VIOLENCE AGAINST WOMEN AND WOMEN’S HUMAN RIGHTS: AN INTERNATIONAL PERSPECTIVE

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Introduction

Distinguished guests, ladies and gentlemen,

It is a great honour and pleasure to be here today and I’d like to take this opportunity to thank the organisers for their invitation. In one sense it feels strange to be back in Canberra. I left more than ten years ago, having had no more experience of police than a couple of traffic fines. Since that time I’ve been privileged to work with police and peacekeeping forces from just about every corner of the world, very few of whom, by the way, were women. More than a decade later, I find myself in my home country, my home town, and speaking with an international group of women police officials. It feels like the very fitting completion of a circle.

Human rights is one of the main topics of this conference. For most countries, including Australia, human rights is difficult issue. We can look for explanations on any number of levels but somehow I think that the simplest answer is probably the one closest to the truth. Human rights is all about the distribution of power. It’s about taking power away from those who have it in abundance and giving power to those who have none. Human rights therefore, is concerned with upsetting the power relationship which exists between a government and its people, between a dominant social group and a minority, between employers and employees, between adults and children, between men and women. Power is not something we give up easily. The controversy of human rights is therefore unsurprising. It’s not something to be feared or avoided. It is inevitable and must be challenged head on.

Today, I’ve been asked to speak with you about the human rights of women, taking an international perspective and focusing particularly on violence against women. I see my job as creating the background for a painting. I’ll be using a broad brush to identify the critical issues ad to give them some kind of global context. The painting itself however, in all its lush colour and detail, will emerge over the next couple of days as a result of the work which you yourselves will be doing.

1. The realities of gender in our world

I’m going to begin by making a few remarks about the reality of gender in our world. What do the statistics tell us? That women make up the majority of the world’s poor, the majority of the world’s illiterate, the majority of the world’s dispossessed. That although possessing a genetic disposition to living longer, girls are much more likely than boys to die in the first five years of their lives. The statistics tell us that in almost every part of the world, women are denied access to avenues of power and thereby to the decision-making structures which affect every aspect of their lives.
I’m sure you don’t need me to tell you that women fare badly in the administration of justice - and not just in terms of their status as victims of crime. In many countries, women do not have the same legal or social rights as men and are therefore treated as second class citizens in the police station and in the court room. When detained or imprisoned, women are especially vulnerable to assault including sexual assault.

In times of war, whether internal or international, all human rights are under threat, particularly the rights of civilians. Women and children suffer disproportionately in such situations -- quickly caught up in conflicts not of their making. They become the butt of reprisal killings. They are raped and sexually exploited with impunity. Women and children make up the vast majority of the world’s refugees. But women and children are much less likely than men to find protection and asylum abroad. While the men flee, women are left behind to pick up the pieces and to rear broken families on their own.

2. Human rights and United Nations

I will shift now to the broader question of human rights and try, in a short space of time, to give you an overview of how human rights came to be a part of international law and policy.

Until the second world war, human rights was very much a marginal issue, at least at the international level. International law was only concerned with relations between States. How a country treated its own citizens was considered to be that country’s own business.

World War Two changed all that. It was WWII which gave birth to the United Nations and to the notion of universal human rights: the idea that there can be one set of basic rights to which all persons, by virtue of their humanity, and irrespective of their race, sex, colour, religion or any other difference, are entitled. The notion of universality also carried with it an acknowledgement that human rights were in fact a matter for international scrutiny. That a State could no longer claim immunity for the way in which it treated its own people.

What followed was the most astounding development: a set of international principles of human rights, enshrined in legal documents known as treaties or conventions and backed up by enforcement machinery which, while weak by our national standards, was pretty damn impressive at the international level. Taken together, this became what we know today as the international human rights system.

In this age of misinformation and cynical manipulation of public opinion, it is important for us all to remember that international law works on a strict system of “consent”. Except for absolutely minimum core standards (for example relating to slavery and genocide), a country is not bound by international human rights rules unless it agrees in writing. Every country represented in this room, along with the majority of the rest of the
world, has freely agreed to be bound by the core international human rights standards. Human rights are then truly universal in theory, if not in practice.

3. The rights of women: a global perspective

These achievements did not necessarily translate into direct victories for women. Human rights have always been principally concerned about regulating the relationship between the public citizen and the State: thereby upholding the traditional distinction between the public world and private life. International law, created by men and for men was not concerned about what happened in the community and in the home: the two places where the majority of the world’s women live out their daily lives.

Things started to change in the late 1980s as women came to recognise how the language of human rights could be used as a weapon against discrimination and injustice. Women scholars, led, I should add, by a couple of pioneering Australians, started to challenge the way in which international law was conceived and developed. Women all around the world began to put pressure on their own governments as well as the UN and other organisations; to admit that issues affecting women were appropriate matters for international concern; to recognise women’s rights as human rights.

By 1993, the international community (ie: all countries of the world) had agreed to the following:

*The human rights of women and girl-children are an inalienable, integral and indivisible part of human rights. The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community.*

Leaving aside the syntax and the complicated grammar, that’s a very powerful statement!

4. Violence against women

The issue of gender-based violence was the rallying point for women all around the world to push for recognition of their rights. Until a decade or so ago, violence against women was not taken seriously as an issue of human rights. It was too politically sensitive, too culturally specific, too controversial, too difficult to deal with.

In the space of just a couple of years, all this changed. In 1991, the UN member States declared violence against women to be incompatible with human rights. This was followed by a number of other declarations identifying violence as a form of discrimination against women. In 1994, the UN appointed a special rapporteur – its version of a detective - to examine the causes and consequences of violence against women.
All this might not seem like much in terms of concrete achievements but what it has meant is that practices which were almost never spoken about previously, such as domestic violence, honour killings, female genital mutilation, rape in conflict, marital rape, trafficking for exploitative labour and forced sex, are now firmly on the international agenda. Violence against women whether committed in the home, in the community or by the State is now a matter for international attention. The veil of silence has at last been lifted.

5. Urgent challenges for the world’s women

Of course this impressive achievement needs to be seen in context. We still have a long way to go before the fancy words in fancy documents mean something for the majority of the world’s women. The challenges ahead are formidable and I’m going to highlight just a couple.

First: the challenge of conflict. Few of those advocating or profiting from war and social conflict acknowledge the disproportionate burden which women bear in such situations. As I mentioned previously, women, as civilians, suffer much more in conflict than men. Their vulnerability to particular forms of abuse such as sexual assault and trafficking is now well known. Rape in conflict is another issue, often just presented as an accident of war. This is of course untrue. Its widespread use in times of conflict reflects the special terror which rape holds for women, the sense of power it gives to the perpetrator and the contempt for the victim that is expressed by it.

Conflict is still with us. In fact, today, there are more wars raging and, as Australians have learned so painfully, more people dying as a result than ever before. By ignoring the gendered impact; by refusing to take responsibility for long-term, inclusive peace-building, governments all around the world are perpetuating the disproportionate injustices which war inflicts upon women.

While women’s role in peace-making and peace-building is still marginalised, at least the UN has taken some small steps forward with regard to its own operations. In the early 1990s I was involved in a training programme for almost one thousand UN civilian police in Mozambique. I didn’t meet one woman. Over the past couple of years I’ve travelled to Bosnia a number of times and noted the difference which a critical mass of women can make to the outlook and functioning of a peacekeeping mission. This does not mean, of course, that problems associated with foreign men in conflict situations have abated. My last visit to Bosnia, in May of this year, was to look at allegations of sexual exploitation and sex trafficking being made against UN military and police units. I would urge any of you who have the inclination and opportunity to serve abroad as UN civilian police to do so. The women, children and men we are supposed to be helping badly need you.
A second challenge lies in the area of economic and social rights. As I pointed out earlier, the majority of the world’s poor are women and the children they care for. This is not just an issue for the third world. The majority of American and Australians living in poverty are also women and children. The feminisation of poverty has been well documented and extensively researched but we are not much closer to finding a solution. From my perspective, this situation reflects a vicious cycle of human rights violations. Women are poorer because they have fewer rights. Because they are poorer and because they have fewer rights, women become vulnerable to external economic forces such as structural adjustment and unchecked globalisation. They also become vulnerable to gendered forms of exploitation and abuse, particularly within the working and migration environments. We cannot tackle trafficking, or sweatshop labour, or exploitative prostitution, or petty female criminality without understanding the links between cause and effect: the links between lack of rights and vulnerability to human rights violations.

Finally, I want to touch on the issue of culture and the universality of human rights. It is often argued that by recognising a strong set of universally applicable women’s rights, we may undermine the culture and traditions of a particular society. This argument has been used in relation to a range of practices particular to certain cultural communities such as punishment under Shari’a law, female genital mutilation, honor killings and related forms of domestic violence. It has come up these past weeks in Australia in connection with the forced marriage of a 15 year old child to an Aboriginal elder. Here lies perhaps the most controversial aspect of women’s human rights. The conflict between rights, religion and culture.

I don’t have a clever answer for such dilemmas but in my heart, I believe that left to choose for themselves, basic human rights have a resonance for all women, irrespective of their culture, their religion or any other difference. Unquestioning acceptance of culture seems to almost always work against women and against their bodies. Perhaps the element of choice is the defining factor. Cultural diversity should only be celebrated if expressions of that culture are undertaken voluntarily. The right of women to make decisions that affect their lives, and the duty on us all to ensure the best interests of the child are perhaps the only true beacons we can use when navigating the murky waters of culture and human rights.

6. The role of law enforcement officials in promoting and protecting women’s human rights

I would like to finish by saying a couple of words about the role of police officials in protecting and promoting human rights including the rights of women.

As agents of the State, police have a special place in human rights law and practice. It is police, more than any other group, who most directly affect the way in which an individual experiences her or his rights.
That experience can be a positive or negative one. Police may be perpetrators of human rights violations including violence against women. Even when they are not directly involved, police will often be morally and legally complicit in these violations because of their failure to prevent them.

On the other hand, police can be the first line of defence against human rights violations. In addition to respecting individual rights in their own work, police can help to prevent violations of human rights committed by non-state actors: the father, the husband, the brothel owner, the pimp, the factory foreman, the common criminal.

I believe that too much attention is given to rights-violating side of policing and too little to the protective, empowering role which police can and should play within their communities.

This is not just a job for female police officials. Your empathy may be greater than that of your male colleague but until human rights become as important to him, until women’s rights become as important to him, we have not advanced very far at all.

The place of women in policing is also a fundamental human rights issue. While I am no police official, the past ten years have exposed me to some of the overt and subtle tactics which are used to undermine the presence, the power and the influence of female police officials. There is probably not a police force in the world where this is not the case. The right to non-discrimination in all aspects of employment is a fundamental right and one which has special significance for women police officials.

**Conclusion**

I’d like to finish with a quote which was a favourite of Mary Robinson, the UN High Commissioner for Human Rights I was privileged to serve for the past five years. The quote is from Eleanor Roosevelt. A woman truly ahead of her time. The guiding hand behind the Universal Declaration of Human Rights: that one document which has inspired treaties, constitutions, laws all over the world. For Mrs Roosevelt, all human rights were universal since every woman, man and child sought equal justice, equal dignity and equal opportunity without discrimination. If rights did not have a meaning locally, in the home, in the community, in the street or in the workplace, Mrs Roosevelt thought they would have little meaning elsewhere.

She warned: "Without concerned citizen action to uphold human rights at home, we shall look in vain for progress in the larger world".

While these are words which we can all take with us they have special resonance for police officials. You are, after all, the true custodians of human rights.

I wish you well in your work over the next few days and thank you, once again, for allowing me to be a part of this important event.