



women's
rights

international feminist perspectives

human
rights

edited by **julie peters** and **andrea wolper**

Transforming Human Rights from a Feminist Perspective

Charlotte Bunch

The transformation of human rights from a feminist perspective is crucial to addressing global challenges to human rights in the twenty-first century. This should be seen in the context of the growth and evolution of women's movements internationally in the past two decades. Women are taking leading roles in redefining social concepts and global policy issues in areas such as development, democracy, human rights, world security, and the environment. This means not just looking at what have been called "women's issues"—a ghetto, or separate sphere that remains on the margins of society—but rather moving women from the margins to the center by questioning the most fundamental concepts of our social order so that they take better account of women's lives.

In seeking to transform global policies in areas like development and human rights so that they better incorporate and respond to women's lives, we are also demonstrating that women's issues are not separate but are neglected aspects of these global agendas. Indeed, ignoring women's experiences and views has kept society further away from the common solutions so badly needed in many of these areas.

Feminist analysis begins with the recognition that each of us views societal concepts and institutions from a different lens depending on our consciousness and our place in society. Starting with female life experiences as the point from which to examine human rights, certain questions become important: Who has been excluded from exercising the rights of citizenship and how have women been affected by limited forms of democracy? What has been the impact on women of narrow definitions of human rights? Why have so many degrading life experiences of women not been understood as human rights issues?

is a primary or related factor because these have been the most invisible and offer the greatest challenge to the human rights movement.

The United Nations *Universal Declaration of Human Rights*, adopted in 1948, defines human rights broadly and symbolizes a world vision of respect for the humanity of all people. While not much is said about women, Article 2 does entitle all to the rights and freedoms set forth in the Declaration without distinction of any kind, including sex. Further, when read from the perspective of women's lives, many violations of women's rights such as rape and battering can readily be interpreted as forbidden under existing clauses such as "No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment." The problem is that little elaboration of these rights has been made from the point of view of women, and therefore we have no significant body of international human rights law and practice in this area. Thus the dominant definitions of human rights and the mechanisms to enforce them in the world today are ones that pertain primarily to the types of violation that the men who first articulated the concept most feared. These definitions have tended to exclude much of women's experiences (and that of many nonelite men as well) because these groups have not been well represented in human rights discourse.

Human rights, however, like democracy and all vibrant visions, are not static, nor are they the property of any one group. While these concepts began in a particular historical moment and were defined in terms of the needs of a limited sector of the population, their dynamism and ongoing relevance stem from the fact that more people are claiming them and, in the process, expanding the meaning of "rights" to incorporate their own hopes and needs. Much of the creativity of the human rights movement over the past forty years has come from expanding the concept to address areas such as racial discrimination, disappearances, socio-economic rights, and the collective right to a sustainable environment. So, too, women are transforming the concept of human rights to address the degradations and violations that are a fundamental threat to our human dignity and right to life, liberty, and security of person.

Because those Western-educated propertied men who first advanced the cause of human rights most feared the violation of their civil and political rights in the public sphere, this area of violation has been privileged in human rights work. They did not fear, however, violations in the private sphere of the home because they were the masters of that territory. Public civil rights are certainly important to women,

reality maintained by patriarchal interests, ideology, and institutions. The physical territory of this political struggle is women's bodies. The importance of control over women can be seen in the intensity of resistance to laws and social changes that put control of women's bodies in women's hands: reproductive rights; freedom of sexuality, whether heterosexual or lesbian; laws that criminalize rape in marriage; and so on. Abusing women physically maintains this territorial domination and is sometimes accompanied by other forms of human rights abuse such as slavery (forced prostitution), sexual terrorism (rape), or imprisonment (confinement to the home).

The real questions are: Who defines legitimate human rights issues and who decides where the state should enter and for what purposes? Women's voices have been missing from these decisions for too long. Good governance demands that women from diverse groups participate in developing such policies. In order to respond to the brutal and systematic violation of women globally, governments and the human rights community must move beyond male-defined norms, a move that requires examining gender biases and acknowledging the rights of women as human rights. Governments must seek to end the politically and culturally constructed wars on women, rather than continuing to perpetuate them. Every state has the responsibility to intervene in the abuse of women's rights within its borders and to end its collusion with the forces that perpetrate such violations in other countries.

Gender-Based Violence: A Human Rights Paradigm

Gender-based violence is not the only form of human rights abuse that women suffer, but it is one in which the gendered aspect of such abuse is often the most clear. While many forms of gender-based violence are, in fact, general human rights violations, male-oriented biases have tended to recognize only the gender component of certain cases and hence failed to identify them with clear human rights violations whose victims are male. Battery of women, for instance, is a form of torture that often includes imprisonment in the home, whether enforced physically or psychologically through fear and terrorization. The practice of locking up women in order to prevent them from being unfaithful while their husbands are traveling has caused a few countries to recognize the need for laws to make confinement of a wife a crime. Women are held involuntarily in slavery for prostitution and pornography, and even domestic servants are sometimes beaten, raped, and

of women throughout the world. In an effort to focus attention on, and ultimately put an end to, these abuses, the women's caucus at the United Nations World Conference on Human Rights in Vienna in June of 1993 demanded that gender-based issues like these should be put on the table whenever the UN Treaty Committees meet to monitor and seek enforcement of their treaties' provisions.

But the work of seeking to transform human rights to take better account of women's lives must proceed without waiting for permission from some authority from above. When the mothers and grandmothers of the Plaza de Mayo in Argentina stood up in the midst of one of the most brutal dictatorships and protested the disappearance of their children, there was no concept of disappearance as a human rights issue. When they stood in the Plaza and said by their actions: "We know that the rights of these people have been violated and we will not remain silent about it," they did not need to wait for the human rights community to say that such disappearances were a human rights violation. So, too, must we speak of the violations against women that have been hidden for too long.

Challenging prevailing concepts of, and reinterpreting the movement for, human rights from a feminist perspective is not merely a matter of semantics. It is about the lives and deaths of individual women everywhere, every day. At the World Conference on Human Rights, women put these issues squarely on the world's doorstep. Yet even as the international human rights community has begun to recognize gender-based violations as pervasive and insidious forms of human rights abuse, we must work further to see that concrete actions against such practices are taken. Human rights instruments and mechanisms provide avenues for challenging the systemic abuse of women, and governments can be made to take gender-based violations more seriously by being held accountable for the implementation of laws against them and for the sensitivity of agencies handling these issues. Only through community responsibility and state accountability, day by day, place by place, will we counter the massive violation of women's human rights in the world.