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# THE GLOBAL CAMPAIGN FOR WOMEN'S HUMAN RIGHTS: WHERE NEXT AFTER VIENNA?

CHARLOTTE BUNCH\*

International conferences commonly adopt the title of their host cities. Thus, Beijing now refers to the United Nations Fourth World Conference on Women in 1995; and Cairo no longer only signifies a city in Egypt, but also symbolizes the 1994 International Conference on Population and Development. Vienna, in this case, refers to the 1993 United Nations World Conference on Human Rights.<sup>1</sup> In anticipation of this Conference, the Center for Women's Global Leadership<sup>2</sup> helped to form an international movement of women called the Global Campaign for Women's Human Rights ("Global Campaign") in an effort to bring gender-specific violations of women's human rights to the forefront of international human rights

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\* Charlotte Bunch is the Director of the Center for Women's Global Leadership at Douglass College, Rutgers University in New Jersey. This Article was originally a speech which Ms. Bunch delivered at a colloquium sponsored by St. John's University in April 1994. Footnotes have been added by St. John's Law Review in order to provide background information on the events and issues described therein.

<sup>1</sup> The World Conference on Human Rights was held by the United Nations in Vienna from June 14 through June 25, 1993, with representatives of 171 States in attendance. United Nations World Conference on Human Rights: Vienna Declaration and Programme of Action, June 25, 1993, 32 I.L.M. 1661, 1663 [hereinafter Vienna Declaration] (reproducing U.N. Doc. A/CONF.157/24 (Part I) (Oct. 13, 1993), at 20-46). The World Conference was the first international conference to be held on human rights in twenty-five years. See Anne Reifenberg, *Women Appear Primed For Success at Human Rights Meeting*, DALLAS MORNING NEWS, June 14, 1993, at 1A (describing groundwork for 1993 World Conference). For a review of the World Conference, preparatory process and final document, see Donna J. Sullivan, *Women's Human Rights and the 1993 World Conference on Human Rights*, 88 AM. J. INT'L L. 152 (1994).

<sup>2</sup> The Center for Women's Global Leadership is a research and advocacy organization based at Douglass College, Rutgers University in New Brunswick, New Jersey. The organization is dedicated to promoting awareness of women's human rights and to facilitating women's influence on the international community and global policy on human rights, violence, democracy, and development. For example, the center initiated an international "16 Days of Activism Against Gender Violence" campaign in November of 1991 which is held annually in many countries. The activities of the campaign include petitions, rallies, film festivals, lobbying, and media programs that promote awareness of violence against women as a human rights abuse. The Center also sponsors an annual global women's leadership institute which helps to train women from around the world to be more involved in international affairs.

discourse.<sup>3</sup> At the core of the campaign was the idea that women should organize locally to affect global issues and to understand better the relationship of local issues and actions to international policy. In the wake of the Vienna Conference, the grassroots women's movement was called upon to influence global human rights policy both at the national and international levels.

At the Vienna Conference, the Global Campaign made demands in two principal areas. A petition signed by more than half a million people around the world exemplified the critical nature of these demands.<sup>4</sup> First, the petition called for the integration of women throughout the agenda of the Vienna Conference. This meant that every human rights issue on the agenda was to include a consideration of its specific effects on women. A discussion about refugee policy or political prisoners, for example, would also examine the particular experiences of women in those situations. Second, the Global Campaign demanded that the Vienna Conference recognize gender-based violence against women as an international human rights abuse.<sup>5</sup> Despite the reality that this problem affects women in every country around the world, the issue had been left out of the human rights agenda. This omission demonstrates the degree to which women's human rights have gone unrecognized in the world,<sup>6</sup> and emphasizes the need to

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<sup>3</sup> See Linda Hossie, *Groups Pressure U.N. on Human Rights*, THE PLAIN DEALER (Cleveland), Nov. 26, 1992, at 76. The Global Campaign for Women's Human Rights is a coalition of approximately 900 women's organizations. The two year campaign prior to the World Conference aimed at ensuring that women would be heard and their concerns would be on the agenda at the United Nations Conference.

For a full report of the Global Campaign and Tribunal, see Charlotte Bunch & Niamh Reilly, *Demanding Accountability: The Global Campaign and Vienna Tribunal for Women's Human Rights*, N.Y.: UNIFEM (1994).

<sup>4</sup> This petition, signed by women and men in more than 124 countries, endeavored to pressure the United Nations to recognize women's rights as a major human rights issue requiring increased awareness and corrective action. The petition called for the inclusion of gender specific issues on the agenda of the Vienna Conference and for worldwide recognition of violence against women as a human rights issue. Bunch & Reilly, *supra* note 3, at 5.

<sup>5</sup> See Ellen Goodman, *Exposing Gender Violence*, BOSTON GLOBE, June 20, 1993, at 73 ("We demand gender violence to be recognized as a violation of human rights."); see also *Cleveland is Hailed for 'Going Beyond'*, THE PLAIN DEALER (Cleveland), June 8, 1993, at 1C ("In every country of the world, violence against women occurs daily. . . . Crimes of such magnitude against any other group would be recognized as a civil emergency, but such violence against women is rarely even seen as a human rights violation.") (quoting Charlotte Bunch).

<sup>6</sup> See Rhonda Copelon, *Recognizing the Egregious in the Everyday: Domestic Violence as Torture*, 25 COLUM. HUM. RTS. L. REV. 291, 292 (1994) ("[T]o speak of [gender-based violence] as a violation of women's human rights has been, until recently, treated as absurd or heretical. The egregiousness of gender-based violence has been matched only by its absence from human rights discourse."); see also Rebecca J. Cook, *State Responsibility for Violations of Women's Human Rights*, 7 HARV. HUM. RTS. J. 125, 130 (1994) ("[Women's] interests find little

expand the mainstream human rights movement to embrace issues pertaining specifically to women.

The final Conference document acknowledged and addressed most of the Global Campaign's demands.<sup>7</sup> The Vienna Declaration and Programme of Action formally recognized the specific human rights concerns of women.<sup>8</sup> It stressed both the need to address particular women's human rights issues, such as gender-based violence, and the integration of gender perspectives into other areas of human rights activity.<sup>9</sup> This was an important catalyst in the effort to make women's human rights visible.

A closer look at the Vienna Declaration, however, reveals that it is easier to achieve recognition of women's human rights in specific sections of the document than it is to integrate women and gender-conscious perspectives throughout the document and the entire process. This revelation poses one of our challenges for the future: we have successfully exposed women's issues as separate concerns, yet we are still struggling to

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specific recognition in the doctrines and institutions of the international legal order and international relations.") (citation omitted). For example, until recently women's human rights were unacknowledged by international refugee agencies. *Id.* at 130. Today's international refugee law consists of the Statute of the Office of the United Nations High Commissioner for Refugees, the Convention Relating to the Status of Refugees, and the Protocol Relating to the Status of Refugees. See Linda Cipriani, *Gender and Persecution: Protecting Women Under International Refugee Law*, 7 GEO. IMMIGR. L.J. 511, 511 (1993). In all of these treaties, a refugee is defined as "a person with a well-founded fear of persecution due to his or her race, religion, nationality, political opinion or membership in a social group." *Id.* at 511-12 (footnote omitted). A new definition of "refugee" has been proposed to include "women who face persecution because of their gender." *Id.* at 512. See generally Hilary Charlesworth et al., *Feminist Approaches to International Law*, 85 AM. J. INT'L L. 613, 623-24 (1991) ("Women are excluded from all major decision making by international institutions on global policies and guidelines. . . . [T]hey are still vastly under represented [sic] on UN human rights bodies.") (footnote omitted).

<sup>7</sup> See David B. Ottaway, *Women Having Their Way at Rights Conference*, WASH. POST, June 17, 1993, at A35.

<sup>8</sup> The Declaration included a distinct section entitled "The Equal Status and Human Rights of Women." Vienna Declaration, *supra* note 1, at 1678. Among specific women's issues addressed in the Declaration are the full participation of women in political, civil, economic, social, and cultural life; the eradication of all forms of sexual harassment and discrimination; the condemnation of systemic rape of women in war situations; the elimination of violence against women; the integration of women's human rights into United Nation's activities; and the eradication of traditional religious or cultural practices restricting women's human rights. *Id.* at 1678-80.

<sup>9</sup> The Declaration states that gender-based violence is "incompatible with the dignity and worth of the human person, and must be eliminated." Vienna Declaration, *supra* note 1, at 1668. It recommends legal measures, national action, and international cooperation in areas of economic and social development, education, health care, and social support. *Id.* at 1678-79. The Declaration further states that the human rights of women are "an inalienable, integral and indivisible part of universal human rights" and should be integrated into the mainstream of United Nations system-wide activity. *Id.* at 1667-68.

show how women and gender issues pervade all aspects of human rights.

The impact of the Vienna Declaration on women's human rights in the United States is noteworthy in several areas. First is the recognition that violence against women, in both the public and private context, must be regarded as a human rights issue.<sup>10</sup> This is critical because, prior to the Vienna Conference, violence against women was dismissed as a "private matter."<sup>11</sup> The public/private distinction serves to diminish the significance of women's issues. One method of abolishing the distinction is to show that what is often termed "private," in fact has public implications. The intended effect would be to render the distinction artificial. By putting violence against women on the public agenda, we also begin to understand the true nature of the public's responsibility for what happens in the so-called "private" sphere.

Implementation is the next stage. We have successfully persuaded the United Nations to appoint a Special Rapporteur on Violence Against Women, to begin the process of documenting and interpreting the meaning of violence against women and the ways in which international conventions

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<sup>10</sup> See Justice Elizabeth Evatt, *Ours by Right: Women's Rights as Human Rights*, 7 HARV. HUM. RTS. J. 295, 297-98 (1994) (book review) ("Even if states accept the universality of human rights, the international human rights system must come to grips with violations of women's rights. . . .") (emphasis added). Evatt points out that:

[I]t is not that mainstream human rights bodies ignore issues of discrimination and inequality. It is, rather, that in considering the scope of the right to life, the right to personal security, the right against torture, and other recognized rights, human rights bodies give little attention to gender-specific violations, especially those involving violence against women.

*Id.* at 297. Evatt also mentioned the Vienna Declaration contains a clause providing that "the human rights of women are an inalienable, integral, and indivisible part of universal human rights." *Id.* at 299; see also Katherine M. Culliton, *Finding a Mechanism to Enforce Women's Right to State Protection from Domestic Violence in the Americas*, 34 HARV. INT'L L.J. 507 (1993). Culliton notes that "the struggle for the recognition of women's rights has been relegated to the area of 'women's issues,' and viewed as less important than issues of violations of fundamental human rights that are seen as primarily effecting [sic] men." *Remarks of Assistant Secretary of State John Shattuck at the Women's National Democratic Club*, Federal News Service, Sept. 12, 1994, available in LEXIS, News Library, Script File (advocating integration of "women's rights issues into all aspects of our human rights policy"); *Convention on the Elimination of All Forms of Discrimination against Women: Hearing before the Comm. on Foreign Relations, United States Senate*, 103d Cong., 2d Sess. (1994) [hereinafter *Hearings*] (statement of Gay McDougal, Executive Director, Human Rights Law Group). McDougal noted that "[t]he 1993 World Conference on Human Rights in Vienna affirmed the need to address gender discrimination and violence against women as human rights violations." *Id.* (emphasis added).

<sup>11</sup> See Nancy Kelly, *Gender-Related Persecution: Assessing the Asylum Claims of Women*, 26 CORNELL INT'L L.J. 625, 628 n.10 (1993) ("Feminists have argued that the public/private distinction is one of the major obstacles to the achievement of women's rights."); Culliton, *supra* note 10, at 511 (noting that "[t]he public/private distinction in international human rights law is difficult to overcome").

and instruments can be used to address the issue.<sup>12</sup>

The next step is to learn how to document more substantially the ways in which this violence occurs. Improved documentation will help us to establish the connection between gender-based violence and traditional human rights concepts.

Furthermore, we need to promote the concept that individual states share the responsibility to confront women's human rights issues, particularly violence against women. This duty may be analogized to the treatment of slavery as a human rights issue. It is generally understood that the state bears responsibility for preventing slavery, even though the state does not actually practice it. The practice of slavery may properly be classified as a "private" activity whereby individual citizens deprive others of their freedom. The severity of the situation, however, forces governments to acknowledge their obligation to interfere with that "private" relationship and to declare slavery an unacceptable practice that violates human rights. Much of our discussion on violence against women bears a resemblance to the condition of slavery. Both practices may be deemed "private," yet individual citizens, as well as the state, have a measure of control over what occurs in the private sphere. This is not a novel idea, but simply a question of who decides what type of behavior is acceptable. Understanding this notion contributes to building the political will that denounces this kind of violence in our lives and in our communities, both at the local and state levels. To achieve a successful turnaround we have to reexamine the ways women's human rights have been categorized and dismissed as a "private" matter.

Another topic that deserves attention is the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW").<sup>13</sup> The Vienna Conference called for the ratification of CEDAW

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<sup>12</sup> The woman appointed to this position is Radhika Coomaraswamy from Sri Lanka, who will be based at the United Nations Center for Human Rights in Geneva. The appointment of a special rapporteur was one of the main demands of women's groups and organizations present at the Vienna Convention. Coomaraswamy's job is to "collect information on violence against women and its causes and consequences; to recommend ways to eliminate it; and to try to get other UN bureaucrats to take more notice of human-rights violations against women." *Women Get Forceful New Advocate*, THE GAZETTE (Montreal), May 4, 1994, at B2.

<sup>13</sup> G.A. Res. 34/180, U.N. Doc. A/34/46 (Dec. 19, 1979). CEDAW is a United Nations treaty which monitors women's human rights issues. Jaya Dayal, *Women-Human Rights: Constraints Choke Monitoring Body*, InterPress Serv., Oct. 18, 1994, available in LEXIS, News Library, Inpres File. The basic purpose of the treaty is to help nations "rid their societies of discrimination against women in education, employment, health care, and family planning." *Party Politics and Unequal Rights*, THE ATLANTA J. & CONST., Oct. 7, 1994, at A14 [hereinafter *Party Politics*]. The treaty entered into force in 1979. *Id.* As of October 1994, 136 nations have ratified

and encouraged countries that had already ratified CEDAW to commence with its full-scale implementation.<sup>14</sup> The United States should now ponder what it means to be one of the few countries in the world, and the only industrialized nation, that has not ratified CEDAW.<sup>15</sup> What does it mean for this country to say it is in favor of human rights, but then to fail to ratify the International Convention on the Elimination of all Forms of Racial Discrimination,<sup>16</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>17</sup> and CEDAW? This inactivity will considerably impede the advancement of domestic human rights.

We also need to look at the resources provided for the implementation of women's human rights, as compared to those offered to promote other human rights issues. Why has this been sidelined by human rights organizations, the United Nations, and our governments? The State Department of the United States, for example, generated a great deal of publicity in its 1994 Human Rights Report by covering specific abuses against women.<sup>18</sup> A close examination of actual foreign policy reveals

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this treaty. *Id.*

<sup>14</sup> CEDAW has been criticized for its lack of power to enforce the standards it seeks to impose. *See* Evatt, *supra* note 10, at 299 ("While the international human rights system has given rise to an ever-increasing number of standards, supervisory organs, reporting processes, complaint procedures, and special rapporteurs, it still lacks effective implementation and enforcement mechanisms."); Dayal, *supra* note 13, at \*1 (discussing lack of working time available to committee, inadequate funds, and lack of any significant institutional or financial backing).

The United Nations human rights system has also been criticized as "burdened by lack of coordination and resources, overlapping mandates, excessive use of reservations, and lengthy delays." Evatt, *supra* note 10, at 299. The Vienna Declaration has implicitly recognized that these problems exist and has called for review and reform of the system. *Id.*

<sup>15</sup> The United States has been sharply criticized for its failure to ratify CEDAW. *See, e.g.,* Laurel Fletcher et al., *Human Rights Violations Against Women*, 15 WHITTIER L. REV. 319, 336 (1994) ("United States ratification of the Convention can and should be made without reservations, declarations or understandings."); *Party Politics*, *supra* note 13, at A14 (during Reagan and Bush administrations, Congress failed to ratify treaty; under Clinton administration, State Foreign Relations Committee voted 13-4 to ratify CEDAW).

<sup>16</sup> International Convention on the Elimination of all Forms of Racial Discrimination, *opened for signature* Mar. 7, 1966, 660 U.N.T.S. 195 (entered into force on Mar. 12, 1969). The document's preamble reaffirmed the U.N. Charter's explicit goal of "promot[ing] and encourag[ing] universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion." *Id.* at 212 (emphasis added).

<sup>17</sup> International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 (entered into force on Jan. 3, 1976). Article 2 guarantees "that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." *Id.* at 5 (emphasis added).

<sup>18</sup> *See Hearings*, *supra* note 10 (statement of Kenneth Roth, Executive Director, Human Rights Watch) ("U.S. State Department's Country Reports on Human Rights Practices for 1993

that there is nothing contained therein which reflects the findings in the report. So women's human rights issues are in the report, but the government does not take those findings into account when formulating actual policy matters. This should alert people that women's concerns are not yet receiving serious consideration, either at the resource level or at the policy-making level.

The other challenge from the Vienna Conference is to integrate women throughout human rights theory and practice. In many ways this is much more difficult, due to the public's unwillingness to concede that unique women's perspectives exist for a number of different issues.<sup>19</sup> Female refugees, for example, are often treated differently from male refugees.<sup>20</sup> Without commenting on the relative severity of this treatment, we must investigate and analyze these conditions, often thought to be universal, both in terms of gender considerations and in terms of racial, ethnic, and cultural considerations. In addition, we need to examine the specific ways that various populations experience disparate treatment and implement policies to correct them.

Another human rights challenge for us is to create a scheme for bringing human rights issues home and applying them within the United States. One of the big challenges of the Vienna Conference is to convince Americans that women's human rights is not only an international question,

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chronicles massive violations of women's human rights globally.”).

<sup>19</sup> See Evatt, *supra* note 10, at 296 (discussing gender-specific violations of human rights); *Hearings, supra* note 10 (statement by Gay McDougall). McDougall states that “[t]he Women's Convention adds critical gender specific protections to the array of international treaties which articulate and protect basic human rights. . . . It calls for equality in family life, education, participation in public life, equal access to health care and employment, and equality before the law.” *Id.*

<sup>20</sup> See, e.g., DEPARTMENT OF STATE, 103RD CONG., 2D SESS., COUNTRY REPORT ON HUMAN RIGHTS FOR 1993 (Comm. Print 1994) (discussing situation in Namibia where female refugee was allegedly assaulted, tortured, and degraded by police official). The report further states that the woman claimed that “at least two police and [refugee] camp officials knew of male refugees raping women in the camps and allowed the crimes to continue unabated and without official intervention.” *Id.*

See also Kristine M. Fox, *Gender Persecution: Canadian Guidelines Offer a Model for Refugee Determination in the United States*, 11 ARIZ. J. INT'L & COMP. L. 117, 122-23 (1994) (stating that although females constitute majority of world's refugees, women refugees are less likely to gain asylum); Kelly, *supra* note 11, at 626 (discussing gender-related abuse of female refugees, including “sexual harassment, rape, and torture by pirates, smugglers, border guards, camp administrators, and employers”). See generally Emily Love, *Equality in Political Asylum Law: For a Legislative Recognition of Gender-Based Persecution*, 17 HARV. WOMEN'S L.J. 133, 135 (1994) (discussing action that needs to be taken “to ensure that women suffering gender-based persecution in their home countries are consistently granted asylum in the United States”).

but also must be understood and evaluated as a matter of domestic concern.<sup>21</sup> Human rights violations exist in the United States on two levels. The first tier deals with the ways in which people within this country are violated, such as how women, racial minorities, indigenous people, gays and lesbians, and immigrants are subjected to abuse on a daily basis. The second tier addresses how the United States government plays a role in human rights abuses occurring in other parts of the world.<sup>22</sup>

A viable international human rights movement must assume responsibility for monitoring not only what other governments do, but also what our own governments do. In doing so, we will find the basis for a true international solidarity movement. Solidarity happens when we become accountable for domestic government, and then ascertain how our government should collaborate with others to eliminate human rights abuses worldwide. From a gender-conscious perspective, this is the best way to expand the current human rights movement into a truly global movement. With some effort, this perspective will help us to realize the important mission of connecting international human rights with domestic movements in the United States.

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<sup>21</sup> For an examination of human rights violations in the United States, see *Hearings, supra* note 10 (statement of Kenneth Roth) (claiming that United States law "fails adequately to provide equal and effective protection from sex discrimination" in areas of employment, education, health care, inmate sexual abuse, and spousal violence).

<sup>22</sup> *Oversight of the State Department's Country Reports on Human Rights Practices for 1993 and U.S. Human Rights Policy: Hearings before the Subcomm. on International Security, International Organizations, and Human Rights of the Comm. on Foreign Affairs, House of Representatives*, 103d Cong., 2d Sess. (1994) (discussing United States involvement in human rights violations internationally); Thomas G. Weiss, *The United Nations and Civil Wars*, THE WASH. Q., Autumn 1994, at 137 (discussing United Nations involvement in human rights violations abroad); see also MALLIKA DUTT, WITH LIBERTY AND JUSTICE FOR ALL: WOMEN'S HUMAN RIGHTS IN THE UNITED STATES, CENTER FOR WOMEN'S GLOBAL LEADERSHIP (1994).