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INTRODUCTORY REMARKS WOMEN'S RIGHTS AS INTERNATIONAL HUMAN RIGHTS

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Recently, I read an article in *The New York Times* concerning Sudest Island, a fifty-mile long by eight- to fifteen-mile-wide island also known as Vanatinai—meaning “Motherland.”¹ Vanatinai is located in the Coral Sea south of Papua, New Guinea.² What makes this story particularly exciting and strikingly different from a fantasy is that the story is neither fictitious nor imaginary. The article reported that the people of Vanatinai have a matrilineal society that is essentially gender-egalitarian.³ On Vanatinai, there are neither ideologies nor practices of male superiority and female inferiority.

Dr. Maria Lepowsky, an anthropologist and associate professor of anthropology at the University of Wisconsin at Madison, lived among the people of Vanatinai and undertook a holistic ethnographic study of their gender roles and culture.⁴ She described her experiences and findings in

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¹ John Noble Wilford, *Sexes Equal on South Sea Isle*, N.Y. TIMES, Mar. 29, 1994, at C1 (reporting first detailed anthropological study of gender-egalitarian culture). Vanatinai has a population of 2,300. *Id.*

² *Id.*

³ See generally Kay Bartlett, *S. Pacific Island Harbors Egalitarian Society*, *Anthropologist Says*, L.A. TIMES, Oct. 16, 1994, at A9 (discussing studies of anthropologist Dr. Maria Lepowsky); Heather M. Little, *Paradise Island; Scholar Finds a Spot in the World Where Men and Women Are Equal*, CHI. TRIB., Oct. 23, 1994, at WomanNews 3 (same); Nicole Miller, *A U.W. Prof's Search for an Egalitarian Society*, CAP. TIMES, Apr. 29, 1994, at 7A (same).

⁴ Little, *supra* note 3.

*Fruit of the Motherland: Gender in an Egalitarian Society.*⁵ Dr. Lepowsky stated, “[Vanatinai] is not a place where women and men live in perfect harmony and where the privileges and burdens of both sexes are *exactly* equal, but it comes close.”⁶

In contrast to other Melanesian cultures, and to most cultures worldwide, the Vanatinai economic, social, and political systems reflect the culture's unique gender-egalitarianist society.⁷ These manifestations are founded upon societal values and rules that “stress respect for the will and personal autonomy of each adult.”⁸ Such values ensure equal respect of females and males for their virtues of wisdom, generosity, and strength.⁹ The societal rules result in the absence of a hierarchy by gender.

The examples of equality between females and males on Vanatinai are plentiful. Women and men have equal opportunity to attain positions of authority and influence over others.¹⁰ Both genders are equally empowered to participate in community decisions, important activities, and essential rituals.¹¹ Females and males share almost equally in child care; both girls and boys care for younger siblings.¹² Females and males have similar means to achieve wealth and to derive their subsistence.¹³ Women own and inherit land and certain valuables equally with men.¹⁴ Moreover, the Vanatinai language embodies the culture's emphasis on gender egalitarianism as it is gender-neutral and contains no gender-identifying pronouns such as “he” or “she.”

The most exciting aspect of Dr. Lepowsky's work is its confirmation that even though lethal gender inequalities do persist worldwide in most

⁵ MARIA LEPOWSKY, *FRUIT OF THE MOTHERLAND: GENDER IN AN EGALITARIAN SOCIETY* (1993).

⁶ *Id.* at viii (emphasis added). Some Vanatinai, for example, hold more rights to land, food sources and reef areas than other members of the society. *Id.* at 39.

⁷ LEPOWSKY, *supra* note 5, at viii-ix. For example, Vanatinai society lacks men's houses, male cult activities and any gender-based initiation rites. *Id.* at 38-39. These aspects of island life often represent a concentration of power into the hands of males and a social subordination of females. *Id.*

⁸ *Id.* at viii.

⁹ *Id.* at ix.

¹⁰ LEPOWSKY, *supra* note 5, at 281.

¹¹ *Id.* at 281-82, 289-94. According to Lepowsky, “at each stage in the life cycle all persons, female and male, have equivalent autonomy and control over their own actions, opportunity to achieve both publicly and privately acknowledged influence and power over the actions of others, and access to valued goods, wealth, and prestige.” *Id.* at 281; *see also id.* at 289-94 (discussing gender division of labor and history behind equality in Vanatinai).

¹² LEPOWSKY, *supra* note 5, at 92-93. This is evidence of a gender-egalitarian society since child care in most cultures is typically a female specialization. *Id.*

¹³ *See id.* at 214-19 (discussing ability to seek wealth on Vanatinai).

¹⁴ *Id.* at 46-47, 295.

structural, political, social, cultural, and religious systems, female subordination by males is not inevitable. The disenfranchisement of women from the many forms of personal autonomy, power, authority, and wealth does not have to be a hallmark of all societies.

A decade ago, the United Nations summarized the burden of gender inequality, stating that women composed one-half of the world's population and performed two-thirds of the world's work, but earned only one-tenth of the world's income and owned only one-hundredth of the world's property.¹⁵ Yet this statement paints only a partial picture; gender inequalities go far beyond this summary. As reported in the U.S. Department of State's *Country Report on Human Rights Practices of 1993*,¹⁶ women continue to suffer physical and mental abuses and indignities, discrimination, and other infringements upon their basic human rights. The *Country Report* describes the problem of discrimination and violence against women as rampant and worldwide.¹⁷ In China, women can be subjected to forced sterilization and abortions. Females in many African countries and in parts of the Middle East suffer ritual genital mutilation. Burmese and Thai girls are forced into prostitution. Islamic feminists receive death threats. In Pakistan, women in police custody suffer sexual or physical violence. In Bangladesh and India dowry deaths are not uncommon. Unveiled women in Algiers have been murdered by Muslim fundamentalist men, and Muslim women in war-ravished Bosnia have suffered rape by Bosnian Serb men. Here in the United States, women continue to battle rapists as well as physically abusive husbands and boyfriends.

The *Country Report* also recognizes that discrimination against women is not limited to physical injustices. It provides:

In addition to physical abuse, the political, civil and legal rights of women are often denied. In 1993 women throughout the world were subjected

¹⁵ *United Nations Decade for Women 1976-1985; 'Really Only a Beginning . . .'*, U.N. CHRON., July 1985, at i. The goal of the Decade for Women Conference was to increase global awareness of this disparity and other burdens and inequalities facing women. *Id.* Equality, development, and peace served as the outlines for the conference's manifesto: "Nairobi Forward-Looking Strategies to Improve the Status of Women." *Id.*; see also Judy Foreman, *Women Worldwide: A Statistical Portrait*, BOSTON GLOBE, Mar. 22, 1981, at Living Section.

¹⁶ U.S. DEP'T OF STATE, 103d CONG., 2d SESS., COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1993 (Comm. Print 1994) [hereinafter "COUNTRY REPORT"]. The report was prepared for the use of the House Committee on Foreign Affairs and the Senate Foreign Relations Committee. *Id.* at xi. The information was gathered by State Department employees, primarily those in embassies around the world. The intended purpose of the report was the provision of information to members of Congress, thus enabling informed choices on foreign assistance. *Id.*

¹⁷ *Id.* at xvi.

to onerous and discriminatory restrictions of such fundamental freedoms as voting, marriage, travel, testifying in court, inheriting and owning property, and obtaining custody of children. All too often, women and girls find that their access to education, employment, health care, and even food is limited because of their gender.¹⁸

Some of these injustices result from ideological and philosophical stances, while others are imposed purely by human aggressions. None should be tolerated by individuals or by governments; but, unfortunately, some are currently sanctioned. All of these injustices require redress.

Over the last decade, a number of societies have made progress toward achieving the goal of gender equality. In the United States, for example, the feminist movement has been effective in reducing discrimination against women in America's laws as well as in such governmental and private institutions as its schools and workplaces.¹⁹ In 1994, the United States Supreme Court concluded that the Equal Protection Clause of the U.S. Constitution prohibits gender discrimination in jury selection.²⁰ In Ireland, where the courts have concluded that termination of a pregnancy is permitted under the Offense Against the Person Act of 1861 only to preserve the life or health of the mother,²¹ a 1992 referendum established the right of women to obtain abortion information and to travel abroad for abortions.²² South African statutes have been reformed to permit women married under civil law to own property and to enter into contracts without

¹⁸ COUNTRY REPORT, *supra* note 16, at xvi-xvii. The report covers 193 countries. *Id.* at xi.

¹⁹ See, e.g., Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 (1988) (prohibiting employment discrimination on basis of gender); Equal Education Opportunities Act of 1974, 20 U.S.C. § 1701(a)(1) (1988) (entitling children enrolled in public schools to equal educational opportunities regardless of gender).

²⁰ *J.E.B. v. T.B.*, 114 S. Ct. 1419 (1994). In *J.E.B.*, a putative father appealed a jury verdict finding him to be the father of a child. *Id.* at 1419. He challenged the state's use of peremptory challenges to exclude men from the jury. *Id.* at 1422. The Court held that "[i]ntentional discrimination on the basis of gender by state actors violates the Equal Protection Clause, particularly where . . . the discrimination serves to ratify and perpetuate invidious, archaic and overbroad stereotypes about the relative abilities of men and women." *Id.* at 1422.

²¹ Attorney General v. X, 1 I.R. 1 (Ir. S.C.) (1992); see also *THE ATTORNEY GENERAL V. X AND OTHERS* (Sunniva McDonagh ed., 1992) (containing full arguments of plaintiffs and defendants, and summarizing Supreme Court holdings and important statements by judges).

²² William Tuohy, *Irish Reject a Move to Allow Abortions*, L.A. TIMES, Nov. 28, 1992, at A5. Voters approved amendments to the Irish Constitution which allowed for the distribution of abortion information and gave Irish women the right to travel abroad for abortions. *Id.*; see also Fred Barbash, *Abortion Information Law is Latest in 'New Ireland'*, WASH. POST, May 20, 1995, at A16 (reporting passage of law allowing distribution of abortion information regarding travelling abroad for abortions).

their husbands' consents.²³ South African women have taken aggressive steps to eliminate tribal and civil law obstructions to women's voting.²⁴

By contrast, in some societies, including those that have recently developed economically or have created political democracies, certain aspects of women's human rights have regressed.²⁵ In some Eastern European countries, women cannot now obtain certain jobs or hold elected positions that were once available to them.²⁶ Abortion rights in such countries as Germany, Poland, Romania, and the United States are under attack.²⁷ In China, advances in obstetrical medical technology have been ruthlessly used to enforce the governmental population agenda.²⁸

In June 1993, the United Nations World Conference on Human Rights²⁹ reaffirmed the universality of all human rights and the legitimate role of the international community in protecting human rights worldwide. As part of the international community of women, we share the responsibility and obligation to attempt to improve human rights for all persons, and in particular, for women. This presents an enormous challenge which cannot be achieved merely with the rhetoric of gender equality. We must actively pursue, with natural cunning and intelligence, independent means of securing women's human rights. Today, our challenge is to voice potential solutions to the global human rights problems, enabling us then

²³ Jerelyn Eddings, *Fighting the Next Battle: Neglected in the Anti-Apartheid Struggle, Women Push for Equal Rights; South Africa*, U.S. NEWS & WORLD REP., Mar. 28, 1994, at 53. Black women are unlikely to benefit from such measures, as they are likely to be married under "customary law," a codification of tribal law, under which they are treated as minors without contractual and property rights. *Id.*

²⁴ *Id.*

²⁵ See, e.g., Frank Viviano, *Feminism's Iron Curtain. Women in Europe's Eastern Bloc Nations Can Ill Afford the Luxury of West*, SAN FRANCISCO CHRON., Dec. 4, 1994, at S1. Although several years have passed since the fall of the Berlin Wall, the gender gap between men and women, and East and West German women, has grown wider. *Id.*

²⁶ *Id.* Of the more than three million jobs lost between 1989 and 1992 in East Germany, 60 percent were held by women. *Id.* By mid-1994, an estimated 26 percent of all East German women did not yet have a job. *Id.*

²⁷ See Emily MacFarquhar, *Despite Many Gains, War Against Women Continues Worldwide. Females Remain Targets of Discrimination, Abuse Just About Everywhere*, ROCKY MT. NEWS, Apr. 24, 1994, at 6A (indicating that women are victims of political progress as "new democratically elected assemblies of Eastern Europe have far fewer female members than their predecessors did, and abortion rights are under fire in Germany, Poland and Romania").

²⁸ See, e.g., NICHOLAS KRISTOF & SHERYL WUDUNN, CHINA WAKES 229-40 (1995).

²⁹ Vienna Declaration and Programme of Action, 1993 World Conference on Human Rights, U.N. Doc. A/CONF.157/24 (Oct. 13, 1993), reprinted in 32 I.L.M. 1661 (1993); see Julie Mertus & Pamela Goldberg, *A Perspective on Women and International Human Rights After the Vienna Declaration: The Inside/Outside Construct*, 26 N.Y.U. J. INT'L L. & POL. 201 (1994) (reviewing decision to focus on acts of violence against women as principle human rights concern).

to implement those solutions to benefit women everywhere.