

**Conference on Women's role in achieving a sustainable future:  
Education, urbanization, violence and human rights**

International Federation of University Women  
16 – 21 August 2013, Istanbul

**“Women's Role in the Struggle to end Violence against Women”**

Statement by Yakın Ertürk

Women's engagement with the United Nations (UN) at its establishment nearly 70 years ago provided an invaluable platform for bringing women's concerns to the international agenda. In the process, multilateral dialogue and policy became increasingly mindful of gendered inequalities and evolved from a focus on formal equality, to integrating women into development, to empowerment and to women's human rights. This has led to a success story in the creation of an international gender equality regime with significant contributions towards establishment of norms and standards on women's equality and human rights in many parts of the world.

I will address the issue of women's role in the struggle against women starting with a focus on the highlights of this achievement, then move on to its transformative impact and the challenges ahead.

*Normative Framework on the Elimination of Violence against Women*

Violence against women (VAW) as public policy issue is a relatively new comer to the UN gender equality agenda.

CEDAW, women's international bill of rights, does not have any provision with respect to VAW among its articles. Despite insistence of the global women's movement, the international community was not ready to accept VAW as a form of discrimination when the convention was negotiated in the 1970's. Modeled on the basis of the racism convention (CERD), CEDAW is mainly public sphere oriented.

This major drawback was corrected, with women's continued activism, in 1992 when the CEDAW Committee adopted its General Recommendation 19, thus defining VAW as a form of discrimination and calling on states to act with 'due diligence' in eliminating the problem. States were also mandated to include, in their periodic reporting to the Committee, measures taken in this regard.

The 1990's were a remarkable period in expanding the boundaries of women's human rights. This can be attributed to a number of factors; among them the following are particularly noteworthy:

- Globalization and the breakup of the Soviet Union gave way to a new world order enabling ordinary citizens to gain access to international human rights system independent of their government. Human rights system, the values of which were laid down with the 1948 Universal Declaration on Human Rights, gained a new momentum and offered marginalized people everywhere a reservoir of norms for legitimate claim making.
- Parallel to this a transnational civil society emerged reaching beyond the territory and authority of the nation-state, which for long monopolized the representation of its citizens. Within this context, the global women's movement was among the most effective of all the transnational movements, skillfully using the new openings to advance women's rights issues.
- The global UN Conferences of the 1990's provided enthusiasm as well as an opportunity to mobilize political and economic support to address the diverse concerns of women.
- This was also a worrying era as two major wars – former Yugoslavia and Rwanda – resorted to sexual violence as a war strategy. Women were tortured, raped, impregnated and kept hostage to prevent them from ending their pregnancy. This was a method of ethnic pollution by way of violating the body of women of the enemy group. A problem that went largely unnoticed throughout history, provoked public outcry and a renewed attention to war time crimes against women.

After years of lobbying, global women's movements seized the moment, created by the dynamics of the 1990's, to push for the recognition of VAW as a public policy concern. Following CEDAW GR 19, in 1993 the Vienna Conference officially defined VAW as a grave human rights violation. Vienna Conference gave way to two developments: the adoption in 1993 by UN General Assembly the Declaration on the Elimination of Violence against Women; and in 1994, the creation of the mandate of the Special Rapporteur on violence against women, its causes and consequences by the Commission on Human Rights (since 2006 the Human Rights Council).

In 1995, the BPfA consolidated these normative achievements by dedicating three critical areas of concern with respect to relevant issues: violence against women; women in armed conflict; women's human rights. Thanks to the global women's movements these are milestone developments in the recognition of violence against women as a human rights issue, thus shifting the thinking on VAW from perceiving the problem as a private / family matter to one concerning international public scrutiny.

In 1998, the Rome Statute -establishing the international criminal court (ICC)- responded to the voices of women and defined war time VAW a war crime and crime against humanity punishable by the ICC. The Security Council, in 2000 adopted resolution 1325, women, peace and security,

securing the normative ground for a shift from impunity to accountability with respect to crimes against women (in the years that followed, other resolutions on women, peace and security continued to be adopted by the SC).

However, this was not a smooth problem free period. These developments occurred parallel to the rise of counter forces that relied on culture and religion as the mediator of difference and the basis of identity politics. Universal human rights, particularly women's human rights claims, became rejected on the ground that these are alien concepts to "our culture". On the other hand, looking at the problem from the global north, the "other's" culture had long become categorically essentialized as the source of underdevelopment and women's subordination in the non-Western world.

Shortly after the Fourth World Conference on Women in Beijing, the biggest international gathering ever, in 1996 the taliban seized power in Afghanistan with a mission to cleanse the public space from women, presumably to "protect them from corrupt Western" values, as well as from their local collaborators - i.e. liberal men. In 2001, the US army launched an attack on Afghanistan to "save" its women from the savagery of the taliban. Today, the western powers are contemplating negotiating with the taliban, which they were unable to defeat, while they have long forgotten the plight of Afghan women.

#### *Transformative impact of the VAW agenda*

Despite the differences among women, compared to the previous gender equality agendas (eg formal rights, integration of women into development) the focus on VAW brought out the shared and interlinked conditions of discrimination and subordination. VAW became a powerful mobilizing force, connecting local and national level resistance and struggles; and consolidating them into one of the most *inclusive* global social movements.

Due to the prevalence of a global patriarchal gender regime, women's claims for rights are the most *controversial* and indicative of the hegemonic relations that govern both public and private spheres of life nationally and globally. In this sense, women's human rights movement, while the most *resisted* global agenda, at the same time, it has the greatest potential to transform conventional values, institutions and human rights thinking.

In this respect, broadening the notion of women's rights was transformative particularly in three respects:

- (i) transformation of conventional understandings of human rights beyond violations perpetuated by state actors in the public sphere, i.e. demystifying the public/private dichotomy in law and exposing non-state actor responsibility in human rights violations;
- (ii) transformation of the doctrine of state responsibility to include the actions of private individuals, i.e. causing a shift from negative to positive state responsibility in responding to crimes against women; and

- (iii)(iii) transformation of the international and national criminal justice systems with the recognition of new species of crimes, such as rape as a crime against humanity, domestic violence, marital rape, stalking, etc.

### *Challenges ahead*

Despite the many achievements in standard setting, universal human rights framework remains abstract, legalistic and distant to women's lives. Furthermore, there are a number of persisting and newly emerging challenges in the universal application of human rights norms. While some of these challenges are inherent to the agenda itself, others are posed by competing and conflicting paradigms –such as: culturizing women; hierarchy of rights; security paradigm- for which gender equality is often sacrificed even in the most advanced countries.

- *Challenges inherent to the agenda*

The very notion of women's human rights is still a subject of heated debate conceptually and practically by feminists as well as mainstream actors.

Conceptual ambiguities undermine our communication and result in practices that defy the purpose. The most basic concept of *gender*, which is a powerful analytical tool in uncovering the structural inequalities underlying gender relations, has come to be used synonymous to “women” or merely as the difference between men and women. As a result, the concept gender / gender mainstreaming, in its mainstream usage, disguises inequality and the political nature of male female relations. A police chief I met in a province in Algeria told me that they have adopted a gender mainstreaming strategy. When asked what this means, he said that during the month of *Ramadan* they apply short working hours for the female police in order to allow them to go home to prepare the *iftar* meal!

In many countries authorities tend to treat VAW in isolation from the status of women and gendered hierarchies, thus responding to the problem within a welfare / protection approach. The problem is also perceived as a behavioural problem associated with deviant, alcoholic men, who need to be rehabilitated.

- *Culturalizing women*

As indicated earlier, in the post-cold war era, culture has become a naturalized mode of explanation, particularly when it comes to issues related to women. Culturalizing the problem of women's rights diverts attention from the unequal gendered structures, as well as from the wider economic and political environment in which gender relations take place. “Blaming culture for the disadvantages faced by women, minorities, and other vulnerable groups is an appealing ideology for proponents of contemporary neoliberal globalization. It blames the havoc wreaked by expansive capitalism and global conflicts on the culture of the other” (Sally E. Merry).

Culture in its orientalist as well as occidentalist claims is the language of the powerful. The cultural authenticity discourse provides a perfect alibi for the traditional patriarchs to evade any responsibility to accommodate women's rights claims; cultural interpretation of women's subordination relieves rich countries of the responsibility for dispossessions caused by capitalism, neo-liberalism, militarism, occupation and armed conflicts.

Culture as the domain of identity politics has opened new spheres of contestation, particularly for women of the global south and has complicated their struggle for equality. The good news is, women have not passively submitted to such encroachments. Individually and collectively they have always negotiated the terms of their existence in the family and the community. In confronting the 'culture of domination' they have organized and redefined culture and religion to promote women's rights (e.g. Musawah movement and the Violence is not Our Culture Campaign are two examples from the Muslim world).

- *Hierarchy of rights*

The tensions emanating from the dichotomization of the twin covenants on civil and political rights (CCPR) and economic, social and cultural rights (CESCR), which have privileged the former over the latter, have constrained efforts to transform the conditions that underlie gender inequality and patriarchal violence. Governments rarely integrate socio-economic factors into their legislative and policy responses to women's rights issues. Women's human rights gets reduced to a narrow conceptualization of violence against women as "harm done", without consideration of poverty, housing, unemployment, education, water, food security, trade, immigration policies, conflict, occupation and other wider socio-economic issues underlying violence.

Feminist scholars for long have criticized the conception of economic, social and cultural rights largely as 'aspirational' rights that can be progressively realized depending on the resources available to a state by contrast with civil and political rights conceived as 'obligatory' rights to be guaranteed immediately. They have argued that the fulfillment of the latter can also be seen as a process of progressive realization as both covenants impose positive duties on governments to comply with their obligations without discrimination (Elson, 2002; Nussbaum, 2005).

A political economy perspective needs to be introduced into the analysis in order to capture the interconnections between the economic, social and political realms, and to demonstrate that power operates not only through coercion, but also through the structured relations of production and reproduction that govern the distribution and use of resources, benefits, privileges and authority within and outside the home.

- *Security paradigm*

Particularly since 9/11 national security has become a priority agenda for states, favouring militarist and nationalist discourses. Militarization and the fear politics that accompanies such

trends tend to be misogynous, racist and conflict-ridden. Militarized agendas promote distorted budgets, hard masculinity and domestically defined femininity. In this sense, patriarchal, militarist and war strategies intersect. Militarized environments empower both public and private patriarchy, while on the one hand, reinforcing sexist, homophobic and xenophobic state agendas and uphold heterosexual hierarchical and authoritarian familial values.

### *Concluding comments*

Today, although women's reality is in stark contrast to international norms, the terms of engagement offered by the human rights doctrine is empowering. Perhaps one of the most significant achievements so far is that gender inequality is now recognized as a problem to be tackled with by public and private institutions. The international regime for women's rights forms the basis of a new social contract which acknowledges that the obligation of justice and rights for women goes beyond national and cultural boundaries.

However, the successful implementation of universal norms, in any society, requires that the specific contextual dimension is recognized and accounted for. Institutionalizing human rights standards – whether economic or social – naturally takes place within a particular historical and politico-economic setting. This means that universalizing of rights does not entail an abstract notion of universalism but rather a contextualized one where the meanings attached to human rights values and structures and how they become internalized into everyday life of societies will invariably differ. The human rights platform, like others, is a site of contestation between the powerful and the disempowered. Therefore, universalizing women's human rights will ultimately depend, not only on international but more so on internal dynamics of each society.

In the global era, no state can remain fully distant to the emerging international jurisprudence. Today, state legitimacy and sovereignty are inevitably verified at the international level on the basis of the degree to which a state fulfills its international human rights obligations. States need to be held accountable with respect to their obligations in respecting and promoting the rights of persons under their jurisdiction. This will require developing strategic alliances with other progressive movements and fully exploiting the opportunities offered by the international human rights framework. In this respect, it is important to strategize beyond CEDAW, which women now use effectively, and engage with other human rights bodies such as the Twin Covenants, the newly established UPR (universal peer review), among others.

[The issues raised in this presentation draw mainly from my following articles:

“Culture versus Rights Dualism: a myth or a reality?” *openDemocracy*. 25 April.2012. (<http://www.opendemocracy.net>).

B. Purkayastha (Co-author). “Linking Research, Policy and Action: A look at the work of the Special Rapporteur on violence against women”. *Current Sociology*. 60(2). 2012: 142–160.]