

Feminist Engagement with Human Rights

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Abstract—*Feminist perspective on Human Rights interrogates the assumption of human rights as inclusive, it unpacks conundrums of cultural relativism, and mainly challenge the discourse of its premise based on prototype of men. Despite the recognition of women rights as human rights, women in all parts of the world continue to be discriminated. Often the discrimination of women is justified by culture and religion, which acts as a constraint to the essences of the universality of human rights but this conflict, has defined lines in which feminists must continually engage. The paper employs a revisit to feminist critique of Human rights discourse and practice, and this will be done first on reopening the basic tenet of feminist critique on human rights and women rights discourses and meanings, which further builds up the critical assessment on the framework of it. By focusing on international organizations as forum for feminists' mission on women human right it will analyze the extent to which feminist influenced norms seizing opportunities and recognizing violence against women as human rights issue through international conferences. The paper will attempt to discuss feminists' appraisals of various institutional mechanisms specifically employed for women human rights*

1. INTRODUCTION

The recognition of Violence against women as violation against human rights has been one of the major feminists' agenda on Human rights issues and debate. An illustrious achievement of women's movement over decades since the universal declaration of human rights is pushing the agenda of women rights as human rights. From challenging a normative discourse on Human rights to networking, strategizing, and seizing opportunities to advance its agenda, feminist have engaged critically in pursuit of making women's rights a global issue. The feminist approach critically paved the way to a critical scholarship of inclusivity and maps out the many voices within in the approaches to it.

2. FEMINIST ANALYSIS ON HUMAN RIGHTS DISCOURSE

Feminists attack the heart of liberal values in human rights discourse and reveal the contradiction in which it seeks to emancipate individuals free from political oppressions on one hand and the embedded patriarchy with male supremacy in liberal structure. The inconsistency of liberal values according to feminists manifests in the way that are at considered odds to what women are, as "this structure produces forms of

rationality, scientific, objectivity, and cultural and aesthetic ideals which constitute and reinforce the exclusion of women" (Celina 1993: 91). The criticism of human rights genealogy transpires that the knowledge and power production is by men, from their worldview that creates the understanding of human rights extrapolated from liberalism, which exclude women. The assertion of dignity and humanity against an overbearing state apparatus and the redefinition of civil and political rights is seen as organized by and for men drives to the point that it is male centric (Burrows 1986: 91-92).

While violence against women based on the gender is most common and it goes unreported, and according to feminists, the scheme of human rights norms, the liberal state exception on private sphere, on negative rights violates the human rights of women as "the legal concept of privacy can and has shielded the place of battery, marital rape, and women's exploited labor . . ." (MacKinnon 1987: 101).

The Public and private division obscures the truth because violence against women resides within the intimate web of private realm. To elaborate further, it is understood that the private sphere has the great numbers of the world's women and in which numbers of violations of women's human rights takes place. It is noted that violation of men's civil and political rights in the public sphere "has been privileged in human rights work," says "they did not fear... violations in the private sphere of the home because they were the masters of that territory" (Bunch 1995: 13). Further the argument is postulated that since "it assumes a public sphere of rationality, order, and political authority in which political and legal activity take place, and private, "subjective" sphere in which regulation is not appreciate" (Charlesworth 1994: 68-69). So therefore, feminists assert that this public and private distinction and the consequent definition of what constitutes human rights violation obscure one of the severe crimes against women. The separation of rights of women from human rights is frowned upon by feminists because it makes women's rights lesser or like 'an add on' to the universal human rights (Otto 1996: 11-15).

3. FEMINIST AND INTERNATIONAL NORMS OF WOMEN'S HUMAN RIGHTS

The Influence of feminists on Human Rights framework is seen on the early formation of Human Rights norms such as the declarations and conventions. The first International agreement on equal rights of men and women is traced back to the United Nations charter of 1945, with the support of women's organizations and few women who represented states at San Francisco. The draft illustrated "the equal rights of men and women" and further reaffirmed the promotion of Human Rights by UN without "the distinction between as to race, sex, language or religion". The charter detailed on the freedom of participation and eligibility of men and women "in any capacity and under the conditions of equality in its principles and subsidiary organ" (UN charter, article 1&8). Soon after the adoption of Universal Declaration of Human Rights by United Nation in 1948, women rights were emphasized upon. It referred to the prohibition of discrimination based on sex and the affirmed the enjoyment of equal rights of men and women. UDHR of Article 8 states "The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs". Although there was no palpable resistance to gender equality, this was included in the draft only with the perseverance of Women's Organization for the inclusion of it. Another major focuses of Human rights protection and in specific to women is the Universal Declaration of Human Rights. Feminists from a small unit of group increasingly over the years became prominent in shaping the agenda of human rights for women and eventually in the assertion that women's rights as human rights. The initial years of feminists' influence is credited in the way in which some individuals like Eleanor Roosevelt and some women had to intervene and lobbied women to be included since there was no mentioning of women in the draft of Universal Declaration of Human Rights. while the instruments of international law on the provisions transmits women rights are contained in the International Covenant on Civil and political (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both adopted in 1966, another major instrument is the convention on the elimination of violence against women adopted by UN general assembly in 1979 (CEDAW). It was signed specifically to focus on women's rights, which set a landmark change. It covers the civil, political, social, and economic rights. It covers the civil, political, social, and economic rights. The wide coverage of CEDAW is seen as transcending the "traditional divide between civil and political rights, and economic, social and cultural rights as illustrated by ICESCR and ICCPR" by feminist (Charles worth 2013:23). Feminists see women's convention as attention drawn to issues that are distinctive to different parts of the world and as well as common problems of women related issue. While it welcomes the convention, the criticism is however on the same vein that the women's convention in comparison with

other human rights establishes weaker implementation procedure, for example the international convention on the elimination of all forms of Racial Discrimination (Meron 1990: 213). The reservations made by states are a negation by feminists especially when it comes to women rights. The number of reservations made on discrimination based on sex outweighs the number of reservations made on convention on racial discrimination, which has four grounds of reservation. This implies that discrimination against women is somehow acceptable and natural than racial discrimination; therefore, feminists see the convention as limited (Hilary 1991: 634). The forms of it are concerning on nationality laws that confer rights differently to men and women's rights to retain her identity upon marriage. Often religious or customary laws restrict women's property and other inheritances. Feminists have look at it as violation of human rights in which these women's rights violations are treated as natural and frequently justified as being in accordance with many of the cultures-including religious aspects of these cultures-practiced in the world today (Okin 1991:33). Feminists have critiqued the discourse of human rights as masculine and that it treats the universality of it without considering the voices and interests and the experiences of others, other than men and women in the third world. It is fair enough that the third world has apprehension and disagreement with the western feminists because of different political and cultural location. Nevertheless, the common issue of patriarchy is uniform across the worlds of differences. Women have much to lose, therefore, in any movement away from a universal standard of human rights in favor of deference to culture (Higgins 1996:91).

4. FEMINIST APPROACHES TO UN CONFERENCES

Stirred up by women's movement, the first United Nations international women's conference was held at Mexico City, Mexico. This paved the way for feminist the opportunity to sensitize and advocate women's issue but also could achieve visibility of women at international forum. For the first time women constitute a large number in terms of representation and notable outcome of the conference on the adoption by the General Assembly of the Convention on the Elimination of discrimination against women (CEDAW) on 19 December 1979 (West 1999: 180). It is a landmark achievement because for the first-time discrimination against women was brought forward to the platform of UN conference as a global issue. It was later signed in the mid-decade conference, 1980 at Copenhagen (Fraser 1987: 126). The international women's year, Copenhagen in 1980, Nairobi in 1985 was a continuous process of pushing feminist's agenda, particularly on human rights issues such as female genital mutilation was addressed for elimination.

The other important conference which feminist successful used as platform to advocate women's issue and human rights is the 1993 Vienna Conference on Human Rights campaigning on the assertion that women's rights are Human Rights. The

need to eradicate violence against women at both private and public space was pressed on and included in Vienna Plan of Action (Charlesworth 1996: 540). Subsequently along with it, the world conference on Women in 1995 for the first time recognized and accepted the articulation of women's rights as human rights by international law. This is the outcome of the effort of women's organizing and network of feminists who strategized it and it gave "women's rights discourse a special trajectory, facilitating its emergence as a major innovation of human rights policy within the framework of international law" (Coomaryswamy 1997: 1250). The conference that served feminists a major platform of addressing women's human rights on reproductive health is the Cairo conference in 1994 on Population and Development. Feminists and other women's international network brought in the issue of women in the agenda and discussion on population and development, which has direct impact on women's health and lives. By seeing the conference as an opportunity to raise the awareness of women health and reproduction, the alliance of women formed together and adopted Women's voice 1994. The adoption of this declaration emphasizes for the right of women's ability to have the control over their fertility and it highlighted the centrality of women's health. The religious groups had regarded reproduction rights as contradiction to its belief and perspective. This manifested to the coalition of Vatican and other Muslim countries as they block the discussion on it throughout the preparatory conference by interventions and bracketing it (Joachim 2003: 265-266). Nevertheless, feminists articulated the issue of women human rights within the larger debates on population and development in the subsequent conferences.

One of the major landmarks in women's human right is the Beijing conference of 1995 which saw the greatest number of representations of women from both grass root local networking of women and women working from UN and other international arenas. The platform explicitly articulated on the human rights connection to the violence against women. It detailed in three broad contexts, family community and by the state- and it included the call for state response to promotion, protection of women's rights (Kelly 2005: 481). Feminist have assed Beijing platform as creation of legitimacy of the issue of violence against women, ushering it into a major growth of attention on the issue. Thus, described as "a benchmark and a point of leverage for government action against violence against women" (Sen 2003:16). Not only did feminists participated and influenced women's conference but they actively took part in other international conference as well.

In the light of Beijing, the commission of Human Rights adopted multiple resolutions on "integrating the Human Rights of Women throughout the United Nations System". It called for "regularly and systematically take a gender perspective into account in implementation of their mandates". The United Nations Economic Social Council have called for mainstreaming gender for women's Human Rights and defined gender mainstreaming as "the process of assessing the

implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally, and inequality is not perpetuated. The goal is to achieve gender equality" (ECOSOC 1997: 2). Gender mainstreaming is understood as a technique to consider the lives of women by UN human rights machinery (Johnstone, 2006: 148). Gender mainstreaming in Human Rights system is to bring in the "gender sensitive guidelines in reviewing states' reports in preparing general comments and issuing recommendations and concluding observations" (Charlesworth 2013: 25). However, feminist's express dissatisfaction that despite many adoptions on gender mainstreaming, the response to the call for gender mainstreaming remains distant from it (Edwards 2011: 88-139). They analyze how the gender mainstreaming mandates in international law are unreceptive and an example is elaborated on how gender "mainstreaming mandates have not been given to either the International Law Commission or the International Court of Justice" (Charles worth 2013: 28).

5. CONCLUSION

Feminist perspective on Human Rights questioned the concept and understanding of it as universal, based on the assumption the prototype of men. Primarily what feminists have shown is the patriarchal nature in which human rights understanding is built upon. The non-existence of human rights for women is interrogated primarily in concepts and definitions to practices. Thus, feminists have demanded for the inclusion of women in human rights framework. Feminists movement have made use of International organizations as a platform, networking and in converging ideas from different parts of the world. International Conferences organized by international organization has be taken as an opportunity to bring feminists agenda of human rights, from recognizing human rights for women to specifically assert that women's rights and in recognizing violence against women as violation of human rights. They have shown the well compact and elaborated women rights, but it has drawn attention to the gap between what is in the paper and what are the practices. The politics of differences is highlighted and the recognition of women rights as human rights is demanded.

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