



WOMEN'S
LEARNING
PARTNERSHIP

FOR RIGHTS,
DEVELOPMENT,
AND PEACE

BEYOND EQUALITY

A MANUAL FOR HUMAN
RIGHTS DEFENDERS

MAHNAZ AFKHAMI
ANN EISENBERG



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*“The young intellectuals are all chanting,
‘Revolution, Revolution,’*

*but I say the revolution will have to start in our homes,
by achieving equal rights for women.”*

*Qiu Jin
Chinese Poet and Activist
(1874-1907)*

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We thank our WLP partners for their commitment and dedication to the implementation and evaluation of WLP’s training programs and for the valuable feedback we receive from them and from program participants, particularly during testing and adaptation of this manual during grassroots workshops and training institutes.

WHO WE ARE

WLP is a non-profit international women’s rights organization comprised of 20 autonomous women’s rights organizations and dedicated to training and supporting women in the Global South, primarily in transitioning and developing societies, to become leaders and advocates for a just, peaceful world where women’s full human rights are realized and protected. WLP creates culture-specific leadership trainings on democratic participation and partners with local organizations to help women gain the skills they need to fulfill greater leadership roles at the family, community, and national levels. Through our work we promote universal human rights, advance democracy, and strengthen civil society. The WLP Partnership transcends national, religious, ethnic, and cultural boundaries and works to empower and transform women and youth and to harness their tremendous potential as leaders in their families, communities, and societies for a more peaceful, equitable world.

Over the past 15 years, WLP has developed curricula and education resources that encourage women’s leadership and rights and bolster their capacities as agents for change toward the establishment of free, fair, and democratic societies. Since 2000, WLP’s programs and training materials have reached tens of thousands of women and men in over 40 countries, strengthening local organizations to become self-sustaining and empowering women’s movements around the globe.

WLP'S MISSION AND PRINCIPLES

- **Mission:** To transform power relations and promote justice, equality, peace, and sustainable development by strengthening the feminist movement.
- **Vision:** Democratic and peaceful societies that embrace pluralism and tolerance and are governed by gender-equitable norms, legislation, and policies that translate into equal rights and equal levels of participation and decision-making for women and men in the family, community, and politics.
- **Strategy:** To achieve this mission, the WLP Partnership builds capacity through the sharing of vision, mechanisms, and concepts; exchange of experiences, strategies, and skills; and mobilization of resources.
- **Approach:** To promote and sustain leadership that is participatory, inclusive, horizontal, and replicable.
- **Values:** The Partnership shares values of gender equality, human rights, collective and consensus-based action, and respect for diversity.
- **Themes:** In all our activities and resources, the Partnership focuses on the following themes: human rights, ending VAW, human security, leadership, political participation, transitions to democracy, active citizenship, youth engagement, economic empowerment, organizational capacity development, and movement building.

DESCRIPTION OF PROJECT

WLP works to empower women and youth to achieve gender equality and democratic societies by collaborating with our partners to develop and disseminate participatory, inclusive, horizontal, culture-specific, multi-lingual resources and learning tools on participatory leadership, political participation, evaluation, organizational capacity building, youth leadership, Information and Communication Technologies (ICTs) for advocacy, combatting violence against women (VAW), and expanding women's human rights in transitional societies, among other topics, and we make this curriculum freely available online. These resources lay the foundation for our grassroots workshops and Training of Trainers (TOT) Institutes for women, men, youth, and civil society organizations (CSOs).

Based on requests from our partners for human rights advocacy resources, we developed this human rights advocacy manual as a framework for a workshop on human rights, with a special emphasis on women's rights and the instruments that can be used to shape advocacy to advance universal human rights. *Beyond Equality: A Manual for Women's Rights Advocacy* provides a framework for a 14-session workshop on human rights for grassroots women, students, and civil society professionals. The sessions explore human rights with a special emphasis on women's rights, and the human rights instruments

that can be used to shape advocacy for women's advancement. The manual begins by asking the most basic, but important, questions about what are human rights and why are they essential. The sessions that follow explore the rights that are enumerated in international human rights agreements through raising contemporary, topical concerns. The sessions address controversies and conflicts relating to the acceptance of universal rights, as well as the social and moral progress that can be achieved through their application. The final sessions look at the most frequently used international human rights and women's rights mechanisms, and consider how and where they might be applied to social justice advocacy in the future.

In early 2015 we produced and premiered our newest documentary film on human rights, *Human Rights: The Unfinished Journey*,¹ which should be used as a resource for this manual and trainings. The film is based in large part on discussions that took place during WLP's public event at the 58th UN Commission on the Status of Women (CSW) in 2014. It examines the current state of human rights and the measures needed to strengthen the human rights movement as a foundation for human security and the development of peaceful and democratic societies. The film also identifies how, since 9/11, human rights have been marginalized at multiple levels of governance, from local to global, with the 1990s' trend toward more robust language and policies grounded in the human rights framework having shifted to an international emphasis on "hard security." The film concludes with a call for a holistic understanding of universal human rights – including the linkages between women's human rights and social, economic, and environmental rights – and for human rights to be at the center of national and international policies. The documentary is providing space and food for thought for debate amongst diverse audiences on threats to human rights today and is bringing the human rights framework back into the development paradigm.

We hope that this manual and the documentary film will prepare and mobilize greater numbers of activists to support women's human rights around the world.

¹ <https://vimeo.com/122690519>.

WHY THIS MANUAL NOW?

A quick review of recent news headlines reveals the world's growing detachment from finding solutions to human rights issues and, increasingly, shows that states are using human rights as a political bludgeon to chastise their opponents. The result is that where once human rights served as a near-universal benchmark for social progress, today their value and relevance is frequently challenged by young idealists and old tyrants alike.

Since 9/11, human rights have been marginalized at multiple levels of governance, from local to global. Since then, the trend toward more robust language and policies grounded in the human rights framework has given way to an international emphasis on promoting democracy as an end in itself. Security has become the counterpoint to freedom, with the former supplanting the latter in the unbounded "war on terror." And to some extent, right now some of the terrorists are winning, in as much as they have convinced millions that their atavistic, tyrannical, and violent regimes are expressions of devout religion. More than a decade later, we are witnessing the harm caused by excessive security measures such as the U.S.'s Patriot Act, and the repeated inadequacy of holding national and local elections, to combat violent extremism that poses as religious orthodoxy.

In conversations over the past few years, WLP's partners and colleagues have expressed their deep dismay over the global human rights situation and the air of helplessness in the human rights advocacy community. Today, there is a great need to revisit the fundamentals of universal human rights and examine what answers they provide to the rapidly evolving technological, political, and economic conditions around the world.

This manual is meant to serve as a tool for reigniting conversations about the relevance of human rights to the struggle for women's freedom and advancement. We hope it will introduce new generations of activists to the UN International Bill of Human Rights and other human rights mechanisms. For those already well acquainted with international human rights law, the manual's workshop sessions can provide a forum for frank conversation about the contradictions and conflicts that arise in promoting a human rights agenda and can help advocates develop new strategies for addressing them.

STRUCTURE OF THE MANUAL

Types of workshop activities:

- Reading Assignments
- Group Exercises
- Team Exercises
- Group Discussion

Types of reading assignments:

- Essays and speeches
- Excerpts from international human rights documents
- Excerpts from UN resolutions
- Short quotes
- Human rights advocacy examples

Session structure: Each session begins with the session objectives. A brief description of the reading assignments and exercises follows, entitled “In This Session.” The essays and quotes are included to inform the workshop group’s discussions; they are followed by a group or team exercise. Each session ends with questions that reflect on the discussion and the session’s objectives.

Optional Additional Reading and Exercises: Optional reading selections and exercises go more deeply into the subject in the session, but are not necessary for fulfilling the objectives of the workshop session. It is entirely up to the facilitator’s discretion whether to use the optional reading.

Part 1: Women’s Human Rights Workshop Sessions: Sessions in Part 1 examine human rights issues that touch our lives every day, as well as the severe rights abuses that capture headlines and impact our political judgment. Some of the sessions in Part 1 briefly introduce the international human rights instruments that are applicable to the rights abuses being discussed, but generally the reading materials and discussion topics focus on identifying and understanding human rights in our own words and on the social and political factors in our communities that make defending them so difficult.

Participant Evaluation Form: The participant evaluation form is designed to elicit opinions from participants, and like the session questions, there are no right or wrong answers. It is important that participants pay attention to the questions and their own ranking of their responses, as the emphasis changes from one question to the next about a participant’s expectations and opinions. For example, a ranking of four may mean a positive response in one question, while a four in the next could mean something else entirely.

Appendices: The appendices provide the full texts of the most frequently cited declarations, treaties, and UN agreements covered in this manual, as well as lists of UN Experts, Rapporteurs, and Working Groups tasked with protecting the rights of women.

GUIDELINES

Using this Manual to Facilitate a Human Rights Workshop²

These guidelines are to help you facilitate discussions and exercises in this manual. As a facilitator, you are responsible for monitoring and steering each session's learning process. Unlike a traditional teacher or trainer, you are not responsible for leading the group to any specific conclusions or understandings. Rather, your responsibility is to create a comfortable, trusting, safe space for workshop participants, and for you to learn from the ideas and experiences of others, keeping an open mind and working together to form consensus, and a shared vision of human rights.

You will create that space through careful pre-planning of the room and materials set-up and by engaging in facilitation tactics that promote mutual respect, thoughtful discussion, and an atmosphere of collaboration and active participation.

Role of the Facilitator

An effective facilitator listens and learns along with the workshop participants. Your role is to organize the meetings and guide the participants through the workshop exercises. You do not need to know all the answers or agree with every participant.

Discussions will be most successful when all the participants provide input on what they believe human rights are and what the role of international human rights and human rights advocacy is in their own community.

Directing Conversation

Sometimes you may wish to steer the group's conversation in a new direction through thoughtful inquiry. Your responsibility is to guide the direction of the discussion while keeping in mind that there are no correct or more valid opinions (except, of course, where there are established, documented facts). Your goal is to help the participants establish a shared vision of human rights that they can integrate into their personal lives and that they can advocate for in their family and community.

A good facilitator creates a trusting, neutral environment in which everyone feels safe to express her honest opinion without being judged or attacked. This includes helping participants feel comfortable enough to disagree with others in a thoughtful and respectful manner. Do not be concerned if there are lengthy silences between comments. These periods are moments when participants can pause for reflection and summon the confidence to speak up.

Stimulating Discussion

Throughout the manual's sessions, questions are posed to stimulate discussion and debate. The questions are meant only as guidelines, to lead the group to explore their responses and strategies to human rights advocacy. As long as the group is engaging in relevant and valuable discussions, feel free

² Adapted from "Communicating in a Workshop Setting: Guidelines for Facilitating," *Leading to Choices: A Leadership Training Handbook for Women*, (Women's Learning Partnership, 2001).

to let conversations deviate from the posed questions. Moreover, you may decide to use different methods of setting up the exercises or wish to pose different questions than are presented in the workshop sessions.

If you have identified individual participants who may be shy or lack the courage to speak up, suggest your own opinion and ask one of them to comment on what you said. So long as you remain sensitive to the needs of the individual participants and to those of the group, are tactful and affirming, and share the responsibility of learning, you are partaking in effective facilitation.

Keeping to the Agenda

At times, a facilitator can best guide a discussion by being an effective time-keeper and reminding the group of the session's agenda. Although workshop group sizes will vary, it is almost always helpful to encourage participants to keep their comments relatively short, not letting one person or a few people monopolize the conversation. This is particularly necessary for exercises that involve interventions or storytelling from every participant. A diplomatic way to remind participants to keep their comments relevant to the topic being discussed is to direct your suggestions and instructions to the whole group, rather than singling out an individual. Also, consider encouraging participants to listen to what the others are saying and to build upon previous comments.

Sharing Responsibility

Although you are responsible for guiding each workshop session to completion, you do not need to be in charge of every activity or facilitate every discussion. Sharing responsibility can and should be part of organizing the workshop sessions. A simple step is to encourage participants to volunteer to take notes for the group, to read aloud instructions or narratives from the manual, or to facilitate the discussions. Reassuring a participant that she need not worry about spelling when taking notes, or pronunciation when reading aloud, can go a long way toward making her feel comfortable and inspiring others to volunteer.

Joining In

It is up to you whether you join in the discussions. However, keep in mind that because you are organizing each session and are to some extent "in control," participants may give added weight to your opinions and suggestions. Therefore, it is important that you limit your interventions and that when you do express an opinion, you qualify it as *your own* perspective and not *the only* perspective.

Enjoying Yourself

Remember that you are also participating in the workshop to gain knowledge. Enjoy yourself!

Role of the Participants

Participants come to workshops for a variety of reasons, with a wide spectrum of preconceptions and expectations about what will take place. Regardless of their level of experience or professional status, the participants' role is to be both student and teacher, to learn as well as to share knowledge. Workshop sessions are most successful when participants listen attentively, ask questions, and challenge assumptions. Participants are responsible for contributing to discussions, working collaboratively in partnerships or as part of a larger team, and evaluating the process and progress of the sessions. Everyone participating in the workshop will benefit by contributing to a respectful atmosphere during the workshop.

Setting Up the Meetings

It is important to come to the meeting sessions prepared. *Review the material* to be covered beforehand to make sure that you understand the manual's intended objectives and your own objectives for the workshop and for each session. Determine what materials you will need and make sure you plan to have enough of everything. Sessions can take place in an office, public facility, private home, or anywhere there is *quiet and privacy*, and where participants will feel comfortable. You may instruct participants to bring their own pens and paper, or supply them yourself. Depending on the room and supplies available where the workshops take place, you may wish to bring chalk or marker pens for a chalkboard or white board or markers for writing on a flip chart.

Alternatively, you may bring large sheets of paper and tape or tacks to secure them to the walls. The chalkboard, flip chart, or sheets of paper are useful for note-taking in front of the group members so that their ideas and concepts can be easily referred to throughout the session. Recording the discussion highlights on paper is particularly helpful because you can keep the written notes for future reference, referring back to the group's earlier ideas in later sessions.

This manual includes some exercises in which the group is asked to break into teams to carry out an activity. If not all participants have a copy of the manual, you may choose to make photocopies of the instructions for each team. Alternatively, you can write out the instructions in large letters on a piece of paper and tack it to the wall so that everyone will see them.

Most sessions should last approximately two to three hours, but you are free to shorten or lengthen exercises as you feel appropriate for your group. You may wish to supply something to drink or a snack to make participants feel more comfortable. If you are unsure about what the participants would like or expect, ask them about their preference at the first session. Most importantly, *plan ahead* so that you know in advance what will be needed and how the sessions will be organized.

Some Supplies You May Need

- Pens and/or pencils
- Paper
- Large paper for highlighting key points
- Tape or tacks
- Flip chart
- Colored markers
- Chalk
- Large white board or chalk board to write on
- Copies of instructions in the manual
- Clock with visible face and minute hands
- Drinks and snacks for a break
- Cups, plates, napkins

At the Conclusion of the Workshop Sessions

Depending on the group, participants may wish to end the workshop with an informal party or some other group activity. During the ninth or tenth session, you may wish to ask the group to begin thinking about how it would like to mark the workshop's conclusion. It is important that participants leave the workshop feeling that their needs and expectations have been addressed.

Before participants leave after the final session, ask them to fill out the **Workshop Evaluation Form** provided at the end of the manual. This form is useful for understanding what participants learned and for improving future WLP workshop programs. It is helpful for you to explain the purpose of the form and to assure participants that any information they provide is confidential. Participants do not need to put their names on their evaluations if they would prefer to be anonymous. Remember to collect the forms from all the participants before they disperse.

The World We Seek: Human Rights In The 21st Century

Mahnaz Afkhami

Women's Learning Partnership for Rights, Development, and Peace (WLP) began as an idea at the Fourth World Conference on Women in Beijing in 1995. Witnessing the enthusiasm and energy with which 35,000 NGO representatives reviewed the status of women's rights around the globe and discussed strategies for achieving full rights for women, a group of us came together to deliberate the future. The Beijing conference and its antecedents had already taught us that the status of women had been fundamentally the same throughout history and across the world. Everywhere, men had easy access to the public sphere, women did not; men were trained, educated, and encouraged to work for equitable pay, women were not; men were able to recognize and celebrate their masculinity and take pride in their gender, women were not; men were praised for being outgoing, aggressive, articulate, and forceful, women were not; men were applauded for creativity, daring, and innovation, women were not. The result was a much higher rate of achievement, participation, and power in the male of the species and subjugation for the female. For the next several years, we continued our discussions in Casablanca, Berlin, Beirut, and elsewhere. We reached consensus that the structure of relations between men and women was not a plan by men to abuse and oppress women everywhere, even though on the surface it seemed that way – otherwise, how was it that religion, culture, art, literature, even the design and practice of political and economic power all supported and sustained this system? It took us on a journey through history to realize that the culprit was the foundational dynamic created not by one sex, but by the prevalent conditions in earlier times – the time when women spent most of their lives either pregnant, breastfeeding, or caring for children, most of whom would not survive. Those children who did survive to adulthood would help with economic survival of the family and later with the care of the elders (especially if the child were female). Work, sustenance, and warfare all took physical strength. Men and women engaged in activities that guaranteed the sustenance and survival of both sexes. Thus was created a social architecture that comprehended every dimension of human existence.

As time passed, societies created elaborate traditional practices to keep women monogamous and their sexuality protected and contained. Myths grew around the dangers of the female body, the temptations presented by women's hair as well as various female body parts, and the chaos that could ensue if the care were not taken to make the female body invisible and to set limits on women's space and movement. In parts of Africa, female genital mutilation became an inescapable ritual. In China, women's feet were bound in childhood to produce "two-inch lotus like" feet. In parts of the Middle East, the entire female body was covered in a shroud with only a split around the eyes to permit vision. In the West, women were sometimes burnt as witches.

The changes brought about by the industrial revolution altered the nature of production and prompted many women to enter the *paid* workforce for the first time. Scientific advances eliminated many diseases and made it possible for women to control childbearing. Enormous changes in lifestyle ensued as men and women began working in factories and moving to the cities. By the mid-nineteenth century, questions about the roles assigned to men and women began to surface. Women and some enlightened men noted the injustice of women's status, as the division of labor and segregation of spaces lost validity under the new circumstances and lifestyles. The previously prescribed gender roles became increasingly difficult to justify as societies changed. Those societies that had reached a higher level of development experienced the disparity earlier and changes in the status of women arrived sooner there. We realized that *patriarchy*, the controlling structure of this elaborate system that determined and sustained the unequal status of women, was primarily a product of history and not of culture.

The primacy of history over culture helped us understand why, even when unrecognized, the idea of human rights everywhere and always has been absolute – that every human being now and ever, here and everywhere, has been, is, and will be a claimant to human rights, whether he or she knows it or not; that there is no human right that in its nature is relative to any dictum, no matter what its source. It also alerted us to the fact that though universal in principle, these rights are in practice culture-bound and limited in application, but inexorably moving along the path of universality because cultures move and change as the exigencies of history move and change human beings, first a few and then through the few, the many.

The path to the practical achievement of human rights, however, has never been straight, unidirectional, or easy. Other priorities often overwhelm concern about rights. In the nineteenth century, preoccupation with colonial expansion, in the early twentieth century, the rise of totalitarian ideologies, world wars, and later the Cold War overwhelmed the struggle for human rights and especially women's rights. In 1948, at the dawn of the Cold War, the UN Declaration of Universal Human Rights was adopted but much that happened between 1948 and early 1990s in international politics was influenced by the demands of the Cold War politics. There was always tension between a group of nations, mostly Western, that emphasized civil and political rights and a group, mostly from the Third World, that promoted social and economic rights. In either case, Cold War demands as determined by the major powers superseded other demands.

Despite all that, women have made significant progress since 1948. The UN Declaration encompassed women, but was not focused on women. It encompassed economic and social rights, but was not focused on them. It encompassed freedom across the world, but was not focused on the plight of the people still under colonial rule. Its existence, however, established the path forward, and by speeding up the insertion of binding rights in international covenants, it helped expand the idea of rights across the world, though not always uniformly. Two decades later, in the 1968 Tehran Conference on

Human Rights, economic and social rights were declared an integral part of human rights, although the Committee on Economic, Social, and Cultural Rights (ECOSOC) to monitor these rights was not established until 1978. In 1975, in the United Nations First World Conference on Women, convened in Mexico City, the World Plan of Action for women's equality was adopted, the roots of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was planted, and all of that was crowned by the assertion that all issues are women's issues. In 1993, at the Second UN World Conference on Human Rights in Vienna, we succeeded in gaining acceptance that "Women's Rights are Human Rights." In the 1994 UN International Conference on Population and Development in Cairo, women's reproductive rights were recognized and confirmed. And finally in 1995 at the Fourth World Conference on Women in Beijing, the first line of the Mission Statement declared that "The Platform for Action is an agenda for women's empowerment," and to that end signatories committed themselves as governments to implement the Platform for Action and urged the UN system, all other national and international governmental and non-governmental institutions, and all women and men "to fully commit themselves to contribute to the implementation of this Platform for Action."

To transfer women's human rights from the realm of the universal idea to the realm of social reality requires action taken in the name of the state, the only institution whose decisions are binding on all citizens and actors. Women's empowerment being pivotal for the achievement of women's human rights, Beijing signified a cusp – a bridge to a future of great promise. Clearly, decades of activism, encouraged and expanded globally, and spearheaded and strengthened by the UN conferences, had brought the ideas of the UN Declaration of Human Rights into sharper focus and pledges of the governments into more detailed and verifiable commitments. At the end of the twentieth century and with the end of the conflicts and rivalries of the Cold War, a spirit of optimism was in the air, and as heads of world governments gathered at the United Nations to announce the Millennium Development Goals, a widespread network of NGOs across the world pledged themselves to make sure that they would keep their promises and more.

The horrendous events of 9/11 and the wars that followed, however, shook the globe. The fear and anxiety that spread across the world through these cataclysmic events marginalized human rights at multiple levels of governance, from local to global. The robust language of the Beijing Conference focusing on human rights gave way to an emphasis on democracy, defined as elections, and on security – the effect of which was to curtail freedom. More than a decade after 9/11, we are witnessing both the inadequacy of "elections" and of military-centered security to promote peace or guarantee national or individual safety.

This may be a cause for dismay but not despair. Women have learned to take advantage of the ebbs and flows of our history. The world may be in disarray, but we are in a better position to face it and move forward. In the past, we have moved from seeking simply to walk in the public space unchaperoned,

to the right to education, to the right to hold a job, to the right to vote and stand for political office as citizens, to the right to be free from violence in the private and public space, to the kind of equality summarized in the 50/50 slogan.³

Women are now in a position to consider that our demands should evolve along with our evolving consciousness and the growing awareness around the world that women's rights are human rights. We are now ready to accept full responsibility as citizens of the world to think about a new vision for all citizens of that world – men and women. We will not forget the oppressions and continuing abuses suffered by many women across the world. But we realize that an equal share of the ruling 50 percent is not enough for us. We want to think about *"The World We Seek."* To make that better world become reality, equality is no longer enough for us or for the world. We must dare to plan the world we envision with and for 100 percent of its people.

3 For example, the UN Women campaign's slogan, "Planet 50-50 by 2030 – Step it Up for Gender Equality."

Part 1

WOMEN'S HUMAN RIGHTS WORKSHOP SESSIONS

Session 1

What Are Human Rights?

OBJECTIVES:

- To exchange ideas about what are universal human rights, and where they come from.
- To consider when and where human rights apply – in the family, community, and in the world at large.

In This Session:

Embedded in the idea of human rights is the notion that human rights are universal – that they apply to everyone, irrespective of gender, class, creed, or any other distinction. The universality of rights is what makes them so powerful, and it is frequently what makes them so controversial. Universality crosses borders, ignores legal status, and upends the sanctity of traditions and cultures where individuals are not treated equally. At the same time, embracing “universality” is not something that can simply be decreed.

The universality of rights exists not because of international agreements, but because human rights are what make us civilized human beings. For that reason, human rights can be understood through innate intuition, self-examination, and conversation with others. Traditions and religion frequently help inform our considerations and conversations about human rights. What we understand as being human rights comes as much from our assessment of our own society as from international covenants. In other words, you do not need know international law to understand what human rights are.

International human rights agreements provide a common language for describing human rights and a shared framework for measuring different societies’ compliance with human rights norms. In this session, we will read from the Universal Declaration of Human Rights, drafted by the United Nations’ Commission on Human Rights in the first years after the founding of the United Nations. We will consider how the earliest drafters of an international human rights agreement sought to explain the principle of universality. The reading selections that follow are from three renowned human rights advocates. They are different perspectives on how human rights are rooted in common cultural values and religion, while at the same time they protect individuals despite custom and cultural practices. Discussion questions and a group exercise follow the reading selections.

Reading Assignment:

The Universal Declaration of Human Rights⁴

The Universal Declaration of Human Rights (UDHR), a non-binding agreement, was adopted as a declaration of aspirations by United Nations members in 1948. The rationale for fundamental human rights is explained in the UDHR's first few articles:

Article 1 begins: *“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”*

Article 2 explains to whom the rights apply: *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”*

And Article 3 states three basic rights, which establish all the other rights that follow in the Declaration: *“Everyone has the right to life, liberty, and the security of person.”*

Team Exercise:

Break the group into three or four teams. Ask each team to make a list of what the participants believe are the most important human rights (8 to 15 rights) – that is, what they believe are basic rights that apply to everyone. It is not important for the participants to consider what rights are enumerated in the international documents. Rather, in this exercise participants should consider what they *personally* believe are important rights. The teams should record their lists on large sheets of paper so that the papers can be posted next to each other for comparison during the group's follow-up discussion.

After the teams have completed their lists, bring the full group back together. Discuss the rights that appear on all or nearly all of the teams' lists. Discuss why these rights seem to be obvious rights for all people. What is it about these rights that everyone agrees are universal?

Discuss the rights, if any, which only appear on one or two of the teams' lists. Why do these rights seem to be less obvious? Does the group think they *are* universal, even though they did not appear on all the lists? Why or why not?

⁴ The entire text of the UDHR appears in **Appendix A**. A fuller discussion of the UDHR, its origins, and applications, follows in **Session 11**.

Reading Assignments:

“[H]uman rights seem to prove a useful way to protect other values. . . .”

Andrew Clapham⁵

Modern rights theorists have sought to justify the existence and importance of rights by reference to some overriding value, such as freedom, autonomy, or equality. Such philosophical excursions are helpful because they tell us *why* we might want to protect human rights. We can see that rights can be instrumental to build a society that allows people the freedom to develop as autonomous individuals, while allowing participation based on equality in the community’s decision-making process. In other words, we can start to admit that political arrangements are useful for protecting human rights, not because every community must be about protecting God-given rights, but rather because human rights seem to prove a useful way to protect other values, such as dignity and participatory democracy.

On Safeguarding Human Dignity

HRH Prince Hassan bin Talal of Jordan⁶

The new millennium echoes with the familiar cries of hatred, anger and violence. My greatest fear is that if we continue to depend on the rule of force, on power, as a deterrent, we will eventually be unable to disable violence. We must become more sensitized to the concept of consequences: the consequences of poverty, illiteracy, oppression, lack of opportunity, despair and anger, which can all lead to the contemplation of violence.

If the world cannot grow beyond the new “tribalism” of “regionality” or unilateralism that has developed apace over the last year, we are going to face a very uncertain future.

However, if we can search for commonality through a dialogue of universal values, and establish a code of ethical conduct, we could perhaps achieve the security that safeguards human dignity and enables the fulfillment of human needs through solidarity, ridding society of its erroneous need for individuals who seek to terrorize us.

We must therefore learn to work together globally, recognizing our common ground.⁷

5 Andrew Clapham, *Human Rights: A Very Short Introduction*, Oxford: Oxford University Press, 2007, pp. 13-14. Clapham is Professor of Public International Law at the Graduate Institute of International and Development Studies in Geneva.

6 HRH Prince Hassan established Jordan’s Royal Institute for Inter-Faith Studies (1994). In 2003, he was appointed to the Independent Eminent Experts group, to implement the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

7 Quoted in Necil Nedimo Iu, Rapporteur General of the Expert Colloquy, “Dialogue serving intercultural and inter-religious communication,” held by the Council of Europe in Strasbourg, 7-9 October 2002, http://www.coe.int/t/e/com/files/events/2003-02-culture/colloquy_experts_conclusions.asp#P245_67256.

Universal Truths: Human Rights and the Westernizing Illusion

Amartya Sen

Excerpts

Is it right, the question is often asked, that non-Western societies should be encouraged and pressed to conform to “Western values of liberty and freedom”? Is this not cultural imperialism? The notion of human rights builds on the idea of a shared humanity. These rights are not derived from citizenship of any country, or membership of any nation, but taken as entitlements of every human being. The concept of universal human rights is, in this sense, a uniting idea. Yet the subject of human rights has ended up being a veritable battleground of political debates and ethical disputes, particularly in their application to non-Western societies. Why so?

A Clash of Cultures?

The explanation for this is sometimes sought in the cultural differences that allegedly divide the world, a theory referred to as the “clash of civilizations” or a “battle between cultures.” It is often asserted that Western countries recognize many human rights related, for example, to political liberty, that have no great appeal in Asian countries. . . .

Are there really such firm differences on this subject in terms of traditions and cultures across the world? It is certainly true that governmental spokesmen in several Asian countries have not only disputed the relevance and cogency of universal human rights, they have frequently done this disputing in the name of “Asian values,” as a contrast with Western values. The claim is that in the system of so-called Asian values, for example in the Confucian system, there is greater emphasis on order and discipline, and less on rights and freedoms.

Many Asian spokesmen have gone on to argue that the call for universal acceptance of human rights reflects the imposition of Western values on other cultures. For example, the censorship of the press may be more acceptable, it is argued, in Asian society because of its greater emphasis on discipline and order. . . .

. . . There is a tendency in Europe and the United States to assume. . . that it is in the West – and only in the West – that human rights have been valued from ancient times. This allegedly unique feature of Western civilization has been, it is assumed, an alien concept elsewhere. . . . By arguing that the valuing of toleration of personal liberty, and of civil rights is a particular contribution of Western civilization, Western advocates of these rights often give ammunition to the non-Western critics of human rights. . . .

Confucius and Company

. . . . There is much variety in Asian intellectual traditions, and many writers did emphasize the importance of freedom and tolerance, and some even saw this as the entitlement of every human being. The language of freedom is very important, for example, in Buddhism, which originated and first flourished in South Asia and then spread to South-

east Asia and East Asia. . . . In this context it is important to recognize that Buddhist philosophy not only emphasized freedom as a form of life but also gave it a political content. To give just one example, the Indian emperor Ashoka in the third century BCE presented many political inscriptions in favor of tolerance and individual freedom, both as a part of State policy and in the relation of different people to each other. The domain of toleration, Ashoka argued, must include everybody without exception.

. . . Both in Asia and in the West, some have emphasized order and discipline, even as others have focused on freedom and tolerance. The idea of human rights as an entitlement of every human being, with an unqualified universal scope and highly articulated structure, is really a recent development; . . . it is not an ancient idea either in the West or elsewhere. But there are limited and qualified defenses of freedom and tolerance, and general arguments against censorship, that can be found both in ancient traditions in the West and in cultures of non-Western societies.

Islam and Tolerance

Special questions are often raised about the Islamic tradition. Because of the experience of contemporary political battles, especially in the Middle East, the Islamic civilization is often portrayed as being fundamentally intolerant and hostile to individual freedom. But the presence of diversity and variety within a tradition applies very much to Islam as well. The Turkish emperors were often more tolerant than their European contemporaries. The Mughal emperors in India, with one exception, were not only extremely tolerant, but some even theorized about the need for tolerating diversity. The pronouncements of Akbar, the great Mughal emperor in sixteenth century India, on tolerance can count among the classics of political pronouncements, and would have received more attention in the West had Western political historians taken as much interest in Eastern thought as they do in their own intellectual background. For comparison, . . . the Inquisitions were still in full bloom in Europe as Akbar was making it a State policy to tolerate and protect all religious groups.

A Jewish scholar like Maimonides in the twelfth century had to run away from an intolerant Europe and from its persecution of Jews for the security offered by a tolerant Cairo and the patronage of Sultan Saladin. Alberuni, the Iranian mathematician, . . . was among the earliest of anthropological theorists in the world. He noted and protested against the fact that “depreciation of foreigners. . . is common to all nations towards each other.” He devoted much of his life to fostering mutual understanding and tolerance in his eleventh-century world.

National and Cultural Diversity

To conclude, the so-called “Western values of freedom and liberty,” sometimes seen as an ancient Western inheritance, are not particularly ancient, nor exclusively Western in their antecedence. Many of these values have taken their full form only over the last few centuries. . .⁸

Questions for Group Discussion:

- How do ideas from religion and culture enhance our understanding of human rights? Which ideas and practices from your religion and your culture support human rights?
- Does the adherence to human rights make someone less traditional or more traditional? More modern or less modern? Why?
- Does the observance of human rights complicate or interfere with an individual’s ability to conform with her or his traditions? Why or why not?
- Would it be possible to conceive of human rights without universal human equality and dignity? Why or why not?
- Do rights exist in the family in the same way they exist in society?
- Is it possible for a right to be universal, but at the same time to appear to conflict with another right? (For example, are there some rights that seem to conflict with the freedom to practice one’s religion or the freedom to observe one’s cultural practices?) If so, what are some examples? How would you resolve the conflict?

8 Amartya Sen, “Universal Truths: Human Rights and the Westernizing Illusion,” *Harvard International Review*, Vol. 20, no.3 (Summer, 1998), pp. 40-43. Sen is an economist from India who teaches at Harvard University in the U.S. and Cambridge University in the U.K. In 1998, he was awarded the Nobel Prize in Economic Sciences.

Session 2

Human Dignity, Physical Integrity, and the Rights of Husbands and Wives

OBJECTIVES:

- To explore the meaning of human dignity and how human rights protect and promote human dignity.
- To consider an individual's right to control her own body, in matters of safety, health, reproduction, and sexuality.
- To discuss whether marriage, and having children, changes the rights and responsibilities of women.

In This Session:

Human dignity is valued in all cultures, yet what it is exactly is hard to pinpoint. Frequently we understand the parameters of human dignity only when they get eroded. For instance, we intuit that forcing a woman to shave her head or a man to shave his beard is a violation of her/his human dignity (and frequently also a violation of her/his right to religion). It is not a coincidence that prisoners are frequently forced to shave; the violation of their dignity breaks their spirit and makes it easier to control them. In this session, we will read selections discussing human dignity and its connection to human rights. For the framers of the international human rights agreements, "inherent dignity" and human rights were equal pillars of human existence.

In the reading selections that follow, Jack Donnelly argues that human rights are a precondition for human dignity, while Diane Ayton-Shenker argues that the common value of human dignity is the foundation for human rights. The Preamble to the Universal Declaration of Human Rights (UDHR) suggests that human rights and human dignity are indivisible. In the group exercise, we will brainstorm what we think defines human dignity, how it is sustained, if it exists wherever human life exists, and whether human rights must protect it.

The observance and protection of human dignity is also profoundly linked to physical autonomy and the right of an individual to control her own body. Most people can agree that violations of one's physical body, from forced shaving or forced veiling/unveiling to rape or starvation, are egregious degradations of human dignity. Perhaps the worst violation of human dignity is slavery, where a person is reduced to chattel, his or her whole body owned and controlled by another. Human dignity and physical autonomy, the right

to own and control one's own physical self and actions, are two sides of the same coin. In this session, we will also consider rights that protect a person's physical safety and health and a person's right to do what she pleases with her own body so long as it does not harm another, including her sexual activity. And we will ask ourselves whether marriage and parenthood changes our human right to have sole control over our own bodies. Does pregnancy complicate a woman's right to make decisions about her own body? Does parenthood complicate a man or woman's right to travel and enjoy life outside his or her family responsibilities?

In the final reading selections, Arati Rao discusses how women throughout history have been literally and symbolically regarded as the repositories and guardians of culture, and because of this have suffered a great loss to their physical autonomy and human rights. Betty Friedan, in a 1969 speech, argues that a woman's physical autonomy is restored when she has the right and the power to decide when she will become a mother. Without that right, women are at the mercy of their biology, defined and controlled by their capacity or incapacity to breed. The drafters of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) dealt with the knotty issue of parents' rights in marriage and family relations, by ignoring women's biological differences. Regardless of biology, CEDAW affirms, women and men have "the same rights" including the same right to enter into marriage, choose a spouse, and choose the number and spacing of their children.

Reading Assignments:

On Protecting Dignity

Jack Donnelly

Human rights reflect – or at least analytically can be understood to reflect – a particular specification of certain minimum preconditions for a life of dignity in the contemporary world. But our detailed understanding of human dignity is shaped by our ideas and practices of human rights. And the practice of human rights can be seen as justified, in some ultimate sense, by its production of beings able to live a life of dignity. . . .

Human rights both specify forms of life that are worthy of beings with inherent moral worth and provide legal and political practices to realize a life of dignity that vindicates the inherent worth of the human person.

In other words, human rights insist that the inherent worth of human beings must not be left in an abstract philosophical or religious domain but rather must be expressed in everyday life through practices that respect and realize human rights.⁹

9 Jack Donnelly, "Protecting Dignity: An Agenda for Human Rights," in *Human Dignity and Human Rights*, 2009, p. 83, http://www.udhr60.ch/report/donnelly-HumanDignity_0609.pdf. Donnelly is the Andrew Mellon Professor at the Josef Korbel School of International Studies at University of Denver.

On the Challenge of Human Rights and Cultural Diversity

Diana Ayton-Shenker

There is an increased need to emphasize the common, core values shared by all cultures: the value of life, social order and protection from arbitrary rule. These basic values are embodied in human rights.

Traditional cultures should be approached and recognized as partners to promote greater respect for and observance of human rights.

Drawing on compatible practices and common values from traditional cultures would enhance and advance human rights promotion and protection. This approach not only encourages greater tolerance, mutual respect and understanding, but also fosters more effective international cooperation for human rights.

Greater understanding of the ways in which traditional cultures protect the well-being of their people would illuminate ***the common foundation of human dignity on which human rights promotion and protection stand***. This insight would enable human rights advocacy to assert the cultural relevance, as well as the legal obligation, of universal human rights in diverse cultural contexts. Recognition and appreciation of particular cultural contexts would serve to facilitate, rather than reduce, human rights respect and observance.

Working in this way with particular cultures inherently recognizes cultural integrity and diversity, without compromising or diluting the unquestionably universal standard of human rights. Such an approach is essential to ensure that the future will be guided above all by human rights, non-discrimination, tolerance and cultural pluralism.¹⁰

The Preamble to the Universal Declaration of Human Rights (UDHR)

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

¹⁰ Diana Ayton-Shenker, "The Challenge of Human Rights and Cultural Diversity," UN Background Note, published by the UN Department of Public Information DPI/1627/HR–March 1995, <http://www.un.org/rights/dpi1627e.htm>. Ayton-Shenker teaches Social Entrepreneurship at The New School in New York and is a Senior Fellow at Bard College's Globalization and International Affairs Program.

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Group Exercise:

The UDHR sets out to respond to threats to human dignity, without actually defining what human dignity *is*. For this exercise, the group will brainstorm what human dignity is and form a consensus on a definition of human dignity.

Begin by asking the participants what they believe the meaning of human dignity is. Where does it come from? Does every person have it? Why or why not? How is it maintained? How can it be denied? How can it be protected? Ask a volunteer to record the answers on a board or large sheet of paper.

In the second part of this exercise, ask the participants to craft a definition of human dignity, refining and adding to it until the group agrees that it meets their idea of what human dignity is. If the group cannot agree on a single definition, then work with the participants to create more than one definition. Record the definition or definitions on a board or large sheet of paper to be referred to throughout the rest of the session.

Reading Assignments:

On the Politics of Gender and Culture

Arati Rao

No social group has suffered greater violation of its human rights in the name of culture than women. Regardless of the particular forms it takes in different societies, the concept of culture in the modern State circumscribes women's lives in deeply symbolic as well as immediately real ways. Historically, women have been regarded as the repositories, guardians, and transmitters of culture. Women represent the reproduction of the community. Women usually are the primary caregivers in the family and therefore the earliest inculcators of culture in the child. Through their clothing and demeanor, women and girls become visible and vulnerable embodiments of cultural symbols and codes. In addition, the primary identification of the woman with the family and home, in a problematic separation of "public" and "private" spheres of existence, contributes to her secondary status in the very realm where her future is debated and even decided: the public.¹¹

On A Woman's Civil Right

Betty Friedan

Excerpts

Am I saying that women must be liberated from motherhood? No, I am saying that motherhood will only be a joyous and responsible human act when women are free to make, with full conscious choice and full human responsibility, the decisions to become mothers. Then and only then, will they be able to embrace motherhood without conflict, when they will be able to define themselves not just as somebody's mother, not just as servants of children, not just as breeding receptacles, but as people for whom motherhood is a freely chosen part of life, freely celebrated while it lasts, but for whom creativity has many more dimensions, as it has for men. Then, and only then, will motherhood cease to be a curse and a chain for men, and for children. . . .

Am I saying that women have to be liberated from men? That men are the enemy? No. I am saying the men will only truly be liberated to love women and to be fully themselves when women are liberated to have a full say in the decisions of their lives and their society. . . .

This revolution cannot happen without radical changes in the family as we know it today; in our concepts of marriage and love, in our architecture, our cities, our theology, our politics, our art. Not that women are special. Not that women are superior. But these expressions of human creativity are bound to be infinitely more various and enriching when women and men are allowed to relate to each other beyond the strict confines of the *Ladies' Home Journal's* definition of the Mamma and Papa marriage.

11 Arati Roy, "The Politics of Gender and Culture in the International Human Rights Discourse," in *Women's Rights Human Rights*, Julie Peters and Andrea Wolper, eds., New York: **Routledge**, 1995, p. 169. Arati Rao has published numerous articles and essays on feminism and human rights.

If we are finally allowed to become full people, not only will children be born and brought up with more love and responsibility than today, but we will break out of the confines of that sterile little suburban family to relate to each other in terms of all of the possible dimensions of our personalities – male and female, as comrades, as colleagues, as friends, as lovers. And without so much hate and jealousy and buried resentment and hypocrisies, there will be a whole new sense of love. . . .

In this confrontation, we are making an important milestone in this marvelous revolution that began long before any of us were born and which still has a long way to go. . . .¹²

Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹³

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - a. The same right to enter into marriage;
 - b. The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - c. The same rights and responsibilities during marriage and at its dissolution;
 - d. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; ...the interests of the children shall be paramount;
 - e. The same rights to decide freely and responsibly on the number and spacing of their children . . .;
 - f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children . . .;
 - g. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - h. The same rights for both spouses . . . of the ownership, acquisition, management, administration, enjoyment and disposition of property
2. The betrothal and the marriage of a child shall have no legal effect, and . . . legislation shall . . . specify a minimum age for marriage....

12 From a speech entitled “A Woman’s Civil Right” given by Betty Friedan in Chicago, Illinois, at the first national conference for the repeal of abortion laws (1969). Friedan (1921-2006) was an American writer (author of the groundbreaking *The Feminine Mystique*), activist, and feminist.

13 Excerpted from the Convention on the Elimination of All Forms of Discrimination against Women. Adopted and opened for signature, ratification, and accession by UN General Assembly resolution 34/180 of 18 December 1979. Entry into force 3 September 1981, in accordance with article 27(1). A fuller discussion of CEDAW, its origins, and its applications, follows in Sessions 3 and 12.

Questions for Group Discussion:

- Who has the right to decide what a woman does with her body – with her clothing, travel, choice of marriage partner, even sex?
- Do you think a woman's right to determine for herself how she dresses, who her friends are, where she works, where she travels, and other similar choices should be shared with her spouse after she gets married? What sort of decisions should be her own, and what sorts of decisions, if any, should be made in consultation with her spouse?
- If marriage changes women's rights and responsibilities, do you believe it does the same for men? If so, how?
- Do you believe married men have the right to sexual intimacy with their wives whenever they want it? Why or why not? Do women have that same right?
- Do you believe that motherhood changes women's rights and responsibilities? Does fatherhood? In what ways are those rights and responsibilities similar?
- What rights should spouses have during marriage? What responsibilities?
- In what areas and for what reasons should society try to regulate family matters?

Group Exercise:

In this exercise, ask participants to review each of the rights in CEDAW's Article 16 (see above) as a group. Ask volunteers to read each of the rights aloud, and then discuss each right separately. Ask the participants if each right is observed in their homes and in their communities, and whether it addresses the traditional obligations of both spouses.

Ask the participants to consider whether the marriages of their friends and family members reflect the principles in CEDAW's Article 16. If they do, in what ways?

Session 3

Women's Participation in Public Life

OBJECTIVES:

- To discuss what rights and freedoms relate to public life and protect women's participation in the public sphere.
- To consider what are the rights of citizens and what are the responsibilities.
- To consider how women's equal participation in public life and citizenship impacts society as whole.
- To examine the traditional notion of gender roles as being complementary to one another, and the threat to women's participation in public life when that complementarity is codified in law.

In This Session:

Equality between the sexes frequently conflicts with traditional ideas about public and private life. Different cultures draw the line between the public sphere (government, commerce, education, health, the arts) and the private sphere (home, family, personal relationships) differently. However, in nearly every society throughout history, the public sphere was overwhelming considered the domain of men, and the private sphere the domain of women. Where men made decisions about business and politics, education, and so on, women occupied (even if they did not control) the private sphere through maintaining households and bearing and raising children. Women's power – the right and ability to make decisions – in the private sphere depended, and continues to depend, on social, economic, and cultural factors. By contrast, men have presided over public institutions and private family matters since time immemorial.

In this session, we will discuss whether women and men can have the same rights in society where there is still a sharp divide between gender roles in public and private life. We will challenge the argument that gender roles are necessary complements to each other. We will consider whether equal dignity between men and women is the same as equal rights, and why the distinction between equal dignity and equal rights matters. In particular, we will look at the responsibilities of citizenship and the rights that are integral to women's ability to fulfill their role as citizens in the public sphere.

In this session, we will review some of the language from the Universal Declaration of Human Rights (UDHR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – a binding legal treaty that protects women’s and men’s equal right to participate in public life.¹⁴ We will discuss how men and women can contribute equally as citizens and whether women can do this if their role is to be complementary to men. We will read about an early draft of the new Tunisian Constitution that sought to codify women’s complementary role and which met with swift and strong resistance from women’s rights and human rights advocates. We will discuss why the language in the draft constitution was fiercely opposed, and what Tunisian society gained by its removal.

Reading Assignment:

The Universal Declaration of Human Rights¹⁵

Excerpts

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

¹⁴ Almost all countries have ratified the CEDAW agreement – 187 out of 194 countries have ratified. Only seven have not ratified, including the United States, Sudan, South Sudan, Somalia, Iran, and the Pacific Island nations of Palau and Tonga. <http://www.womenstreaty.org/index.php/about-cedaw/faq>. A fuller discussion about the ratification of CEDAW, and how and why many countries have made reservations to specific articles in CEDAW, follows in Session 12.

¹⁵ For the full text of the UDHR, see Appendix A.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Group Exercise:

The UDHR sets out to enumerate the rights of men and women to participate in public life. For this exercise, ask the group to read through each of the UDHR Articles listed above and brainstorm what activities relating to public life, from publishing a political article to meeting a friend of the opposite sex in a public place, are protected as rights by the Declaration.

For example, in Article 13, the UDHR establishes that individuals have the right to freedom of movement. This means that adult women have the right to travel without needing the permission from a male relative and that women and men have the equal rights to travel and move about in the public sphere. How does this right enable women's activities in the public sphere? Which activities?

As the group goes through the list, ask a volunteer to record on a board or large sheet of paper the rights and activities being discussed in the workshop session.

Reading Assignment:

Convention on the Elimination of All Forms of Discrimination against Women¹⁶(CEDAW)

Excerpts

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a. To vote in all elections...
- b. To participate in the formulation of government policy. . . and to hold public office and perform all public functions at all levels of government;
- c. To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Team Exercise:

Articles 7 and 8 of CEDAW (excerpted above) guarantee some equal rights of citizenship for women and men. There are responsibilities of citizenship of course, which include abiding laws, conducting oneself in a manner that ensures your own and others’ safety, educating oneself about social and political issues, helping others less fortunate, participating in charitable organizations, participating in public forums and referendums, and serving on a jury. The actions one takes to be a good citizen are almost all conducted in the public sphere, although most of these actions at one time or another were considered appropriate, or even legal, only for men.

Together as a group, brainstorm all of the actions and activities of a good citizen in your community. No action is too insignificant (for example, cleaning the sidewalk in front of your house, or following traffic rules...) Create a list on the board of 20 to 30 steps to being a good citizen.

When the list is complete, starting from the top, review with the group whether the activity or action is conducted in the public (PC) or private sphere (PT), which you can note by writing PC or PT next to the item. Also ask the group whether the activity or action has historically been done by men (M), women (W), or both (MW), noting an M, W, or MW next to the item.

When you have completed the list, discuss the group’s findings.

¹⁶ For the full text of CEDAW, see Appendix D.

Questions for Group Discussion:

- The UDHR and CEDAW both claim that men and women are equal in dignity, freedom, and rights. Do you believe that rights and responsibilities of citizenship should be the same for men and women? Why or why not?
- What do you think are the most important responsibilities of citizens, and why?
- What is the connection between a woman's participation in public life and a woman's ability to fully participate as a citizen? Can a woman exercise her full right to citizenship without having the same freedoms as men in the public sphere?
- Has women's increasing participation in public life changed society over the last decade, century, and millennium? If so, how?
- In what aspects of public life and citizenship would you like to see women's participation increase? What is the impact you hope will be accomplished by women's increased participation in the public sphere?

Reading Assignments:

Article 28 of the Draft Constitution of Tunisia

In August 2012, a draft of a new constitution in Tunisia was released to the public. Article 28 of the draft constitution characterized women's role as being "complementary" to men.¹⁷ The response by women's rights advocates was swift and forceful. Their criticism was that defining women as being complementary to men reduced women's status and worth to that of being a wife, daughter, or mother – in relationship to a specific man or men. Women could never be *equal* to men if their status was dependent on their being complementary to men. In later drafts of the constitution, the controversial language was removed.

Group Exercise:

Imagine a world where men's value to society was determined by the degree to which they complemented the rights, roles, and responsibilities of women. What would this mean for women? What would this mean for husbands and fathers? What would this mean for religious leaders? What would this mean for politicians? How would men's responsibilities change? How would their responsibilities stay the same?

Ask the group to break into pairs, and assign each pair a different male char-

17 "Although multiple translations may be offered on the meaning of "*yetekaamul*," the Arabic term in contention, the term "complementary" (or "*complémentaires*" in French) has been the most frequent translation." From "The Arab Spring and Women's Rights in Tunisia," by Mounira M. Charrad and Amina Zarrouh, Sept. 4, 2013 in E-INTERNATIONAL RELATIONS. <http://www.e-ir.info/2013/09/04/the-arab-spring-and-womens-rights-in-tunisia/>

acter: Religious Leader, Member of Parliament, Doctor, Grocer, High School Teacher, Car Mechanic, etc.

Ask each pair to prepare a short (one paragraph) manifesto for their male character explaining how his public and private roles are complementary to women and how they thus promote the welfare of all of society. The manifestos should be written in the first person. An example of how one might begin is: *"I, Ibrahim, professor of biology at the university, have rights and responsibilities that are complementary to those of women. These include my role as teacher where I educate both young men and women and support and complement women faculty at my university...."*

When the pairs reconvene, ask a volunteer from each pair to read their manifesto.

Questions for Group Discussion:

- Was this an easy or difficult exercise? Why?
- What does "complementary" mean to you in the context of gender roles?
- Why did the Tunisian women's rights activists believe that you cannot have equality between the sexes where legally one sex is supposed to complement the other?
- Do you think that critics of Tunisia's Article 28 would have been satisfied if the language in the article said that women were complementary to men, *AND* that men were complementary to women? Why or why not?
- What do women have to offer society as doctors, teachers, bankers, aid workers, grocers, religious authorities, journalists, politicians, diplomats, and peacekeepers? Are their contributions in these roles limited to how they complement men? Why or why not?

Session 4

Equity versus Equality

OBJECTIVES:

- To examine the meaning of the terms “equity” and “equality” and what they signify in international law.
- To consider what the distinctions might be between equity and equality for women’s access to education, jobs and remuneration, property and inheritance, political participation, and other benefits of citizenship and social participation.
- To discuss what the potential ramifications for women are when equitable rights rather than equal rights are pursued.

In This Session:

The terms *gender equity* and *gender equality* are sometimes used interchangeably, but in law they represent two separate paths to advancing women. The clearest distinction between the two is that *equity* is based on subjective criteria, determined by culture, religion, and traditions, while *equality* is based on objective criteria. What is *equity* or *equitable* depends on what someone or some people believe is fair and correct. While ensuring *equality* or what is *equal* is a matter of ensuring that conditions, privileges, or rights are the same. Of course, in reality, even “the same” is open to some interpretation, and in many societies where people are ostensibly treated the same, there is disagreement about whether they truly are.

In the reading selections that follow, experts describe the distinctions they make between when laws and rights are applied equitably versus equally. The short excerpt from the Preamble to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) illuminates the convention drafters’ rationale for aspiring to gender equality rather than gender equity. In some societies, equity takes the form of separating the genders – in school, at work, on public transportation, and in houses of worship, among many examples. Can men and women be treated equally if they are separated? In the United States, that question was put before the Supreme Court regarding race – whether the races could be treated equally if they were separated. In the famous 1954 *Brown vs. The Board of Education* decision, Chief Justice Earl Warren argued that the very act of creating different spaces for black and white children to be educated unavoidably signified that the society held one race

to be inferior to the other. Therefore, Warren stated, the separate systems of education were not equal for black and white children. In this session, we will discuss whether Warren's logic also applies to gender, and whether separating the sexes is also rooted in upholding a social order where women are inferior to men.

Reading Assignments:

Equality or Equity for Women?

Alda Facio and Martha I. Morgan

What is needed to end global discrimination against women? Gender equity or gender equality? These terms, or their respective translations, are at times used interchangeably. However, in the context of women's rights under international human rights law, clarifying the distinction between the terms equity and equality is a point of increasing concern. "Equality" is the terminology of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Convention's concept of equality sets broad and objective standards for Member States. The CEDAW Committee, which monitors compliance with the treaty, has responded to the continuing confusion between these two terms by repeatedly reminding the countries submitting their periodic reports under the Convention of the importance of adhering to CEDAW's "equality" approach rather than substituting the vague and subjective term "equity."¹⁸

What is the Difference between Gender Equity, Gender Equality and Women's Empowerment?

Gender equity is the process of being fair to women and men. To ensure fairness, strategies and measures must often be available to compensate for women's historical and social disadvantages that prevent women and men from otherwise operating on a level playing field. Equity leads to equality. Gender equality requires equal enjoyment by women and men of socially-valued goods, opportunities, resources and rewards. Where gender inequality exists, it is generally women who are excluded or disadvantaged in relation to decision-making and access to economic and social resources. Therefore a critical aspect of promoting gender equality is the empowerment of women, with a focus on identifying and redressing power imbalances and giving women more autonomy to manage their own lives. Gender equality does not mean that men and women become the same; only that access to opportunities and life changes is neither dependent on, nor constrained by, their sex. Achieving gender equality requires women's empowerment to ensure that decision-making at private and public levels, and access to resources are no longer

18 Alda Facio and Martha I. Morgan, "Equality or Equity for Women: Understanding CEDAW's Equality Principles," IWRAW Asia Pacific Occasional Papers Series, No. 14, 2009 (www.iwraw-ap.org). Facio is a jurist, writer, and international expert on women's human rights, gender violence, and gender analysis. Morgan is Robert S. Vance Professor Emerita of Law at the University of Alabama School of Law.

weighted in men's favor, so that both women and men can fully participate as equal partners in productive and reproductive life.¹⁹

Preamble to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)²⁰

Excerpts

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity. . .

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women. . .

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields. . .

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women. . .

Questions for Group Discussion:

- What is your definition of gender *equity*?
- What is your definition of gender *equality*?
- What are the criteria for measuring equity? How do we know when a law or practice is equitable? Who decides?
- What are the criteria for measuring equality? How do we know when a law or practice is being applied equally? Who decides?
- If equitable means fair, then might the decision about what is fair for men and what is fair for women be different depending on whether men or women make the decision?
- Why does CEDAW call for full equality between men and women, rather than full equity? What do you think the distinction being made in CEDAW is?
- Do you think some people attribute superior qualities to those in positions of power? Why or why not?

19 From the United Nations Population Fund (UNFPA) website: Frequently Asked Questions about Gender, https://www.unfpa.org/gender/resources_faq.htm#2.

20 http://www.ipu.org/PDF/publications/cedaw_en.pdf, p.93.

- In most families, parents decide what chores each of their children is responsible for. Is society like a family in that some people are like “parents” and should decide what is fair, and others are like children and should accept what the parents decide? If so, then who are the parents and who are the children? If not, then what are the differences between society and a family? Are there some similarities and some differences?
- If the CEDAW framers had written that governments should embody the principle of *equity* between men and women in their appropriate legislation, instead of the principle of *equality*, what types of discrimination might result? What are examples of treatment that some people find equitable, but you feel is discriminatory?
- What are some examples of discrimination against women that some people feel are justified? For example, some people believe that it is equitable for a school or sports programs to sponsor teams only for men, and not for women, in some sports – such as track or football. Are there any examples with which you agree? Why?

Reading Assignment:

Brown vs. The Board of Education

On May 17, 1954, the U.S. Supreme Court unanimously ruled in *Brown vs. The Board of Education* that ‘separate but equal’ public schools for blacks and whites was unconstitutional. The claim that schooling could be equitable, separate, and by extension different but still equal, was found to be impossible in practice and in law. The court ruled that separation of services creates an inherent inequality that was discriminatory and harmful to society. Chief Justice Earl Warren²¹ wrote the decision for the court. The following are excerpts from his written opinion:

“Today, education is perhaps the most important function of State and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. . . It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms. . .

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other ‘tangible’ factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. . .

²¹ Earl Warren (1891-1974) was the 14th Chief Justice of the United States Supreme Court (1953-69), who presided over some of the country’s most important civil rights cases.

Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn.

Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racially integrated school system. . .

We conclude that, in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal. . . “²²

Questions for Group Discussion:

- In the United States in the 1950s, why did separate educations amount to inferior educations? How did the division between blacks and whites in schools, on buses, in restaurants, and in other ways create a legal means of discriminating against black people?
- Chief Justice Warren wrote, “...the policy of separating the races is usually interpreted as denoting the inferiority of the negro group.” Does separation of the sexes ever denote the inferiority of females to males? If so, what are those circumstances?
- Do you believe that there are parallels in society between the inferior treatment of blacks in schools in 1950s’ America, and the treatment of women today? Why or why not?
- Can women have separate but equal educations and jobs? Can women have separate but equal gender roles? Why or why not?

22 <http://www.nationalcenter.org/brown.html>

Team Exercise:

Divide the group into teams of three to four participants. Ask each team to consider under what circumstances women are provided with separate or different education, healthcare, access to economic opportunities, salaries, promotions, and expectation of duties within the family. For example, girls are often discouraged from studying science or technology while boys are encouraged to do so.

Ask the teams to make a list of situations where women and men, girls and boys, are treated differently. When the list is complete, ask the team to consider whether the different treatment or different expectations of men and women are equitable despite the differences. Are they fair? Are they in the best interest of society in the long run? Ask the team to record its findings for each item on its list and then choose a volunteer to report back to group on what it discussed.

When the group reconvenes, have each team share its findings with the group.

Optional Additional Reading and Exercise:

Laws and policies that advance the rights of women, whether local or international, work in a number of ways to bring about justice and equality for women. Understanding the distinctions between the strategies helps an advocate identify when and why policies fail, and how best to communicate what changes are needed.

Reading Assignment:

How Do Legal Agreements Protect Women and Girls and Provide for Their Advancement and the Welfare of All Society?

Laws, procedures, and practices that aim to protect and advance women do so through a variety of strategies. Which strategies are used depends on many factors, including cultural and legal traditions. The protections the legal agreements offer for women and girls can be roughly divided into three strategies, although these strategies frequently overlap:

Affirmative Action: The first strategy is drafting and enforcing affirmative action laws and policies that make special accommodations to ensure a minimum level of participation by women. Affirmative action is premised on the idea that past discrimination should be redressed through policies that help women ‘catch up’ to men in their contributions and accomplishments. For some advocates, the idea of affirmative action for women is an anathema to equality, while for others it is a necessary strategy to overcome sex prejudice and discrimination. Among the most common, and most hotly debated, affirmative action policies are quotas for women’s participation in government and high-level decision making.

Gender Mainstreaming: The second strategy entails ensuring that women’s perspectives and concerns are part of decision-making at all levels of government and civil society. With gender mainstreaming, laws

and policies are drafted and implemented to benefit men and women equally. In the long run, gender mainstreaming “aims to transform discriminatory social institutions, laws, cultural norms and community practices, such as those limiting women’s access to property rights or restricting their access to public space.”²³ An example of gender mainstreaming is the UN Security Council’s passage of Resolution 1325 (discussed in Session 13) that aims to increase women’s participation in policy-making during times of war, peace negotiations, and rebuilding communities in post-conflict situations.

Enforcement of Equality: The third strategy is enforcing declarations, legislation, and expectations of equality between women and men. Enforcement of equality measures include laws stating that their provisions *apply equally* to women and men; services (social, economic, health, etc.) that are *provided equally* to women and men; community practices such as awarding scholarships and promoting individuals in the workplace being *applied equally* to women and men; and laws and procedures that *enforce non-discrimination*.

It is the last of these three strategies that is frequently considered too radical, or too upsetting to cultures or traditions, to be practical in many societies. Yet equality is the fundamental right that provides the basis for all human rights. Human rights are born out of the elemental belief that all human lives have the same value. In order to manifest this belief, people must be treated equally, with the same rights and protections, regardless of gender or other distinctions.

Group Exercise:

Consider the three strategies for advancing women’s rights described in the reading selection above:

- Affirmative Action – helping women to ‘catch up’
- Gender Mainstreaming – ensuring women’s participation
- Enforcement of Equality – enforcing laws and practices be equally applied to women and men

Brainstorm examples of each strategy. Ask the group to list the pros and cons of each. Consider which strategy works best for different women’s rights objectives. Consider why one strategy might work where another fails.

23 <http://www.unwomen.org/en/how-we-work/un-system-coordination/gender-mainstreaming#sthash.XDVdQuOM.dpuf>

Session 5

Advocacy and Action: Women Speaking Out

OBJECTIVES:

- To reflect on the challenges, even threats, women face when they choose to demand their rights and speak out against injustice.
- To discuss the courage of women who do speak out.
- To consider strategies for women facing a backlash for taking a stand on important issues.

In This Session:

All the rights in the world do not protect a woman who feels intimidated and threatened if she speaks out. She needs to feel safe enough to take a stand. In this session, we will read about women in Morocco and Egypt who are standing up for their rights despite the lack of support from local authorities, police, and family members. We will discuss the paradox of men who are in positions to most help and protect women, in the government, in the police force, in the family, but who in fact use their positions to exploit and harm women. We will look at what these men gain for themselves and other men in society by intimidating women or ignoring their plight – whether they do this through unfair inheritance laws, limiting the right to work, or even denying women the right to fight for democracy alongside men.

In this session, we will read about a group of women in India who are fighting sexual harassment and assaults by acquiring self-defense skills and mobilizing in the streets. We will discuss their courage, and the value and potential shortfalls of short-term strategies to combat violence. We will ask ourselves whether it is short-sighted or simply realistic to guard women from dangerous men, versus finding ways to change society's underlying value system. What do women risk if they take a stand? What do women risk if they do nothing?

Reading Assignments:

Soulaliyate Women Speaking Out for Their Equal Rights

In Morocco, an estimated 30 million acres of land belongs to over 4,600 indigenous communities in 48 provinces. The land is owned collectively by nearly 2.5 million beneficiaries, in an arrangement that goes back

thousands of years to the time before the arrival of Islam. The ancient *Orf*, or customary law, dictates that the land cannot be sold or leased, but the *Orf* has been superseded by changes to land management laws across Morocco. Common lands have been sold and leased, with the proceeds going almost exclusively to men. The women from these collective lands are called the Soulaliyate, and they have been fighting for their equal rights to land and equal share in the land profits.

The Soulaliyate women come from very traditional communities where men make the decisions and male community leaders frequently have the last word. Even though under Moroccan law women have the same inheritance rights as men, in the Soulaliyate communities women are continually denied a share in the land proceeds. With urban expansion and developers buying collective lands at low prices, many Soulaliyate women who once had a right to live and work on the land are now forced to live in shantytowns on the peripheries.

Many Soulaliyate women are extremely poor, lack education, and lack community support. For them, going to the town councils to ask for their share in the land profits is extremely difficult. They struggle with the social stigma of speaking out and must cope with a community that is unwilling to recognize their rights. The women face bitter battles with former neighbors and even with family members. Sometimes they or their children are physically threatened. Sometimes their homes are damaged.

Rkia Bellot, a member of Morocco's Haddada tribe explains, "I have eight brothers. I'm the only one not to have received anything when our father died and the discrimination got even worse when they started selling land as compensation or handing out plots for building." When Bellot first spoke out and demanded her right to inheritance, her community did not support her. "The male members of the tribe said: 'You're just a woman.' When I appealed to the officials, they told me I didn't have 'the requisite status,' which is exactly the same thing, in more diplomatic terms."

"Selfishness and individualism are dominant. They insist on applying this custom. In fact, this situation has nothing to do with custom. It is related to their greediness. These practices have nothing to do with Islam, the Constitution, nature or morality. This is a shame neither a human being nor God would accept. How can a man accept to live in a large house while his sister is living in a shanty town?"

Soulaliyate women from other tribes describe their experiences when they started to advocate for themselves:

"My brother cultivated this land. You can see the trees. He makes a lot of money because he has another farm in addition to this one. However, he doesn't give us a penny. When we ask him about our rights, he says he never would have cultivated the land if he knew we had a right to it."

“When we started claiming our [compensation for the land], the men of the tribe, before they became violent toward us, mocked us saying, ‘If you get your compensation, we will wear a *takchita* [a traditional garment worn by Moroccan women].’”

“In my tribe, women thought I was crazy, and men threatened to empty their clips into me.”

But over the past decade, Soulaliyate women from across Morocco have worked together to support each other and to bring their complaints to officials. Working with the Moroccan human rights group Association Démocratique des Femmes du Maroc (ADFM),²⁴ the Soulaliyate women from tribes across the country have demonstrated at sit-ins, recorded their stories in videos, made appeals in local papers, and petitioned Moroccan government officials.

On October 25, 2010, the Interior Ministry issued a circular formally recognizing the right of Soulaliyate women to equal compensation. In March 2013, Soulaliyate women of the Kesbat Mehdiya tribe in Kenitra province received their first-ever land compensation payment. However, the ability of individual Soulaliyate women to receive the compensation they are due remains a difficulty, as too many traditional men choose to circumvent the ruling and too many officials do not enforce it. Soulaliyate women are now advocating for a law that will institutionally ensure that the provisions in the ministerial rulings are guaranteed and implemented.

WLP partners with ADFM to conduct advocacy workshops that help the Soulaliyate women with tools and strategies for fighting for their rights. One workshop participant stated her case succinctly, “I am a farmer, I have worked the land since my childhood. *So if you exclude me because I am a woman, I will have you know that the Moroccan Constitution has put women on the same footing as men in all areas and rights.* If you exclude me because I do not know how to work the land, let me tell you that I am a country girl and I planted as much or more than men of my tribe did. Now tell me on what basis and under what pretext I should be excluded from my land?”²⁵

24 WLP’s long-time partner organization in Morocco.

25 Information for this story was gathered from the WLP/ADFM video “Moroccan Women in Collective Lands,” <https://www.youtube.com/watch?v=jxb9VikptAI&feature=youtu.be>, and articles in the ALMONITOR <http://www.al-monitor.com/pulse/culture/2013/11/women-movement-morocco-rural-land-rights.html#ixzz3hQeMC9BD>, The Guardian <http://www.theguardian.com/world/2011/may/10/morocco-women-inheritance-campaign-mandraud>, Global Post <http://www.globalpost.com/dispatches/globalpost-blogs/rights/morocco-women-land-rights>, and WLP’s blog <http://www.blog.learningpartnership.org/2009/09/morocco-soulaliyates/>

Women Battle to Report Sexual Harassment in Egypt

Ester Meerman

Excerpts

Amira, 26, commutes to work every day by bus. “Most of the time it is too crowded to sit,” she says. One night she is almost at her stop when a man standing next to her tries to shove his hand down her trousers.

“From behind I felt somebody lift up my shirt and put their hand between my belt and my skin,” Amira describes, recalling how she created a big scene and dragged the man to the nearest police station.

It’s been more than ten months since Egypt adopted a new law that was supposed to make it easier for women in Egypt to press charges against someone who has sexually harassed them. Unfortunately, in reality, not much has changed.

At first the police officers made fun of Amira. “Go home, girl, they told me.”

When she insisted on pressing charges they started threatening her. “The officers knew who my father is, where he works and what his boss’ name is. ‘Surely your father wouldn’t like to hear that his daughter is a whore’ one of them said. They stood uncomfortably close to me the whole time and everybody in the building seemed to be undressing me with their eyes. They catcalled me and whispered dirty comments.”

According to a 2013 UN Women report, 99.3 percent of Egyptian women say they have been the victim of sexual harassment. More harrowingly, 51.6 percent of Egyptian men admit to harassing women. Meanwhile, only 6.6 percent of women who are harassed were found to seek help from the police.

“If you press charges for sexual harassment you get humiliated twice. First there is the actual incident and then you get harassed again at the police station”, Reda El-Danbouki, a prominent lawyer and women’s rights activist explains. “It creates a threshold to press charges and that is exactly what they want.”²⁶

Poll: Women’s Rights in the Arab World

A 2013 Thomas Reuters Foundation poll²⁷ surveyed 336 gender experts in 21 Arab League states and Syria that had signed or ratified the U.N. Convention to Eliminate All Forms of Discrimination against Women (CEDAW), on how well each was complying with the treaty. Egypt fell among the lowest on many of the criteria, followed closely by Iraq, Saudi Arabia, and Syria. The poll assessed violence against women, reproductive rights, treatment of women within the family, their integration into society, and attitudes towards a woman’s role in politics and the economy.

26 From http://www.huffingtonpost.com/egyptian-streets/women-battle-to-report-se_b_7143572.html

27 For more information on this poll, see: <http://www.trust.org/spotlight/poll-womens-rights-in-the-arab-world/>

The Thomas Reuter Foundation explained its findings:

“Discriminatory laws and a spike in trafficking contributed to Egypt’s place at the bottom of a ranking of 22 Arab states....

“Despite hopes that women would be one of the prime beneficiaries of the Arab Spring, they have instead been some of the biggest losers, as the revolts have brought conflict, instability, displacement and a rise in Islamist groups in many parts of the region, experts said.

“‘We removed the Mubarak from our presidential palace but we still have to remove the Mubarak who lives in our minds and in our bedrooms,’ Egyptian columnist Mona Eltahawy said, referring to Egypt’s toppled dictator, Hosni Mubarak. ‘As the miserable poll results show, we women need a double revolution, one against the various dictators who’ve ruined our countries and the other against a toxic mix of culture and religion that ruin our lives as women.’”²⁸

Questions for Group Discussion:

- What are the similarities in the experiences of the Soulaliyate women in Morocco and the women in Egypt? What justice is each seeking?
- What risks are the Soulaliyate women and the woman in Egypt taking by speaking out and advocating for their rights?
- Why do you think it is so difficult for the women in Morocco and Egypt to get the respect and concern they deserve? What do you think is going on in the minds of the brothers and fathers in Morocco who do not want to comply with the law that gives women an equal right to their land? What about the police officers who made fun of Amira when she reported her sexual harassment?
- In the face of so much opposition from family and authorities, what do you think empowers women like the Soulaliyates and Amira to step forward and speak out?

Group Exercise:

Ask the group to brainstorm: What rights must women, and men, have in order to advocate for themselves and to take action to fight injustice? (Among the rights participants might consider are freedom of speech, freedom of assembly, the right to organize, the right to join a labor union, the right to a fair hearing, and many others.)

Encourage the participants to think of all the aspects of advocacy and public life that need to be protected. Their suggestions do not necessarily need to be stated as “the right to...” but simply relate in some way to relevant rights and freedoms. Ask them to make the list as expansive as possible. Record the suggestions of the group on a board or large sheet of paper.

28 <http://www.trust.org/item/20131108170910-qacvu/?source=spotlight-writaw>

Questions for Group Discussion:

- Why can taking a stand and advocating for your rights be so challenging?
- Do men face similar challenges as women when they advocate for their rights? In what instances are the challenges the same? In what instances might they be different?
- Do women need special (legal, political, or other) protections when taking a public stand and advocating for laws or policies? Or do laws and policies simply need to be applied to women and men equally for everyone to be able to speak out?

Reading Assignment:

Meet India's Red Brigade: The Teens Fighting Back against Rape

Paul Armstrong, CNN, August 14, 2013

Excerpts

In a dusty, run-down neighborhood on the outskirts of Lucknow, the capital of one of India's poorest and most conservative states, Uttar Pradesh, a vigilante group is making a name for itself. They're girls – mainly teenagers – who patrol their local streets protecting women and girls from sexual harassment. In their matching black and red black salwar kameez – the traditional garb worn by women across South Asia – they target offending males who have over-stepped the mark.

Their motivation is painfully clear. Every single girl in the so-called "Red Brigade" has been a victim of sexual assault – some have even been raped by their own family members, they say.

In most cases, the crimes have gone unpunished and the victim left to suffer the trauma in silent shame. These girls have been forced to act, they say, because no one else will.

While sex crimes are not exclusive to India, the number of reported rapes there has increased dramatically, from 2,487 in 1971 to 24,206 in 2011, according to official figures. But campaigners say this is the tip of the iceberg.

Fightback on

The self-defense group was started several years ago by teacher Usha Vishwakarma, who discovered that an 11-year-old girl she taught in the modest school block opposite her family home had been raped by her uncle.

Not long after this revelation, Vishwakarma found herself facing the unwanted attention of a colleague, who then tried to attack her. She managed to fight him off, but when she tried to report the incident, the local police were unimpressed. No one seemed to care.

Eventually she learned that all of her students had experienced some form of abuse – from lewd comments and cat-calls, to molestation and

rape. Many of the girls said they were afraid to go out alone for fear of being groped or worse. It was then that Vishwakarma decided the girls had to protect themselves amid the deafening silence from within their own community.

In groups of four or five, the girls approach males deemed to be harassing a girl and order them to stop. If the perpetrator refuses to heed their warning, they punish him by mocking him publicly. “The whole idea is to humiliate them,” she said. “We are well within our rights – this is self-defense. The police are not supportive so we have to defend ourselves.”

Martial means

And defend themselves they can. . . In a dusty gym on the other side of town, the girls – 15 of them – are put through their paces on threadbare mats by a local Kung Fu instructor. . . Gyan, their instructor, explained that he’s teaching the girls for free. “I’m doing it for my own daughter,” he said. “These girls are brave and what they are doing is humbling.”

The session ended with the girls lining up and bowing respectfully at their instructor. But it’s not just Kung Fu training the girls receive – the group provides a lot of support on gender issues, sexuality and health. It even helps younger children to attend school.

Protest

Hours later, the girls were joined by several other supporters for a protest on the side of a busy highway in the center of Lucknow. Led by Vishwakarma, the girls held placards in English and Hindi demanding safety for women and chanted for stricter punishment for sex offenders.

Asked whether they are dealing with a deep-rooted cultural problem, Vishwakarma’s 16-year-old sister, Lakshmi, shook her head emphatically. “This is not a cultural problem – it’s a social problem because men have a higher social status than girls.”

With two daughters campaigning against a hugely divisive issue in India, Vishwakarma’s mother admitted she had reservations about what they were getting into. “I was scared initially – I asked ‘why is she doing this?’ There was also a lot of pressure from within the neighborhood that she should not be doing what she was. . . I now feel what they are doing is good and helping to bring a lot of change – many boys who used to harass girls no longer do so because they are scared.”

Asked where she gets her courage from, Vishwakarma replied simply: “When you suffer, you get that courage. When you are victimized, you get that courage.”²⁹

29 From <http://www.cnn.com/2013/08/13/world/asia/india-red-brigade/index.html>

Questions for Group Discussion:

- Usha Vishwakarma's sister says, "This is not a cultural problem – it's a social problem because men have a higher social status than girls." Do you agree? Why or why not?
- What do you think is going on when police officers do not respond to women victim's complaints, or when they even harass the women themselves? We know the police officers have or had mothers, and many have sisters, wives, and daughters. What is it about women speaking out and demanding their rights that makes the police officers behave so badly?
- What do you like about the Red Brigade campaign? What parts of the women's stories can you relate to?
- What criticisms do you have about the Red Brigade?
- On the one hand, the Red Brigade is providing a short-term solution to women's vulnerability by posting guards in the streets to protect women from harassment. But is it also possible that the actions of training in self-defense, guarding women, and being a physical symbol of women's vulnerability and strength has an educational impact on men and women who see the Red Brigade in their community? What lessons does the Red Brigade teach about women's strength, character, and self-reliance?

Group Exercise:

Women face all sorts of obstacles when they choose to speak out against injustice. Speaking out against physical threats or violence from men is particularly difficult because women sometimes risk being harassed, threatened, and harmed even by men close to them for simply speaking out. The Red Brigade campaign combined speaking out against harassment with self-defense training. Is this a realistic approach everywhere? Why or why not?

Ask the group to brainstorm strategies for speaking out against sexual harassment and sexual assaults. The purpose of this exercise is to realistically assess the risks of speaking out and the risks of not speaking out. The list of ideas should be recorded on a board or large sheet of paper for the entire group to read. No idea is too silly or short-sighted to be recorded.

Session 6

Legal Rights and Justice for Women Human Rights Defenders

OBJECTIVES:

- To explore what rights women have to advocate for human rights.
- To review international laws that protect women and men from arbitrary arrest and that ensure them due process and equality before the law.
- To consider the interconnectedness of human rights that protect all people and the rights of human rights defenders: freedom of speech, freedom of assembly, freedom from arbitrary arrest, right to due process and a fair trial, and freedom from cruel, inhuman and degrading treatment.

In This Session:

In this session, we will consider the responsibilities and vulnerabilities of women human rights advocates. We will read about the international law that protects women human rights defenders and about Bahareh Hedayat, an Iranian rights activist, whose situation highlights the challenges that many women face who fight discrimination. We will study the 1998 UN Declaration on the Rights of Human Rights Defenders and discuss whether the Declaration's drafters sufficiently address the unique challenges faced by women. Finally, we will consider whether special considerations for women are in themselves discriminatory.

Reading Assignment:

The Situation of Women Human Rights Defenders

The following paragraphs, from a fact sheet by the UN Office of the High Commissioner for Human Rights, provide a few examples (but by no means an exhaustive list) of how women human rights defenders can face different pressures from those confronting men and so require special protection:

[T]he State is the primary perpetrator of violations against human rights defenders. Women human rights defenders, however, have often found that their rights are violated by members of their own communities, who may resent and oppose their human rights activities, which some community leaders may see as challenging their perceptions of the tradi-

tional role of women. In such cases, State authorities have often failed to provide adequate protection for women defenders and their work against social forces that threaten them.

In many parts of the world, the traditional role of women is perceived as integral to a society's culture. This can make it especially hard for women human rights defenders to question and oppose aspects of their tradition and culture when they violate human rights. Female genital mutilation is a good example of such practices, although there are many others.

Similarly, many women are perceived by their communities as an extension of the community itself. If a woman human rights defender is the victim of a rape because of her human rights work she may be perceived by her extended family as having brought shame on both the family and the wider community. . . . Even where no rape or other attack has occurred, women who choose to be human rights defenders must often confront the anger of families and communities that consider them to be jeopardizing both honor and culture. The pressures to stop human rights work can be very strong.

Women human rights defenders having day-to-day responsibility for the care of young children or elderly parents often find it very hard to continue their human rights work knowing that arrest and detention would prevent them from fulfilling that role in the family.

This remains a concern for women human rights defenders even though, across the world, men are increasingly sharing responsibility for the care of dependants [sic]. However, women have also used this role to strengthen their work as human rights defenders, for example where “mothers of disappeared persons” have formed human rights organizations. The fact that they are mothers of victims of human rights violations has provided a very strong rallying point and advocacy tool for these defenders.

The complexities that influence a particular human rights issue can sometimes impose unique pressures on women human rights defenders. In many cultures, the requirement for women to defer to men in public can be an obstacle to their publicly questioning action by men in violation of human rights. Similarly, certain interpretations of religious texts are often used to determine laws or practices having a major influence on human rights. Women human rights defenders who wish to challenge such laws or practices and their negative impact on human rights are often barred, because they are women, from [being accepted] as an authority qualified to interpret such religious scriptures. These women defenders are thus excluded from addressing, on equal terms with men, the primary arguments being used against them. Again, they may also face hostility from the community in which they must continue to live.³⁰

30 Excerpted from “Fact Sheet 29: Human Rights Defenders: Protecting the Right to Defend Human Rights,” from the UN Office of the High Commissioner for Human Rights, <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>

Questions for Discussion:

- Do you agree with the analysis above? In which ways? Are there assumptions that you do not agree with? Which ones?
- Do women human rights defenders face issues or risks that were not mentioned? What are they?
- The paragraphs above talk about women human rights defenders bringing “shame” on their families. Do women have a special responsibility to protect the dignity of their family and community (to not cause shame) when defending their own dignity and rights? If you believe they do, why do you think women have this special responsibility? Is it right that women have this unique burden? Why or why not?

Reading Assignment:

Bahareh Hedayat's Story:

Iranian Human Rights Advocate Fights for Justice

While Bahareh Hedayat was a student at Tehran's Economic and Finance University, she rapidly became one of the most active members of her university's branch of the national student union, the Office of for Strengthening Unity (OSU). In 2005, she founded the OSU's Women's Commission to promote and encourage female students' participation in various student activities and the publication of the women's movement's demands. She was also one of the key founders of the *One Million Signatures Campaign* for changing Iran's discriminatory laws against women.

Bahareh was elected to the OSU's Central Committee and took responsibility for its human rights committee, where she pursued human rights abuse and rape cases in Iran's universities and reported them to the related organizations.

In June 2006, as the secretary of the OSU's Women's Commission, she helped issue a call to protest against Iran's discriminatory laws against women. While participating in this rally, she faced severe police brutality and was arrested for the first time, charged with unlawful assembly, and sentenced to two years imprisonment, which was suspended. However, despite warnings and threats from the security and information forces, she continued to organize meetings and seminars for political, civil society, and women activists on threats and resistance to the women's movement.

On July 9, 2007, she was arrested while organizing a sit-in at Amir Kabir University to protest the unwarranted detention and torture of students. After spending a month in solitary confinement, she was released on bail. On July 13, 2008, her wedding night, she was rearrested, and after spending a month in solitary confinement, she was released again. In March 2009 she was arrested once again for participating in a peaceful assembly of political prisoners' families in front of Iran's notorious Evin prison.

Like many others, Bahareh was an active critic of Iranian President Mahmoud Ahmadinejad's politics. Following Iran's heavily disputed 2009 presidential election and intensified actions by the security forces, Bahareh, as one of the student movement's key figures, became a main target for arrest. They raided her home twice that summer to arrest her, but did not succeed.

As a result of her messages to university students in Europe and Iran in late 2009, Bahareh was arrested on December 30, 2009, charged with propaganda against the regime (for her interviews with the foreign press), insulting the Leader, insulting the President, working against national security by participating in social and public gatherings, and helping organize group protests. She was tried by the Revolutionary Court and sentenced to nine and half years' punitive imprisonment. In December 2010 an additional six-month sentence was added as punishment for having written a letter encouraging students to continue their peaceful struggle for freedom. For extended periods she has been deprived of basic rights such as the right to have a lawyer, speak with her family, or meet with visitors.

Bahareh is still in prison and has been under extreme pressure from the security forces as well as the judiciary to petition for forgiveness and amnesty by expressing regret over her past activities and positions. However she has refused to give in to this pressure.³¹

Team Exercise:

Divide the group into teams of three or four members. Each team should be provided with two large pieces of paper and a pen for recording their lists. Write **RIGHTS EXERCISED** at the top of one sheet and **RIGHTS DENIED** at the top of the other.

Ask each team to review Bahareh's story carefully and to list under **RIGHTS EXERCISED** the activities she undertook that exercised her rights to hold opinions, speak out, and participate in advocating for causes she believed in. Under the heading **RIGHTS DENIED** each team should list the activities for which she was detained and punished and the international rights she was denied by her country's criminal justice system.

When the group reconvenes, post the lists on a wall where everyone can see them. Ask a volunteer from each team to explain their lists to the group.

31 Information and excerpts for this piece are from http://www.fidh.org/IMG/pdf/biography_of_bahareh_hedayat.pdf. The International Federation for Human Rights (FIDH) is an international NGO defending civil, political, economic, social and cultural rights set out in the Universal Declaration of Human Rights.

Questions for Group Discussion:

- Do you believe that Bahareh deserved the consequences of her actions? Why or why not?
- Do you think Bahareh could have agitated for what she believed in, in a manner that would have brought attention to the issues but avoided her being arrested and imprisoned? If so, how?
- How can the right to express one's opinion strengthen society?
- Do you think there are times when expressing one's opinion weakens society? If so, explain your thoughts.
- Why do you think the Iranian courts treated Bahareh so severely? What do you think they hoped to accomplish by their actions?
- Do you think a state that punishes peaceful human rights protestors and uses imprisonment to silence political dissent is a strong state or a weak state? Explain your answer.

Reading Assignments:

Convention on the Elimination of Discrimination against Women (CEDAW)

Excerpts

Article 7

States Parties shall . . . eliminate discrimination against women in the political and public life . . . and . . . ensure to women, on equal terms with men, the right:

- To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- To participate in the formulation of government policy and . . . to hold public office and perform all public functions at all levels of government;
- To participate in non-governmental organizations and associations concerned with the public and political life of the country.

International Covenant on Civil and Political Rights (ICCPR)

Excerpts

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. . .
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial. . .

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. . .

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in Paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a. For respect of the rights or reputations of others;
 - b. For the protection of national security or of public order (ordre public), or of public health or morals.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Questions for Group Discussion:

- Several of the articles cited above protect anyone arrested for any crime, but they have a special significance for human rights defenders and other detained or arrested for their opinion or for advocating for their opinion.
- Are there any rights described in the Articles above about which you were not aware?
- Are there any rights described in the Articles above that you feel should be protected better in your own country or internationally?
- Are there any rights described in the Articles above that you would revise using different language? Which ones? What changes would you make?
- Articles 19 and 21 of the ICCPR mention certain restrictions on rights in the interest of public order and security. Do either of these exceptions apply to Bahareh Hedayat's story? Why or why not?

Reading Assignments:

The Rights of Human Rights Defenders

In 1998, the UN General Assembly adopted a declaration on the rights of human rights defenders, entitled the Declaration on the Right and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.³² The Declaration is not a legally binding document; nor does it create new rights. Its purpose is to underscore the importance of human rights defenders and the many existing rights that protect their activities.

The UN Office of the High Commission for Human Rights' summary of the Declaration's protections includes the rights:³³

- To seek the protection and realization of human rights at the national and international levels;
- To conduct human rights work individually and in association with others;
- To form associations and non-governmental organizations;
- To meet or assemble peacefully;
- To seek, obtain, receive and hold information relating to human rights;
- To develop and discuss new human rights ideas and principles and to advocate their acceptance;

32 General Assembly Resolution [A/RES/53/144](#)

33 <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

- To make complaints about official policies and acts relating to human rights and to have such complaints reviewed;
- To offer and provide legal assistance or other advice and assistance in defense of human rights;
- To attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
- To solicit, receive and utilize resources for the purpose of protecting human rights (including funds from abroad).

Team Exercise:

At the beginning of this session we discussed the unique challenges that women human rights advocates face in challenging cultural, religious, and community practices that violate the rights of women. Do the rights listed above adequately address these challenges?

Break the group into pairs or into teams of three. Ask each team to draft a law (in one to three sentences) that specifically addresses protecting a right or rights of women to defend their human rights. The law can either declare an activity or activities to be legal for women advocates (or women and men) or declare an activity to be illegal because it hinders women's rights activism.

Example: Women arrested for any reason, whether for illegal protesting or murder, shall not be subject to virginity tests, which are deemed demeaning and discriminatory for women.

After each team has drafted a law, ask the group to reconvene and to share what they have written.

Questions for Group Discussion:

- Do you think that special laws, addressing the rights of women specifically, are necessary to protect women rights defenders? Why or why not?
- Are such "special laws" in themselves discriminatory? Why or why not?

Session 7

Security versus Freedom: Which Rights Prevail?

OBJECTIVES:

- To discuss states' responsibilities to protect citizens' freedom and their right to security.
- To consider when the right to freedom of expression conflicts with the right to security.
- To examine privacy rights and whether the state may impinge on privacy to provide adequate security.

In This Session:

In this session, we will read about legitimate and illegitimate security measures by the state and discuss at what point the state begins to impinge on liberty rather than protect liberty. Every security concern for a state is different, and of course there are no hard and fast rules about the right amount of security and the right amount of freedom. For that reason, human rights advocates weigh the costs and the benefits of freedoms and the costs and benefits of security measures to assess when the state has not done enough to protect its people and when the state has gone too far. Frequently, in the modern world the first casualty of heightened state security is an individual's privacy. States have the capacity to monitor phones, emails, texts, internet searches, and even the content on people's computers, and many governments do so to some degree. We will read and discuss an article by Amnesty International's Director of Law and Policy on the human rights ramifications of state surveillance. This article is followed by an optional reading assignment, a blog entry on the impact of state surveillance on journalistic freedom, freedom of expression, and freedom of thought and beliefs.

Reading Assignment:

When Security Impinges on Freedom

The purpose of a state's security apparatus is to protect the citizens and the stability of the state. Human rights demand reasonable limits on the power of security forces and security laws so that while citizens are protected from danger and chaos, their other rights are not impinged. However, what are "reasonable limits" depends very much on the culture, history, and politics in a given country. What is acceptable interference by the government in one country may be unacceptable in another. And, there are some levels of interference – regardless of the culture or politics of the region – that are always violations of human rights. Some examples are: where individuals are forbidden to gather in groups to discuss their political ideas; where non-governmental organizations are forbidden to raise funds to support their activities; or where doctors or lawyers are forced to share with the government private information about patients or clients who may have criticized the government. In each of these scenarios, the security measures have over-reached, no longer creating a safer and more orderly society, but instead a society where human rights are being violated.

However, the line between a citizen's right to security and a citizen's right to be free from excessive security measures is not always clear. For example, a state is responsible for protecting its citizens from disruptive, violent, and criminal acts. However, if a crowd gathers to complain about people of a certain religion, ethnicity, or political belief, and the state fears that the crowd will become violent, it may be reasonable for security forces to disperse the crowd in order to protect the citizens. But should the state use violence if it cannot control the group in any other way? What if protestors are injured? What is a reasonable response by the state?

After 9/11, governments around the world stepped up their surveillance of people at home and abroad in an effort to catch potential terrorists before lives were lost. Information – political, economic, social, and other intelligence – has become governments' most touted bulwark against terrorism. The United States, for example, has justified how it gathers information, whether through wire-taps, extensive surveillance, or enhanced interrogation, in the name of security and preventing another 9/11. Although the threats are very real, the United States and other nations have sometimes been too quick to curtail liberty in their pursuit of security. The result is that the *fear of terrorism* has succeeded in restricting freedoms and rights, even where no terrorist action has occurred.

Governments have the difficult task of identifying legitimate and reasonable measures that adequately respond to threats. Human rights advocates must be vigilant in evaluating those measures for their efficacy and their cost to human liberty.

Team Exercise:

Imagine an incident in which some participants in a demonstration against a new cigarette tax were destroying and stealing property from local businesses that sell cigarettes. Meanwhile, the majority of the participants were exercising their right to peacefully assemble.

Divide the group into teams of three or four and ask each team to discuss what obligations the security forces have to protect property, the peaceful protestors, and themselves. What level of force would be appropriate, if any, for the security forces to use in carrying out their responsibilities? Ask each team to draft three to five guidelines for the security forces that address how they should fulfill their duty to:

- Protect the peaceful protestors
- Protect the community
- Protect themselves

When the group reconvenes, ask a volunteer from each group to read their team's guidelines.

Questions for Group Discussion:

- What are some examples of states and/or security services using excessive, even deadly, force to "protect" the security in a community?
- Does the threat of violence used as a policing strategy make a community safer? Why or why not? What does the community lose when its members fear police and security forces? What are the rights that become harder to exercise when fear of violent repercussions exists?
- Describe examples of situations (real or hypothetical) where the right to freedom of expression could conflict with the right to security. Is there a point at which the value of free speech is outweighed by the need for peace and security?
- States sometimes criminalize speech as punishable because they claim that the speech is destabilizing to society and jeopardizing citizen's security. Can you think of examples where this might in fact be true?

Reading Assignment:

UN Response to Surveillance Must Strike Balance between Privacy and Security

Michael Bochenek

Excerpts

[Revelations] that the USA's National Security Agency (NSA) has spied on 35 world leaders has only further exacerbated international outrage about its massive electronic surveillance programme. . . .

Brazil and Germany in particular are calling for a UN resolution to demand internet privacy.

Any UN debate on the issue must not lose sight of how this surveillance is damaging to fundamental human rights. It must not be limited to protecting world leaders or cross-border surveillance. Instead, it must address – or at least start a proper discussion on – the wider impact that massive electronic surveillance programmes have on whole societies.

There's no question that the nature and extent of communications surveillance by the USA, the UK and other countries raise serious human rights concerns. The obvious one is the lack of respect for the right to privacy. Such measures also create a significant chilling effect on free expression and association.

More generally, privacy is essential to a person's liberty and dignity. It is critical to personal identity, integrity, intimacy, autonomy and communication, and has overarching benefits for society as a whole.

Any measures to interfere with privacy must always be proportionate to a legitimate aim being pursued. And justifications for doing so must be subject to judicial oversight and parliamentary scrutiny that are transparent, robust and independent. . . .

[When] governments are engaging in mass surveillance of internet communication, the only terms so far seem to be that it's open season; any and all intrusion on our privacy is fair game.

Put it another way – imagine a government agent sitting in your living room, thumbing through your text logs, opening up and reading through the day's emails, and making note of the websites you've visited. Would you feel uneasy about that?

And even if these governments can say that they're not giving everyone this level of scrutiny, it's still true that they can do so at any time. Some of the surveillance techniques actually allow States to collect and store the content of individual communications for years.

That might not make a difference to some of us. But in my line of work, it's a chilling thought. We know that governments routinely share the information they collect with their allies. What if part of the conversation I had yesterday with a lawyer in another country is shared with her government, which is already looking for a reason to make her stop advocating on behalf of human rights victims?³⁴

Questions for Group Discussion:

- Is it ever justifiable to violate certain individual liberties in the name of national security? Explain your answer.
- Amnesty International's Michael Bochenek described the level of the NSA's privacy invasion as being akin to a government agent sitting in your living room, thumbing through your text logs, opening up and reading through the day's emails, and making note of the websites you have visited. If

34 <https://www.amnesty.org/en/latest/news/2013/10/un-response-surveillance-must-strike-balance-between-privacy-and-security/>

someone has nothing to hide, and the government feels strongly that this level of surveillance is necessary, what are the human rights objections to such a high level of scrutiny?

- How might journalists and lawyers be uniquely impacted by their private correspondence being under surveillance? If journalists become reluctant to cover some types of stories, particularly about possible over-reach by government surveillance, does that have repercussions for society? What about lawyers who become reluctant to take on some clients because they might be placed in a situation where the government demands private information about their clients?
- Do individuals have a right to personal sovereignty, to their person, their possessions, and their communications? At what point is a state justified in violating those personal sovereignty rights for the greater good of the state?

Optional Additional Reading:

How Surveillance is Changing Journalism and the Law

Alex Sinha

“If I can’t report a story without keeping a source safe, I’m not going to report a story.”

Jonathan S. Landay

Senior National Security and Intelligence Correspondent

McClatchy newspapers

It turns out that surveillance affects more than just privacy.

We know the government collects massive amounts of data about us, including bulk domestic calling records in the millions, many of our international emails and calls, and much more. Those programs have obvious privacy implications, but more than a year since the first Edward Snowden disclosure, we need to focus on the other democratic pillars that government spying has imperiled.

A new report,³⁵ produced jointly by the ACLU and Human Rights Watch, shows that large-scale surveillance by the U.S. government is undermining the work of journalists and lawyers. Many leading journalists covering national security, law enforcement, and intelligence have found sources and information increasingly hard to come by. Surveillance is compounding a host of other challenges faced by journalists lately, like a significant spike in the prosecution of their sources and new government initiatives to minimize even minor leaks.

Many of the journalists I interviewed for the report described struggling to find ways to protect their data and communications, adopting new and sometimes elaborate techniques to do so. Encryption? Check. Air-gapped computers? Check. And many of these journalists are now using “burner

35 For the complete text of the report, published by the ACLU and Human Rights Watch, 2014, go to: http://www.hrw.org/sites/default/files/reports/usnsa0714_ForUpload_0.pdf

phones,” going back to payphones, or even trying to contrive ways to bump into sources in person. These techniques can take extra time. Combined with sources’ growing reluctance to speak – even about unclassified matters that the government has no business protecting in the first place – that means reporters are producing stories at a slower rate.

The result? We have less information about our own government.

Lawyers need to modify their practices, as well. The Snowden revelations have made it clear that attorneys need to go to new lengths to maintain their clients’ confidences. Increasing challenges in communicating securely make it harder for them to build trust with their clients and to develop legal strategies with clients and co-counsel. A number of lawyers have begun adopting techniques similar to those used by journalists.

Both journalists and lawyers also emphasized that taking such elaborate steps to do their jobs makes them feel like they’re doing something wrong. As one lawyer put it, “I’ll be damned if I’m going to start acting like a drug dealer in order to protect my client’s confidentiality.”

That feeling is understandable, and it is a profound problem that so many others shared it, given that journalists and lawyers play such integral roles in our democracy. We depend on the press to tell us what our government is doing, and without that information, it is much harder to hold our government to account when it missteps or overreaches. In the age of drones, mass surveillance, and indefinite detention, we need coverage of national security and intelligence as badly as ever.

The same goes for lawyers – especially defense lawyers. Confidentiality and attorney-client trust are crucial for effective representation, cornerstones of fairness in the justice system.

We know that mass surveillance can obliterate privacy. But more than that is at stake. Without privacy, essential democratic processes are in danger.³⁶

36 Sinha is Aryeh Neier Fellow at Human Rights Watch /American Civil Liberties Union, and writes a blog. This entry is from July 28, 2014 and can be found at: <https://www.aclu.org/blog/how-surveillance-changing-journalism-and-law> .

Session 8

Freedom of Belief and Religion

OBJECTIVES:

- To consider the scope of freedom of belief and religion, including the right to define and interpret one's own religion and the right to be free from religion altogether.
- To discuss the distinction between the right to religious belief and the right to engage in religious practices; and to reflect on policies and laws that may legitimately interfere with some religious practices.
- To explore how a woman might resolve a conflict between her individual rights and the edicts of her religion.

In This Session:

Among the major world religions, it is rare that women have leadership roles and are significant to the interpretation and practice of their faith. So what happens when a woman, from a traditional religion that supports women's subservience to men, asserts her own vision of the divinity and how she should worship? International law states that she has the right to interpret religion as she chooses, even if her faith leaders condemn her. In the story that follows about Sister Elizabeth Johnson, a widely respected Catholic scholar not easily dismissed by church leaders, she writes extensively about her own vision of the Catholic Church and the role of women in the church. Her story has universal application in how she goes about being both a part of her religion and challenging some of its most long-held tenets about women.

The next reading selection and exercise focuses on Article 18 of the Universal Declaration of Human Rights (UDHR), which affirms the right to freedom of thought, conscience, and religion. In this session, we will brainstorm examples of the free exercise of Article 18 rights and situations where the rights are denied. The final reading selection and questions address secularism and what rights are and are not guaranteed in a secular state. We will examine how a state that has no official religion and defends the rights of those who practice no religion adequately protects religious practices.

Reading Assignments:

Feminism in Faith: Sister Elizabeth Johnson's Challenge to the Vatican

Jamie L. Manson

Excerpts

"You say Mary is too passive. Isn't obedience the greatest virtue?" This was one of 40 questions sent to Elizabeth Johnson by a cardinal when she was up for a tenure-track position at the Catholic University of America (CUA) in Washington, D.C., in September 1987. . . .

The cardinal interrogating her was Joseph Ratzinger, the future Pope Benedict XVI.

Though Johnson dutifully answered each query, Ratzinger was still not satisfied. He proceeded to take the extraordinary measure of calling every cardinal in the United States to come to Washington to interrogate her on the content of the article. Johnson was the first female faculty member to come up for tenure at CUA, and the first to be subjected to an examination by the cardinals.

At the initial meeting, the hall was filled with men in black garb, gold chains across their chests, and priests at each of their sides. Johnson was the only woman in the room. "There were these men and they had all the power. I was vulnerable and at their mercy," Johnson remembers. "There was patriarchy using its power against me, to deprive me of what, in fairness, I should have been given." Twenty-five years later, the recollection still brings waves of sadness and anger across her face.

More than half of the world's billion Catholics are women, and, according to church doctrine, every one of them is barred from the opportunity to be ordained as a deacon or priest. Many feminist Catholics maintain that the fight for women's ordination in the church is about much more than getting women into the priesthood.

[Johnson's] most recent clash with the church hierarchy played itself out quite publicly in March 2011, after the publication of her book *The Quest for the Living God*, in which she argues for a broader and deeper language for God, particularly language that reflects the reality that "God loves women and passionately desires their flourishing."

"All-male images of God are hierarchical images rooted in the unequal relation between women and men," she writes. "Once women no longer relate to men as patriarchal fathers, lords, and kings in society, these images become religiously inadequate. Instead of evoking the reality of God, they block it."

Though it met with high accolades from both the academy and laypeople, the Committee on Doctrine of the United States Conference of Catholic Bishops issued a condemnation of the book. They declared that the publication "completely undermines the Gospel and the faith of those who believe in God." . . .

The committee's action shocked Johnson, who has been a sister of St. Joseph for over 50 years, because she was completely unaware that the panel was discussing her book, let alone submitting it to an orthodoxy test. Her requests for a dialogue with the whole committee went unacknowledged. "It could have been so interesting and beneficial to the church," she tells me. But the committee held its ground and reaffirmed its condemnation. To this day they have not responded to her requests for a meeting. . . .

The question of whether to ordain women didn't emerge until the late 1960s or early 1970s. Second-wave feminism and the optimism surrounding the reforms of the Second Vatican Council, held from 1962 to 1965, led Catholic women, especially in the U.S., to ask whether they too could be priests. The movement was further catalyzed by the decision of the Episcopal Church to ordain women in 1976.

The hierarchy's central argument against ordination is based on the "Theology of the Body," a teaching first developed by Pope John Paul II in 1979. The late pontiff held that while women and men are equal in worth and dignity, their physical and anatomical differences are evidence that God intends different roles and purposes for them. God designed men and women to complement each other, the pope argued, and their genders dictate their distinct roles in both church and society. John Paul II believed that women are endowed with a "feminine genius" – a special capacity to offer tenderness and nurture to the community.

But special is not equal, which is why only men can be priests.

Johnson's ability to balance patience and respect for the institution with rigorous scholarship and academic integrity eventually won her tenure. But there was one moment in the inquest that seems to have emblazoned itself forever on her memory: Toward the end of the questioning, Boston's Cardinal Bernard Law slammed shut his binder of Johnson's writings and scoffed, "You mostly teach Christology. You're not going to do anymore of this feminist stuff." He pushed the files away.³⁷

After 30 years of advocating for reforms in the church's teachings on women, how does Johnson remain patient with the hierarchy? "Partly by blocking it out! You'll go crazy if you don't."

She picks up a small picture frame from her desk, and shows me a photo she took while teaching in South Africa in the late 1980s. Apartheid was still the law of the land, Nelson Mandela sat in prison, and army tanks were positioned on every street corner. Walking by a pastel-colored building in Cape Town, Johnson noticed that it had been defaced with very thick, black paint. "Hang Mandela," the wall read. Johnson invites me to look closer at the photo. Someone had used a pencil to add a small, but mighty preposition, transforming the graffiti to read "Hang On Mandela."

³⁷ In 2002, Cardinal Law resigned his position after his extensive cover-up of sex abuse cases in the Boston Archdiocese was revealed in court.

“Someone took and turned that message in the darkest of days,” Johnson says, tearing up at the memory. She saw this sign just before returning to the United States to be interrogated by the cardinals. “That picture has become my answer to why I stay in the church.”³⁸

Questions for Group Discussion:

- Jamie Manson explains in her article that: “John Paul II believed that women are endowed with a ‘feminine genius’ – a special capacity to offer tenderness and nurture to the community. But special is not equal, which is why only men can be priests.” How does Sister Elizabeth challenge this premise in her writings and in the choices she’s made in life?
- Do you think it matters whether it is men or women interpreting faith and creating customs? Would the interpretation of one’s faith or of a supreme being be the same if most of the religions’ leaders were women? Is a balance between men and women in religious leadership important? Why, or why not?
- Do you believe Sister Elizabeth has the right to challenge her church’s teachings? If so, what is that right? Does the right come from international law, or from a self-evident truth?
- How was Sister Elizabeth able to both excel as a teacher of Catholic doctrine, winning promotions and awards, and at the same time challenge the church’s tradition of not ordaining women? What was her strategy?

Team Exercise:

Write on the board or on a large piece of paper the language of Article 18 of the Universal Declaration of Human Rights and asked the participants to study it:

Article 18. Everyone has the right to freedom of thought, conscience and religion;

This right includes freedom to change his religion or belief, and freedom, either alone or in community with others in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Divide the group into teams of three or four participants. Separately, on the board, on a large sheet of paper, or in a handout, ask each team to address the points below. The answers can be from participants’ own experience, what they have heard happens elsewhere, or a fictional example that the participants can imagine would be possible sometime, someplace.

- Provide an example of circumstances where people are required to disclose their religion or set of beliefs.
- Provide an example of circumstances where if a person declines to follow the practices of a religion or set of beliefs, she or he risks prejudice, discrimination, and/or punishment.

³⁸ Manson is a BuzzFeed Contributor; the full article was posted on March 6, 2014: <http://www.buzzfeed.com/jamielmanson/feminism-in-faith-catholicism>

- Provide an example where if a person declines to believe or accept the teachings of particular religion or follow a set of beliefs, she or he risks prejudice, discrimination, and/or punishment.
- Provide an example of a law or policy that interferes with the teaching or observance of a religion or set of beliefs.
- Provide an example where a situation prevents a person from following her or his religion or set of beliefs.
- Provide an example where the practice of certain religious traditions has been criminalized.
- Provide an example of where the observance of religion or set of beliefs conflicts with other human rights, such as the equality between men and women, or right for individuals to consent to marriage (or other human rights).

Reconvene the group and ask a volunteer from each team to report to the group her team's findings. One way to do this is to read a single question, and then ask each team to provide its answers, before going on to the next question.

Questions for Group Discussion:

- What are some observations you made during this exercise?
What did you learn?
- Do most of the participants agree that the right to *not* practice a religion is just as important as the right to practice one's religion? Why or why not?
- What role should human rights play in guiding how religion is practiced and/or enforced?
- Does any authority have the right to enforce how one practices one's religion or set of beliefs, regardless of international law? Why or why not? Are there exceptions to this?
- Do human rights protect women's religious rights more than men's? Is it the reverse? Is it the same for men and women?

Reading Assignment:

Secularism

“I swear by my religion. I will die for it. But it is my personal affair. The State has nothing to do with it. The State would look after your secular welfare, health, communications, foreign relations, currency and so on, but not your or my religion. That is everybody’s personal concern.”

*Mahatma Gandhi*³⁹

Secularism is a political principle whereby the state government is separate from the state’s religious institution(s). A secular state makes and enforces laws that protect **all** of its citizens equally, without regard to their religious beliefs and practices. At the same time, a secular state is tasked with protecting its citizens’ rights to practice their religion(s) and live by the rules of their beliefs.

Questions for Group Discussion:

- What are some countries that have secular governments? Is the right to freedom of thought, conscience, and religion always protected in each of those countries?
- Are there examples of a secular government impinging on the religious freedom of its citizens?
- What are ways that a secular state can protect freedom of religion and of the practice of religion?
- What religious freedoms are frequently not protected by theocratic governments, or by governments that are regulated or heavily influenced by religious law? Are there some people in these societies who are particularly vulnerable (for example, religious minorities, women seeking birth control, couples seeking divorce, and others)? Why?

39 Mahatma Gandhi, *India of My Dreams*, Rajpal & Sons, Delhi, p. 258.

Session 9

Preserving Traditions versus Protecting Human Rights

OBJECTIVES:

- To examine who defines or establishes one's cultural heritage, and who is responsible for upholding traditions.
- To discuss whether there are any legitimate practices of gender hierarchy that are not automatically evidence of gender oppression.
- To consider how culture and traditions can be respected, and even preserved, while keeping the equal rights of women paramount.

In This Session:

Human rights activists frequently cite some cultural rituals as counter to women's full equality. For example, female genital mutilation and denying girls equal educational opportunities not only enforce the differences between the sexes, but also harm women and hinder their advancement. Human rights advocates often find themselves at odds with traditional community leaders who are seeking to preserve "the old ways," in which women and men have prescribed roles based on their gender.

For most human rights advocates, prescribed gender roles are by definition anathema to equality, for two reasons. The first is that history has repeatedly shown that where there are enforced separate roles for the sexes, there is inequality between the sexes. The second is that for most human rights proponents, human rights are synonymous with individual rights – and where an individual, regardless of gender, is not allowed equal access to public spaces, speech, freedom to travel, inheritance, employment, and so on, she (or he) is being denied her human rights.

A consequence of activists' efforts to end traditions that violate women's rights is that they are often perceived as adversaries of *all* cultural traditions, even those that do not jeopardize women's freedom. The tension, and even at times hostility, between advocates for human rights and advocates for the preservation of cultures and traditions will continue until they can find more common ground.

In this session, we will read excerpts from a statement by Farida Shaheed, UN Special Rapporteur in the Field of Cultural Rights. Shaheed discusses how gender, culture, and rights interact, and she stresses that it is too simplistic to view culture as simply an impediment to women's rights. Instead, she urges, we should focus on how equal cultural rights can enable women to reinterpret traditions and "change those traditions which diminish our dignity." In this session, we will discuss the common ground between women's rights and cultural rights and explore women's role in culture and her power to transform culture.

Reading Assignment:

Report of Farida Shaheed, the Special Rapporteur in the Field of Cultural Rights, on the Promotion of Human Rights, August 10, 2012:⁴⁰

Excerpts

The notion that culture is restricted to certain areas of life, in particular those areas unregulated by the State, and that it is of greater relevance in some societies than in others is a misconception. Culture permeates all human activities and institutions, including legal systems, in all societies across the world. Culture is created, contested and recreated within the social praxis of diverse groups interacting in economic, social and political arenas. It is manifested in individual and collective self-expression, understanding and practices. Delinking culture from the historical processes and contexts in which it is embedded essentializes cultures, which are then presumed to be static and immutable, homogenous and monolithic, apolitical and detached from prevailing power relations.

Gender, culture and rights intersect in intricate and complex ways. The tendency to view culture as largely an impediment to women's human rights is both oversimplistic and problematic. By attributing self-propelling agency to "culture" independent of the actions of human beings, it diverts attention from specific actors, institutions, rules and regulations, keeping women subordinated within patriarchal systems and structures. It also renders invisible women's agency in both reproducing and challenging dominant cultural norms and values. Nevertheless, many practices and norms that discriminate against women are justified by reference to culture, religion and tradition, leading experts to conclude that "no social group has suffered greater violation of its human rights in the name of culture than women" and that it is "inconceivable" that a number of such practices "would be justified if they were predicated upon another protected classification such as race." . . .

[I wish] to stress that "the critical issue, from the human rights perspective, is not whether and how religion, culture and tradition prevail over

40 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/459/30/PDF/N1245930.pdf?OpenElement>. Ms. Farida Shaheed, UN Special Rapporteur in the Field of Cultural Rights, is a Pakistani sociologist. She is the Executive Director of Shirkat Gah-Women's Resource Centre in Pakistan and is the recipient of several national and international human rights awards.

women's human rights, but how to arrive at a point at which women own both their culture (and religion and tradition) and their human rights." "The struggle for women's human rights is not against religion, culture, or tradition." Cultures are shared outcomes of critical reflection and continuous engagements of human beings in response to an ever-changing world. The task at hand is to identify how human rights in general, and equal cultural rights in particular, can enable women "to find paths through which we may view tradition with new eyes, in such a way that it will not violate our rights and restore dignity to ... women ... [and] change those traditions which diminish our dignity."

Questions for Group Discussion:

When you were growing up, who in your family decided which traditions (cultural or familial) would be followed? Who in your family was most responsible for planning and organizing cultural celebrations and rituals?

What might be some areas of common ground between human rights advocates and cultural rights advocates?

What do you think the Special Rapporteur means when she says: "[I wish] to stress that 'the critical issue, from the human rights perspective, is not whether and how religion, culture and tradition prevail over women's human rights, *but how to arrive at a point at which women own both their culture (and religion and tradition) and their human rights.*'"

Group Exercise:

Ask the group to brainstorm cultural, religious, and family traditions that empower and celebrate women either directly or indirectly. Ask a volunteer to record everyone's ideas on a board or large sheet of paper.

Ask the group to brainstorm cultural, religious, and family traditions that disempower and/or discriminate against women either directly or indirectly. Ask a volunteer to record everyone's ideas on a board or large sheet of paper.

Questions for Group Discussion:

- Are there any common themes or interesting observations you can make about the two lists?
- Who benefits from each of the traditions? Does the answer depend on the tradition?
- Do any of the traditions enforce a hierarchy between men and women without discriminating against women? If so, which ones and why?
- What are some examples of "centuries old traditions" that you respect and hope *will* continue? Why?

Reading Assignment:

Israr Ullah Zehri, who represents Baluchistan province, told a stunned parliament that northwestern tribesman had done nothing wrong in first shooting the women and then dumping them in a ditch.

“These are centuries-old traditions, and I will continue to defend them,” he said. “Only those who indulge in immoral acts should be afraid.”

The women, three of whom were teenagers and whose “crime” was that they wished to choose who to marry, were still breathing as mud and stones were shoveled over their bodies, according to Human Rights Watch.

September 1, 2008 (*The Telegraph*: www.telegraph.co.uk)

For many people, their culture preserves a social order as much as it passes on shared aspirations and traditions. Upsetting the social order lies at the root of most of the contention between traditionalists and progressives. For some, it is worth taking extreme measures to preserve the status quo, including harsh punishments and violence. But too often the status quo is the supremacy of men, and the measures to maintain their status include patently discriminatory laws and a threatening environment for women or men who try to transgress the social order.

Group Exercise:

Write the quote below by Thoraya Obaid on a board or large sheet of paper so that everyone can review it. Ask a volunteer to read the quote:

“Human rights are everybody’s work, and being culturally sensitive and understanding the context is everybody’s business.... Culture is not a wall to tear down. It is a window to see through, a door to open to make greater progress for human rights.”

Thoraya Obaid⁴¹

Break the group into teams of four or five. Ask each team to reflect on a women’s rights issue. Each team can choose its own issue, or consider one of the following issues: women’s equal pay for the same work; women’s right to an equal say in decisions about their children’s upbringing; or women’s equal participation in peace-brokering and negotiations in conflict.

Ask each team to prepare several (5 to 10) talking points on how advancing the women’s right – whichever right the team chooses to work on – would help preserve institutions important to traditionalists. For example, how might paying women the same wages as men make families stronger?

After the teams have completed their talking points, ask the group to reconvene. Ask a volunteer from each team to share that team’s talking points.

41 <http://www.who.int/pmnch/media/news/2008/unfpastatewp2008/en/>. Thoraya Obaid was appointed, along with 29 other Saudi women, as members of Saudi Arabia’s Majlis Ash-Shura (Shura Council) for a four-year term from 2013-2016. Obaid, formerly the Executive Director of the UN Population Fund, is Chair of WLP’s Board of Directors.

Questions for Group Discussion:

- What are some of the deeply embedded values and practices of your culture that have nothing to do with gender hierarchy or gender oppression?
- How can culture be, as Thoraya Obaid suggests, a “window to see through” or “a door to open to make greater progress for human rights”?
- Can advocates work towards advancing cultural rights while at the same time press for a new social order in which women are equal? If so, what are some strategies to do this?

Session 10

Human Rights and Violent Conflict

OBJECTIVES:

- To consider why some violence, even in times of war, is universally abhorrent; and what links these abhorrent acts to violations of human rights.
- To explore why rape is considered a war crime and is never justified, regardless of the aims of a violent conflict.
- To discuss women's roles in violent conflict and women's (human) right to be part of peace negotiations and post-conflict decision making.

In This Session:

Where wars are increasingly fought in cities and towns, and civilians are regularly caught in the cross-fire, atrocities against civilians have become an expected, if not acceptable, by-product of violent conflict. When wars are fought by irregulars, unofficial combatants who may include children and forced labor or even slaves, the usual "laws of war" are ignored. It is in these sorts of conflicts that the most hideous acts of violence take place – acts that physically and mentally scar victims and perpetrators alike for life. In this session, we will discuss what actions in war are abhorrent and why, despite their taking place amidst violence and chaos. What makes some violence legitimate in war, and some violence illegitimate? How would one argue that an act of war is a human rights violation?

The first reading selection is about a UN report on civilians living through the conflict in Iraq. In the excerpt, the UN High Commissioner for Human Rights describes the actions of the warring parties as human rights violations and war crimes.

Among the types of violence in war that is a violation of human rights is rape. While women have always suffered enormously in war as direct and indirect victims of violence, it is only in the last few decades that rape as a tool of war has received widespread condemnation and criminalization from the international community. In this session, we will read about the ability to prosecute rape and other gender-based crimes as crime against humanity in the International Criminal Court (ICC). We will read a statement by the UN's Under Secretary General on Sexual Violence in Conflict in which she discusses how rape is used as a weapon of war, and therefore should not be viewed simply as a women's issue, but a broader peace and security issue.

The final reading selection is from the UN's "2004 Ten Stories Project," the UN's annual dissemination of ten stories "that have important implications. . . ." The article describes how the media often portrays women as powerless victims of war, while the real story is more complex. Although women are victims of conflict, they are also frequently at the forefront of negotiating the resolutions to conflict.⁴² In this session, we will discuss whether participation in peace negotiating and rebuilding is a human right, and whether women have an equal right to participate in post-conflict decision-making.

Reading Assignments:

UN Report on the Protection of Civilians in the Non International Conflict in Iraq

The report,⁴³ compiled by the UN Assistance Mission for Iraq (UNAMI) and the UN Human Rights Office (OHCHR), is based on direct monitoring activities as well as a variety of sources, including civilian victims and witnesses, of events between 5 June and 5 July, 2014.

The report notes that children have been disproportionately affected by the conflict: "In all conflict-affected areas, child casualties due to indiscriminate or systematic attacks by armed groups and by Government shelling on populated areas have been on the rise," it states.

"Credible information on recruitment and use of children as soldiers was also received."

In response to this report, UN High Commissioner for Human Rights Navi Pillay said she was particularly concerned about the protection and welfare of members of vulnerable groups who remain in areas affected by the armed conflict, especially women, female-headed households, children, people with disabilities, the elderly, and members of minority groups. "Every day we receive accounts of a terrible litany of human rights violations being committed in Iraq against ordinary Iraqi children, women and men, who have been deprived of their security, their livelihoods, their homes, education, healthcare and other basic services," she said. "The deliberate or indiscriminate targeting of civilians, the killing of civilians, the use of civilians as shields, the hindering of access for civilians to humanitarian assistance may amount to war crimes or crimes against humanity," she added.⁴⁴

42 The UN Security Council formally recognized the crucial role women should and do play in peace-building by passing Resolution 1325 in 2000, which puts pressure on Member States to support women's participation in creating sustainable peace. We will discuss the specifics of Resolution 1325 in Session 13 as part of a larger discussion about international instruments that address sexual violence in times of war.

43 For the full text of the report, go to http://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_POC%20Report_FINAL_18July2014A.pdf

44 Excerpted from <http://www.un.org/apps/news/story.asp?NewsID=48301&Kw1=Navi+Pillay&Kw2=&Kw3=#.VeS2ypriuM8>

War and civil unrest also increase violence against women and girls

A 1996 UNICEF report claims, “War and civil unrest also contribute to violence in the home, according to recent studies. Death, upheaval and poverty increase tensions within the family and the likelihood of violence against girls and women. Men who feel that they have lost the ability to protect their women may compensate by exercising violent control over them at home.”

To see the full report, go to: <http://www.unicef.org/sowc96pk/sexviol.htm>

Team Exercise:

On the board or a large sheet of paper, write down the following list:

- Child Soldiers
- Slavery
- Ethnic Cleansing
- Suicide Bombing

Ask the group to consider these practices of war, as well as others they might want to add that they believe are not justified by war. Divide the group into teams, with each team assigned a different topic from the board. If the group adds additional topics, assign teams to those topics as well.

Ask each team to discuss what about the activity makes it universally abhorrent. Ask the teams to consider cultural norms, traditions, religious teachings, and laws.

When the teams reconvene, ask a volunteer from each team to report back to the group on her team’s discussion.

Questions for Group Discussion:

- What arguments would you make to demonstrate that enlisting Child Soldiers is a human rights violation?
- What arguments would you make to demonstrate that Slavery is a human rights violation?
- What arguments would you make to demonstrate that Ethnic Cleansing is a human rights violation?
- What arguments would you make to demonstrate that Suicide Bombing is a human rights violation?
- What types of arguments do you find the most persuasive? Why?

Reading Assignments:

The International Criminal Court's (ICC) Policy Paper on Sexual and Gender-Based Crimes, June 2014

Excerpt

Over the past few decades, the international community has taken many concrete steps in response to increasing calls to recognize sexual and gender-based crimes as serious crimes nationally and internationally. The statutes of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) both included rape as a crime against humanity. At the Rome Conference,⁴⁵ states agreed upon explicit provisions in the Statute of the ICC, recognizing various forms of sexual and gender-based crimes as amongst the most serious crimes of concern to the international community. The Statute is the first instrument in international law to include an expansive list of sexual and gender-based crimes as war crimes relating to both international and non-international armed conflict. It also expands the list of sexual and gender-based crimes as crimes against humanity to include not only rape, but other forms of sexual violence, as well as persecution on the basis of gender. Sexual and gender-based crimes committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group may also constitute acts of genocide.⁴⁶

Sexual Violence in Conflict

Zainab Hawa Bangura

Excerpts

The use of sexual violence in conflict is an issue that has finally received the recognition it deserves, and I am proud to be part of the movement to end this crime. . . Unfortunately, the shame of these abuses is not endured by the perpetrator; rather it is borne by the survivors of these attacks. It is the victims and their families, not the attacker, who must deal with the devastating and long lasting consequences of this crime, which can include sexually transmitted diseases, damage to reproductive organs and health, depression, unwanted pregnancies, and social stigmatization.

Girls and women suffer disproportionately from this crime and this is not by accident; when you attack a mother, a wife, a sister or a daughter you are attacking the very fabric of society. By assaulting girls and women you wreak havoc on society, weaken the resistance of an opposing side, and ensure that communities will struggle to recover from the devastating repercussions of sexual violence long after the conflict has ended. . . .

45 The UN Conference of Plenipotentiaries on the Establishment of an International Criminal Court, known as the "Rome Conference," took place in July 1998 in Rome, Italy. More than 160 governments participated in the conference, many with sizable delegations. At its conclusion, 120 nations voted in favor of adopting the Rome Statute of the International Criminal Court. Only seven nations voted against the treaty (including the United States, Israel, China, Iraq, Qatar), while 21 countries abstained.

46 <http://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes--June-2014.pdf>, p. 9.

The effect and use of sexual violence in each country is unique. In Syria, the threat of sexual violence was a major contributor to displacement as families fled in an attempt to get girls and women safe. Unfortunately, this had the unintended consequence of early and enforced marriages as parents married their daughters off to older men in an attempt to keep them safe. In turn this led to trafficking of girls and women.

[We] must be the voice of the voiceless and ensure that these women and girls are not just statistics referred to in media reports, but human beings whose rights are being trampled and lives cut short by this atrocity.

During the 68th UN General Assembly 135 countries endorsed the Declaration of Commitment to End Sexual Violence in Conflict.⁴⁷ . . . [The] international community has finally stood up to say that wartime rape is not a women's issue, it is a peace and security issue and deserves to be treated as the war crime that it is.⁴⁸

Questions for Group Discussion:

- Why did the delegates to the 1998 Rome Conference consider that some sexual and gender-based crimes in times of war constitute genocide?
- How do sexual crimes against women erode communities differently than other acts of violence?
- How do you think that women's increasing roles in war, as journalists, technicians, medical personnel, and even soldiers, will change the nature or degree of sexual violence in war, if at all?
- While resolving conflict through war is still acceptable to many nations across the globe, almost all governments condemn rape as a weapon of war. What is the distinction between harming an enemy and raping an enemy? What is it about rape as a weapon of war that sinks below conscionable behavior in practically every society?

Reading Assignment:

Women as Peacemakers: From Victims to Re-Builders of Society

From the United Nations "Ten Stories Project"

While the plight of women in war often gets close media attention, what is often overlooked is the vital role played by women in negotiating peace and in rebuilding societies.

47 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244849/A_DECLARATION_OF_COMMITMENT_TO_END_SEXUAL_VIOLENCE_IN_CONFLICT_TO_PRINT....pdf

48 Posted by the Department for International Development, GOV.UK, <https://dfid.blog.gov.uk/2013/11/12/sexual-violence-in-conflict/>. **Zainab Hawa Bangura** is UN Special Representative of the Secretary-General on Sexual Violence in Conflict, at the level of Under-Secretary-General. She made this statement on November 12, 2013. Ms. Bangura was previously Sierra Leone's Minister of Health and Sanitation and Minister of Foreign Affairs.

The recent commemoration of the 10th anniversary of the Rwanda genocide brought renewed focus on one of the many troubling aspects of those events: the deep trauma faced by Rwandan women who had survived the massacres after suffering indescribable humiliation, violence and sexual abuse. But today, as Rwanda moves gradually towards democracy, a lesser-known story is emerging: the vital role played by former victims in the efforts to build a new society.

In the September 2003 parliamentary elections in Rwanda, women secured 49% of seats in the legislature – the highest number of women parliamentarians anywhere in the world, overtaking Sweden with 45% and way above the world average of 15%. In May 2003, Rwandans ratified a new constitution allotting 30% of decision-making positions to women, a step inspired by [CEDAW]. However, the election results went beyond the prescribed quota, an outcome for which Rwandan women lobbied heavily. As the country undergoes a period of reconstruction, women are playing an ever more active role. With a cadre of women parliamentarians assuming leadership responsibilities, this praiseworthy development will need to be accompanied by sustained measures to promote democracy at all levels.

While too often reporting of women in conflict situations shows them as powerless victims, the reality, often glossed over, is that in post conflict situations women are in the forefront when it comes to negotiating and building peace. As Secretary-General Kofi Annan has pointed out, “Women, who know the price of conflict so well, are also better equipped than men to prevent or resolve it. For generations, women have served as peace educators, both in their families and in their societies. They have proved instrumental in building bridges rather than walls.” There are many stories that remain to be told about women from all walks of life who are making a quantum leap from lives in the private sphere to leading the way in reshaping their societies. Between 2000 and 2002, elections were held in 23 countries in sub-Saharan Africa, with increases in the number of women parliamentarians in 14 of them. In most cases, significant increases have been achieved through the use of quotas.

At the peak of the crisis in Liberia, women of the Mano River region (Liberia, Guinea and Sierra Leone) came together to form the Mano River Women’s Peace Network (MARWOPNET). So powerful was MARWOPNET’s voice that it was invited to the ECOWAS⁴⁹-sponsored peace talks on Liberia in Akosombo, Ghana, and later was invited to be one of the signatories to the peace agreement. Now upon their return to Liberia, many of them will run for political office.

Women as torchbearers of peace are making a difference in hot spots of every region of the world. Palestinian and Israeli women have joined forces and work together as advocates for peace. In Nepal, women who were victims of violence are seeking representation in peace talks between the government and Maoist rebels. Women’s Peace Caravans

49 ECOWAS is the Economic Community of West African States, a regional group of sixteen countries, founded in 1975.

venture into the most treacherous conflict-ridden interiors of Colombia to protest against the civil war and negotiate with the guerillas. Throwing themselves into peace processes with enormous courage and determination, women in politics, through their often unseen and unsung work, are bringing peace to many troubled countries.⁵⁰

Questions for Group Discussion:

- Do women have a human right to participate in combat roles in war? Why or why not?
- What does “equal rights for women and men” mean during violent conflict and war?
- During times of war, do women need special (legal or other) protections or waivers because they can bear children? Should all women be treated the same, even though not all can or will bear children because of age, physical capacity, or their own inclination?
- What experience, skills, and perspective do women bring to peace negotiations and post-conflict decision-making?
- Is it a human right for women to participate in peace negotiations and post-conflict decision-making? Why or why not?

50 Reprinted from the 2004 United Nations “Ten Stories Project” <http://www.un.org/events/tenstories/06/story.asp?storyID=700>

Part 2

USING THE INTERNATIONAL TOOLS TO DEFEND WOMEN'S RIGHTS

Introduction

"If leaders do not listen to their people, they will hear from them – in the streets, the squares, or, as we see far too often, on the battlefield. There is a better way. More participation. More democracy. More engagement and openness. That means maximum space for civil society."⁵¹

*UN Secretary-General Ban Ki-moon
September 23, 2013*

Civil society is any community of citizens with a shared vision. It can be a society of hundreds working for a non-governmental organization, or it can be family working together towards a common interest, or it can be an individual fighting for her rights. The Office of the United Nations High Commissioner for Human Rights defines civil society actors as "individuals and groups who voluntarily engage in forms of public participation and action around shared interests, purposes or values that are compatible with the goals of the UN: the maintenance of peace and security, the realization of development, and the promotion and respect of human rights."⁵² The UN's human rights mechanisms are designed to help nations comply with human rights standards and to work in collaboration with civil society to investigate and condemn countries that do not. Without civil society, the UN treaties, resolutions, working groups, and experts become weak and unaccountable.

Civil society actors, human rights advocates, and women's rights defenders have numerous tools at their disposal to identify, investigate, and promote solutions to rights abuses in their communities. WLP's *Leading to Action: A Political Participation Handbook for Women*⁵³ is a helpful introduction to dozens of grassroots strategies for claiming and defending human rights.

In this manual, we turn to the UN's human rights mechanisms for additional strategies for grassroots organizations and individuals to expose rights abuses and demand human rights protections. The sessions in Part 1 of this manual examine central human rights concerns, occasionally referencing the relevant international declarations and treaties. The sessions in Part 2 of this manual focus exclusively on the UN's tools for defending human rights – on their mandates and functions. These international

⁵¹ <http://www.un.org/sg/statements/index.asp?nid=7116>.

⁵² http://www.ohchr.org/Documents/AboutUs/CivilSociety/CS_space_UNHRSysytem_Guide.pdf.

⁵³ *Leading to Action: A Political Participation Handbook for Women*, WLP, 2010; available for free download in a wide variety of languages at <http://www.learningpartnership.org/Ita>.

instruments range from those that speak generally for the equal rights of all, and hence the equality of women, to those that were written or created explicitly to protect the vulnerabilities and strengths of women.

In Part 2, Sessions 11 and 12 cover human rights and women's rights declarations and treaties. Session 13 examines the seven key UN Security Council Resolutions (UNSCRs) that address women's rights in times of conflict. Frequently referred to under the banner of Women, Peace, and Security, these resolutions direct all nations to consider women's unique experiences in times of war, especially civilians subjected to gender-based violence, and women's substantial contributions to peace-building and post-conflict recovery. Session 14 considers several of the UN bodies and experts who investigate and respond to women's rights inquiries and complaints from individuals as well as organizations. The mandate of these bodies and experts is to work in collaboration with states and civil society to expose rights abuses and promote human rights solutions. Unlike the human rights treaty committees that are tasked with addressing human rights only in the countries that are signatories to the treaties, the UN human rights special rapporteurs and working groups report on the entire world. Their mandate is to respond to rights abuses regardless of where they take place.

While the UN's human rights instruments cannot entirely solve any single person's or nation's human rights problem, they provide a number of avenues for human rights advocates to expose and condemn rights abuses and to suggest solutions. Long- and short-term strategies for women's advancement involve complex and frequently controversial social reforms and cultural innovations to put women on equal footing with men. For more than 50 years the UN's international conferences, declarations, treaties, working groups, and experts have influenced nations and civil society to make reforms and innovate. However, if the international tools are not used, their credibility and impact will dwindle, and we will lose these important, wide-reaching tools that exploit nations' highest human rights aspirations and their best human rights behavior.

We hope that the sessions in Part 2 will engage and inspire you to use the international human rights instruments as part of your human rights campaigns.

Session 11

Women's Rights Protections in General International Human Rights Instruments

OBJECTIVES:

- To review the history and aims of the UN's Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and International Covenant on Social, Economic, and Cultural Rights.
- To explore how each of these three core instruments strives for universal human rights and to consider whether there is a need to recognize distinct rights for women and girls.

In This Session:

Women's rights are enumerated in dozens of international declarations and treaties, some of which focus wholly on women, others of which focus on another distinct group (such as children or the disabled) but address gender equality somewhere in the agreement, and still others that are directed at equal rights for all of humanity.

In this session, we will review and discuss the three core international human rights instruments that make up the International Bill of Rights, and the protections these general agreements provide for women in their affirmation of human rights for all.

Reading Assignments:

International Bill of Human Rights

For those who believe in human rights, the question of their origins is largely academic and has little bearing on the authenticity or authority of these profound and profoundly human principles. Setting aside for a moment questions about the historical origins of human rights laws and how those origins legitimize or delegitimize human rights for different peoples and cultures, let us take a closer look at the UN International Bill of Human Rights, which served and continues to serve as the framework for the majority of human rights mechanisms, rules of conduct, and laws drafted over the last 50 years.

Of the three documents that make up the UN International Bill of Human Rights, the first – the Universal Declaration of Human Rights (UDHR) – is only a declaration and has no legally binding obligations attached to it. The UDHR was adopted by the UN General Assembly in 1948. At the time, the General Assembly was made up of 58 nations, of which

48 voted in favor of the UDHR, eight (Belarus, Czechoslovakia, Poland, Saudi Arabia, South Africa, Ukraine, U.S.S.R., and Yugoslavia) formally abstained, and two (Honduras and Yemen) failed to vote or abstain.⁵⁴ The UDHR was a compromise document meted out by an 18-member international UN Commission on Human Rights over a period of two years before it was finally approved by the UN General Assembly.

The UDHR paved the way for the adoption, 18 years later, of the Covenant on Economic, Social, and Cultural Rights (ICESCR), which enumerated the rights to an adequate standard of living, health, education, and housing, and one's cultural identity and expression. On the same date, December 16, 1966, the UN General Assembly adopted the Covenant on Civil and Political Rights (ICCPR), which enumerated the rights to life, liberty, and security of person, freedom of expression, thought, conscience, and religion. Unable to reach consensus on a single human rights treaty that covered both civil and political rights, and economic, social, and cultural rights, the General Assembly requested two separate treaties be drafted to encompass both sets of rights. Together, as the International Bill of Human Rights, these three documents – the UDHR, ICESCR, and ICCPR – have served as models for nearly 100 national constitutions and thousands of national and local laws and policies throughout the world. Decades after their adoption, country representatives at the Vienna World Conference on Human Rights (1993) sought to address the split between the two human rights treaties with a final Declaration that stated in part, “All human rights are universal, indivisible, interdependent and interrelated.”

“Human rights are African rights. They are also Asian rights; they are European rights; they are American rights. They belong to no government, they are limited to no continent, for they are fundamental to humankind itself.”

Kofi Annan

UN Secretary-General, 1997-2006

<http://www.un.org/press/en/1997/19971015.SGSM6359.html>

Although the UN Human Rights Commission that drafted the UDHR was led by a woman, former American First Lady Eleanor Roosevelt, the other drafting committee members were men. Similarly, in the decades that followed, most of those engaged in drafting the ICESCR and ICCPR also were men. Nevertheless, the drafters' commitment to the universality of rights, irrespective of gender, laid the groundwork for the creation and adoption of the international women's rights-focused agreements that followed. For this reason, in considering which international instruments

54 The following countries voted in favor of adopting the Declaration: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, Republic of China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Iceland, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Siam, Sweden, Syria, Turkey, United Kingdom, United States, Uruguay, Venezuela.

support women's rights and which to use in advocating for women's advancement, one will find relevant language in the seminal human rights treaties as well as in the international instruments drafted for the specific purpose of protecting the rights of women.

It is important to note that not all countries have signed or ratified the UN human rights treaties. Even those that have do not necessarily observe all the articles in the treaties.⁵⁵ Some countries only selectively observe the treaties, making informal and even formal exceptions to certain human rights. For countries that have adopted human rights treaties into law, there are often obligations to report on their observance of the treaties. However, the consequences of reporting late or not reporting at all are minimal. The strength of these treaties thus does not necessarily come from international monitoring and sanctions. Instead, individuals and organizations within each country who advocate for their government's and other institutions' compliance very often provide the strongest and most strategic pressure for compliance.

The international human rights instruments state explicitly the rights and freedoms that societies and cultures support implicitly. Wording from the treaties codifies rights and provides language agreed to by a majority of nations. Knowing the rights enumerated in the international legal instruments is empowering for human rights advocates everywhere and provides a framework for seeking and protecting human rights locally.

Universal Declaration of Human Rights (UDHR)

The full text of the **Universal Declaration of Human Rights** can be found **Appendix A** of this manual; in this workshop session, we will focus on the specific UDHR articles and aspects of its Preamble that address the protection of women's rights and welfare.

The UDHR Preamble begins by declaring its applicability to "all members of the human family." This is significant because the framers wanted to be clear that human rights are not privileges for a specific gender, class, race, or nationality. Neither infirmity or disability, legal status, nor sexuality can limit the rights enumerated in the UDHR. The Preamble states: ***"WHEREAS recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world. . ."***

The Preamble also reminds us that the members of the United Nations, by joining the UN Charter, affirmed their agreement to the dignity and worth of the human person and the equal rights of men and women. It states, ***"WHEREAS the peoples of the United Nations have in the [United Nations] Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal***

55 The Office of the High Commissioner's website says, "All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations." <http://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>

rights of men and women and have determined to promote social progress and better standards of life in larger freedom. . .”

Nearly all of the UDHR articles begin with the words, **“everyone has the right to. . .”** without specifying both men and women, although the articles occasionally use the male pronoun to refer to all people, as was customary in official documents in English in the 1940s. For that reason, UDHR articles 16 and 25 stand out because their language leaves nothing to interpretation as to whom the rights should apply. It is significant, that in area of family law, the framers did not choose to state that “everyone” of full age has the right to marry and to found a family. Instead, the Article 16, Paragraph 1’s more pointed language says, **“Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.”** Perhaps anticipating that family law would be the last bastion of gender bias and sex-determined rights and roles, the framers chose to state unequivocally that the rights of individuals once married would not diminish or increase based on gender. Reinforcing that the family unit should not diminish individuals’ rights within or without marriage, the framers again are clear about this in Article 25, Paragraph 2. The UDHR says, **“Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.”**

The UDHR has been translated into more than 300 languages, influencing the lexicon and laws of many new and established nations. Although the UDHR is not technically a binding agreement, at the first World Conference on Human Rights in Tehran, in 1968, representatives of countries across the globe formally avowed that: **“The Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community.”**

International Covenant on Economic, Social, and Cultural Rights (ICESCR)

As of 2015: 164 countries have made this treaty law.

*An additional 6 countries have signed the treaty;
27 countries have taken no action on this treaty.⁵⁶*

The full text of the **International Covenant on Economic, Social, and Cultural Rights** can be found in **Appendix B** of this manual; in this workshop session, we will focus on the specific ICESCR articles that address the protection of women’s rights and welfare.

Treaties (as distinct from *declarations*, such as the UDHR) are meant to legally bind signatories to their provisions, obligating states to enforce the treaties’ articles. The ICESCR is a legally binding treaty, and its provisions

56 For information on which countries have ratified the ICESCR, go to <http://indicators.ohchr.org/>

apply to everyone, men and women, in the signatory country. Nevertheless, like the UDHR, it contains articles that draw attention to the specific rights of women. Article 2, Paragraph 2 states, ***“The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”***

Article 3 states, ***“The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.”***

Article 10, paragraphs 1 and 2, mirrors much of the language from Article 16 in the UDHR delineating the rights of women and men in marriage. This article then goes beyond the Declaration to guarantee social security to pregnant and new mothers: ***“The States Parties to the present Covenant recognize that: 1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses. 2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.”***

International Covenant on Civil and Political Rights (ICCPR)

As of 2015: 168 countries have made this treaty law.

*An additional 7 countries have signed the treaty;
22 countries have taken no action on this treaty.⁵⁷*

Unlike the ICESCR, the ICCPR includes an Optional Protocol, a separate but connected treaty that strengthens the enforcement of the ICCPR. Countries that adopt the ICCPR can choose to adopt the Optional Protocol or not. The Optional Protocol provides a mechanism for individual citizens to report human rights violations in their country to the ICCPR's monitoring committee. The U.S. is one example of a country that has signed (1977) and ratified (1992) the treaty into domestic law but has neither signed nor ratified the Optional Protocol. Having ratified the treaty, the U.S. is obligated to report to the ICCPR's monitoring committee on its compliance with the treaty's civil and political rights provisions.

The ICCPR uses the pronoun “everyone” or “he” almost without exception in each of its articles. Article 2 (stating that each of the treaty's articles apply to all persons regardless of status, including sex), Article 23 (relating to family law and marriage rights, similar to Article 10 in the ICESCR), and Article 26 (relating to individuals' right to equality before the law and the right to protection from discrimination on any grounds,

57 For information on which countries have ratified the ICCPR, go to <http://indicators.ohchr.org/>.

including sex or other status) make special mention of sex as a distinct, protected category. The rest of the ICCPR uses language that applies to both genders. For example, Article 18 begins, *“Everyone shall have the right to freedom of thought, conscience, and religion.”*

Questions for Group Discussion:

- In considering the two treaties, the ICESCR and the ICCPR, do you think there are some rights that are more important, or of a higher order, than others? Why or why not? And if you do, which rights do you think are more important or less important, and why?
- The UDHR was drafted in the earliest days of the United Nations and signed by nearly all of the Member States at the time. Do you think that which countries participated in drafting the UDHR⁵⁸ and which were among the original signatories⁵⁹ has an impact on the Declaration’s universality today? Do you think the Declaration would have more universal applicability if there had been wider international representation among the drafters and signatories? Why or why not?
- If you believe, or know others who believe, that the UN International Bill of Human Rights represents Western values to the exclusion of other cultures’ principles, how could this be addressed? What principles and rights have been excluded or violated by the International Bill of Human Rights? How might the excluded principles and rights be introduced into the international human rights framework? Are there amendments that you would propose? What would they be?
- Do you think that the International Bill of Human Rights adequately addresses and protects the rights of women and girls, or is another treaty specific to the rights of women necessary? Why or why not?

Team Exercise:

Break the group into teams of three or four and ask each team to discuss and define “universal human rights” and “women’s rights” in their own words and as they would define these concepts for themselves. After each team has done this, reconvene the group. Ask a representative from each team to share her team’s definitions with the group.

58 The Human Rights Commission that drafted the UDHR was made of up representatives from Australia, Belgium, Byelorussian S.S.R., Chile, Republic of China, Egypt, France, India, Iran, Lebanon, Panama, Philippines, United Kingdom, United States, U.S.S.R., Uruguay, and Yugoslavia.

59 The original signatory countries included: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, Republic of China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Iceland, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Siam, Sweden, Syria, Turkey, United Kingdom, United States, Uruguay, Venezuela.

Questions for Group Discussion:

- Which definition or definitions seemed to best capture the meaning of the expressions? Why?
- Does the group seem to have reached a consensus on the meaning of “universal”? Why or why not?
- If you were to teach young people about human rights, would you use the UDHR, the ICESCR, and the ICCPR to explain human rights? Would they help explain the relevance of human rights? Why or why not? Would they help explain what women’s rights are? Why or why not?
- Does the International Bill of Human Rights promote human rights and empower individuals to stand up for their rights? If so, how?

Session 12

Women's Rights in International Instruments Drafted Explicitly for the Protection of Women

OBJECTIVES:

- To review the UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- To review the goals of the Beijing Declaration and Platform for Action drafted at the Fourth World Conference on Women in 1995.

In This Session:

In this session, we will read and discuss the two most important international instruments that focus explicitly on the rights of women. Their very existence demonstrates the international community's tacit acknowledgment that most of the world's women live in patriarchal societies in which the status quo represents the interests of men above women. In this session, we will consider the objectives of the UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified in 1981, and discuss its shortcomings in addressing violence against women, including domestic and other violence. The Beijing Declaration and Platform for Action, which followed in 1995, was an amalgam of rights demands and humanitarian goals, including goals around eradicating violence against women. We will read and discuss the Platform's goals and form our own conclusions about its impact and efficacy worldwide.

Reading Assignments:

Advancing the Human Rights of Women

Despite the progress made over the last century at the international level and locally to advance human rights, equal application of rights for women still has not been achieved. While the UN's international legal instruments define human rights as being universally applicable, in practice women's rights are not protected equally. Culture, tradition, and religion frequently trump humanitarian appeals to redress rights violations against women. Even within this century's new democratic movements, which routinely call for greater social and political

freedom, women's rights are largely accepted as being conditional. Changing the meaning of human rights to encompass women's rights is a work in progress and has many forms, including affirmative action, gender mainstreaming, gender audits, eliminating gender disparity, and women's empowerment campaigns.

The UN International Bill of Human Rights, encompassing the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and International Covenant on Civil and Political Rights (ICCPR), affirms that everyone, regardless of sex, has an equal right to the enjoyment of human rights and fundamental freedoms. However, the general directives in these three documents have proved inadequate for drawing the world's attention to women's entrenched second-class status, and in particular to the extensive instances where women are victims of violence – in their homes, at work, in their communities, and in times of war. Moreover, the international instruments do not explicitly address situations where women's victimization is actively promoted by cultural norms and religious authorities.

On December 5, 1963, the UN General Assembly adopted Resolution 1921, calling for a declaration that would combine international standards articulating the equal rights of men and women into a single instrument. The UN's Commission on the Status of Women prepared, and adopted in 1967, the Declaration on the Elimination of Discrimination against Women, which over the next decade evolved into a legally binding treaty. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the General Assembly in 1979 with 130 votes in favor, and none against, with 10 abstentions. On September 3, 1981, the twentieth member state ratified CEDAW and the Convention entered into force, faster than any previous human rights convention. By ratifying CEDAW, a country agrees both to protect specific women's rights and to take positive steps to end discrimination and violence against women.

CEDAW's articles cover women's civil rights and legal status, the right to equality in the workplace, access to education, right to participate in government and public life, healthcare and reproductive rights, and rights within the family. Significantly, CEDAW calls for states to “modify the social and cultural patterns of conduct of men and women” that lead to discrimination: “*State Parties shall take appropriate measures: to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women.*” (Article 5)

The UN General Assembly went on to underscore the states' responsibility to address gender-based violence in its 1993 Declaration on the Elimination of Violence against Women. The following year, a Special

Rapporteur on violence against women,⁶⁰ was appointed. In 1995, representatives from all over the world attended the UN Fourth World Conference on Women in Beijing and created the Beijing Declaration and Platform for Action, which reaffirmed women's rights as human rights and provided guidelines for participating nations.

The Beijing Platform for Action identified 12 main areas of concern that need to be addressed to achieve political, social, economic, cultural, and environmental security for all. The Platform calls for governments to address women's human rights, poverty, education, health, violence, armed conflict, the economy, power and decision-making, mechanisms for women's advancement, mass media, the environment, and the girl child. It also acknowledged that women face unique barriers to equality in addition to those faced by men, further exacerbated by age, race, language, culture, religion, and legal (if they are refugees, indigenous, immigrants, etc.), family, education, and economic status.

For the next five years, there was movement around the globe by states to systematically create laws and mechanisms that could protect women's rights. NGOs played an enormously important role in holding governments accountable to their human rights treaty obligations and in pressing governments to ratify additional human rights treaties. However, economic and political factors in the new century (particularly post-9/11) have led to an increasing ambivalence by states towards the UN human rights instruments. One manifestation of this ambivalence is that nearly a third of the countries that have signed and ratified CEDAW have signed *with reservations* to some of its articles (the Convention permits ratification subject to reservations, "provided that the reservations are not incompatible with the object and purpose of the Convention"⁶¹). Among many Muslim-majority countries, the reservations to CEDAW have been quite substantial, negating much of CEDAW's promise and potential for progress. Another example of this ambivalence is the UN's Millennium Development Goals (established following the UN Millennium Summit in 2000), which were largely framed as humanitarian objectives rather than human rights.

But even if governments are ignoring their obligations to the human rights treaties, legally the treaties still stand, and they powerfully document the progress of humanity towards the full recognition of women's equality. In particular, CEDAW and the Beijing Platform for Action are worth revisiting: the values and commitments made in these instruments were agreed to by most nations of the world, and they still stand. One remarkable grassroots campaign taking place in the MENA (Middle East/North Africa) region is Equality without Reservation initiative, which advocates for the removal of all reservations to CEDAW.⁶² Equality without Reservation is comprised of more than 120 organizations from

60 The Rapporteur's full title is Special Rapporteur on violence against women, including its causes and consequences.

61 <http://www.un.org/womenwatch/daw/cedaw/reservations.htm#>

62 <http://www.learningpartnership.org/lib/equality-without-reservation-campaign>

17 Arab states; collectively through this campaign these organizations are pressing their governments to withdraw their reservations to CEDAW and to integrate the principles of gender equality into their constitutions and action plans.⁶³

Convention on the Elimination of All Forms of Discrimination against Women

*As of 2015: 189 countries have made this treaty law.*⁶⁴

An additional 2 countries have signed the treaty;

6 countries have taken no action on this treaty.

The full text of the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** can be found in **Appendix D** of this manual. The following excerpts demonstrate the Convention's breadth and depth:

The Preamble to CEDAW begins with reminders that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights already reaffirm the rights of women. It goes on to say that despite the several UN instruments designed to protect women, *“extensive discrimination against women continues to exist...”*

Selected quotes from the Preamble include:

“Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights...”

“Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil, and political rights...”

“Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society, and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity...”

CEDAW Article 1 clarified that, *“for the purposed of the present Convention, the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women. . .”*

63 <http://play.learningpartnership.org/en/advocacy/campaign/equality/arab-women-call>

64 Many countries ratified CEDAW with significant reservations. See the description of CEDAW above in “Advancing the Human Rights of Women.”

Articles 2 and 3 enjoin all participating states to “***pursue a policy of eliminating discrimination against women,***” and to adopt measures to remedy current discrimination and protect against future discrimination.

Article 4 makes a provision for states to establish “temporary special measures” to accelerate the progress of women, without those measures being considered discriminatory. It also categorically excludes special measures aimed at protecting maternity from being considered discriminatory.

Article 5 calls for states to modify social and cultural patterns that lead to discrimination against women. In the Article’s second paragraph, the treaty identifies “family education” as critical to the advancement of women. “***To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children. . . [in] the interest of the children...***”

Article 6 calls for states to end all forms of trafficking in women and the exploitation of women through prostitution.

Articles 7 and 8 commit states to eliminate discrimination against women in political and public life, including in elections, in forming government policy and holding government office, and in participating in local and international non-governmental organizations.

Article 9 calls for women having the same, equal, rights with men to acquire, change, or retain their nationality and the nationality of their children, regardless of marital status.

Article 10 outlines the educational rights of women that states must ensure, including equal access to vocational training, higher education, scholarships, and physical education. It also encourages co-education and other measures to mitigate stereotypes of the roles of men and women in society.

Article 11 addresses measures to eliminate all discrimination against women in employment, promotions, and supporting services, to make employment possible for women.

Article 12 commits states to eliminate discrimination against women in the field of healthcare. The article takes special note of women’s need for pregnancy-related services.

Article 13 enjoins states to ensure the same rights for women relating to economics and social life, including the right to benefits, bank loans, and mortgages, and the right to participate in recreational activities, sports, and all aspects of cultural life.

Article 14 addresses the special needs of rural women and the responsibilities incumbent upon states to protect the human rights of rural women and support their survival and that of their families and communities.

Article 15 calls for states to accord women and men equality before the law in all civil and criminal matters, including the right to form contracts

and own or administer property. The article further states that women must have the same rights as men relating to movement of persons and the freedom to choose their residence and domicile.

Article 16 – the most frequently challenged of all the treaty’s provisions – relates to the rights of women in matters of marriage and family matters. The article provides that women and men have, “*a) the same right to enter into marriage; b) the same right to freely choose a spouse and to enter into marriage only with their free and full consent...*” Article 16 also states that men and women have the same rights and responsibilities as parents, irrespective of their marital status. Women have the right to decide on the number and spacing of their children and the right to education, to enable them to exercise their right to making such decisions. The article also calls on states to make child marriage illegal, and to set an appropriate minimum age for marriage.

Questions for Group Discussion:

- Why do you think that the framers of CEDAW felt that the International Bill of Human Rights did not go far enough in protecting women’s rights? What do you think they hoped CEDAW would accomplish?
- Where do you think CEDAW’s authority comes from? On what basis does CEDAW claim women’s rights?
- Is your country a signatory to CEDAW? Does your government work to protect all the rights enumerated in the treaty? If not, which ones do you think are the most often violated in your country? Why?
- Why do you think Article 16, which relates to women’s rights in a marriage and in her family, is the most frequently disputed by governments, many of which signed the treaty with the reservation that Article 16 does not apply?
- Who do you think has the right to determine a woman’s role in the family? Why?
- Significantly, CEDAW does not directly address violence against women. Why do you think this happened? Later UN declarations and the Fourth World Conference on Women’s Platform for Action tackled this monumental concern head-on. If you had been among the drafters of CEDAW, what language would you have chosen to articulate women and girls’ right to be free from violence (consider domestic violence, violence in times of war, and violence generally)?

Reading Assignment:

Beijing Platform for Action

At the 1995 World Conference on Women in Beijing, more than 6,000 government delegates participated in the creation of the Platform for Action, the culmination of nearly 50 years of refining international

human rights instruments to address the equality of women and men. In attendance was then-U.S. First Lady Hilary Clinton, who memorably declared, *“If there is one message that echoes forth from this conference, let it be that human rights are women’s rights and women’s rights are human rights once and for all.”*

The Platform for Action document, the result of carefully negotiated consensus, was drafted to be an affirmation by participating states of their *moral obligation* to press for the rights of women – it was not a legally binding commitment. The Platform’s Mission Statement describes the Platform as “an agenda for women’s empowerment.” In agreeing to the Platform, the delegates (representatives of 189 countries, with some stating reservations) formally declared their intention to **“hereby adopt and commit ourselves as Governments to implement the following PLATFORM FOR ACTION, ensuring that a gender perspective is reflected in all our policies and programs. . .”**

Group Exercise:

The Beijing Platform for Action covers 12 critical areas of concern that weave human rights and humanitarian goals together. In 1995, the delegates envisioned measurable progress taking place in each of the areas over the next decade. Now, 20 years later, it is instructive to review the 12 areas and to consider where there has been progress, where there has been stagnation, and where there has been back-sliding.

For this exercise, ask the group to review the Platform’s 12 Critical Areas of Concern (below) and discuss each one. Begin by asking for volunteers to talk about each Critical Area in their country and globally, and how they believe governments have addressed each of the issues.

It is helpful to have a volunteer take notes of the discussion on a board or large sheet of paper, so that participants can refer back to earlier comments.

PLATFORM FOR ACTION: The Critical Areas of Concern

1. The persistent and increasing burden of poverty on women;
2. Inequalities and inadequacies in, and unequal access to, education and training;
3. Inequalities and inadequacies in, and unequal access to, health care and related services;
4. Violence against women;
5. The effects of armed or other kinds of conflict on women, including those living under foreign occupation;
6. Inequality in economic structures and policies, in all forms of productive activities and in access to resources;
7. Inequality between men and women in the sharing of power and decision-making at all levels;

8. Insufficient mechanisms at all levels to promote the advancement of women;
 9. Lack of respect for and inadequate promotion and protection of the human rights of women;
 10. Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media;
 11. Gender inequalities in the management of natural resources and in the safeguarding of the environment;
 12. Persistent discrimination against and violation of the rights of the girl child.
-

Reading Assignments:

Violence against Women: A Final Note on the Fourth Area of Concern

Unlike the CEDAW treaty drafted 30 years earlier, the Beijing Platform is unequivocal in stating that violence against women violates women's enjoyment of their human rights. The Platform's paragraphs 112-113 explain the connection between women's human rights and states' obligations to end violence against women. (Platform paragraphs 112 through 130 that address Violence against Women are reproduced in **Appendix E** of this manual.):

Paragraph 112.

Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed. Knowledge about its causes and consequences, as well as its incidence and measures to combat it, have been greatly expanded since the Nairobi Conference. In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of violence against women.

Paragraph 113.

The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

Questions for Group Discussion:

- The Beijing Platform for Action was drafted in 1995 at the Fourth World Conference on Women. Do you think that the conference helped advance the rights of women in your country? What about the Platform? Why or why not?
- The Platform's 12 areas of concern are a blend of rights and humanitarian and policy concerns. Is the list of concerns useful in helping you frame gender policy objectives?
- The Platform's Item 1 frames poverty as a humanitarian concern. Item 2 frames education in both rights language (citing "inequalities") and policy language (citing "inadequacies"). Item 7 frames decision-making and power-sharing as an equal rights issue. What is the difference between framing an issue as a *rights violation* rather than as a *policy objective*? Is one more powerful than the other? Why?
- States frequently explain that their inability to comply with the objectives of the Platform and CEDAW is due to lack of resources. Human rights advocates argue that where economic limitations undermine the progress on compliance with the Platform and CEDAW, states are still not exempted from their obligation to implement human rights policies so that men and women are treated equally. What are some examples of rights and policy objectives that promote women's freedom and equality that states might claim are too expensive to implement? Do you agree? Are there measures that can be taken with limited resources that still allow for progress on equality and rights?

Session 13

Women's Rights in War: Security Council Resolutions on Women, Peace and Security

OBJECTIVES:

- To learn about UN Security Council Resolution 1325 on the role of women in peacemaking.
- To learn about UN Security Council Resolutions 1820, 1888, 1889, 1960, 2106, and 2122, which address conflict-related sexual violence against women, and women's participation in peacemaking and rebuilding society after conflict.

In This Session:

Amnesty International reports that half of all peace agreements around the world fail within the first five years. "One missing component to creating a lasting and sustainable peace is the inclusion of those who are disproportionately and uniquely affected by conflict: women."⁶⁵ In this session, we will read about the UN Security Council's resolutions addressing the violence inflicted on women in war, and the critical role women must play in peace negotiations and rebuilding in post-conflict societies.

To put the Security Council's efforts in context, the first of its Women, Peace and Security resolutions was passed in 2000, five years after the close of the Bosnian war and the end of hostilities in Rwanda, in both of which conflicts rape was widely used as a weapon of war. Conservative estimates suggest that 20,000 to 50,000 women were raped during the 1992-95 war in Bosnia and Herzegovina, while approximately 250,000 to 500,000 women and girls were raped in the 1994 Rwandan Genocide.⁶⁶ By one estimate, 90% of rapes in war are gang rape.⁶⁷ Elsewhere, the statistics are equally grim:

65 <http://www.amnestyusa.org/pdfs/WomenPeaceSecurityIssueBrief.pdf>

66 <http://www.endvawnow.org/en/articles/299-fast-facts-statistics-on-violence-against-women-and-girls-.html>

67 http://www.unicef.org/emerg/files/women_insecure_world.pdf

- Between 50,000 and 64,000 women in camps for internally displaced people in Sierra Leone were sexually assaulted by combatants between 1991 and 2001.⁶⁸
- In eastern Democratic Republic of Congo, at least 200,000 cases of sexual violence, mostly involving women and girls, have been documented since 1996: the actual numbers are believed to be far higher.⁶⁹
- Sexual violence was a frequently used weapon in the 14-year long civil war in Liberia.⁷⁰

In this session, we will read about the UN Security Council's resolutions seeking to respond to this global epidemic of rape in conflict. Another outcome of the increasing visibility of women in conflict situations is that their positive impact on peace negotiations and in recovery planning has also garnered a great deal of attention from the international community. As a result, the Security Council has proposed numerous policies that promote women's participation in peacemaking as a strategy for securing more enduring and just peace agreements. As we read and discuss the resolutions, consider the following data:

- In contemporary conflicts, up to 90% of casualties are among civilians, most of whom are women and children.⁷¹
- In 31 major peace processes between 1992 and 2011 only 4% of signatories, 2.4% of chief mediators, 3.7% of witnesses, and 9% of negotiators were women.⁷²

Reading Assignments:

United Nations Security Council Resolutions

The UN Security Council's 15 members are tasked with the "primary responsibility for the maintenance of international peace and security." Resolutions made by the Security Council are formal expressions of the Council's will and are technically legally binding; however as a practical matter they cannot be enforced without the ongoing political will and the support of the international community. Most often, international consensus and political pressures move governments to comply with resolutions.

United Nation Security Council Resolution (UNSCR) 1325

In 2000, the UN Security Council passed UNSCR 1325 to address the increasing global awareness of, and international responsibility for, women's critical role in building lasting peace for regions in conflict. The

68 <http://www.endvawnow.org/en/articles/299-fast-facts-statistics-on-violence-against-women-and-girls-.html>

69 Ibid.

70 <http://www.un.org/en/globalissues/briefingpapers/endviol/>

71 <http://www.womenwarpeace.org/>

72 <http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2012/10/wpssourcebook-03a-womenpeacenegotiations-en.pdf>

Council acknowledged the increasing participation of women in war, as targeted civilians and as soldiers, and the risk to stability if women are excluded from framing peace agreements and participating in rebuilding their society. UNSCR 1325 demands that women and girls be protected from sexual and gender-based violence in war, and includes the protection of women and girl refugees and those seeking humanitarian assistance in refugee camps. The resolution also calls for intervention to prevent violence against women and for the prosecution of those who commit violence against women in times of war.

The Council passed the resolution to encourage support for women's local peace initiatives and women's participation in conflict resolution. In 2005, to strengthen the impact of UNSCR 1325, the Council released a statement calling upon the UN Member States to develop National Action Plans to comply with the full implementation of the resolution.

10 Years On: The Promises to Women Need to be Kept

Ambassador Anwarul K. Chowdhury

International Women's Day in 2000 was a special day for me and for women. That day, I had the honor, on behalf of the UN Security Council as its President, of issuing a statement that formally brought to global attention the unrecognized, under-utilized and under-valued contribution women have been making to preventing war, building peace and engaging people to live in harmony.

The members of the Security Council recognized in that statement that peace is inextricably linked with equality between women and men. They affirmed equal access and full participation of women in power structures and their full involvement in all efforts for peace and security.

It was unfortunate that the intrinsic role of women in peace and security had remained unrecognized since the creation of the United Nations. For a long time, there has been an impression of women as helpless victims of wars and conflicts. Women's role in fostering peace in their communities and beyond has often been overlooked. But on 8th of March 2000, that inexplicable silence of 55 long years was broken for the first time. The seed for Security Council resolution 1325 was sown.

Adoption of 1325 opened a much-awaited door of opportunity for women, who have shown time and again that they bring a qualitative improvement in structuring peace and in the post-conflict architecture.

The main question is not to make war safe for women, but to structure the peace in a way that there is no recurrence of war and conflict. That is why women need to be at the peace tables, involved in the decision-making and in peace-keeping teams. They need to be there particularly as civilians, to make a real difference in transitioning from the cult of war to the culture of peace. 1325 marked the first time that such a proposition was recognized as an objective of the Council. As such, its implementation places a unique and all-embracing responsibility on the international community – particularly the United Nations. . . .

However, the resolution's value as the first international policy mechanism explicitly recognizing the gendered nature of war and peace processes has been undercut by the disappointing record of its implementation. The complicity of the Security Council in international practices that make women insecure, basically as a result of its support of the existing militarized inter-State security arrangements, is disappointing. Also, we should keep in mind that the Security Council itself is yet to internalize gender considerations into its operational behavior.

The role of the UN Secretariat, and the Secretary-General in particular, leaves much to be desired. Undoubtedly there is a clear need for his genuinely active and dedicated engagement in using the moral authority of the United Nations and the high office he occupies for the effective implementation of 1325.

As a start, even after ten years, the leadership of the Secretary-General should be manifested at least in four areas.

First, the Secretary-General should give top priority to energizing and supporting UN Member States to prepare 1325 National Action Plans. Of 192 countries, only 20 have prepared such Plans so far – a meager one-third of which are by developing countries. He should personally write to heads of State and governments suggesting a timeframe to have their Plans ready and get the UN Resident Coordinators to follow that up.

Second, the area that deserves special attention is the need for awareness, sensitivity and training of senior officials within the United Nations system as a whole with regard to 1325.

Third, urgent attention should be given to stopping altogether sexual violence and the abuses which take place in the name of peacekeeping and have been ignored, tolerated and left unpunished for years by the UN. There should be no impunity whatsoever by invoking national sovereignty.

Fourth, the Secretary-General needs to take the lead in setting up a six-monthly inclusive consultative process for 1325 implementation with civil society organizations at all levels, involving the relevant UN entities. He should encourage a similar consultative process with non-governmental organizations at country level.

Organizations like NATO and the African Union, that are engaged in peace operations, should internalize 1325 in real terms, both from the women's victims and participation perspectives in their work. . . .

As we have seen, when women have been included in peace negotiations, their contribution and perspective have often ensured that peace accords address demands for gender equality in new constitutional, judicial and electoral structures.

Calling upon warring parties to adopt "a gender perspective" on peace negotiations and "gender mainstreaming" in all UN peacekeeping missions would be hollow and meaningless unless we build women's capacity and provide real opportunity and support women to get political

and economic empowerment, a place at the peace negotiating table and represented equally at all levels of decision-making.

As my personal contribution to the effective implementation of 1325, I launched my own proposal entitled “Doable First-Track Indicators for Realizing the 1325 Promise into Reality” in July at a Working Meeting on 1325 at the United States Institute of Peace in Washington DC. This outlines measures that could be initiated without further delays and without prolonging the international community’s agony and frustration after ten years of wait in expectation.

Finally, we should not forget that when women are marginalized and ignored, there is little chance for the world to get sustainable peace in the real sense.⁷³

Questions for Group Discussion:

- Resolution 1325 calls for women’s participation in conflict resolution and building the peace, protection of women during violent conflict, and prevention of harm to women as civilians and refugees. What human rights does Resolution 1325 seek to protect?
- How might women’s participation in peace-building lead to higher human rights standards?
- What steps can governments (particularly governments that are not currently consumed with violent conflict but are watching on the sidelines) take to implement Resolution 1325? How can governments influence each other to support the Resolution and implement the provisions of 1325 themselves, even when the conflicts are elsewhere?

Reading Assignments:

Security Council Resolutions on Women, Peace and Security

Several times over the last decade, the UN Security Council has revisited the question of how best to address women’s rights in times of conflict, resulting in a total of seven United Nations Security Council Resolutions (UNSCRs) covering Women, Peace and Security.⁷⁴ These include UNSCR 1325, 1820, 1888, 1889, 1960 (discussed in the next Reading Assignment). In 2013, with violent conflicts leading to thousands of deaths in Afghanistan, the DRC, Iraq, Libya, Nigeria, Pakistan, Palestine, South Sudan, and Syria, the Security Council passed two more resolutions: UNSCR 2106 and UNSCR 2122. Although these two resolutions do not cover much new ground, their aim is to reinvest the UN and recommit its members to recognizing and resolving the unique

⁷³ <http://www.nato.int/docu/review/2010/Women-Security/Women-resolution-1325/EN/index.htm>. Anwarul K. Chowdhury served as **Bangladesh’s Ambassador and Permanent Representative to the UN** from 1996 to 2001. He served as **President of the UN Security Council, President of UNICEF Board, UN Under-Secretary-General, Senior Special Advisor to the UN General Assembly President**.

⁷⁴ For addition Security Council documents relating to Women, Peace and Security, go to: <http://www.securitycouncilreport.org/un-documents/women-peace-and-security>

vulnerabilities and contributions of women in times of conflict and recognizing the critical importance of engaging women in decision-making to secure lasting peace.

UNSCR 2106 (2013)⁷⁵ stresses the importance of implementing the commitments made in earlier resolutions and affirms the centrality of gender equality and women's political, social, and economic empowerment to efforts to prevent sexual violence in armed conflict and post-conflict situations. UNSCR 2106 encourages Member States to include the full range of crimes of sexual violence in their national legislation and calls for consistent and rigorous investigation and prosecution of crimes of conflict-related sexual violence. It urges the application of targeted sanctions against those who perpetrate and direct sexual violence in conflict, including, where appropriate, criteria pertaining to acts of rape and other forms of serious sexual violence. The resolution highlights the vital role of Gender Advisors, Women Protection Advisors, and women in general, in ensuring the representation and protection of women in peacekeeping and post-conflict planning.

UNSCR 2122 (2013)⁷⁶ is the most recent Security Council resolution addressing the gap between words and action among the UN Member States in implementing the UN's Women, Peace, and Security agenda. The resolution calls for more attention to women's leadership and participation in conflict resolution and peace-building, including monitoring the Member States' progress in implementation. It stresses the need for continued efforts to address obstacles in women's access to justice in conflict and post-conflict settings, including through gender-responsive legal, judicial, and security sector reform and other mechanisms. Most significantly, UNSCR 2122 puts the onus on the **Security Council, United Nations bodies, regional organizations, and Member States to dismantle barriers and provide opportunities for women's participation in peace-keeping processes**. This resolution also points to the importance of economic empowerment of women in building more stable societies and sustainable and inclusive peace.

We Should Support Efforts to End Rape in Conflict

*Gitura Mwaura*⁷⁷

Towards the end of last month [September 2013], the UN General Assembly passed what was touted as “a landmark declaration to stop rape in conflict.”

A record 113 countries – more than half of the UN Member States in one sitting – agreed to support the Declaration.⁷⁸ The countries expressed support for strengthened efforts to end rape in war.

75 For the complete text of UNSCR 2106, go to: [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2106\(2013\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2106(2013))

76 For the complete text of UNSCR 2122, go to: [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2122\(2013\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2122(2013))

77 Gitura Mwaura is a Kenya-based author and journalist, reporting on human rights and HIV/Aids.

78 For more information about the UN General Assembly's 2013 “Declaration of Commitment to End Sexual Violence in Conflict,” go to: http://www.stoprapeinconflict.org/113_countries_commit_to_stop_rape_in_conflict_with_historic_declaration_at_un

The Declaration will be the sixth international resolve since the UN Security Council Resolution 1325 of 2000. The Resolution calls on Member States to increase the participation of women in the “prevention and resolution of conflicts” and in the “maintenance and promotion of peace and security.”

UNSCR 1325 also calls upon parties involved in armed conflict to abide by international laws that protect the rights of civilian women and girls and to incorporate policies and procedures that protect women from gender-based crimes such as rape and sexual assault.

Other UN Security Council Resolutions include 1820, 1888, 1889 and 1960 adopted in the years 2008, 2009 and 2010.

To set the pace for the above resolutions, the UN Action against Sexual Violence in Conflict was established in 2007, uniting the work of 13 UN entities.

The aim was to improve coordination and accountability, amplify programming and advocacy, and support national efforts to prevent sexual violence and respond effectively to the needs of survivors.

In 2008, Secretary-General Ban Ki-moon launched UNiTE to End Violence against Women, a campaign to prevent and eliminate violence against women and girls in all parts of the world, in times of war and peace.

The campaign brings together a host of UN agencies and joins forces with individuals, civil society and governments to put an end to violence against women in all its forms.

The subsequent UN Resolutions form the framework. UNSCR 1820 (2008) calls for an end to the use of acts of sexual violence against women and girls as a tactic of war and an end to impunity of the perpetrators.

It requests the UN to provide protection to women and girls in UN-led security endeavours, including refugee camps, and to invite the participation of women in all aspects of the peace process.

UNSCR 1888 (2009)⁷⁹ details measures to further protect women and children from sexual violence in conflict situations, asking the Secretary-General to appoint a special representative to lead and coordinate the UN’s work on the issue, to send a team of experts to situations of particular concern, and to mandate peacekeepers to protect women and children.

UNSCR 1889 (2009)⁸⁰ reaffirms resolution 1325, condemning continuing sexual violence against women in conflict situations, and urges UN Member States and civil society to consider the need for protection and empowerment of women and girls, including those associated with armed groups, in post-conflict programming.

79 For the complete text of UNSCR 1888, go to: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SRES%201888.pdf>.

80 For the complete text of UNSCR 1889, go to: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SRES%201889.pdf>.

UNSCR 1960 (2010)⁸¹ calls for the establishment of monitoring, analysis, and reporting arrangements specific to conflict-related sexual violence.

Last month's Declaration [of Commitment to End Sexual Violence in Conflict] affirms all of the above, urging strengthened regional efforts to prevent and respond to rape in war. It obliges the States to train the military and police in prevention and protection. . . .

Women and girls experience different forms of sexual violence and harassment. . . ; the experience – or fear – of which can be stultifying and as debilitating as being physically shackled in chains to a post unable to move, thus removing women from their role in development.⁸²

Group Exercise:

In this exercise, ask the group to brainstorm a list of actions against women and men that would constitute conflict-related sexual violence, and discuss who should be tasked with policing and preventing these rights violations. The group should consider what happens on the battlefield, in guerilla warfare, in invasions, and in the chaos that ensues in refugee crises sparked by conflict, as well as sexual violence against protestors and political prisoners, among many examples.

Ask a volunteer to record the group's list of types and circumstances of conflict-related sexual violence. After the list is complete, ask the group to review each violation and consider what human right it violates and who (there can be several suggestions) should be responsible for protecting the victims, policing potential violators, and prosecuting the criminal activity. Violent conflict disrupts the normal order of things and the usual channels of command, so in considering how to implement the Security Council resolutions, take into consideration the warring factions, local police, volunteer security, local lawyers, the UN refugee services, foreign governments, etc.

Questions for Group Discussion:

- What lessons did you learn in this exercise?
- What unique challenges do those trying to end conflict-related sexual violence face?
- Do you think that the UN resolutions help focus attention and action on addressing conflict-related sexual violence? Why or why not?
- Are there any steps you would take, or would want others to take, now that you know more about the Security Council's resolutions to address conflict-related sexual violence? What are they?

81 For the complete text of UNSCR 1960, go to: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SRES%201960.pdf>.

82 AllAfrica.com, *October 10, 2013*. <http://allafrica.com/stories/201310100773.html>.

Session 14

International Human Rights Bodies that Accept Complaints Submitted by Organizations or Individuals

OBJECTIVES:

- To examine several UN human rights mechanisms that investigate and respond to complaints submitted by organizations and individuals.
- To practice how to write a complaint to a UN human rights monitor tasked with protecting the rights of women.

In This Session:

All of the UN human rights bodies and experts rely on civil society to work with them to understand and improve the human rights situations in different countries. In addition to governments reporting on human rights in their countries, individuals and organizations submit thousands of formal and informal reports, complaints, and petitions to the UN every year. Many of the mechanisms for receiving the reports and complaints have been set up to respond to any credible report – without the complaint needing to come from a lawyer, established organization, or even a particularly literate person. A key objective of the UN human right mechanisms is to remove as many barriers as possible so that civil society can collaborate with the UN in defending human rights.

In this session, we will read brief descriptions of several UN mechanisms (treaties, commissions, offices, and experts) that work with civil society to respond to human rights abuses. They include CEDAW's Optional Protocol, the Commission on the Status of Women, the UN High Commissioner for Human Rights and the Office of the High Commissioner, and the UN Human Rights Council's "Special Procedures," which include Special Rapporteurs, Independent Experts, and Human Rights Working Groups.

Because of time and space limitations, our discussion of the human rights "Special Procedures" will be limited to the Special Rapporteur on Violence against Women, although there are dozens of other UN rapporteurs, experts, and offices to whom one might submit a human rights complaint. Some have country mandates, such as the Special Rapporteur on Iran, and others have thematic mandates, such as the Working Group on the Issue of Discrimination against Women in Law and Practice. These experts report to all the Member States of the UN and frequently approach government officials about addressing rights violations in their countries.

Communications to UN human rights bodies and experts can and should be part of international, regional, and local human rights campaigns. Copies of complaint letters sent to UN bodies and experts can also be forwarded to other human rights organizations and news agencies, as well as government officials, thus doubling and tripling their impact. For example, alerting local officials that your complaint has been shared with the UN can put additional pressure on them.

At the end of this session, we will prepare a rough draft of a human rights complaint submission to the UN Special Rapporteur on Violence against Women. The draft can be used in a variety of ways to bring attention to rights violations. Workshop participants will have the opportunity to hear each other's ideas as we develop a first draft together. It will be up to you whether you wish to create a final draft to submit to the Special Rapporteur. Hopefully, the readings and the workshop discussions will give you the inspiration and tools you need to report to local authorities or a UN expert about human rights violations you want addressed, now!⁸³

Reading Assignments:

The following selected UN human rights mechanisms are described below:

- a. The Optional Protocol for Convention on the Elimination of All Forms of Discrimination against Women CEDAW.
- b. The Commission on the Status of Women CSW.
- c. The High Commissioner for Human Rights
- d. The Human Rights Council
- e. Special Procedures of the Human Rights Council: Special Rapporteurs and Working Groups

a. The Optional Protocol for Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

As of 2015: 106 countries have made this treaty law.

An additional 14 countries have signed the treaty;

77 countries have taken no action on this treaty.⁸⁴

When a country ratifies a human rights treaty, it is committing itself to a legal responsibility to comply with the treaty's specific objectives.⁸⁵

UN human rights treaties are most frequently enforced through international approbation or condemnation of a country's record of compliance.

83 For an overview of UN human rights monitor complaint procedures, go to <http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx>

84 <http://indicators.ohchr.org/>

85 Sometimes a country signs on to the creation of a treaty and then never formally ratifies it. For example, the U.S. played an active role in drafting the UN Convention of the Rights of the Child, which came into force on September 2, 1990. However, the U.S. (along with Somalia and South Sudan) has never ratified the treaty, so it is not part of U.S. law and the U.S. cannot be scrutinized by the Committee on the Rights of the Child for its non-compliance.

However, all human rights treaties are monitored by special committees or commissions composed of experts tasked with reviewing each signatory country's compliance with the treaty.⁸⁶

Optional Protocols to treaties are also treaties, to be signed and ratified independently from the original treaty by Member States that have already signed and/or ratified the original. The Optional Protocol to CEDAW, adopted in 2000, gives individuals and groups of women the right to submit complaints directly to the CEDAW Committee about violations of the Convention, regardless of whether their country is up for review, when local remedies have been exhausted. Many countries that have ratified CEDAW have chosen not to subject themselves to the additional scrutiny prompted by the Optional Protocol. The CEDAW Committee will accept any complaints from individuals so long as they 1) concern a state that has ratified the Optional Protocol; 2) are not anonymous but from a clearly discernable person or organization; and 3) are in writing.⁸⁷

(b) The Commission on the Status of Women

The Commission on the Status of Women (CSW) served as the preparatory body for the 1995 Fourth World Conference on Women, which adopted the Beijing Declaration and Platform for Action. After the conference, the CSW was mandated by the UN General Assembly to monitor and report on the implementation of the Beijing Declaration and Platform for Action. In 2011, several UN bodies addressing women's advancement, including UNIFEM (the UN Development Fund for Women) and DAW (the UN Division for the Advancement of Women), were reorganized under the Commission on the Status of Women.

Each year the CSW holds a two-week session in New York City, attended by representatives of Member States and civil society organizations, to discuss the progress of the Beijing Declaration and Platform for Action worldwide. The reports and findings from these meetings are forwarded to the UN Economic and Social Council (ECOSOC).⁸⁸ Any individual, NGO, group or network may submit communications to the CSW on alleged violations of human rights that affect the status of women in any country.⁸⁹

(c) The UN High Commissioner for Human Rights

The UN High Commissioner for Human Rights is responsible for coordinating human rights advocacy throughout the UN system and serves as an international spokesperson for the UN's efforts to press for human

86 See Appendix F for a list of **Human Rights Committees that monitor human rights treaty compliance**.

87 For additional information about the CEDAW Optional Protocol complaints procedure, go to <http://www.un.org/womenwatch/daw/cedaw/oprulesofprocedure.html>

88 ECOSOC is the UN's principal body for coordination, policy review, policy dialogue, and recommendations on economic, social, and environmental issues, as well as for implementation of the internationally agreed development goals. ECOSOC is made up of 54 states' representatives who are elected for three-year terms by the General Assembly.

89 For more information about the CSW and how to submit a complaint, visit: <http://www.unwomen.org/en/csw/communications-procedure>.

rights globally. The High Commissioner's power rests in her or his ability to raise the profile of specific human rights crises and to promote the importance of protecting human rights generally. On its website, the Office of the United Nations High Commissioner for Human Rights (OHCHR) describes its methodology: "Through advocacy, monitoring, and training activities, [the OHCHR] contributes to legislative and policy reforms to increase accountability for human rights violations and advancing human rights."⁹⁰

The OHCHR, and its thousands of employees in New York, Geneva, and international field offices, have the authority to investigate individual rights cases that are presented to it. Although the High Commissioner is an independent expert, the cost of running the OHCHR means that 60% of her/his budget needs to come from voluntary contributions from Member States and other donors. Because so much of the funding relies on the generosity of certain countries, and the person appointed High Commissioner must be approved or reapproved every four years by the General Assembly, there can be political constraints on the style and emphasis of the High Commissioner's advocacy.

Since the office was established in 1993, there have been seven High Commissioners. The current High Commissioner is HRH Prince Zeid Ra'ad al Hussein of Jordan.⁹¹ Since his appointment, Prince Zeid has made several well-publicized statements condemning religious extremists who resort to violence, particularly in the wake of the murders of the Paris cartoonists at Charlie Hebdo.⁹²

Human rights reports, petitions, and complaints from individuals to the High Commissioner are submitted through the Special Procedures Division of the Human Rights Council.

(d) The UN Human Rights Council

The UN Human Rights Council, created by the UN General Assembly in 2006, is composed of 47 United Nations Member States which are elected by the UN General Assembly (the Human Rights Council replaced the UN Commission on Human Rights, which had been plagued by political controversies). The Human Rights Council assesses the human rights situation in all the countries that are party to the UN. Individuals and organizations may bring human rights violations to the attention of the Human Rights Council through its complaint procedures.

90 <http://at20.ohchr.org/achievements.html>

91 Prince Zeid bin Ra'ad was appointed by the UN Secretary-General to the position in June 2014.

92 The High Commissioner's Statement on human rights violations in Iraq, on Nov. 18, 2014: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15311&LangID=E>. The High Commissioner's Statement following the murders of the editors at Charlie Hebdo, on Jan. 9, 2015: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15469&LangID=E>

(e) Special Procedures of the UN Human Rights Council: Special Rapporteurs and Working Groups

The text below is excerpted from the UN Office of the High Commissioner for Human Rights⁹³

The Special Procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system of Special Procedures is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political, and social. . . .

Special procedures are either an individual (called “Special Rapporteur” or “Independent Expert”) or a working group composed of five members, one from each of the five United Nations regional groupings: Africa, Asia, Latin America and the Caribbean, Eastern Europe and the Western group. The Special Rapporteurs, Independent Experts and members of the Working Groups are appointed by the Human Rights Council and serve in their personal capacities. They undertake to uphold independence . . . impartiality, honesty and good faith. They are not United Nations staff members and do not receive financial remuneration. The independent status of the mandate-holders is crucial for them to be able to fulfill their functions in all impartiality.

With the support of the Office of the UN High Commissioner for Human Rights (OHCHR), Special Procedures undertake country visits; act on individual cases. . . by sending communications to States; conduct thematic studies and convene expert consultants, contributing to the development of international human rights standards; engage in advocacy and raise public awareness; and provide advice for technical cooperation. Special Procedures report annually to the Human Rights Council and the majority of the mandates also report to the General Assembly.

As of November 1, 2014, there were 39 thematic and 14 country mandates. Some examples include the ‘Working Group on the issue of discrimination against women in law and in practice,’ the ‘Special Rapporteur on the right to education,’ and the ‘Special Rapporteur on violence against women, its causes and consequences.’⁹⁴

93 Excerpted from the Office of the High Commissioner’s Web page: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx>

94 See Appendix G for a longer list of selected UN Experts, Special Rapporteurs, and Working Groups addressing human rights.

Questions for Group Discussion:

- What is the advantage of having so many different human rights mechanisms, procedures, and experts working on rights issues at the UN? What might be some of the disadvantages?
- What could make the Special Rapporteurs' or Independent Experts' positions politically sensitive?
- Can an individual High Commissioner or Special Rapporteur avoid political issues and debates and simply address human rights violations outside of their political context? Why or why not?

Reading Assignments:

Special Rapporteur on Violence against Women Responds to a Complaint from Bahrain

The staff at the Office of the High Commissioner for Human Rights received a complaint from a woman in Bahrain that the local judges' interpretation of Shari'a law favored men in cases of divorce and custody. In August 2008, the Special Rapporteur on Violence against Women, jointly with the Special Rapporteur on the Independence of Judges and Lawyers, sent an allegation letter to the government in Bahrain demanding a response. The Bahrain government replied. The following is a synopsis of the allegation letter and the Bahrain government's response:

Excerpts from the Report to the General Assembly from the Special Rapporteur May 2009⁹⁵

In the Special Rapporteur's Allegation Letter:

The Special Rapporteur on Violence against Women noted that in the absence of a family code, judges [in Bahrain] seemed to appear to decide cases according to their personal interpretation of Shari'a, often favoring men. The Committee against Torture cited the broad discretionary powers of Shari'a courts in the application of the law to cases relating to personal status cases and recommended that Bahrain adopt a Family Code.

The Special Rapporteur brought to the attention of the Government, the case of Ms. S-, a Bahraini citizen, divorced from her husband, with whom she had a daughter. When the girl reached seven years of age, her father filed a case at a Shari'a court to obtain the guardianship of his daughter. It is reported that according to Shari'a Law, guardianship of a child who reaches seven is transferred from the mother to the father. . .

Both parties reached an informal agreement for the mother to keep the daughter, with an increased number of visits by the father. However, during the hearing held on 29 June 2008, Ms. S-'s ex-husband alleg-

95 <http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.6.Add.1.pdf>

edly refused any agreement. It is reported that Ms. S- approached the Supreme Council for Women in April 2008, seeking legal aid and support. She filed a case, but since then has never heard back from the Supreme Council.

Ms. S- had also contacted the brothers and sisters of her ex-husband, who confirmed her allegations that he is mentally unstable. She also alleged that her ex-husband had sexually abused the child when she was 3 years old. She apparently has a medical certificate attesting to the abuse. It is reported that Ms. S- contacted the Child Protection Unit within the Ministry of Social Affairs. This Unit promised to provide an independent report to the Shari'a Court, based on observations and assessment of living standards at her home as well as at that of her ex-husband. It is however alleged that judges of Shari'a Courts are not obliged to follow any of the recommendations of the report.

The Government of Bahrain Responded to the Complaint:

On 21 October 2008, the Government replied to the Allegation Letter. It stated that the husband of Ms. S- filed a suit against his wife before the competent Shari'a court, in which he demanded that his wife return to the marital home.

The Government maintained that the court delivered several relevant rulings. In the case in which the wife, Ms. S-, petitioned for a divorce from her husband, a judgment was delivered granting the wife a divorce. In the case in which the husband demanded his wife's return to the marital home, the court issued a judgment dismissing the petition on the grounds that the divorce rendered it void. In the case in which the wife petitioned for payment of the deferred part of the marriage gift (*mu'akkhar al-sadaq*), the matter was referred to the competent Shari'a court.

The Government of Bahrain further informed the Special Rapporteur that, with regard to the abduction of the child by the father, a judgment was issued finding the husband guilty of abducting the child, ordering him to pay a 200 dinar fine and granting the mother, Ms. S-, the right to retain custody of the child. . .

Concerning the regulations applied by the Shari'a courts on the guardianship of children upon divorce, the Government stressed that the courts followed the rules of the Islamic Shari'a in cases referred to them by the Sunni and Ja'fari divisions, and were essentially guided by the best interests of the child, which constituted the basis of all measures taken in accordance with the Islamic Shari'a and the Convention on the Rights of the Child.

Moreover, concerning the adoption of a family code, the Government of Bahrain stated that the Ministry of Foreign Affairs and the bureau of the United Nations Development Program (UNDP) in the Kingdom had signed a project document to support an action plan to follow up on the implementation of the Government's voluntary commitments and pledges to the Human Rights Council.

Finally, the Government presented a timetable for the development of a draft law on the family, and a process to ensure its adoption and implementation with the assistance of governmental and non governmental stakeholders that are members of the committee.

Questions for Group Discussion:

- How do you think the Allegation Letter from the Special Rapporteur to the government of Bahrain helped Ms. S-, or other women like her in similar situations?
- Do you think the government adequately addressed the concern that Shari'a courts favor men? Why or why not?
- In response to questions about the fairness of guardianship decisions and the need for the adoption of a family code, the government of Bahrain, "presented a timetable for the development of a draft law on the family, and a process to ensure its adoption and implementation with the assistance of governmental and non-governmental stakeholders that are members of the committee." Upon learning this information, what follow-up would you suggest for women's rights advocates in Bahrain? What would you want to know? Why?

Team Exercise:

"Special procedures mechanisms are the most accessible means of redress. At absolutely no cost to the petitioner, there is no need to exhaust internal remedies as with treaty-body complaint mechanisms such as CEDAW's Optional Protocol. Most complaints [to Special Rapporteurs] are submitted by individuals or groups themselves, with no need for legal literacy or a lawyer's assistance."

Yakın Ertürk

*UN Special Rapporteur on Violence against Women, 2003-2006*⁹⁶

Break the group into teams of three or four participants. Ask each team to read the information in the text box on the next page⁹⁷ about the mandate of the Special Rapporteur on Violence against Women, its Causes and Consequences.

Each team will write the *first draft* of a complaint to the Special Rapporteur. The complaints should be short and concise, approximately 400 words or less (two to four paragraphs). Preferably, participants will report on a human rights violation about which they have some knowledge either from personal experi-

96 In September 2011, Ertürk was appointed to the International Independent Commission of Inquiry on Syrian Arab Republic, on which she served until end of March 2012. Since November 2009, she has been serving on the European Council, Committee for the Prevention of Torture (CPT). She is a member of WLP's Board of Directors.

97 This information is from: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>

ence or from witnessing the violation first-hand. Stories from the news or other reporting are fine to use as well.

When the teams have completed their draft complaints, the group should reconvene and share what they have written. Participants can be encouraged to take their drafts home and edit them for grammar and accuracy, then forward them to the Special Rapporteur.

The reports should include:

- Whom the report is from – with information as specific as the writer feels safe using. If the petitioner(s) is/are reluctant to give their name, descriptions such as “a citizen of ...” and “student at School” with the location, will do.
- Whose rights were violated – be as specific as possible, with names, ages, genders, nationalities, etc. if possible; and when the violations took place (what dates or over what period of time, and whether there is a risk of the violations reoccurring).
- Whether the victim(s) know that a report is being sent to the Special Rapporteur on their behalf.
- A description of the events surrounding the human rights violation and the consequences of the violation(s).
- Identification, to the best of your ability, of who is responsible for the rights violation. If it is a particular law or policy, identify the law or policy. Give as full an explanation as possible about who and/or what you think allowed this violation to occur.
- Whether you know if the incident(s) was/were reported to the relevant state authorities. If you do not know, explain that.
- Whether you and/or the victims believe that she/they were specifically targeted because of their sex.
- What remedy do you recommend for the situation? What should the government do to help the victim? What is a short-term solution for the immediate victim or victims, and what are longer term solutions to help avoid the problem reoccurring?

Special Rapporteur on Violence against Women, Its Causes and Consequences

Office of the High Commissioner for Human Rights
OHCHR-UNOG, 1211 Geneva 10, Switzerland

vaw@ohchr.org, urgent-action@ohchr.org

Rapporteur's Mandate:

- Seek and receive information on violence against women, its causes and consequences from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions and intergovernmental and non-governmental organizations, including women's organizations, and to respond effectively to such information;

- Recommend measures, ways and means at the local, national, regional and international levels to eliminate all forms of violence against women and its causes, and to remedy its consequences;
- Work closely with all special procedures and other human rights mechanisms of the Human Rights Council and with the treaty bodies, taking into account the request of the Council that they regularly and systematically integrate the human rights of women and a gender perspective into their work, and cooperate closely with the Commission on the Status of Women in the discharge of its functions;
- Continue to adopt a comprehensive and universal approach to the elimination of violence against women, its causes and consequences, including causes of violence against women relating to the civil, cultural, economic, political and social spheres.
- In the discharge of the mandate the Special Rapporteur: Transmits urgent appeals and communications to States regarding alleged cases of violence against women; undertakes country visits; submits annual thematic reports.

The current UN Special Rapporteur on violence against women, its causes and consequences is Ms. Rashida Manjoo (appointed by the UN Human Rights Council in June 2009). Ms. Manjoo is a Professor in the Department of Public Law at the University of Cape Town, South Africa. She is the former Parliamentary commissioner of the Commission on Gender Equality in South Africa.

Questions for Group Discussion:

- What would you hope that the Special Rapporteur would do upon receipt of your human rights complaint?
- What do you believe the Special Rapporteur's first, second, third, etc. steps should be once she or he has received your complaint?
- What could you do to follow up after you have sent the initial complaint?
- Why do think it is important and useful to send human rights reports to the Special Rapporteurs? What are the advantages?
- What do think the limitations are of what can be accomplished by reporting to a Special Rapporteur? What are the disadvantages?
- How else can you use the information you have put together in your complaint? Is there anywhere else you could send the information that would be helpful? What else might you do to advocate for the victim/victims' human rights?

PARTICIPANT EVALUATION FORM

PARTICIPANT EVALUATION

Please evaluate the human rights education experience and the facilitation of your workshop by putting a check in the column that best indicates your response to each statement.

Workshop completion date _____

Name/Names of your workshop facilitators:

Your name *(optional, you may leave this line blank)* _____

SCORING:

1 = Totally agree; 2 = Somewhat agree; 3 = Somewhat disagree; 4 = Totally disagree;
5 = I do not know or I do not care to comment

Please read each of the following statements carefully. You may find that you disagree with a number of them.

Participants’ Human Rights Advocacy Workshop Evaluation

OVERVIEW

1=Totally agree; 2=Somewhat agree; 3=Somewhat disagree; 4 =Totally disagree; 5 = Do not know/care to comment

1	While participating in the workshop sessions, I learned that many of my goals for a better world are also human rights goals.	1 2 3 4 5
2	When the workshop ended, I had a much better understanding of human rights, international human rights mechanisms, and strategies for using international human rights mechanisms to advocate for women’s rights.	1 2 3 4 5

AFTER PARTICIPATING IN THE WORKSHOP, I BELIEVE THAT:

1=Totally agree; 2=Somewhat agree; 3=Somewhat disagree; 4 =Totally disagree; 5 = Do not know/care to comment

3	Human rights are universal. Every person should have the same human rights.	1 2 3 4 5
4	A woman should have human rights, equal to men, at work.	1 2 3 4 5
5	A woman should have human rights, equal to men, at school.	1 2 3 4 5
6	A woman should have human rights, equal to men, when taking public transportation.	1 2 3 4 5
7	A woman should have human rights, equal to men, at home within her family.	1 2 3 4 5
8	All people have an inherent, equal human dignity, and for that reason all people have equal rights.	1 2 3 4 5
9	Human dignity is separate from human rights. Human dignity comes from religion and culture and can be fully realized without women having the same rights as men.	1 2 3 4 5

1=Totally agree; 2=Somewhat agree; 3=Somewhat disagree; 4 =Totally disagree;
5 = Do not know/care to comment

10	Marriage does not change the rights of women within the family. Women should have the same rights whether they are single, are married, or are mothers.	1 2 3 4 5
11	A freer and fairer society can be the result of women and minorities participating in public or civic decision-making.	1 2 3 4 5
12	Women have the same duty as men to reflect on what is best for society and how their government and civil society should function, and to act on their convictions when necessary.	1 2 3 4 5
13	Women are not the same as men, and so should not be treated equally, but equitably. Women are being treated fairly when they are given equitable rights, as persons just as important as men within their community and faith, but with a distinct role to play. Women’s role is complementary to men, and this role bestows dignity on them.	1 2 3 4 5
14	Providing women with equitable rights is not the same as giving women equal rights. Equitable rights can lead to women having second-class status in society. Unless women have equal rights, a society or government cannot rightly claim that it treats women with the same dignity as men.	1 2 3 4 5
15	Some women face gender-based challenges when they engage in public life, including needing to counter stereotypes about women and risking their personal safety in entering public spaces traditionally occupied by men.	1 2 3 4 5
16	Women human rights defenders may find that their rights are violated by members of their own communities, who may resent and oppose their human rights activities. This can happen because some community leaders may see the women’s activism as a direct challenge to their own authority.	1 2 3 4 5
17	Freedom of expression, without reasonable limits, can threaten security. The classic example of this when someone believes he has the right to shout “Fire!” in a crowded theater, creating chaos and panic that can lead to injuries or even death of patrons trying to flee.	1 2 3 4 5

1=Totally agree; 2=Somewhat agree; 3=Somewhat disagree; 4 =Totally disagree;
5 = Do not know/care to comment

18	Governments, schools, and even heads of families can overuse the excuse of security to control people and limit their freedoms. While security is extremely important, pursuing it unchecked may endanger people’s human rights and restrict their freedoms.	12345
19	Women who practice the traditions of their faith and obey their family and community’s teachings have the right to do this, even if by doing so they take on a subservient role to men. They also have the right to raise their children to follow the same religious and cultural practices.	12345
20	There is a distinction between the right to religious belief and the right to manifest religious practices. Some practices, especially ones that involve women’s subservience to men, may go back hundreds or even thousands of years, but that does not make them right.	12345
21	Some policies and/or laws may interfere with the free practice of religion, in violation of human rights. Article 18 of the Universal Declaration of Human Rights states: Everyone has the right to freedom of thought, conscience and religion; This right includes freedom to change his religion or belief, and freedom, either alone or in community with others in public or private, to manifest his religion or belief in teaching, practice, worship and observance.	12345
22	Although some cultural traditions, especially those involving the role of women, are not consistent with human rights, I believe I can find a way to remain close to my community and to preserve what is best about my culture, while at the same time promoting equal rights for women.	12345
23	In a society where there has been violent conflict, it is very important for women to participate in the peace negotiations and rebuilding society. Women can bring to the table their unique perspective on what they endured during the conflict and greater diversity to problem-solving for the community in planning for the future.	12345

AFTER TAKING THE WORKSHOP, I UNDERSTAND THAT:

1=Totally agree; 2=Somewhat agree; 3=Somewhat disagree; 4 =Totally disagree;
5 = Do not know/care to comment

24	<p>The International Bill of Human Rights is composed of three mechanisms:</p> <ul style="list-style-type: none">• Universal Declaration of Human Rights (non-binding)• International Covenant on Economic, Social and Cultural Rights (treaty)• International Covenant on Civil and Political Rights (treaty)	1 2 3 4 5
25	<p>The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international treaty, signed and ratified by 187 out of 194 countries, that aims to protect the rights of women and girls around the globe.</p> <p><i>Countries that have not ratified CEDAW are: the United States, Iran, Somalia, South Sudan, Sudan, and the Pacific Island nations of Palau and Tonga.</i></p>	1 2 3 4 5
26	<p>Countries that ratify CEDAW are able to avoid complying with its articles through informal neglect and by formally declaring reservations to specific articles in the Convention.</p>	1 2 3 4 5
27	<p>The UN Security Council, made up of 5 permanent and 10 rotating members, has passed important, legally binding resolutions obligating countries that are party to conflicts to promote and preserve the rights of women by:</p> <ul style="list-style-type: none">• Increasing women’s roles in resolving the conflicts.• Increasing women’s roles in the peace-negotiations.• Increasing women’s roles in rebuilding their communities after the conflict.• Increasing women’s leadership roles in the post-conflict government.• Addressing (by condemning, exposing, and prosecuting) conflict related sexual violence.	1 2 3 4 5

1=Totally agree; 2=Somewhat agree; 3=Somewhat disagree; 4 =Totally disagree;
5 = Do not know/care to comment

28	The UN hosts a number of individuals, working groups, and committees dedicated to addressing human rights violations around the globe.	1	2	3	4	5
29	As an individual, I can contact each of these individuals, working groups, or committees to report human rights violations in my country and in other countries.	1	2	3	4	5
30	By notifying the UN human rights bodies of specific human rights violations about which I have personal knowledge or experience, I can help the situation by exposing it to international scrutiny.	1	2	3	4	5
31	I can report to the UN human rights bodies anonymously.	1	2	3	4	5
32	Reporting to UN human rights Special Rapporteurs is a complicated and difficult process.	1	2	3	4	5
33	There are numerous strategies for advocating human rights in my country, of which the UN human rights bodies are only one part.	1	2	3	4	5

I NOW BELIEVE THE FOLLOWING ABOUT
INTERNATIONAL HUMAN RIGHTS:

1=Totally agree; 2=Somewhat agree; 3=Somewhat disagree; 4 =Totally disagree;
5 = Do not know/care to comment

34	The international human rights treaties create human rights.	1	2	3	4	5
35	The international human rights treaties bring together and enumerate values and ideas about human life and human dignity that have been a part of societies for thousands of years and at the same time are intuitive to freedom-loving, compassionate, and ethical people.	1	2	3	4	5
36	International human rights conflict with important traditions and religious practices.	1	2	3	4	5
37	Human rights are a Western construct that ignores cultures other than those of the West and supports Western hegemony.	1	2	3	4	5

1=Totally agree; 2=Somewhat agree; 3=Somewhat disagree; 4 =Totally disagree;
5 = Do not know/care to comment

38	Human rights are modern and therefore inevitably conflict with religions and traditions.	1	2	3	4	5
39	Human rights are an inevitable consequence of a democratic society.	1	2	3	4	5
40	Democracy is an inevitable system of governing where human rights are promoted and protected.	1	2	3	4	5
41	Women’s rights are human rights.	1	2	3	4	5

EVALUATING THE SESSIONS AND FACILITATOR:

1=Totally agree; 2=Somewhat agree; 3=Somewhat disagree; 4 =Totally disagree;
5 = Do not know/care to comment

42	Some workshop sessions were too long.	1	2	3	4	5
43	Some workshop sessions were too short.	1	2	3	4	5
44	Each session fulfilled the objectives we discussed at the beginning of the session.	1	2	3	4	5
45	I learned a lot, and what I learned is very applicable to my life.	1	2	3	4	5
46	I did not learn very much new material, as I am already very familiar with the human rights information that we covered.	1	2	3	4	5
47	Even though I was familiar with some of the material we covered, the workshop conversations helped refresh my knowledge and inspired me to engage more in human rights advocacy.	1	2	3	4	5
48	The facilitator was very professional and at the same time very welcoming and warm.	1	2	3	4	5
49	The facilitator was very knowledgeable about human rights and knew how to keep the conversations lively and engaging about human rights.	1	2	3	4	5
50	I would recommend this workshop to my friends and/or colleagues.	1	2	3	4	5

In the space below, please comment on any aspect of your experience with the workshop material, structure, or facilitator that you liked or disliked and tell us why. Please share your recommendations for how to improve the workshop.

Thank you for your feedback!

[illegible]

APPENDICES

- A. Universal Declaration of Human Rights
- B. International Covenant on Economic, Social and Cultural Rights
- C. International Covenant on Civil and Political Rights
- D. Convention on the Elimination of All Forms of Discrimination against Women
- E. Beijing Platform for Action on Violence against Women (Paragraphs 112-130)
- F. Human Rights Committees That Monitor Human Rights Treaty Compliance
- G. List of Selected UN Special Rapporteurs and Working Groups Addressing Women's Rights

Appendix A. Universal Declaration of Human Rights

The UN General Assembly proclaimed the Universal Declaration of Human Rights in Paris on 10 December 1948 in General Assembly Resolution 217 A (III) as a common standard of achievements for all peoples and all nations.

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

Everyone has the right to freedom of movement and residence within the borders of each State.

Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

This right may not be invoked in the case of prosecutions genuinely arising from nonpolitical crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

Everyone has the right to a nationality.

No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

Everyone has the right to own property alone as well as in association with others.

No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

Article 21

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right to equal access to public service in his country.

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

Everyone has duties to the community in which alone the free and full development of his personality is possible.

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Appendix B. International Covenant on Economic, Social and Cultural Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966; entry into force 3 January 1976, in accordance with article 27

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.
2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- a. Remuneration which provides all workers, as a minimum, with:
 - i. Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - ii. A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- b. Safe and healthy working conditions;
- c. Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- d. Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

1. The States Parties to the present Covenant undertake to ensure:
 - a. The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - b. The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
 - c. The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - d. The right to strike, provided that it is exercised in conformity with the laws of the particular country.
1. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

2. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - a. To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
 - b. Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - a. The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - b. The improvement of all aspects of environmental and industrial hygiene;
 - c. The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - d. The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
 - a. Primary education shall be compulsory and available free to all;
 - b. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
 - c. Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
 - d. Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - e. The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:
 - a. To take part in cultural life;
 - b. To enjoy the benefits of scientific progress and its applications;
 - c. To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.
2.
 - a. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;
 - b. The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.
3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

- a. Signatures, ratifications and accessions under article 26;
- b. The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

Appendix C. International Covenant on Civil and Political Rights

UN General Assembly Resolution 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976.

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article I

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
 - a. To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
 - b. To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
 - c. To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.
3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.
2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.

3. a. No one shall be required to perform forced or compulsory labour;
- b. Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
- c. For the purpose of this paragraph the term “forced or compulsory labour” shall not include:
 - i. Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
 - ii. Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
 - iii. Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
 - iv. Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2. a. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

- b. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- a. To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
 - b. To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
 - c. To be tried without undue delay;
 - d. To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
 - e. To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - f. To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
 - g. Not to be compelled to testify against himself or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
 5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
 6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
 7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.
2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a. For respect of the rights or reputations of others;
 - b. For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- a. To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b. To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c. To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.
2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.
3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.
4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.
2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.
2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.
2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.
3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
 - a. Twelve members shall constitute a quorum;
 - b. Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:
 - a. Within one year of the entry into force of the present Covenant for the States Parties concerned;
 - b. Thereafter whenever the Committee so requests.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.
3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.
4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
 - a. If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;
 - b. If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of

- the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;
- c. The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;
 - d. The Committee shall hold closed meetings when examining communications under this article;
 - e. Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;
 - f. In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;
 - g. The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;
 - h. The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:
 - i. If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
 - ii. If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.
2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph I of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

1. a. If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;
- b. The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.
2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.
3. The Commission shall elect its own Chairman and adopt its own rules of procedure.
4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.
5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.
6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.
7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:
 - a. If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;
 - b. If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;
 - c. If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This

report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

- d. If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.
8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.
9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.
10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.
3. When amendments come into

force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

- a. Signatures, ratifications and accessions under article 48;
- b. The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

Appendix D. Convention on the Elimination of All Forms of Discrimination against Women

CEDAW was adopted by the General Assembly of the United Nations in 1979 and entered into force in 1981.

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article I

For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a. To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b. To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d. To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e. To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

- f. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- g. To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- a. To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- b. To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a. To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b. To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c. To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- a. The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- b. Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- c. The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve

this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

- d. The same opportunities to benefit from scholarships and other study grants;
- e. The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- f. The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- g. The same Opportunities to participate actively in sports and physical education;
- h. Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - a. The right to work as an inalienable right of all human beings;
 - b. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - c. The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - d. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - e. The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - f. The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - a. To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - b. To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

- c. To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - d. To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a. The right to family benefits;
- b. The right to bank loans, mortgages and other forms of financial credit;
- c. The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - a. To participate in the elaboration and implementation of development planning at all levels;
 - b. To have access to adequate health care facilities, including information, counselling and services in family planning;
 - c. To benefit directly from social security programmes;

- d. To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- e. To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- f. To participate in all community activities;
- g. To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - a. The same right to enter into marriage;
 - b. The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - c. The same rights and responsibilities during marriage and at its dissolution;
 - d. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - e. The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

- f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - g. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - h. The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a [Committee on the Elimination of Discrimination against Women](#) (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election

shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
 - a. Within one year after the entry into force for the State concerned;
 - b. Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. ([amendment](#), [status of ratification](#))

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- a. In the legislation of a State Party; or
- b. In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

Appendix E. Beijing Declaration and Platform for Action

The Fourth World Conference on Women, having met in Beijing from 4 to 15 September 1995,

1. Adopts the Beijing Declaration and Platform for Action, which are annexed to the present resolution;
2. Recommends to the General Assembly of the United Nations at its fiftieth session that it endorse the Beijing Declaration and Platform for Action as adopted by the Conference.

. . . . (Paragraphs 112-130 on Violence against Women)

112. Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed. Knowledge about its causes and consequences, as well as its incidence and measures to combat it, have been greatly expanded since the Nairobi Conference. In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of violence against women.

113. The term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following:

- a. Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- b. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- c. Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

114. Other acts of violence against women include violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.

115. Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.

116. Some groups of women, such as women belonging to minority groups, indigenous women, refugee women, women migrants, including women migrant workers, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty and women in situations of armed conflict, foreign occupation, wars of aggression, civil wars, terrorism, including hostage-taking, are also particularly vulnerable to violence.

117. Acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instill fear and insecurity in women's lives and are obstacles to the achievement of equality and for development and peace. The fear of violence, including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. In many cases, violence against women and girls occurs in the family or within the home, where violence is often tolerated. The neglect, physical and sexual abuse, and rape of girl children and women by family members and other members of the household, as well as incidences of spousal and non-spousal abuse, often go unreported and are thus difficult to detect. Even when such violence is reported, there is often a failure to protect victims or punish perpetrators.

118. Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society. Violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence. Images in the media of violence against women, in particular those that depict rape or sexual slavery as well as the use of women and girls as sex objects, including pornography, are factors contributing to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people.

119. Developing a holistic and multidisciplinary approach to the challenging task of promoting families, communities and States that are free of violence against women is necessary and achievable. Equality, partnership between women and men and respect for human dignity must permeate all stages of the socialization process. Educational systems should promote self-respect, mutual respect, and cooperation between women and men.

120. The absence of adequate gender-disaggregated data and statistics on the incidence of violence makes the elaboration of programmes and monitoring of changes difficult. Lack of or inadequate documentation and research on domestic violence, sexual harassment and violence against women and girls in private and in public, including the workplace, impede efforts to design specific intervention strategies. Experience in a number of countries shows that women and men can be mobilized to overcome violence in all its forms and that effective public measures can be taken to address both the causes and the consequences of violence. Men's groups mobilizing against gender violence are necessary allies for change.

121. Women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces.

122. The effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern. Implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, as well as other relevant instruments, needs to be reviewed and strengthened. The use of women in international prostitution and trafficking networks has become a major focus of international organized crime. The Special Rapporteur of the Commission on Human Rights on violence against women, who has explored these acts as an additional cause of the violation of the human rights and fundamental freedoms of women and girls, is invited to address, within her mandate and as a matter of urgency, the issue of international trafficking for the purposes of the sex trade, as well as the issues of forced prostitution, rape, sexual abuse and sex tourism. Women and girls who are victims of this international trade are at an increased risk of further violence, as well as unwanted pregnancy and sexually transmitted infection, including infection with HIV/AIDS.

123. In addressing violence against women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken an analysis may be made of their effects on women and men, respectively.

Strategic Objective D.1.

Take integrated measures to prevent and eliminate violence against women

Actions to be taken**124. By Government**

- a. Condemn violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women;
- b. Refrain from engaging in violence against women and exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;
- c. Enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;
- d. Adopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders; take measures to ensure the protection of women subjected to violence, access to just and effective remedies, including compensation and indemnification and healing of victims, and rehabilitation of perpetrators;
- e. Work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women, including those contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- f. Implement the Convention on the Elimination of All Forms of Discrimination against Women, taking into account general recommendation 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session;
- g. Promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes related to violence against women; actively encourage, support and implement measures and programmes aimed at increasing the knowledge and understanding of the causes, consequences and mechanisms of violence against women among those responsible for implementing these policies, such as law enforcement officers, police personnel and judicial, medical and social workers, as well as those who deal with minority, migration and refugee issues, and develop strategies to ensure that the revictimization of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices;

- h. Provide women who are subjected to violence with access to the mechanisms of justice and, as provided for by national legislation, to -51-just and effective remedies for the harm they have suffered and inform women of their rights in seeking redress through such mechanisms;
- i. Enact and enforce legislation against the perpetrators of practices and acts of violence against women, such as female genital mutilation, female infanticide, prenatal sex selection and dowry-related violence, and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;
- j. Formulate and implement, at all appropriate levels, plans of action to eliminate violence against women;
- k. Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women, and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;
- l. Create or strengthen institutional mechanisms so that women and girls can report acts of violence against them in a safe and confidential environment, free from the fear of penalties or retaliation, and file charges;
- m. Ensure that women with disabilities have access to information and services in the field of violence against women;
- n. Create, improve or develop as appropriate, and fund the training programmes for judicial, legal, medical, social, educational and police and immigrant personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured;
- o. Adopt laws, where necessary, and reinforce existing laws that punish police, security forces or any other agents of the State who engage in acts of violence against women in the course of the performance of their duties; review existing legislation and take effective measures against the perpetrators of such violence;
- p. Allocate adequate resources within the government budget and mobilize community resources for activities related to the elimination of violence against women, including resources for the implementation of plans of action at all appropriate levels;
- q. Include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women;
- r. Cooperate with and assist the Special Rapporteur of the Commission on Human Rights on violence against women in the performance of her mandate and furnish all information requested; cooperate also with other competent mechanisms, such as the Special Rapporteur of the Commission on Human Rights on torture and the Special Rapporteur of the Commission on Human Rights on summary, extrajudiciary and arbitrary executions, in relation to violence against women;

- s. Recommend that the Commission on Human Rights renew the mandate of the Special Rapporteur on violence against women when her term ends in 1997 and, if warranted, to update and strengthen it.

125. By Governments, including local governments, community organizations, non-governmental organizations, educational institutions, the public and private sectors, particularly enterprises, and the mass media, as appropriate:

- a. Provide well-funded shelters and relief support for girls and women subjected to violence, as well as medical, psychological and other counselling services and free or low-cost legal aid, where it is needed, as well as appropriate assistance to enable them to find a means of subsistence;
- b. Establish linguistically and culturally accessible services for migrant women and girls, including women migrant workers, who are victims of gender-based violence;
- c. Recognize the vulnerability to violence and other forms of abuse of women migrants, including women migrant workers, whose legal status in the host country depends on employers who may exploit their situation;
- d. Support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness on the issue of violence against women and to contribute to its elimination;
- e. Organize, support and fund community-based education and training campaigns to raise awareness about violence against women as a violation of women's enjoyment of their human rights and mobilize local communities to use appropriate gender-sensitive traditional and innovative methods of conflict resolution;
- f. Recognize, support and promote the fundamental role of intermediate institutions, such as primary health-care centres, family-planning centres, existing school health services, mother and baby protection services, centres for migrant families and so forth in the field of information and education related to abuse;
- g. Organize and fund information campaigns and educational and training programmes in order to sensitize girls and boys and women and men to the personal and social detrimental effects of violence in the family, community and society; teach them how to communicate without violence and promote training for victims and potential victims so that they can protect themselves and others against such violence;
- h. Disseminate information on the assistance available to women and families who are victims of violence;
- i. Provide, fund and encourage counselling and rehabilitation programmes for the perpetrators of violence and promote research to further efforts concerning such counselling and rehabilitation so as to prevent the recurrence of such violence;
- j. Raise awareness of the responsibility of the media in promoting non-stereotyped images of women and men, as well as in eliminating patterns of media presentation that generate violence, and encourage those responsible

for media content to establish professional guidelines and codes of conduct; also raise awareness of the important role of the media in informing and educating people about the causes and effects of violence against women and in stimulating public debate on the topic.

126. By Governments, employers, trade unions, community and youth organizations and non-governmental organizations, as appropriate:

- a. Develop programmes and procedures to eliminate sexual harassment and other forms of violence against women in all educational institutions, workplaces and elsewhere;
- b. Develop programmes and procedures to educate and raise awareness of acts of violence against women that constitute a crime and a violation of the human rights of women;
- c. Develop counselling, healing and support programmes for girls, adolescents and young women who have been or are involved in abusive relationships, particularly those who live in homes or institutions where abuse occurs;
- d. Take special measures to eliminate violence against women, particularly those in vulnerable situations, such as young women, refugee, displaced and internally displaced women, women with disabilities and women migrant workers, including enforcing any existing legislation and developing, as appropriate, new legislation for women migrant workers in both sending and receiving countries.

127. By the Secretary-General of the United Nations: Provide the Special Rapporteur of the Commission on Human Rights on violence against women with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all treaty bodies.

128. By Governments, international organizations and non-governmental organizations: Encourage the dissemination and implementation of the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on the Prevention of and Response to Sexual Violence against Refugees.

Strategic objective D.2.

Study the causes and consequences of violence against women and the effectiveness of preventive measures

Actions to be taken

129. By Governments, regional organizations, the United Nations, other international organizations, research institutions, women's and youth organizations and non-governmental organizations, as appropriate:

- a. Promote research, collect data and compile statistics, especially concerning domestic violence relating to the prevalence of different forms of violence against women, and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women;
- b. Disseminate findings of research and studies widely;
- c. Support and initiate research on the impact of violence, such as rape, on women and girl children, and make the resulting information and statistics available to the public;
- d. Encourage the media to examine the impact of gender role stereotypes, including those perpetuated by commercial advertisements which foster gender-based violence and inequalities, and how they are transmitted during the life cycle, and take measures to eliminate these negative images with a view to promoting a violence-free society.

Strategic objective D.3.

Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking

Actions to be taken

130. By Governments of countries of origin, transit and destination, regional and international organizations, as appropriate:

- a. Consider the ratification and enforcement of international conventions on trafficking in persons and on slavery;
- b. Take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;
- c. Step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;
- d. Allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care, and take measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;
- e. Develop educational and training programmes and policies and consider enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children.

Appendix F: Human Rights Committees That Monitor Human Rights Treaty Compliance

Each of the nine international human rights treaties has a Committee of experts to monitor implementation of the treaty provisions by its States parties. These Committees monitor countries and publish reports on those countries' compliance. In addition, individuals can file complaints about human rights violations with the Committees through individual communications. Moreover, monitoring organizations may present their findings to the Committees on a State's compliance.

- The **Human Rights Committee** (CCPR) monitors the International Covenant on Civil and Political Rights
- The **Committee on Economic, Social and Cultural Rights** (CESCR) monitors the International Covenant on Economic, Social and Cultural Rights
- The **Committee on the Elimination of Racial Discrimination** (CERD) the International Convention on the Elimination of All Forms of Racial Discrimination
- The **Committee on the Elimination of Discrimination against Women** (CEDAW) monitors the Convention on the Elimination of All Forms of Discrimination against Women
- The **Committee Against Torture** (CAT) monitors the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment
- The **Committee on the Rights of the Child** (CRC) monitors the Convention on the Rights of the Child
- The **Committee on Migrant Workers** (CMW) monitors the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- The **Committee on the Rights of Persons with Disabilities** (CRPD) monitors the Convention on the Rights of Persons with Disabilities.
- The **Subcommittee on Prevention of Torture** (OPCAT) has a preventive mandate under the Optional Protocol to the Committee against Torture. It may visit all places of detention and advises States on prevention of [torture](#).
- The **Committee on Enforced Disappearances** (CED) monitors implementation of the Convention for the Protection of All Persons from Enforced [Disappearances](#).

Appendix G: Special Procedures: List (partial) of Selected UN Human Rights Experts, Special Rapporteurs, and Working Groups⁹⁸

Independent Expert on Human Rights and International Solidarity

Email: iesolidarity@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Solidarity/Pages/IESolidarityIndex.aspx>

Independent Expert on the promotion of a democratic and equitable international order

Email: ie-internationalorder@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/IntOrder/Pages/IEInternationalorderIndex.aspx>

Special Rapporteur on Violence Against Women, its Causes and Consequences

Email: vaw@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>

Special Rapporteur on Trafficking in Persons, Especially Women and Children

Email: srtrafficking@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Trafficking/Pages/TraffickingIndex.aspx>

Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography

Email: srsaleofchildren@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Children/Pages/ChildrenIndex.aspx>

Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Its Consequences

Email: srslavery@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>

Special Rapporteur on the Human Rights of Internally Displaced Persons

Email: idp@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/IDPersons/Pages/IDPersonsIndex.aspx>

Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

Email: eje@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Executions/Pages/SRExecutionsIndex.aspx>

Special Rapporteur on the Right to Education

Email: sreducation@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Education/SREducation/Pages/SREducationIndex.aspx>

98 For a complete list, go to: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx>

Special Rapporteur on Extreme Poverty and Human Rights

Email: srextremepoverty@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Poverty/Pages/SRExtremePovertyIndex.aspx>

Working Group on the Issue of Discrimination Against Women in Law and in Practice

Email: wgdiscriminationwomen@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/WGWomenIndex.aspx>

Working Group on Arbitrary Detention

Email: wgad@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx>

Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises

Email: Wg-business@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx>

Working Group on Enforced or Involuntary Disappearances

Email: wgeid@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Disappearances/Pages/DisappearancesIndex.aspx>

Working Group on the issue of discrimination against women in law and in practice

Email: wgdiscriminationwomen@ohchr.org

Web: <http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/WGWomenIndex.aspx>

WLP PUBLICATIONS

Training Manuals

- Leading to Choices: A Leadership Training Handbook for Women
- Leading to Choices: A Multimedia Curriculum for Leadership Learning
- Yes I Can: Leadership for Teens Ages 13-17 Years
- Making IT Our Own: Information & Communication Technology Training of Trainers Manual
- Leading to Action: A Political Participation Handbook for Women
- Measuring Change: Monitoring and Evaluating Leadership Programs.
- Victories over Violence: Ensuring Safety for Women and Girls

Translation Series

- Guide to Equality in the Family in the Maghreb
- Iranian Women's One Million Signatures Campaign for Equality: The Inside Story

Documentary Films

- Because Our Cause Is Just
- From Fear to Freedom: Ending Violence Against Women
- Human Rights: The Unfinished Journey



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