

# **“Human Rights, An Endangered Concept: The United Nations and the Advancement of Human Rights”**

## **Women’s Human Rights Workshop**

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### **BRIEF OVERVIEW OF THE MODERN FEMINIST MOVEMENT**

International human rights law is now facing the challenge of being relevant and credible in improving the circumstances in which the majority of the world’s women live their lives. The difficulties of many women’s lives expose the shortcomings that have beset international law, both in its origins and in its more modern developments.

Perhaps the first significant step toward recognition of the rights of women was achieved in 1979 when the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This was opened to ratification by all states and currently is adhered to by 189 nations. However, in order for the Convention to have been an effective instrument in solidifying women’s rights, it would have to be adopted into domestic law in all party countries. This has yet to come to fruition as widespread discrimination towards women persists.

#### **Ensuing Women’s Rights Abuses in Today’s World**

Regardless of geographic and demographic particularities, abuses concerning women’s rights continue, and prove to be severe in nations throughout the world. One of the focuses of the UN Commission on the Status of Women, various non-governmental organizations, and state governments is the notable intersection of many forms of discrimination against women. In many cases, women experience violation of their rights as compounds of racism, sexism, ethnic origin, and religious orientation. This proves to be a difficult phenomenon to remove.

For example, soldiers and noncombatants subjected women to sexual violence in armed conflict not just because they were women but also because they were women of a particular race, nationality, ethnicity, or religion. Indeed, armed factions often portrayed acts of sexual violence against women in conflict zones as attacks on the entire community, a community typically identified by a shared race, religion or ethnicity. Likewise, women were vulnerable to trafficking into forced labor, not just because they were poor and uneducated, but also because in many countries their poverty and illiteracy was a function of discrimination against women of a particular race, ethnicity, or religion. But the impact of this convergence of racism and sexism did not end with women experiencing trafficking-related human rights violations; it also affected how government officials, such as police and prosecutors, in both sending and receiving countries perceived them. Governments treated trafficked women as illegal immigrants at best, criminals at worst. As a result, governments denied many trafficked women any meaningful access to justice or financial redress.

#### **Violations of Labor and Other Rights**

Women experience widespread violations of labor rights because of their race and gender. In some cases, states created such varied categories of workers that some women were unable to prove discrimination compared to women of different races. They were also unable to prove discrimination compared to men of the same race. For example, in the U.S. manufacturing sector, white women may be employed in the front offices as secretaries and receptionists while black men may be employed in the factory, making it impossible for black women to prove discrimination because the employer hires women and hires blacks.

But states did not just violate women's rights in the public sphere; they also persisted in enforcing laws and condoning practices that discriminated against women in the private sphere. Governments defended these discriminatory laws and practices as essential to maintaining the integrity of religion and culture. Numerous governments, as in Morocco and Peru, continued to uphold laws that gave women inferior legal status within the family and that violated women's rights to change or retain their nationality. Some countries, such as Syria and Malaysia, violated women's right to enter into marriage with their free and full consent as well as their right to dissolve a marriage on an equal basis with men. The motivation behind these discriminatory laws appeared to be to keep women from marrying men of a different nationality, ethnicity, or religion.

Discrimination also persists in the governing of women's personal status--their legal capacity and role in the family--continued to deny women rights. While the type of discrimination varied from region to region, women throughout the world found that their relationship to a male relative or husband determined their rights.

Governments continued to fail to protect women's labor rights through enacting and enforcing laws outlawing discrimination. In many countries, women faced severe discrimination in employment practices and violence in the workplace, including sexual harassment, with little or no protection. Afghanistan, Guatemala, and South Africa, among many countries, provided examples involving work and working conditions for women in factories, homes, and on farms.

*"At the same time that women produce 75 to 90 percent of food crops in the world, they are responsible for the running of households. According to the United Nations, in no country in the world do men come anywhere close to women in the amount of time spent in housework. Furthermore, despite the efforts of feminist movements, women in the core [wealthiest, Western countries] still suffer disproportionately, leading to what sociologist refers to as the "feminization of poverty," where two out of every three poor adults are women. The informal slogan of the Decade of Women became "Women do two-thirds of the world's work, receive 10 percent of the world's income and own 1 percent of the means of production."*

— Richard H. Robbins, *Global Problems and the Culture of Capitalism*

Corrupt officials, complicit state authorities, xenophobia, and a profound lack of political will coalesced to guarantee impunity for traffickers and to exacerbate the suffering of their victims worldwide. Traffickers moved their human victims around the globe, held them in debt bondage, seized their passports, and threatened them or their families with harm if they resisted. Ever-tightening border controls and the lack of legal opportunities to migrate often forced women to turn to traffickers, increasing their vulnerability to abuse. Sold as chattel and forced to work for little or no pay, trafficked persons feared local law enforcement authorities, perceiving, in many cases correctly, that an appeal to police would end in prosecution and deportation, rather than protection. Trafficking victims from ethnic minority communities faced an even more daunting situation, including at its worst xenophobic violence, racism, and, in the case of trafficked hill tribe women and girls in Thailand, statelessness. States continued to fail to combat trafficking. The token prosecutions of traffickers merely proved the rule.

### **Recent Human Rights Abuses in the United States**

Domestically, in the United States, many women's rights abuses still persist. During the presidency of George W. Bush, the U.S. program on women's human rights remained ill-defined, notwithstanding high level public condemnation of the Taliban for their abuse of women's rights in Afghanistan. The issue of women's rights did not feature visibly in any of Secretary of State Colin L. Powell's foreign visits but, to its credit, the Bush administration retained the position of senior coordinator for international women's issues, an office that in the past had played a critical role in the coordination and spearheading of women's human rights issues at the State Department. At this writing, although no appointment had been announced to head the office, U.S. women's rights activists remained hopeful that the office would be headed by an individual with broad, demonstrable expertise in the women's human rights movement.

President Bush initiated his term with an assault on freedom of expression in the context of global women's health. One of his first acts as president was to reinstate a U.S. government policy, known variously as the "Mexico City Policy" and the "global gag rule," which required international women's health advocates to sacrifice their right to free expression in exchange for U.S. funding. The restriction, first adopted by

President Reagan in 1984, prohibited international family planning NGOs from receiving U.S. funds if, with their own separate funds, they engaged in legal abortion-related activities. The Bush administration's argument that U.S. taxpayers' money should not be used to pay for abortion was disingenuous, given that since 1973, U.S. law had banned the use of U.S. funds for abortions in foreign countries.

### **Women's Rights in North Carolina**

Women's rights abuses in North Carolina is also a pronounced topic as violations of law persist. Domestic violence homicide in North Carolina increased by six percent in 2006, followed by an increase in instances of abuse. There were well over 100,000 calls the past year, reporting cases of domestic violence, from over 44,000 women. This exposes the gravity of the domestic violence problem in the state and underlines issues of economic disparity and other inequalities that are not well reported by state organizations and independent overseers.

## **THE UNITED NATIONS AND WOMEN'S RIGHTS**

### **Commission on the Status of Women**

A monumental and practical step toward eradicating discrimination against women was the creation of the United Nations Commission on the Status of Women (CSW). The Commission was given full status through the UN Economic and Social Council as an apparatus of the United Nations in May 1946. Of the 160 signatories of the UN Charter in 1945, only four were women. Nevertheless, the conception of the Commission was largely directed by these female signatories, and inscribed in the preamble of the UN Charter, was a reaffirmation of the rights of women:

*"Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom."*

Subsequently, the Division of the Advancement of Women was created to provide secretariat duties to the fully-empowered commission. The Commission first met in February 1947, to establish their basic tenets and provide direction for the delegates. They stated in their goals:

*"to raise the status of women, irrespective of nationality, race, language or religion, to equality with men in all fields of human enterprise, and eliminate discrimination against women in the provision of statutory law, in legal maxims or rules, or in interpretation of customary law."*

Since then, the Commission on the Status of Women has conducted fifty-one sessions (the latest on the Elimination of All Kinds of Violence on the Girl Child), and has been integral in drafting resolutions for the Universal Declaration of Human Rights, laws against discrimination in political rights, marriage, employment, and other issues.

The Division for the Advancement of Women, under the mandate of CEDAW, has also held several major world conferences on women's issues, starting in 1975 in Mexico City, in what was declared to be International Women's Year. Issues ranged from all forms of equality to facilitative social and political development. In the succeeding United Nations Decade for Women (1976-1985), progress was made on the issues identified in Mexico City, and reviewed and revamped at similar conferences in Copenhagen (1980) and Nairobi (1985). In 1995, with the Fourth World Conference on Women, held in Beijing, a "Platform of Action" was adopted where the critical assessments of delegates were taken into account to create a comprehensive agenda for women's empowerment. Included in the Platform were statutes to improve women's right to inheritance, solidify the status of maternity in the family structure, ensure women's right to freedom of religion, and define rape as a war crime. The CSW continued to appraise the work performed after the conference and outlined twelve areas of critical concern:

Twelve Areas of Critical Concern as Outlined by the CSW Declarations

- *Women and poverty (1996)*
- *Women and Media (1996)*

- *Education and training of women (1997)*
- *Women and the economy (1997)*
- *Women in power and decision-making (1997)*
- *Women and the environment (1997)*
- *Violence against women (1998)*
- *Women and armed conflict (1998)*
- *Human rights of women (1998)*
- *The girl child (1998)*
- *Women and health (1999)*
- *Institutional mechanisms for the advancement of women (1999)*

A review of the progress made after the Beijing conference was conducted in 2000 at the Beijing +5 session, a special session of the UN General Assembly. Though goals of equality were still tenuously attained at best, there were some advancements especially in the reduction of violence against women and opening the avenues for women to seek redress after abuses. One of the major problems was also subsequently addressed by the passing of UN Security Council Resolution 1325, which sought to protect women in conflict regions and ensure their role in the peacemaking process:

Resolution 1325 calls for:

- *Prosecuting crimes against women (often such crimes are committed with impunity);*
- *Extra protection of girls and women in war zones as they are more often deliberately victimized;*
- *Appointing more women for peacekeeping operations; and*
- *Involving more women in negotiations, peace talks and post-war reconstruction planning.*

Another review and appraisal of the Platform of Action was recently performed with the Beijing +10 session, held in conjunction with CSW's forty-ninth session, with important additions made. Of the new strategies, *gender mainstreaming* was added to the Beijing Declaration and Platform of Action, and promoted in Resolution 49/4 of that session. Gender mainstreaming seeks to include female perspectives in all national policy-making procedures. This involves women's participation in key macroeconomic and social development policies and calls for improved research on the repercussions of gender in all decisions of State. Studies are also mandated to form new methodologies on how to restrict gender discrimination at the most foundational levels of governance, and increase women's role in the judiciary and the public sector. The new strategy also seeks to augment awareness of gender issues through large-scale information campaigns and is now a key instrument in attaining gender equality in party nations.

Despite the exhaustive work of the CSW and notable achievements through the Beijing Platform of Action, UNSC Resolution 1325, and recent Millennium Development Goals set for gender equality, action needs to be taken to convert rhetoric into results. Gender mainstreaming, which has been touted since the Fourth World Conference on Women, has seen scant implementation often because the top leaderships of nations have not fully supported the agenda. There is often a rote style of reformation which includes the creation of a few women's agencies and staff that address women's issues, but does not reach the foundational necessity of a lack of gender consideration and unconditional equality.

Often racked by under-funding or misappropriated resources, many organizations believe the campaign of gender mainstreaming needs to be addressed through a new UN Gender Equality Architecture. This calls for a framework that includes the creation of a gender-specific lead entity that holds full autonomy and directs operations of gender mainstreaming. Since the normative and operational realms of a movement are often distinct, the lead entity will serve as an umbrella organization to help information-sharing and hopefully provide a field presence to oversee progress. Developing partnerships with NGO's and other women's rights networks, a new Gender Equality Architecture will likely expedite the changes necessary for gender mainstreaming to evolve into full gender equality. For this to happen, system-wide integration of a new Gender Equality Architecture needs to be accepted by the UN, so that the gender mainstreaming movement has full backing and consideration in every agency and decision operating in the United Nations. It may be the case that the United Nations is the only global organization holding enough legitimacy to secure women's rights. In this sense, funding needs to be increased from the paltry \$65 million currently appropriated to the women's agencies in the UN to publicize gender mainstreaming. It is also integral to have in-country programs to promote gender equality, and become part of a local network of reform advocates to usher in change. More than ever, individuals need to be aware of where their governments stand on issues of gender equality and contact their federal foreign affairs apparatus to demand changes.