

Feminism and Human Rights

The Legacy of Vienna

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La Conférence mondiale des Nations Unies sur les droits humains tenue à Vienne en 1993 a reconnu mondialement que «les droits des femmes sont des droits humains». Cette affirmation des droits universels des femmes et en particulier de l'identification de la violence faite aux femmes ont été un point crucial sur l'agenda de la Déclaration des droits humains et du programme d'action à Vienne. On a aussi initié un processus d'intégration des femmes dans une perspective genrée dans une pratique des droits humains qui est en cours. Cet article examine les organismes de femmes depuis la conférence de Vienne et les gains mis en place pour normaliser les droits humains en général et surtout pour contrer la violence sexuelle.

The United Nations World Conference on Human Rights in Vienna in 1993 is widely recognized as the tipping point in the effort to gain international acceptance that “Women’s Rights are Human Rights.” The affirmation of women’s rights as full universal rights and the identification of violence against women in particular as a key issue on the global human rights agenda in the Vienna Declaration and Programme of Action (VDPA) initiated a process of integration of women and of gender-based perspectives into human rights theory and practice that is ongoing.

This success did not come out of nowhere. Women organized for the Vienna Conference as part of the growing global feminist movement that emerged in the 1980-1990s—a social movement that crossed Global South and North lines and saw the UN as an important international space for advancing women’s rights. We sought to bring a feminist analysis and women’s presence to bear on global issues of peace, security, development, environment, and human rights through influencing the

UN World Conferences held in that decade in Rio, Vienna, Cairo, Copenhagen, Beijing, and Rome, culminating in the World Conference against Racism in Durban in 2001.

The Global Campaign for Women’s Human Rights in Vienna was kicked off in 1991 with a petition to the UN Conference that asserted, “Violence against women violates human rights,” and calling on it “to comprehensively address women’s human rights at every level of its proceedings.” The petition touched a nerve with women. Pre-internet, the petition was translated at the grassroots level into 25 languages and quickly circulated in some 124 countries, arousing feminist interest in the upcoming conference and sparking widespread debate over why women’s rights were not already considered human rights.

Women in every region were active in preparations for Vienna and sought to show that gender-based abuses were human rights issues through regional and global actions. Feminists lobbied at regional and international preparatory meetings, held satellite events and local hearings where women testified and analyzed how such abuses fit into and built on a human rights paradigm, and met together across regional lines to develop strategies, language, and demands for the Platform in Vienna.

This process culminated in Vienna with daily women’s caucuses sponsored by UNIFEM where NGOs, female governmental delegates, and UN staff worked together to advance women’s concerns in the document. Many NGO panels and workshops debated this topic and a section of the NGO space downstairs called “The Women’s Place” proved crucial for sharing information and networking. A day-long Global Tribunal on Violations of Women’s Human Rights¹ gave voice to the lived reality of daily

abuses in the lives of women in every region and in every area, from violence in war and at home, to political discrimination and freedom of movement, as well as the impact on women of socio-economic issues like poverty and housing.

The campaign did not take an “add women and stir” approach but aimed at transforming human rights to be more inclusive by bringing women’s experiences and feminist gender analysis to bear on all issues. We sought to demonstrate what violations of human rights such as torture, denial of the freedom of expression and movement, as well as of the right to food and security look like in the lives of women. Basic human rights principles were linked through testimonies and analysis to gender-specific abuses such as domestic violence, sexual assault, and forced pregnancy. Further, the campaign did not present women only as victims who are “vulnerable” to abuse, but also as activists with agency who are a powerful human rights constituency for change with ideas and bodies that can broaden and strengthen the movement for human rights.

The emergence of an understanding of women’s rights as human rights is an important and visible part of the legacy of Vienna. But so too are the linkages of women’s rights and gender to other key aspects of Vienna such as the affirmation of the universality and indivisibility of human rights, as well as the recognition of the importance of NGOs and social movements to the achievement of human rights.

The VDPA assertion that human rights are universal and that the “promotion and protection of all human rights is a legitimate concern of the international community” is one of Vienna’s important achievements. Since the human rights of women are often at the centre of challenges to the universality of human rights, this aspect of Vienna is also critical to women. But the defense of the universality of rights for women is also crucial to any defense of the universality of human rights; if the violation of the rights of half of humanity can be conditional in the name of culture, religion, or nationality, then the rights of anyone can be so conditioned.

The indivisibility of human rights and the recognition that civil and political rights are often compromised by the lack of socio-economic rights, and vice versa, is also critical to the advancement of the human rights of women. When we were asked in preparations for Vienna whether women’s rights were first or second-generation human rights, we were surprised as we felt that these could not be separated in most women’s experience. Feminists bring an intersectional approach to rights; gender, race, class and other factors are seen as intersecting in the violations that most women—and men—experience. The indivisibility

of rights is therefore critical to finding real redress for rights abuses as well as to moving toward realization of the universality of human rights.

Like many other UN World Conferences, Vienna opened the door to greater participation of a wide range of NGOs in UN human rights deliberations, and particularly to those most often marginalized like local Southern-based groups, Indigenous peoples, and women’s organizations. This process continued after Vienna with the creation of the Office of the High Commissioner for Human Rights and as representatives of social movements gained more access to the Human Rights Commission/Council and other human rights mechanisms. The claim of these newer actors, including women, to human rights continues to be challenged by some governments and reactionary forces, but their participation and political engagement is vital to the advancement of rights; defending these human rights defenders is crucial to maintaining space for human rights work to grow.

Post-Vienna Advances

After Vienna, a number of gains were made in the effort to establish more systematic standard setting on women’s human rights in general, and especially around gender based violence. The United Nations General Assembly adopted the Declaration Against Violence Against Women (DVAW) in December of 1993, and the Human Rights Commission, at its first session after Vienna, appointed a Special Rapporteur on Violence Against Women, its Causes and Consequences, which led to an ever expanding rich field of work on human rights standards regarding VAW. In 1994, the UN Commission on Human Rights adopted its first resolution on gender integration, which has evolved into regular sessions on this topic at the Human Rights Council, as well as a wide range of efforts to bring women’s perspectives more fully into work on human rights in many areas. For example, the inclusion of gender-based persecution and a gender quota for judges in the founding statute of the International Criminal Court broke new ground in addressing women’s rights from the beginning of the creation of a global human rights body rather than trying to tack it on later. Advances have been made at the regional level also, providing women more tools for seeking realization of their rights legally, such as the Optional Protocol on Women’s Human Rights to the African Charter on Peoples and Human Rights.

“Women’s rights are human rights” became a guiding framework in other areas beyond the formal human rights system and coincided with the effort in the 1990s to mainstream human rights into development and other

aspects of UN operations. It was rapidly adopted by those working to affirm reproductive and health rights in the 1994 Cairo International Conference on Population and Development, to reinforce women's socio-economic rights at the Copenhagen Summit on Social Development in 1995, and to produce a Platform for Action framed around human rights at the Beijing Fourth World Conference on Women in 1995.

These ideas also took hold at the local and national level where activists held hearings on abuses of women's human

gender awareness in areas like sexual violence in conflict, maternal mortality, poverty and housing, as well as sexual orientation and gender identity.

Since Vienna, feminist and human rights movements have profoundly affected each other in theory as well as practice. Feminist thinking has contributed to human rights through its critique of the socially-constructed separation of the public and private spheres, demonstrating how human rights violations that would be denounced in the "public sphere," such as violence and confinement,

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rights in many areas from armed conflict to poverty and climate change. Addressing issues from honour killings in Pakistan to reproductive rights in Peru, or welfare and housing in the USA, feminists increasingly sought to hold governments accountable through human rights laws and instruments.

The Vienna, Cairo, and Beijing conferences also inspired greater grassroots interest in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and gave impetus to the creation of the Optional Protocol that strengthens CEDAW as a vehicle for implementation of women's rights. Many more women's NGOs became engaged with the CEDAW committee review of governmental implementation and in writing shadow reports about their governments' implementation (or lack thereof) of CEDAW and other human rights treaties. Demanding better national legislation and governmental policies that affect women's ability to exercise their rights as a measure of government compliance with these treaties has been utilized by women working for new laws on issues like domestic violence and rape, as well as on various aspects of sex discrimination, which brought significant improvement at least on paper in the next two decades in most areas of the world.

Feminist perspectives have also influenced national and global work on gender in relation to issues of war and armed conflict. The first ever Security Council resolution (1325) on women, peace and security was adopted in 2000, followed by further Council measures on violence against women in conflict representing a major breakthrough of women's issues in new territory. Many advances in human rights over the last two decades reflect expanding

are often tolerated or excused when they are committed in the so-called private arena of the family. This has added to a growing human rights understanding of the importance of addressing violations by "non-State actors," and how the State is often in collusion with private actors like the family, corporations, private militias, or others. Feminists have learned from human rights concepts like "due diligence" and "progressive responsibility," while also often joining with other human rights forces that see these ideas as too often used to excuse a lack of state or international community attention to the violations committed by non-State actors and to socio-economic rights in particular.

One of the main contributions of feminist analysis has been in looking at the body and sexuality as key sites of human rights violations. This is most often expressed in the concept of "sexual rights," linking reproductive rights to sexual orientation and gender identity. It also undergirds an understanding that many gender-based violations are centered on the control of women's sexuality, whether through female genital mutilation, stoning and "honour killings," or the "corrective rapes" and forced marriages imposed on women who transgress gender norms. While most often applied to women, gender constructions are clearly linked to abuses of gay men and transgender people as well. Yet, this is also often a factor in shaping how any man may experience torture, rape and other abuses often intended to humiliate him by being treated "like a woman." The gender and sexuality aspects of many human rights issues that feminism has advanced in human rights theory is at the forefront of human rights debate and backlash today.

Backlash and Challenges

Advances in women's human rights were on an upward curve after Vienna, but the forces of backlash against such fundamental social change have also been strong, and many challenges remain with regard to implementation of Vienna, Cairo, and Beijing's promises. Some of these challenges are not unique to women as they affect human rights generally, like the impact of the post-September 11th focus on security and the "war against terrorism,"

But women are more than just "another oppressed group." The systematic subordination of the female half of the population is central to maintaining domination and violence based on difference as a mode of operation in the world. The normalization of everyday gender-based violence by families, the media, and other social institutions not only violates women in massive numbers, but also reinforces cultural acceptance of war, militarism, racial violence, and other forms of domination. Ending impunity for VAW at the heart of society, in our families,

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or the economic crisis of the last few years. But even these issues often have gender-specific impacts and are used as excuses for inaction on women's human rights as being less important, or culturally sensitive and too controversial, or too expensive.

Most governments pay no more than lip service to their obligations to the human rights of women, and with economic austerity policies on the rise in the past few years, resources needed to bring about substantive equality for women are sorely lacking. Action on socio-economic aspects of sex discrimination languishes as does realization of most socio-economic rights that has a disproportionate impact on women as the poorest of the poor. A major challenge today is the growing gap between women whose economic and personal status has improved and those who have been further marginalized as the gap between rich and poor, connected and powerless, has widened in these twenty years.

Vienna legitimized the urgency of combatting violence against women as a human rights issue, which contributed to a rising global recognition of this concern; there is now much more data as well as extensive documentation of the various forms it takes. Nevertheless, impunity for violence against women still rages around the globe, with no discernible decrease in its prevalence. To bring about change in this reality, it is critical to see that violence against women is not some marginalized, exotic "cultural practice" in remote places. It is a key mechanism for maintaining culturally-embedded domination over women in virtually all societies; the UN has confirmed that gender-based violence is experienced—often repeatedly—by one of every three women in the world.

and daily life, is critically linked to ending acceptance of many other human rights violations and to moving toward greater human security and peace for all.

The VDPA strongly affirmed that all human rights are universal and indivisible and stated that they are the responsibility of the international community. Yet serious efforts to actually realize the human rights of women have touched a nerve (call it patriarchy) that has led to intense forms of backlash globally at the UN and in many countries—North and South. Fundamentalist backlash against women's claims to equality, and especially to sexual and reproductive rights, has seized on national sovereignty, culture, and religion as excuses for perpetuating patriarchal discrimination and violence. Pregs Govendar of South Africa has described patriarchy as "the one truly globally shared culture that expresses itself differently in local contexts" yet uses so-called local practices as its justification. Thus, we hear various groups claim that women's rights threaten their "unique culture" and that some aspect of control over women's bodies is intrinsic to their national or cultural identity and/or faith—whether Southern Baptists in the U.S., Iranian Mullahs, Zulus in South Africa, Russian Orthodox priests, or the Vatican.

Too often when it comes to women's rights, culture is allowed to trump rights, but almost all human rights issues involve changes in cultural attitudes, whether the elimination of racial discrimination, the abolition of the death penalty, or freedom of speech. Yet debate remains about the universality of women's rights because of women's association with culture and family—the area where men, even those powerless in other contexts, have been allowed to maintain control. Economic disempowerment of some

men has fueled fundamentalism and fed violence identified with male resentment of women's advancement from the Montreal massacre of women engineering students "as feminists" in 1991 to hundreds of femicides in Ciudad Juarez over the past decade, and the brutal gang rape/murder of a female student on a bus in Delhi in 2013.

In addressing the challenge of culture, it is important to note that universality of rights does not mean all women's lives are the same or that their choices will be identical; simply put it means all women are entitled to the enjoyment of all human rights without discrimination and their rights should not be denied in the name of culture. Thus, violence against women is a common experience, but its forms are particular—shaped by the intersection of race, ethnicity, age, poverty, culture, sexual orientation, physical abilities, and other factors in any given place. Therefore effective remedies require both understanding its universality and taking into account the particulars of how it intersects with other factors in the lives of different women. Culture is neither static nor apolitical and detached from prevailing power relations and material conditions within which it operates. Much of what is called "cultural" or "religious" is political forces using attitudes or fears around culture and religion to advance their own power and control.

The misuse of culture and religion is particularly dangerous when it justifies attacks on women's human rights defenders—an increasing number of which have been abused or murdered in the past decade. For example, lawyers who defend rights of domestic violence victims are often threatened or even killed around the world from Denver to Lahore to San Paulo. Growing violence and backlash against women's human rights defenders has begun to be documented more carefully and is a challenge of great urgency. It has brought feminist and human rights groups into closer alliance in a number of situations, but it badly needs more attention and resources for progress toward gender justice to continue.

The legacy and lesson from Vienna is that all human rights are universal, indivisible, and inter-connected. Around the world, people have sought to make human rights live up to this vision by making them more inclusive of all people in all our diversity—of women as well as men, of the poor, Indigenous peoples, Dalits, and the Roma, of racial minorities and refugees, of the marginalized whether lesbian, gay, or transgendered, and the disabled.

Human rights cannot be realized if the rights of well over half the population—women, the poor, racial and sexual minorities—are ridiculed, ignored and denied. In particular, conflicts around women's human rights often involving issues of culture, religion, and/or sexual rights are central to current struggles around the universality and indivisibility of human rights and need to be addressed more

forcefully by the mainstream human rights movement.

The next twenty years requires working toward new tipping points in human rights: a tipping point in the end to impunity for sexual and racial violence, a tipping point in the creation of enabling conditions for economic rights and justice, a tipping point toward the realization of the principles of universality and indivisibility of all human rights for all. The Vienna VDPA stands as a beacon of hope for the possibility of greater respect and realization of human rights. Women and men the world over continue to put their lives on the line for its principles and deserve the fullest possible support and solidarity of the international community.

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¹See *The Vienna Tribunal: Women's Rights are Human Rights*, a film by Gerry Rogers of the National Film Board of Canada in collaboration with the Center for Women's Global Leadership at Rutgers University, 1994 (48 minutes, DVD, Order No. W99289 from Women Make Movies). The film features highlights of moving personal testimonies at the Global Tribunal on Violations of Women's Rights—held as part of the Global Campaign for Women's Human Rights in conjunction with UN World Conference on Human Rights in Vienna in 1993—and reveals why women's rights need to be seen as human rights.

References

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