

1994

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Recommended Citation

Qayyum, Ayesha. "New WCL Program Explores Women's Issues in International Law." Human Rights Brief 2, no. 1 (1994): 1.

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Received on: 12-02-94

Volume 2, Number 1 • Fall 1994

New WCL Program Explores Women's Issues in International Law

by Ayesha Qayyum

“Traditional structures and decision-making processes for advancing human rights are inadequate to deal with the needs of women throughout the world,” says Lauren Gilbert, Executive Director of the Women & International Law Program (W&ILP) at the Washington College of Law. Launched in April 1994, W&ILP represents a first step in the attempt to incorporate women's issues into the broader framework of international law. “Women are still the poorest and least privileged in most societies,” asserts Gilbert, “and are rarely represented in national and global decision-making processes. International institutions have tended to marginalize those issues that affect women.” Gilbert adds that the mission of W&ILP is especially important because “legal education has similarly failed to foster scholarship and teaching about the importance of gender in understanding international law and practice.”

The Program has three major goals. First, it is geared towards strengthening the international legal studies curriculum to take a greater account of the condition of women. Second, it is designed to contribute to a growing body of legal scholarship on the rights of women in interna-

tional law. Finally, it aims to develop programs in training and advocacy to make domestic and international laws more effective tools for advancing women's claims. Gilbert explains that W&ILP was established “to address the systematic engendering of international law [and] the ways international institutions could be used more effectively to address women's human rights and needs.”

Claudio Grossman, Dean of Graduate Studies and co-sponsor of the Program, maintains that the creation of W&ILP is “a necessary prerequisite” to further work in the field of human rights. Grossman insists that women's problems must be examined in an international context; “the domestic approach alone cannot resolve the issues” raised. The Program therefore, is designed to “create opportunities for faculty and students to be engaged in shaping a new area of law in a responsible, exciting way,” according to Professor Ann Shalleck, Director of the Women and the Law Program at WCL and co-sponsor of W&ILP.

In the long term, W&ILP aims to initiate a mutually instructive dialogue between academics and practitioners in international law and “to deepen our understanding of legal theory while enhancing how we practice law,” says Shalleck. She adds that, “since a multi-faceted curriculum is the core of any vibrant academic community, the integration of gender perspectives into international law and international perspectives into women's rights law presents the possibility of developing and transforming both.”

Women's Human Rights: A Prospective Look

by Donna Sullivan

The results of the Cairo International Conference on Population and Development (ICPD) reflect the success of efforts by activists worldwide to bring women's empowerment to the forefront of international debate on sustainable and social development and population policies. [see related story, page 6].

Activists at the ICPD built on the progress achieved at the 1993 World Conference on Human Rights in Vienna, which witnessed the extraordinary success of a global campaign to end the historic disregard of women's human rights. The World Conference on Human Rights significantly expanded the human rights agenda to include gender specific

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Donna Sullivan

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violations and delivered a clear mandate for integrating women's human rights throughout United Nations activities.

Transforming the political mandates of the Cairo and Vienna conferences into reality will require mechanisms to hold governments and a range of international actors accountable for the impact of their policies on women's status and on women's civil, political, economic, social, and cultural rights. It will require multilateral and bilateral donors and, in turn, national governments to allocate resources to deliver on the commitments undertaken in Cairo and the promise of the World Conference on Human Rights. Human rights can provide a framework for realizing women's empowerment within the processes of development and building civil society.

The United Nations will convene two world conferences in 1995 which should serve as platforms for promoting initiatives that link feminist, human rights, and development perspectives. The World Summit for Social Development will be held in Copenhagen while the Fourth World Conference on Women will convene in Beijing. At the Summit for Social Development, heads of state will debate strategies for increasing employment, reducing poverty, and promoting social integration. The Summit should endorse measures that will strengthen democratic civil societies and, to that end, should target such gender-specific issues as violence against women, women's rights to political participation, and the disproportionate impact of structural adjustment policies on women.

In preparatory deliberations for the Summit, governments have acknowledged the need to address the role of women in economic and social development but have generally approached women's empowerment as a tool for enhancing the

effectiveness of development policies rather than as an end in itself. Moreover, debate has focused on human needs rather than human rights. This focus undercuts the political and moral weight of commitments to be undertaken by governments at the Summit and signals their unwillingness to be held accountable for the impact of national and international policies on the full range of human rights.

Basic economic and social rights must be emphasized in the Programme of Action to be adopted in Copenhagen in order to ensure that social justice, including gender justice, is not sacrificed to the promotion of free market economic growth. The Summit offers an opportunity for activists to promote rights-based strate-

Human rights can provide a framework for realizing women's empowerment within the processes of development and building civil society.

gies for women's empowerment, including strategies to ensure their basic rights to food, work, shelter, and health care and to end gender discrimination in civil and political rights. In addition, development NGOs are pressing for measures to hold the Bretton Woods institutions accountable for the devastating social costs of their policies and programs and for far-reaching changes in structural adjustment and debt reduction policies. These proposals should be taken forward with an emphasis on their gender-specific aspects.

At the Fourth World Conference on Women, governments will undertake four main tasks: assessing women's status in terms of the objectives of the Nairobi Forward Looking Strategies for the Advancement of Women to the Year 2000; mobilizing women and men at the policy and grassroots levels to achieve those objectives; adopting a Platform of Action on the fundamental obstacles to women's advancement; and determining the UN's priorities for implementing the Nairobi Forward Looking Strategies in 1996-2001. The Beijing Conference is a critically important forum in which to set out a blueprint for action informed by a vision of women's empowerment that incorporates and moves beyond the achievements of the Cairo and Vienna conferences and the 1992 Earth Summit

in Rio de Janeiro.

That vision must integrate a human rights-based approach to such issues as health care, the eradication of poverty, working conditions in the formal and informal sectors, and protection and assistance for women in conflict situations—issues which have traditionally been viewed almost exclusively as matters of social and humanitarian policy. While the regional preparatory meetings for the Beijing Conference held in Jakarta and Vienna explicitly identified objectives in the area of women's human rights, including the need for governments to adhere to the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights standards, they did not integrate human rights elements into the other issues addressed.

The Beijing Conference should incorporate human rights standards into every of its decision-making on the conference themes of equality, development, and peace. The ability of women to enjoy the rights set forth in the Universal Declaration on Human Rights, and further developed in the core human rights treaties, is essential to their ability to realize the goals of equality, development, and peace. The marginalization of human rights issues in the Beijing Conference would perpetuate the separation

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of human rights from development and peace initiatives, limiting their effectiveness.

If the potential of these world conferences is to be realized, the broad participation of NGOs must be ensured, with meaningful access to the government decision-making processes. It is similarly essential for donors to support the widest possible participation of NGOs from the South if the outcomes of these conferences are to reflect the priority concerns of women from all regions. ☪

Donna Sullivan is the Director of Women in the Law Project of the International Human Rights Law Group and an adjunct professor at WCL.