

1994

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Recommended Citation

al-Hibri, Azizah. "Who Defines Women's Rights? A Third World Woman's Response." Human Rights Brief 2, no. 1 (1994): 9, 11.

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Who Defines Women's Rights? A Third World Woman's Response

by Azizah al-Hibri

The 1993 World Conference on Human Rights in Vienna revealed the wide gulf that separates "Third World" women from "First World" women. Arriving at the conference to discuss their human rights issues, Third World women were surprised to see that this task had been performed on their behalf by First World women, who used their organiza-

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tional skills to take control of the conference and determine its agenda. The shock was so profound that, immediately upon leaving Vienna, Third World women began internal discussions to define a course of action that would avert a future repeat of this undemocratic/patriarchal situation.

In retrospect, the Vienna event did not usher in a new trend. Indeed, even during the 1981 United Nations Mid-Decade for Women conference in Copenhagen, the gulf was already apparent. At the Forum, the concurrent unofficial conference held in conjunction with the official UN conference, the gulf became so wide that a series of Third World women's meetings were held impromptu on site. As a result, at least one plenary session designed to express the views of Third World women was added.

In both instances, and many others, Third World women were frustrated by attempts on the part of First World women to speak for all the participants. They were also frustrated with the First World women's selection of Third World spokeswomen representing a First World point of view. The recent International Conference on Population and Development (ICPD) in Cairo unfortunately replicated these earlier patterns. For this reason, as well as others, some Third World women carried placards during the last days of the ICPD criticizing it for not being responsive to their concerns.

The impact of American feminism on Third World women has been positive. Unfortunately, however, the positive

effects have been diminished by some vocal First World women activists who appear to dominate international fora. The problem lies with the approach these activists take. They refuse to treat Third World women as equals, even as they claim to fight for their human rights. In a real sense, the approach reeks of the attitude of early colonialist women, in places such as Algeria, who appropriated and silenced the colonized woman's voice. In her new book, *The Eloquence of Silence* (Routledge 1994), Marnia Lazreg, an Algerian-born feminist, provides an insightful analysis of this problem. She uses the issue of the veil as an example:

"The veil made colonial women uncomfortable, as did every task that Algerian women performed, from rearing children to cooking and taking care of their homes. The veil, for the colonial woman, was the perfect alibi for rejecting the Algerian woman's culture and denigrating her. But it was also a constant reminder of her powerlessness in erasing the existence of a different way of being a woman. She often overcame her handicap by turning it into an advantage. She is superior to these veiled women..." (p.136)

In Copenhagen, Third World women were told that their highest priorities related to the veil and clitoridectomy (female genital mutilation). In Cairo, they were told that their highest priorities related to contraception and abortion. In both cases, Third World women begged to differ. They repeatedly announced that their highest priorities were peace and development. They noted that they could not very well worry about other matters when their children were dying from thirst, hunger or war. Sometimes, First World women shook their heads and indicated that they understood. But nothing has changed. First World women still do not listen; they still do not hear.

Many Third World women went to Cairo with a sense of hope. Finally, a conference was prepared to address their issues. After all, it was clearly billed as a "development" conference. But, again, their hopes were left unrealized. The conference instead centered around reducing the number of Third World babies in order to preserve the earth's

resources, despite (or is it "because of") the fact that the First World consumes much of these resources.

What First World women succeeded in doing at Cairo, however, in fact damaged Third World women. They forced the issue of abortion on everyone, from a First World perspective. Many Third World governments allied to the United States acquiesced in the demands of the conference, thus making women's issues appear to their citizens (including women) as suspect, and the proposals as "foreign" and offensive. Other Third World countries were forced to evaluate their public policies on the matter from the First World's perspective. Because of the apparent racism motivating some of these First World reproductive concerns, the outcome in some cases has been disastrous to women.

In the case of abortion rights specifically, in certain Muslim countries the result was to produce a highly conservative official juristic analysis of the issue. This presents a retrenchment, since, for hundreds of years, Muslim jurists have had quite a liberal analysis of abortion, and, unlike the situation that used to

Third World feminists will struggle on until they achieve all the rights their respective states and patriarchal cultures have thus far denied them.

exist in the United States, safe abortions were widely available in many Muslim countries.

The reason for this retrenchment derives to a great extent from the perception that the First World reproductive rights movements are part of a concentrated racist Western onslaught on Third World population. Had Muslim women been afforded the space to speak in their own voices, the results may have been remarkably different.

It is unfortunate that some First World women's discourse has poisoned the local well for Muslim and other Third World feminists. But Third World feminists will struggle on until they achieve all the

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Round Table Discusses U.S. Ratification of Inter-American Convention on Human Rights

by Nadia Ezzelarab and Brian Tittlemore

On September 14, 1994, the Washington College of Law and the International Human Rights Law Group hosted an expert Round Table on the U.S. ratification of the Inter-American Convention on Human Rights. Those in attendance included representatives from law faculties, the private bar, the U.S. State Department and others with expert knowledge of the Inter-American Human Rights System and the U.S. treaty ratification process. Participants stressed the need for individuals who have studied the legal nature and potential effect of the Convention on the U.S. to effectively communicate their views to those who will ultimately determine whether the U.S. will participate fully in the Inter-American Human Rights system.

One issue addressed at the Conference was the nature of potential U.S. reservations to the Convention. The most controversial aspects of the debate were whether reservations to Article 4, which concerns the right to life, would be required to accommodate U.S. laws governing abortion and the death penalty, and whether any such reservations would be considered contrary to the purposes of the Convention.

Another issue discussed at the Conference was the proper interpretation of the Federal Clause, Article 28 of the Convention, and the measures that might be required to ensure that the Convention is complied with at both federal and state levels. Article 28 provides that the national government of a federal state "shall implement all of the provisions of the Convention over whose subject matter it exercises legislative and judicial jurisdiction," and further obligates the government to "immediately take suitable measures, in accordance with its constitution and its laws, to the end that the competent authorities of the constituent units may adopt appropriate provisions for the fulfillment of the Convention" (emphasis added). The discussion concerned how the Federal Clause would be interpreted internally by the U.S., and whether a U.S. reservation or "understanding" would be required to clarify the manner in which federal authorities may be expected to ensure compliance with Article 28.

More specifically, participants indicated that if the term "suitable measures"

in Article 28 is given a very broad interpretation, it could require the U.S. Government to "federalize" issues currently under state jurisdiction. Alternatively, a narrower interpretation of Article 28 might not require changes in jurisdiction between the federal and state levels, but might oblige the Federal Government to ensure state compliance within the existing legal system.

Participants at the Conference also discussed whether the Convention should be interpreted as self-executing; as creating rights in U.S. law which individuals may invoke in U.S. courts. Those who favored this interpretation pointed out that self-execution would enable U.S. courts, in complaints involving the U.S., to interpret the Convention before such complaints were heard by the Inter-American Court. This would not be the case if implementing legislation is required to bind the U.S. to the Convention. In addition, it was noted that if the Convention is self-executing, then the U.S. would have to ensure in advance of ratification that nothing in the existing U.S. law contravenes the Convention. Alternatively, if the Convention is not regarded as self-executing, then the U.S. would have to determine whether Article 28 should be interpreted broadly and therefore require the federalization of certain areas of state jurisdiction.



Round Table participants (left to right): Fritz Kalshoven, former Chairman of the Commission of Experts established by the UN to investigate grave violations of humanitarian law in the former Yugoslavia; Thomas Buergenthal, Professor of Law at the National Law Center, The George Washington University; and Ed Gordon, visiting Professor of Law at WCL.

Additional issues addressed at the Conference included the potential incompatibility between U.S. laws and the provisions of the Convention dealing with criminal justice and penal administration, as well as details of the supervisory procedures of the Inter-American Commission and the Inter-American Court. It was also noted that states are not automatically subject to the jurisdiction of the Inter-American Court upon ratification of the Convention, but that a separately expressed accession to the Court's jurisdiction is required. ☉

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rights their respective states and patriarchal cultures have thus far denied them. They will do this by developing feminist analyses of their own religious texts, much like Mary Daly and others did for Christianity, and then relying on these analyses to advance their cause. They will recruit supportive First World feminists to

help them in their efforts, but they will specify the kind of support needed, and they will lead their own battles. They will not seek to achieve their liberation by denigrating their religion or culture or by forcing upon their communities inappropriate priorities and demands. They will do it their own way. ☉

Gabriel Eckstein