Center for Constitutional Rights, and the Jacob Blaustein Institute for the Advancement of Human Rights have also worked for women's human rights in connection with conflicts in the former Yugoslavia.
APPENDIX A

Form for Documenting Violations of Women's Human Rights

CONFIDENTIAL

Violence against Women Information Form

Informer:

Name of person/organization: ____________________________

Address: ____________________________________________

Fax/Tel/email: ________________________________________

Victim(s):

Name: _______________________________________________

Address: ____________________________________________

Date of Birth: ________________________________________

Nationality: __________________________________________

Sex: female __________________________________________

Occupation: __________________________________________

Ethnic background (if relevant): _________________________

Marital Status: ________________________________________

The Incident:

Date: ________________ Time: _________________________

Location/country: _________________________________

Number of assailants: _______________________________

Are the assailant(s) known to the victim? ______________

Description of the assailant(s) (include any identifiable features):

__________________________________________________________________

__________________________________________________________________
Description of the incident


Does the victim believe she was specifically targeted because of gender? 

If yes, why?


Has the incident been reported to the relevant State authorities? 

If so, which authorities and when?

Actions taken by the authorities after the incident:


Witnesses:

Were there any witnesses?

Name/age/relationship/contact address:


Please return to the Special Rapporteur on Violence Against Women, Centre for Human Rights, United Nations, 1211 Geneva 10, Switzerland.
Fax (41.22) 917. 02.12
APPENDIX B

Petition the United Nations to Promote and Protect the Human Rights of Women

After Vienna and on to Beijing the Global Campaign for Women's Human Rights Continues...

The Universal Declaration of Human Rights protects everyone "without distinction of any kind such as race, colour, sex, language... or other status" (art. 2). Further, everyone has the right to "life, liberty and security of person" (art. 3) and "no one shall be subject to torture or to cruel, inhuman or degrading treatment" (art. 5). In addition, the 1993 Vienna Declaration of the World Conference on Human Rights states that the "human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights," and declares a commitment to eliminate "violence against women in public and private life." Therefore, we, the undersigned, call upon the United Nations to fulfill this commitment and to report on its efforts to promote and protect women's human rights at the Fourth World Conference on Women (Beijing, September 1995).

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Please copy and return forms to: Center for Women's Global Leadership, 27 Clifton Avenue, Douglass College, New Brunswick, NJ 08903 USA. Fax: 1.908.932.1180 Or International Women's Tribune Centre, 777 UN Plaza, New York, NY 10017, USA. Fax: 1.212.661.2704. Write for more information or to receive a full list of sponsors.
Partial List of International and Regional Sponsoring Groups:

Center for Women’s Global Leadership; IWTC; World YWCA; Abolitionist Fed.; Amnesty International; Bahai’i International; DAWN (Development Alternatives with Women for a New Era); FIRE; Institute for Women, Law and Development; ISIS-International (Manila); ISIS-International (Santiago); ISIS-WICCE (Geneva); International Alliance of Women; International Assoc. of Women in Radio and Television; International Center for Law and Development; International Centre for Human Rights and Democratic Development; International Council of Jewish Women; International Council of Women; International Fed. of Business and Professional Women; International Fed. of University Women; International Women’s Rights Action Watch; International Inner Wheel Clubs; International Peace and Research Assoc.; International Union of Students; International Women’s Health Coalition; International Women’s Human Rights Law Clinic; MATCH International Centre; Organizing Committee for Decade on Human Rights Education; WIDF; Women’s International League for Peace and Freedom; Third World Movement Against the Exploitation of Women; Women for Racial and Economic Equality; Women’s Global Network for Reproductive Rights; Women’s International Democratic Fed.; Women Living Under Muslim Laws; World Confederation of Organizations of the Teaching Profession; World Federalist Assoc.; World Fed. of Methodist Women; World Union of Catholic Women’s Organization; Women’s Environment and Development Organization (WEDO); Women’s Exchange Program International; World University Service; Zonta International.

Regional Groups: African Centre for Democracy and Human Rights; African Participatory Research Network; Arab Women’s Solidarity Assoc.; Asociación Latinoamericana para los Derechos Humanos; Asian Women Human Rights Council; Assoc. of African Women for Research and Development; Asia Pacific Forum on Women, Law and Development; Beirut University College; Caribbean Assoc. for Feminist Research and Action (CAFRA); Comité Latinoamericano para la Defensa de los Derechos de la Mujer (CLADEM); European Union of Women; Asociación Interamericana de Servicios Legales (ILSA); Mujer/Fempress; Pacific Women’s Resource Bureau; PPSEAW; Soroptimist International; Women in Development Europe (WIDE); Women in Law and Development Africa (WiLDAF); Women in Law in Southern Africa Research Project; Worldview International Foundation (and over 1500 local or national organizations which have gathered over one million signatures in 148 countries).
APPENDIX C
The Petition Campaign for Women's Human Rights: 1991-96

During the first 16 Days of Activism Against Gender Violence (November 25-December 10, 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 was originally sponsored by the Center for Women's Global Leadership and the International Women's Tribune Centre, and was distributed in English, Spanish, and French through dozens of women's networks. By the time of the World Conference on Human Rights in Vienna in June 1993, the petition had over 1,000 organizational sponsors and it had been translated into 23 languages and circulated in 124 countries. Women utilized the petition as a tool to advance their causes in local, national and international venues; in the process they gathered close to half a million signatures which were presented to a plenary session of the Vienna conference along with a report on the findings of the Global Tribunal on Violations of Women's Human Rights.

The petition symbolized the expansiveness and strength of a growing movement for women's human rights at the Vienna conference and undoubtedly contributed to women's success in securing many commitments in the Vienna Declaration and Programme of Action. Among the gains women achieved, the Vienna Declaration recognized violence against women by public and private actors as a violation of women's human rights — the first such recognition by the United Nations; urged the UN Commission on Human Rights to appoint a Special Rapporteur on Violence Against Women (appointed in 1994); resolved to integrate women's rights into all of the UN human rights mechanisms, instruments and activities; supported UN adoption of the Declaration on the Elimination of Violence Against Women (adopted by the General Assembly in December of 1993); and called for an optional protocol to the Women's Convention (CEDAW) to strengthen its implementation.
At the close of the World Conference on Human Rights, women's groups issued a call for the United Nations to report at the Fourth World Conference on Women in Beijing in 1995 on the steps it has taken to ensure that existing commitments to women's human rights are fully realized — particularly those contained in the *Vienna Declaration*. Over the next two years the extraordinary momentum of the petition drive continued to build with hundreds of new sponsors joining the campaign, distributing the petition throughout their networks, and gathering signed petitions. Where the first phase of the petition drive had been fueled largely by women's groups, this second phase drew a broader base of support including such key mainstream human rights organizations as Amnesty International as well as corporate sponsors like the Body Shop. By the time of the Beijing Conference in September 1995, the petition had gained an additional 500 sponsoring organizations around the world. It had circulated in 148 countries from Albania, Brazil and Denmark to Gambia, Hong Kong, and the United States and it had been translated into 26 languages including Arabic, Icelandic and Serbo-Croatian in addition to English, French and Spanish. Another 900,000 signatures were gathered bringing the total number, including those presented in Vienna, to well over one million signatures.

To celebrate the culmination of this campaign and to deliver the petitioners' demands to the Fourth World Conference on Women, a number of events and actions were organized both at the non-governmental forum in Huairou and at the official governmental meeting in Beijing. On September 4, 1995, the Center for Women’s Global Leadership, together with several petition sponsors, convened a speakout to present the *Petition to the UN to Promote and Protect Women's Human Rights* to the NGO community and media at the NGO Forum. Hundreds listened as women from many of the sponsoring groups described the significance of the petition campaign for their work and recounted strategies they developed and obstacles they faced while using the petition in their local organizing. Speakers included representatives from the International Women’s Tribune Centre, the World YWCA, Amnesty International, the Body Shop, Naripokkho (Bangladesh) and Foundation Stop Violence Against Women (Surinam). Hundreds of women in the audience added their signatures to the stacks and stacks of petitions lining the stage to be presented later that week in Beijing. Recommendations and demands for advancing women’s human rights were also presented from
the Global Tribunal on Accountability for Women’s Human Rights (held September 1st in Huairou) and the World Public Hearing on Crimes Against Women coordinated by Asian Women’s Human Rights Council (held September 2nd).

To mark September 8, 1995 — designated Human Rights Day at the Fourth World Conference on Women — a delegation of petition sponsors led a procession in the rain at the site of the governmental conference and symbolically delivered dozens of boxes full of petition signatures to José Ayala Lasso, the UN High Commissioner for Human Rights. Mr. Lasso was speaking at a meeting of key UN human rights specialists including special rapporteurs, working group members, and representatives of the treaty bodies brought together to examine the advancement of women’s human rights within the human rights machinery. The petition delivery was co-sponsored by Amnesty International, Asian Women’s Human Rights Council (AWHRC), Body Shop International, the Center for Women’s Global Leadership, ISIS International (Chile), International Women’s Tribune Centre (IWTC), and Women in Law and Development in Africa (WILDAF). The petitions were delivered by Charlotte Bunch, director of the Center for Women’s Global Leadership with Pierre Sane, Secretary General of Amnesty International, Margot Frannsen, Director of Canada Body Shop, and Ed Broadbent, Director of the International Centre for Human Rights and Democratic Development.

At a press briefing sponsored by the United Nations Development Fund for Women (UNIFEM) following the petition delivery, the petitioners’ demands and the UN response to them were announced to the public. UNIFEM director, Noeleen Heyser, addressed the importance of the petition as an expression of the grassroots demand for greater responsiveness to women’s human rights by the United Nations. Charlotte Bunch, Pierre Sané, and Florence Butegwa — Coordinator of the Women in Law and Development in Africa — presented the history and objectives of the petition sponsors. The High Commissioner for Human Rights, José Ayala Lasso, responded to the demands of the petition and promised to address the issues raised, although he emphasized the serious constraints on resources that he faced. Radhika Coomaraswamy, the UN Special Rapporteur on Violence Against Women, highlighted the enormity of the problem of violations of women’s human rights and urged the provision of more resources in order to address the abuses more effectively.
The petition events received considerable media attention in Beijing, and the Campaign's success can be utilized in the ongoing work of monitoring the implementation of women's human rights at all levels and in formulating our demands. The volume of signed petitions was too huge for us to take all of them to Beijing. Therefore, the final boxes of petitions were forwarded by the UN High Commissioner for Human Rights in Geneva in celebration of International Women's Day (March 1996) and on the opening of the 1996 session of the UN Commission on Human Rights to serve as a reminder that women are watching the UN's progress in implementing its commitments to women.

During the four years of the petition drive, the Center made contact with thousands of organizations concerned with women's human rights. This petition network has been an important multiplier in building international linkages toward the advancement of women's human rights. Periodically, we revised the back of the petition to include current information about UN activities and meetings where critical human rights policy decisions would be made, and which therefore provided opportunities for women to influence human rights agendas. This updated information was circulated to hundreds of petition sponsors who in turn distributed them in their own networks. Even though the petition drive has ended, its sponsors can continue functioning as a loose network around the implementation of women's human rights. We can disseminate and share information, as well as coordinate the mobilization of support around specific calls for action in relation to particular events or cases of human rights abuses affecting women.

Toward this end, the Center will continue to provide information to the petition network highlighting upcoming activities and meetings where action toward the implementation of women's human rights is needed. This will include information on key UN human rights activities, such as commission and treaty body meetings, as well as on proposed country visits by special rapporteurs. The Center's U.N. implementation updates will also focus on what can be done locally to affect these processes. The petition has served to bring this movement together and give us wide visibility as well as grass roots depth. We will seek to maintain this linkage between local mobilization and global policy-making, and welcome your insights and initiatives on how to keep the international momentum on women's human rights alive.
APPENDIX D

Global Tribunal on Accountability for Women’s Human Rights IV World Conference on Women, Beijing, September 1995

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Niamh Reilly worked with the Center for Women's Global Leadership for six years as Senior Program Associate. She coordinated the Beijing and Vienna tribunals and was co-author with Charlotte Bunch of *Demanding Accountability: The Global Campaign and Vienna Tribunal for Women's Human Rights* (UNIFEM, 1994). Reilly holds postgraduate degrees in Economics and Political Science and is currently Research Associate with the Women's Education, Research and Resource Centre at University College Dublin where she is writing on state accountability for women's human rights in Ireland. She has recently been awarded a grant to explore the development of women's human rights activities in the context of Europe.

The Center for Women's Global Leadership at Douglass College seeks to develop an understanding of the ways in which gender affects the exercise of power and the conduct of public policy internationally. The Center's goals are to build international linkages among women in local leadership that enhance their effectiveness, expand their global consciousness and develop coordinated strategies for action; to promote visibility of women and feminist perspectives in public deliberation and policy-making globally; and to increase participation of women in national and international governing bodies and processes.

The Center's activities are based on seeing women's leadership and transformative visions as crucial in every policy area from democratization and human rights to global security and economic restructuring. Further, such global issues are interconnected and have both local and international dimensions. The creation of effective policy alternatives demands the full inclusion of gender perspectives and women in all decision-making processes and requires an understanding of how gender relates to race, class, ethnicity, sexual orientation and culture.
We have heard here the testimonies of women who are warriors and survivors, who are breaking through the walls of their prisons.

_Jacqueline Pitanguy,_
Executive Director
CEPIA, Brazil

Many of the women who spoke have come from countries whose governments have signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as well as other human rights covenants and protocols. These are not just policy commitments for when the time is politically convenient; they are legal obligations.

_Sharon Hom_
Professor of Law
CUNY, United States

What we want from governments is not simply that they give their assent to the need to protect and promote women's human rights in yet another piece of paper. The Beijing Conference must be a genuine catalyst for action and for the swift delivery of real protection.

_Pierre Sané_
Secretary General,
Amnesty International
Senegal/United Kingdom

_Niamh Reilly_ worked with the Center for Women's Global Leadership for six years as Senior Program Associate. She coordinated the Beijing and Vienna tribunals, and was co-author with Charlotte Bunch of _Demanding Accountability: The Global Campaign and Vienna Tribunal for Women's Human Rights._ (UNIFEM, 1994).