

WOMEN RE-FRAMING HUMAN RIGHTS

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When you work with women, who are less empowered than you...

You must have that same passion - to give us the tools.

Lee Lakeman, Canadian Association of Sexual Assault Centres (CASAC) at the Canadian CEDAW Strategies Meeting

Beginning in November 1998 through June of this year, the International Women's Rights Project of York University Centre for Feminist Research helped to facilitate five "roundtables" at which participants discussed how women approach international human rights conceptually and how to implement human rights law and policy to the benefit of women. Although opinions were wide ranging, each roundtable tended to have a different primary perspective because each of the five events saw the majority of invited participants coming from a particular orientation, as follows:

1. November 1998 - Canadian national women's NGO representatives made up the majority of participants;
2. March 1999 - academics (professors and graduate students);
3. October 1999 - advocates, mostly litigation lawyers and human rights activists;
4. May 2000 - women judges from different countries;
5. June 2000 - experts appointed to the United Nations Committee that monitors the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in discussion with researchers and activists involved in completing the first CEDAW Impact Study.

To honour the vision, courage and tenacity of the Women's March, this brief article focuses on issues raised in the first roundtable as part of the Canadian CEDAW Strategies Meeting, at which women's NGO representatives engaged government and

UN representatives and academics in a vigorous discussion about how feminist research can further women's quest for their human rights.

In their handbook for feminist researchers, Nancy Mandell and Lisa Rundle are of the opinion that there "are as many meanings of feminism as there are feminists. " They go on to quote Patricia Maguire's description of feminism as:

- a) a belief that women all over the world face some form of oppression or exploitation,
- b) a commitment to uncover and understand what causes and sustains oppression and
- c) a commitment to work individually and collectively in everyday life to end all forms of oppression, whether based on gender, race, class or culture."

Similarly, there were areas of strong consensus and areas of strong difference in all five of the roundtable discussions. One strong area of consensus at the roundtables is echoed in two international "electronic roundtables" (listserv discussions) on women's rights run in 1999, as analysed by political scientist Brooke A. Ackerly, who concluded that:

However important and necessary given the international legal framework in which human rights are protected, these mechanisms are insufficient for addressing the violations of women's human rights for most women around the world because for them international legal mechanisms are remote. In fact, for most women local legal mechanisms are remote. Instead their ability to realize or not to realize their human rights is a function of their social context ≠ the mores, practices, and rites that set the bounds of their everyday lives, and thus of their individual rights.

At the first roundtable in November 1998, more than 20 representatives from Canadian women's NGOs tackled the question of what would be needed to develop closer working relationships between academics and women's organizations (NGOs) to further research on the interconnection of legal, political and social forces pressing on women. NGO participants assessed the strengths of research on women's human rights from the

perspective of those who need and use such research. Future directions and challenges were framed by the desire to produce more accessible, relevant research.

UN world conferences, in addition to those dedicated to women, have had significant impact on women's lives, for example, Tehran (human rights) in 1968 followed adoption of the 1967 Declaration on the Elimination of Discrimination against Women, Rio de Janeiro (environment) in 1992, Vienna (human rights) in 1993 where for the first time women's rights were officially recognised as human rights, setting the course for integration of human rights and development in the women's agenda for Beijing, and Cairo (population) in 1994, which emphasised women's role in development . These conferences are all markers along the path to human rights becoming central to women's struggle for equality. The Beijing Declaration and Platform for Action are imbued with human rights terminology and principles, referring specifically to the major human rights treaties, particularly CEDAW - the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The NGO roundtable in November 1998 was part of the (first) Canadian CEDAW Strategies Meeting and there was much discussion about how Canadian women can use this international treaty, but also whether it was of much use to us. Not all of the roundtable discussants would agree with the recent statement of Kofi A. Annan, Secretary-General of the United Nations:

In the course of the 20th century, great strides were made in defining the universal norms of gender equality. The Convention on the Elimination of All Forms of Discrimination against Women stands as a milestone in that quest. Since its adoption by the United Nations General Assembly in December 1979, this "Women's Bill of Rights" has taken its place as a key pillar of international human rights law. As we enter the 21st century, it is time to implement these norms.

International alliances to further women's rights are varied in their capacity to communicate and cooperate, but they have grown quite steadily, against great odds.

These alliances, lead by international women's NGOs, are largely responsible for increasing attention to the gap between rights on paper and actual remedies. Their considerable sophistication in diplomatic dealings has increased the need and desire for research that is customised to evidence-based advocacy by activists.

More effective enforcement of human rights standards does make a difference in chances for survival during times of crisis, and can certainly influence quality of life for women and their communities. Such implementation will not occur without complementary, innovative research.

Convention on the Elimination of All Forms of Discrimination against Women

CEDAW is one of the six major UN human rights treaties and in many countries this treaty has evolved as a key tool for implementation of the vision for women's equality that commenced 25 years ago with the UN Decade for Women announced in 1975 in Mexico City at the first UN world conference on women. Shortly after that, 20 years ago, the UN activated CEDAW, the only major UN human rights treaty to focus on the world's women. CEDAW incorporates rights mentioned in previously enacted UN treaties as they relate to women, in particular articles 2(non-discrimination) and 3 (prohibiting sex discrimination) in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

Commitments made by UN member states whose governments have ratified CEDAW and these other covenants are legal obligations; they continue to operate when there are changes in the governing party and even if the form of government in a member State changes, for example, in Ukraine. Unlike other major human rights treaties, CEDAW provides to women and girls the acknowledgment that their human rights are violated in their private as well as their public lives. Canada's ratification of CEDAW was eclipsed by the heated battle of the early 80's to secure the equality provisions in our constitution, particularly Sections 15 and 28 of the Canadian Charter of Rights and Freedoms. Queen Elizabeth joined then Prime Minister Pierre Trudeau in signing The Constitution Act, 1982 on April 17th - not even three months after CEDAW came into effect in Canada.

As a legal counsel to the Ad Hoc Committee of Canadian Women on the Constitution, I was actively engaged in the advocacy and the drafting related to these particular constitutional equality provisions, and I recall being guided by some of the wording from the CEDAW Covenant, but it was not used as a major source. Certainly, women's constitutional rights were hard won and have proven to be crucial in a significant number of cases over the past fifteen years since section 15 of the Charter of Rights and Freedoms of our constitution became operative in 1985. However, the status of women is declining in Canada, especially for multiply disadvantaged women. As well, international women's rights advocates are quick to remind us that when standards for Canadian women are lowered, it has the effect of reducing the "art of the possible" for women and girls in many parts of the world. So when we engage in the process of securing human rights for women in Canada by exploring if and how international instruments can strengthen our domestic foundation, we are also bolstering the efforts of our colleagues in other countries to achieve improvements for women locally and globally.

Policy and law reforms guided by CEDAW encompass both aspects of women's lives and women citizens are often the instigators of the changes, through their research, advocacy and tenacity. The legal literacy of women's NGOs and their participation in UN processes has risen dramatically since the first world conference on women 25 years ago. At the Mexico City world conference on women, NGOs held their first parallel conference to the official UN proceedings. These NGO fora have nurtured global research and advocacy initiatives by NGOs that have emphasised accountability of governments to their citizens. NGOs have pushed for a paradigm shift away from exclusive "armchair" diplomacy to implementation of treaty rights. Women's NGOs initiated the practice of writing "shadow" reports to the expert committees established by the UN to monitor human rights treaties, often demonstrating their legal literacy skills in reports that diverge significantly from those filed by their national governments. Women's NGOs are engaging diplomats and the public-at-large through "truth-telling" in the halls and conference rooms of the United Nations.

For the November 1998 roundtable, we were fortunate to be able to commission a discussion paper by one of Canada's most effective NGO activists, Shelagh Day, which served to stimulate thought and discussion. Shelagh noted that:

When national women's NGOs move into international work we also move into connection with women's NGOs from around the world. This is exciting, but there are also some problems to reflect on as national NGOs become more involved. Until recently, human rights work at the United Nations has been carried out principally by International Non-Governmental Organizations (INGOs), such as Amnesty International, and Human Rights Watch. In the field of women's human rights, there are also INGOs. Some of the most influential of these are organizations that employ staff on a full-time basis to interact with the United Nations in order to advocate for women. The organizations and the women in them are knowledgeable about the United Nations system, plugged into the United Nations bureaucracy, and expert on international human rights law. However, they are not plugged into grassroots organizations, or linked with the most disadvantaged women.

We have to curtail expert exclusiveness, by setting aside assumptions that only those women who are engaged professionally in human rights advocacy at the UN know enough to work effectively in these fora. There is also a challenge to the United Nations system. If NGOs are to participate more fully, United Nations bodies, including the CEDAW Committee, need to democratize their methods of work, provide more time and more openings for NGO participation, provide better, more accessible information, listen better, and be more responsive to NGO requests and concerns.

Professor Mary Jane Mossman chaired the November 1998 roundtable and the Rapporteur was Professor Sherifa Elkhadem, both of Osgoode Hall Law School at York University. Much of the roundtable was an exploration of concerns and hesitations expressed by some of the representatives of women's NGOs, based on past experiences. In planning the first Canadian conference to focus on CEDAW, the opportunity was taken to engage CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) experts, researchers, representatives from academia,

from non-governmental organizations, from advocacy and community groups and governmental agencies to step back from the strategy emphasis, and to dedicate time exploring the connections between research and systemic changes that have furthered women's quest for their human rights. The year 2000 marks twenty years since CEDAW was opened for ratification. It is now the second most widely signed treaty of the UN, with 162 countries committed as "States Parties" to this convention

Roundtable participants were invited to give their analysis of how women's quest for their human rights over the past twenty years has affected the nature of research in the social sciences and humanities, including law, sociology, education, health and economics, and how this research has contributed to women's quest for their human rights. In this article I try to briefly capture the main themes, including the uncomfortable criticism and distrust that will have to be worked through if research is to be linked more effectively with women's rights activism.

Frustration with National and Local Governments on Women's Rights Issues

Most of the discussants, at some time or another, during the unfolding of the discussions, expressed varying degrees of frustration and exasperation for the lack of leadership and proactivity shown by local governments in the area of human rights and women's rights. One of the discussants articulated as one of her reasons for developing "a new interest in the UN" as the dissatisfaction "of dealing with one's national government these days"

Findings Ways to More Effectively Use United Nations Mechanisms and International Doctrines to Advance Women's Rights Locally

Many of the participants at the Session expressed a desire for greater cross-pollination between the international and domestic struggles and strategies. These comments demonstrated the appreciation that there are several international treaties, declarations, and conventions in place to which Canada is a signatory and from which arsenal can be drawn to support and sustain rights movements on the domestic front.

We are interested in international human rights law and women's rights, mostly from a domestic perspective in the sense of how we can use it politically to confront the state with its obligations either at the provincial or the federal level ... how we can use human rights as a framework for evaluating social policy

What is Research?

The term 'research' covered, but was not exhausted by, such things as scholarly, empirical, quantitative, observational and experiential work. The key is to embrace the reality that, especially in contemporary rights research in which activist front-line work is so essential, effective research embraces a wide range of activities and information gathering.

Now sometimes I think that research is just a big word. It was a long time as an academic lawyer before I realized that when I went around asking questions like, "How many women are represented in Legal Aid cases?" that I was actually doing research. I thought I was just asking questions.

Research Hierarchy

Many felt that there still existed a real hierarchy among the "types" of research. Certain types of research were accorded greater "value" than other. It was felt that much of this hierarchy had to do with the fact that most of the present funding of research projects was centred in academic and university settings in which "traditional", "scholarly" research is treated as the best, most accurate, or most reliable type. The power dynamics and elitism behind this valuing of certain types of research over other types is problematic.

If communities are to be truly effective in making advances in their rights agendas, they need research which helps them confront the destabilizing and destructive choices of

present-day, alarmingly right wing provincial and federal governments. The issue is really one of empowerment and self-advocacy.

Most communities already know where they stand.

We know what the problems or challenges are. We now want to possess the power to challenge the forces of authority that keep real, fundamental changes and progress from reaching our lives.

Grassroots / Community Activism

Transformative analysis often comes from the grassroots.

So you have those kinds of problems of trying to work at the grassroots level for something that's going to benefit your community, and then you end up with it being picked up by the government people, the legal people, whoever is out there who has the know-how on how to frame these things and you can't get, you can't shake the iron gate ...to us at the grassroots level that was really problematic.

Tension Between "Academics" and "Activists"

This tension was first acknowledged when the roundtable discussants looked at the inequitable distribution of research grant monies. It was soon quite apparent that there was distrust harboured by activist organizations concerning the manner in which many research projects had been conducted and the end to which such research had been used. Grassroots organizations demanded to be given full partnership and ownership of any and all research projects that involved their communities and a full say in setting the agenda for these types of research endeavours. The fact that this type of involvement had been virtually non-existent in most research projects to date was a source of much dismay and bitterness to most activists around the table. The problem is compounded by the weight of the daily struggle confronted by most female academics to maintain their autonomy and integrity and still find a way to succeed in their institutional environment.

What I see happening is...increasingly predatory behaviour on the part of women academics in relation to activist and the pool of women in an uprising. So, increasingly, research is about us, rather than about patriarchy. We are subject material rather than the owners and the inheritors of the power exchange that goes on.

While most activists at the roundtable said they saw the value of constructing working partnerships with their academic counterparts, most feared that these partnerships will be exploited by academics at the price of a community's empowerment and autonomy.

How to Establish Effective Working / Researching / Sharing Relationships and Partnerships

It was clear that the status of working partnerships was quite unsatisfactory to both the academics and activists around the table. Working from this concept, others challenged the need to have "trust" as misplaced, but rather identified the missing, critical element as being simply the ability to put aside differences and move forward towards a common agenda or goal. While most recognized that shared goals, commitment, and passion to the same rights agenda were essential components of mutually beneficial collaborations, there was real doubt on how to recognize the existence of such shared values. Past attempts at cross-class, cross-cultural alliances had failed miserably because the participants could not disengage themselves from their own individual trappings and agendas to embrace a common goal or objective.

So what I want from you or from whomever I'm working with is that you are as committed to our organization as our organization is to its own people. So that when we form groups, we have a passion that those women become empowered to stand up stronger. That's what our work is. When you work with women who are less empowered than you, you must have that same passion - to give us the tools.