

The UN agenda for women's rights and gender equality

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Abstract

This article identifies the primary parameters of the international gender equality regimes which evolved within the context of the work of the United Nations. It presents an overview and analyses the main institutional, policy and normative frameworks that specifically address women's issues. In so doing, it takes account of the role of women's advocacy and the impact of the four world conferences on women as well as the series of world conferences of the 1990s on expanding the UN gender equality agenda. The article concludes by arguing that, while an international gender regime with well defined standards is in place, the domestic application of these norms remains the main challenge world wide. The realisation of international human rights norms for every woman around the world depends on and is mediated by domestic processes. First and foremost, there is need for political will and a commitment, by governments, to remove all obstacles to gender justice. It is also necessary that civil actors are mobilised to demand state accountability for compliance with international norms.

Introduction

Since its inception 60 years ago, when The United Nations was established as a multilateral forum to address and find solutions to common problems encountered by the international community, the Organisation has included the norm of non-discrimination on the basis of sex among its principles. This has paved the way for the emergence of an international regime focusing specifically on inequality between women and men, which has persisted through different eras and under diverse political regimes and social formations.

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In the course of history, as the excluded groups gained access to the realm of formal politics with new claims for legitimate representation and rights, the definition of "man" and "citizen" became ever more inclusive. This has made the belief in and the striving for justice for all viable. However, gender relations - ingrained in a patriarchal legacy - proved to be most resistant to change. Although global restructuring has significantly altered the conditions of traditional patriarchy, the gender order throughout the world continues to be shaped by patriarchal norms and values where women are attributed a subordinate position, albeit in different ways in different societies.¹ Whether in the countries of the north or those of the south, being a woman constitutes a basis for discrimination; violence; and a life threatening risk at home, at work and on the street; in times of war and in peace.

The struggle to eradicate the universally pervasive inequality between women and men continues to be a major challenge for all concerned. Within the formation of the modern national state, women comprised one of the problematic categories in need of integration into the concept of citizenship, which in most cases embodied contradictory elements. Notwithstanding many exceptions, while women achieved some recognition as individual citizens with the capacity to vote, run for office, take employment, even hold and control property, their right to exist and represent themselves in their own right was not fully welcomed even under the most liberal regimes. This reality provoked women's activism and has been the motivating force behind the waves of women's movements across the globe, which over the years, have succeeded in systematically "engendering"² the global political agenda. The United Nations (UN) provided the women of the world with an invaluable venue in this regard.

The Charter of the United Nations, signed on 26 June 1945, set out three main goals for the new Organisation: to prevent future wars by fostering peace and security; to promote social and economic progress; and to define and protect the rights and freedoms of every human being regardless of race, sex, language or religion. The Preamble not only reaffirms "faith in fundamental human rights" and the "dignity and worth of the human person", but also "the equal rights of men and women". The women present at the birth of the UN were critical in ensuring that, the need for addressing the issue of equality between women and men was recognised by the new Organisation. While the recent Beijing +10 review revealed

¹For a discussion of the concept of gender and gender relations see: Ertürk, Yakın, "Reconsidering the Role of Men in Gender Agenda setting: Conceptual and Policy Issues", *Feminist Review*, Vol. 78 (2004), pp. 3-21; Goets, B. S., "Who needs (sex) when you can have (gender)? Conflicting discourses on gender at Beijing", *Feminist Review*, Vol. 56 (1997), pp. 3-25.

²The term engendering is used to emphasise the integration of gender concerns into all public policy and programmes.

that the situation of women world wide lags far behind the goals set over half a century ago,³ nonetheless, the tireless efforts of the women's movement has resulted in a well established international gender equality regime, providing women with numerous internationally recognised instruments and mechanisms with which to advance their struggle for equality at the local, national and international levels.⁴

The objective of this article is to identify the primary parameters of the international gender equality regimes within the context of the work of the UN. In this regard, it will analyse the main institutional, policy and normative frameworks that specifically address women's issues. In so doing, particular attention will be paid to women's advocacy and the impact of the world conferences on women as well as the series of world conferences of the 1990s on expanding the UN gender equality agenda. The article will conclude with reflections on the existing obstacles to women's rights and gender equality globally as well as within the United Nations itself.

Paradigm Shifts in the UN Gender Agenda

The UN gender equality agenda evolved through various stages that reflect the priorities emanating from the changes in the world order as well as the paradigm shifts in the feminist discourse and lessons learned within the process of praxis. In this regard, sixty years after its creation, several distinct phases in the UN work in the promotion of women's rights and gender equality can be identified, particularly within the context of its principle body on women's issues, the Commission on the Status of Women. These are: (i) the norm of non-discrimination, 1945-65; (ii) integration of women into development, 1966-75; (iii) the Decade for the Advancement of Women, 1976-1985; (iv) empowerment of women, 1986-1995; (v) women's human rights, 1996-present.⁵

Each phase embodies landmark developments in expanding the boundaries

³ It has also become clear that since the Beijing Conference on women in 1995, a growing right wing coalition has emerged across cultures and religions in opposition to the Beijing principles. The conservative political trends, particularly crystallising after 9/11, have reinforced the backlash that is threatening the progress achieved thus far (see Y. Ertürk, *Towards an effective implementation of international norms to end violence against women*. Report of the Special Rapporteur on violence against women to the Commission on Human Rights (E/CN.4/2004/66)).

⁴ For a discussion of the development of UN agenda for gender equality see: Pietila, Hilka, *Engendering the Global Agenda: A Success Story of Women and the United Nations*, INSTRAW Occasional Paper Series, No 1 (1999), and Kardam, Nuket, "The emergence of a global gender equality regime", *International Journal*, Vol. 57, No 3 (2002), pp: 441-438.

⁵ Although agreeing on the basic parameters of the various phases in the agenda, analysts have tended to differ in their actual classification. The above reflects the author's approach.

of mainstream approaches to rights and equality. In this process, intellectual as well as grass-roots movements increasingly engaged with the UN decision making bodies, thus, linking policy, paradigm, and praxis. As a result, unlike any other UN agenda, the gender equality agenda not only gained a comprehensive outlook but also generated ownership among women themselves bringing together women of increasingly diverse geographies and interests to the centre of international public discourse.

The norm of non-discrimination, 1945-65

This period corresponds to a time in recent history when women were not yet visible in public discourse. In many parts of the world women had little or no de facto or de jure rights that were either fundamental for societal membership, such as education and political participation, or rights that would allow for control and sustenance of personal life choices, such as access to property and decision making over matters related to marriage, divorce and child custody. Women of the First World, who were particularly active during this phase, pushed for the inclusion of provisions of formal rights for equality. As a result, the UN agenda concentrated on the principle of non-discrimination on the basis of sex as enshrined in the Universal Declaration of Human Rights (1948).

A number of Conventions were, thus, put forth under the sponsorship of the Commission on the Status of Women and adopted by the General Assembly: The Convention on the Political Rights of Women (1952); Convention on the Nationality of Married Women (1957); and Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962). Two other instruments adopted during this period are of particular relevance for women, namely; the 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, and 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery.

Integration of women into development, 1966-75

Third Worldism marked the intellectual and activist climate in the 1960's. It had become clear that the modernist development strategies adopted after the Second World War to deal with the development of emerging states had failed. It was initially envisaged that within the context of the *green revolution* the transfer of modern agricultural technology to areas with high growth potential would rapidly lead to the accumulation of wealth and this would eventually "trickle down"

to less advantageous segments of society. Contrary to this expectation the gap between the "haves" and the "have nots" widened and led to social unrest in many parts of the Third World. The UN proclaimed the period from 1961 to 1970 as the first Decade for Development, which resulted in a shift of policy concern from economic growth to welfare and equitable re-distribution.

With this shift, the integration of women into development was part of the agenda of the Second UN Development Decade (1971-1980). This reinforced the broadening UN gender agenda which had already shifted to a women and development discourse.⁶ During this second phase, elimination of discrimination against women and more specifically eradication of illiteracy, equal pay for equal work, health and maternity protection and participation of women in decision making processes became central to the work of the UN. Within this context, the following are particularly noteworthy: 1966 Covenant on Economic, Social and Cultural Rights (which prohibits discrimination based on, inter alia, sex and provides for equality between men and women in the enjoyment of rights contained in the Covenant); 1967 Declaration on the Elimination of Discrimination against Women;⁷ dedication of 1975 as International Women's Year and the convening of the First Women's World Conference in Mexico City the same year.

The Decade for the Advancement of Women, 1976-1985

Shortly after the Mexico Conference, the General Assembly proclaimed the next ten years (1976 – 1985) as the UN Decade for Women under the themes equality, development and peace.⁸ The decade served to consolidate the idea that development is not possible without the full participation of women in all phases of life. The two UN decades - for development and for women - transformed the Organisation itself, as the intergovernmental process became more intimately linked to voices from grass-roots movements, thus enabling greater NGO participation in agenda and policy setting.⁹

⁶Ester Boserup's pioneering book *Women's Role in Economic Development* (1971) stimulated the women and development debate and contributed to the emergence of a new field – Women in Development (WID) – among researchers, policy makers and practitioners alike. The WID discourse, later reconceptualised as gender and development (GAD), dominated feminist scholarship and activism for well over two decades. For a discussion of the conceptual shifts in the WID discourse, see: Rasavi and Miller, *From WID to GAD: Conceptual shifts in the women and development discourse* (1995) UNDP & UNRISD, Occasional Paper 1.

⁷During this period, women became convinced that special instruments are needed to address the specificity of women's subordination. The Declaration was an important step in this regard, which was followed by the adoption of the Women's Convention in 1979. For a critical review of these and earlier instruments see: Galey, Margaret E., "Promoting Non-Discrimination against Women – The United Nations Commission on the Status of Women," *International Studies Quarterly* 23, June (1979) pp. 273-301; Reanda, L., "Human Rights and Women's Rights: The United Nations Approach," *Human Rights Quarterly*, (1981) pp. 11-31.

⁸Equality represented the priority of the first world women, development the priority for third world women and peace the priority for second world women.

⁹Although the UN is an intergovernmental body, provisions were made at the outset to allow for the participation of non-governmental organisations through accreditation with the Economic and Social Council.

The 1976-1985 period was devoted to effective and sustained national, regional and international action to implement the outcomes of the Mexico Conference, particularly the goals of equality and the full integration of women in the development process and in the promotion of world peace. The mobilisation of efforts and resources toward this end gave the UN gender agenda greater visibility and legitimacy both within and outside the Organisation. Three historic moments capture the merit of the decade: adoption of the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the second and third world conferences on women, in 1980 in Copenhagen and 1985 in Nairobi.¹⁰

Empowerment of women, 1986-1995

By the end of the decade, as evidenced at the Nairobi Conference, women came together in ever increasing numbers and orientations with the conviction that through the empowerment of women, the patriarchal gender order could be changed. Thanks to the efforts of the international women's movement, violence against women, a subject grossly overlooked in the UN gender agenda, started making its way into public debate. Although the Women's Convention does not explicitly address violence against women in its provisions, in 1992, to remedy this flaw, the CEDAW Committee, adopted General Recommendation No. 19, defining violence against women as a form of discrimination. In 1993, the issue gained full recognition as a human rights concern at the Conference on Human Rights in Vienna in 1993, followed the same year by the adoption of the Declaration of the Elimination of Violence against Women, in 1994, the establishment by the Commission on Human Rights of the mandate of the Special Rapporteur on violence against women, its causes and consequences and finally, in 1995 the Fourth World Conference on Women (FWCW) was convened in Beijing.

Women's Human Rights, 1996 - present

After the Beijing Conference, where human rights were accepted as one of the critical areas of concern requiring special attention, the human rights discourse increasingly embraced all other critical areas of concern. The Platform for Action (PfA) adopted at the Beijing Conference acknowledged that the full enjoyment by women of all human rights is an integral dimension of women's empowerment and an end in itself. This idea was well articulated by the slogan of the Vienna Conference: "Women's rights are human rights".

¹⁰It is also important to mention that this period signifies the spread of women's studies and research programmes in many academic institutions as well as the establishment of national machineries for the advancement of women. The latter became identified as one of the critical areas of concern at the Fourth World Conference on Women in 1995.

Acknowledging women's rights as human rights impinged upon existing gender hierarchies and helped demystify taboos that justified and sustained gender inequality. This process has also challenged mainstream human rights norms and advocacy, as international law was reinterpreted from a feminist perspective. These developments gained particular impetus as a result of the gender based atrocities observed in the conflicts surrounding the break up of former Yugoslavia and Rwanda, as well as in the context of other conflicts, resulting in the demands for the inclusion of sexual offences within the jurisdiction of the International Criminal Court.¹¹

One of the major achievements of this period came in 2000 when the Security Council adopted resolution 1325 on women, peace and security, emphasising the importance of involving women at all stages of peace negotiations and reconstruction, as well as the obligation to protect women from sexual and gender based violence during conflict.

Machinery for the promotion and protection of women's rights

The UN offered women of the world international machinery for multilateral dialogue to address common issues and negotiate consensus decisions, which then served as tools with which to advocate for change at national and local levels. This process takes place within a complex structure. The UN Charter established six principle organs of the Organisation: the General Assembly (GA), the Security Council (SC), the Economic and Social Council (ECOSOC), the Trusteeship Council, the International Court of Justice and the Secretariat. Additionally there are numerous agencies, funds and programmes that form part of the UN system.

Although, the ECOSOC 1997 Agreed Conclusions¹² calls on the entire UN system to mainstream a gender perspective into their policies and programmes, only the intergovernmental bodies and entities mandated specifically to address women's issues will be the focus here, with references to other entities where relevant.

Intergovernmental bodies

The United Nations involvement in women's issues marked the beginning of a historic change in political discourse. As mentioned before, a number of

¹¹ See for example, Chinkin, Christine, "Gender-related crimes: A feminist perspective", in R. Thakur and P. Malcontent (Eds), *From Sovereign Impunity to International Accountability* (2004) Tokyo, UN University Press, pp. 116-134.

¹² For a discussion see: *From Beijing to Beijing + 5*, United Nations, 2001, New York, pp.7-8.

women, working diligently at the time of the creation of the Organisation, lobbied for the inclusion of the notion of non-discrimination on the grounds of sex in the UN Charter. Consequently, issues once thought of as strictly private, domestic matters steeped in custom and tradition would come to be openly debated in a global forum. In this vein, a Sub-Commission on the Status of Women, under the Commission on Human Rights was created, which was subsequently raised to a Commission of the ECOSOC on 21 June 1946, constituting one of the six functional.

The Commission on the Status of Women (CSW)¹³ was mandated to prepare recommendations and reports to the ECOSOC on promoting women's rights in political, economic, civil, social and educational fields and on urgent problems requiring immediate attention in the field of women's rights.

The Commission started with 15 members and finally in 1990 its membership was increased to 45. The composition of its members is made up of representatives determined by individual member states. At the time of its creation, whether the CSW should be an expert body or one made up of government representatives was a matter of debate, the latter option was preferred. The fact that it is not an expert body has been both the strength and the weakness of the CSW. Having decision making in the hands of government representatives who may be diplomats or bureaucrats rather than experts, at times, has resulted in the hijacking of women's concerns as other political issues dominated the deliberations. Furthermore, women's concerns are often sacrificed for official state positions or other interests.¹⁴ On the other hand, the current composition has given the decisions of the CSW greater recognition by states and allowed it to broaden its constituency. It has also been argued that, because most of the participants tend to be women, while representing the position of their governments, women representatives of governments "on occasion decried sex-based discrimination within their own societies, and even engaged in criticism of their own governments, as well as serving as channels for the proposals of women's groups".¹⁵

In 1987, the Commission's mandate was expanded to include such tasks as engaging in advocacy for equality, development and peace; monitoring the implementation of internationally agreed measures for the advancement of women;

¹³ For a critical overview of the CSW see: Reanda, Laura, "The Commission on the Status of Women", in P. Alston (Ed.), *The United Nations and Human Rights* (1992) Oxford: Clarendon, pp. 265-302.

¹⁴ For example, the agreed conclusion on the thematic area HIV-AIDS, taken up at its 45th session in 2001, had to be deferred to a resumed session since consensus was not possible, particularly due to polarisation on two areas: the issue of access to affordable drugs and woman's control over her body and sexuality. Finally, after long negotiations the agreed conclusions were adopted at the resumed session. In the process, as is often the case in seeking consensus, important compromises were made.

¹⁵ Reanda, p. 269.

and reviewing and appraising progress at the national, subregional, regional, sectoral and global levels. After the Beijing Conference, the Commission adopted a multi-year programme of work (1996-9999), containing clusters of critical areas of concern as elaborated in the Beijing PfA. The CSW acted as the preparatory committee for the special session of the General Assembly on the review and appraisal of the implementation of the PfA in 2000 (Beijing +5). It also undertook the Beijing + 10 review in March 2005.

While the CSW played a pivotal role within the UN in stimulating and expanding the gender agenda, this was not a smooth process. Despite the many accomplishments in the area of gender issues, it remained institutionally marginal within the system. "The low point in the Commission's history was probably reached in 1980, when a proposal was tabled in the General Assembly for the abolition of the Commission in the context of a general restructuring of the economic and social sectors of the United Nations system."¹⁶ The status of the CSW, like that of women whom it represents, continued to be precarious, with fewer resources, less political clout and greater control by ECOSOC.

Nonetheless, with landmark developments particularly since the UN decade for women, the CSW has overcome many, if not all of the hurdles it has faced. Its capacity was gradually strengthened and its mandate was expanded to include responsibilities for monitoring, reviewing and appraising progress in the advancement of women as well as conference follow up. Within this context, the working methods of the CSW were enhanced to allow for in-depth consideration of priority themes. Regular convening of expert group meetings in conjunction with the CSW annual agenda and expert panels and roundtables during the CSW sessions was also adopted to ensure expert input into its deliberations. Additionally, the Commission, through an in session small working group, examines communications from individuals or groups on allegations of women's rights violations. Rather than focus on country specific violations, the working group identifies trends. Although the CSW may make recommendations on the basis of these trends to the ECOSOC, the impact of its work in this area continues to be weak and contested by the delegates. Contrary to the situation in the CSW, the communications procedures of the Commission on Human Rights (1503 as well as that of special procedures) have proven to be more effective in dialoguing with governments regarding the complaint cases and in appealing for their compliance with international human rights norms.

¹⁶Reanda, p. 267.

Secretariat and other entities

As will be discussed below, in addition to the CSW secretariat, the Division for the Advancement of Women (DAW), new UN entities emerged as the UN gender agenda expanded. Most notable among these are UNIFEM and INSTRAW, established after the Mexico City Conference, and the Office of the Special Adviser to the Secretary General on Gender Issues and Advancement of Women (OSAGI), established following the Beijing Conference. Together these make up the main UN institutions mandated to specifically address women's advancement worldwide.

Special Adviser to the Secretary General on Gender Issues and Advancement of Women

In order to strengthen the programme on the advancement of women, in 1996 an Assistant Secretary General was designated as the Special Advisor to provide the Secretary General with Organisation wide policy advice on gender issues. Among the core responsibilities of the Special Advisor is to oversee the follow-up to the Beijing Platform for Action as well as issues related to improving the gender balance within the UN. The position was envisaged at the Beijing Conference as a system wide oversight mechanism on gender issues. Therefore, it was established initially under the SG's office. However, in 1997 the Office of the Special Adviser on Gender Issues (OSAGI) was located within the Department of Economic and Social Affairs (DESA). This, no doubt, has implications for the system wide oversight function of the Special Adviser (SA) and its potential effectiveness in the system. As a result of its location the OSAGI mainly monitors the status of women within the Secretariat and provides oversight and direction to the Division for the Advancement of Women. More recently, the Special Advisor has also been tasked with the promotion of the implementation of Security Council Resolution 1325.

The terms of reference, the institutional infrastructure and the resource base of this very important post has not been significantly addressed since its creation, thus adversely affecting its potential effectiveness.¹⁷

¹⁷The institutional framework of the OSAGI, particularly its working relationship with the Division for the Advancement of Women and other gender related entities such as UNIFEM and INSTRAW is rarely addressed within or outside the UN. Within the UN, this is partially due to the fact that despite major breakthroughs there is still a tendency on the part of upper management to view women's issues as concerning women alone, therefore, best left for women to address! On the other hand, outside the UN, the concern over national level implementation was so central to the Beijing review processes that international institutional mechanisms remained largely neglected.

Division for the Advancement of Women (DAW)

The primary functions of the DAW are the provision of substantive servicing to the CSW and other intergovernmental bodies when they are concerned with the advancement of women, as well as to the Committee on the Elimination of Discrimination against Women.¹⁸ It was originally set up in 1946 to provide policy advice and substantive support to the CSW as the Section on the Status of Women within the Human Rights Division of the UN Department of Social Affairs in 1946. Despite a number of organisational moves over the years, overall management of the Secretariat apparatus for women remained part of the Human Rights Division until 1972, when the first woman appointed to the post of Assistant Secretary-General, Helvi Sipilä of Finland, was made head of the newly created Centre for Social Development and Humanitarian Affairs, which included responsibility for women's issues. At this time, the Section on the Status of Women was upgraded to a Branch within the Centre; it was called the Branch for the Promotion of Equality of Men and Women. After 1978 it was renamed the Branch for the Advancement of Women, and in 1988 it further evolved into its current structure as a Division which is located within the Department of Economic and Social Affairs of the UN Secretariat.

DAW is a catalyst for advancing the global policy agenda on women's issues and for promoting a gender perspective in all sectors. Among the main responsibilities of the Division is to prepare the SG's annual and biennial policy analysis reports for intergovernmental bodies, mainly the CSW, the ECOSOC and the GA. In 1981, the GA requested the SG to prepare a multisectoral and interdisciplinary survey on the role of women in development and submit it to the Assembly at its 39th session in 1984. Since then, every five years DAW prepares The World Survey on the Role of Women in Development, focusing on different aspects of the problem. In 2003, the GA requested the SG to prepare a comprehensive report on violence against women, for which DAW is the lead agency. The report is expected to be submitted to the GA in 2006.

International Research and Training Institute for the Advancement of Women (INSTRAW)

INSTRAW was established as an autonomous entity within the United Nations by the Economic and Social Council on 12 May 1976. Located in Santo Domingo in the Dominican Republic since 1983, the Institute is funded from voluntary contributions.

¹⁸ From Beijing to Beijing + 5, p. 256.

The Institute's mandate is to promote and undertake policy oriented research and training programmes at international, regional and national levels. In this regard, INSTRAW has played a critical role in making women's work and their social/political contributions visible and accounted for; advocating gender-sensitive policy alternatives to enhance women's capacity to fully participate in development; networking at national and international levels to support institutional capacity building as a mechanism for "engendering" policy; and developing qualitative and quantitative indicators to measure progress towards gender equality and sustainable development.

Thus, within its mandate, the Institute aims to improve conceptual and methodological tools, collect and disseminate gender-focused information for mapping women's status and the progress made world wide; generate databases on critical areas of concern; offer training programmes in line with its research results to trainers and policy makers; and advocate policy measures for the ultimate goal of the advancement of women as equal partners in private as well as public spheres of life.

INSTRAW has also promoted dialogue between civil society and governments through creation of networks and continual dissemination of information as well as through on line discussions on various issues.

The Institute is governed by an Executive Board composed of 10 Member States elected by ECOSOC for a period of three years with the possibility of re-election for a second term.

United Nations Development Fund for Women (UNIFEM)

The Fund was officially established in 1976 as the Voluntary Fund for the *UN Decade for Women*. As a result of *General Assembly Resolution A/39/125* in 1984, UNIFEM became a separate entity in autonomous association with the United Nations Development Programme (UNDP).

UNIFEM provides financial and technical assistance to women's innovative initiatives and activities that aim to empower women and contribute to the achievement of gender equality. It also makes women's voices heard at international fora and facilitates the participation of women in UN activities.

UNIFEM's activities focus on four strategic goals: (i) reducing women's poverty and exclusion; (ii) ending violence against women; (iii) reversing the

spread of HIV/AIDS among women and girls; and (iv) supporting women's leadership in governance and post-conflict reconstruction.

DAW, INSTRAW and UNIFEM, the three pillars for the advancement of women, have helped to forge a consensus of actions to be taken in support of the advancement of women as part of comprehensive UN goals on issues related to development, human rights and peace. Although not specifically mandated to address women's issues, the Office of the High Commissioner for Human Rights (OHCHR) also undertakes considerable work on the promotion and protection of women's human rights.¹⁹

Instruments for the promotion and protection of women's rights

Policy framework

In 1972, 25 years since the first meeting of the CSW, the Commission recommended to the ECOSOC and the GA that 1975 be designated International Women's Year. Its observance, according to the Commission, would serve to remind the international community that discrimination against women, entrenched in law and deeply rooted in cultural beliefs, was a persistent problem in much of the world and that governments, NGOs and individuals needed to increase their efforts to promote equality between men and women and to ensure active participation of women in national and international development efforts. The initiative that started with the first World Conference on Women in Mexico in 1975 continued in Copenhagen in 1980, Nairobi in 1985 and finally the Fourth World Conference on Women in Beijing in 1995.

With each successive conference the UN gender agenda gained momentum and drew an ever growing number of women and men from diverse social settings. Despite difficulties in obtaining visas and the convening of the NGO forum in Hairou, far away from the official meeting in Beijing, over 40 thousand participants attended the FWCW, more than any other UN event.²⁰ The UN policy framework on women's rights and gender equality grew with these conferences. The PfA, which is defined by the Beijing Mission Statement as "an agenda for women's empowerment", identifies strategic objectives in 12 critical areas of concern.²¹

¹⁹As a matter of fact, the relationship between DAW and OHCHR, as to which agency has primary responsibility for addressing women's human rights is another area of concern and at times tension that rarely gets addressed.

²⁰Some 6000 delegates from 189 governments and more than 4000 NGO representatives and another 4000 media representative attended the intergovernmental meetings in Beijing. In Hairou, the NGO forum drew 30,000 people from the four corners of the world. See: Pietila, Hilikka, *Engendering the Global Agenda: A Success Story of Women and the United Nations* (1999) INSTRAW Occasional Paper Series NO.1.

²¹The critical areas of concern of the PfA are: poverty, education and training, health, violence against women, armed conflict, the economy, decision making, human rights, the media, the environment, the girl child and institutional mechanisms.

The Beijing Declaration and the PfA, built on the consensus of 189 countries, constitutes a ground breaking document that has consolidated all policy guidelines that emerged out of the UN work on women since its inception, particularly within the context of the women's conferences as well as other UN conferences. Most importantly, it would not be wrong to claim that the Platform represents the views and demands of women world wide.

By adopting the PfA governments have assumed the responsibility for its implementation at the national level. The GA endorsed the Beijing Declaration and the PfA, and established a three-tiered intergovernmental mechanism, consisting of the Assembly, ECOSOC and the CSW to play the primary role in overall policy-making and follow-up, and in coordinating the implementation and monitoring of the PfA. In this regard, the CSW has reviewed each of the 12 critical areas of concern, making recommendations on concrete measures and effective instruments of public policy and planning to accelerate the implementation of the Platform.²²

In the year 2000, in order to review and assess the progress in the implementation of the PfA, the General Assembly held a special session entitled, "Women 2000: gender equality, development and peace for the 21st century". At the special session, an outcome document, outlining further action and initiatives for the full implementation of the PfA, was adopted. Review of the national reports²³ showed that there had been profound changes in the status and role of women in the years since the start of the UN Decade for Women in 1976, some more markedly since the FWCW. Women entered the labour force in unprecedented numbers, increasing the potential for their ability to participate in economic decision making at various levels, starting with the household. Women, individually and collectively, have been major actors in the rise of civil society throughout the world, stimulating pressure for increased awareness of the gender equality dimensions of all issues, and demanding a role in national and global decision making processes. Thus, the role of non-governmental organisations, especially women's organisations, in putting the concerns of women and gender equality on the national and international agenda was acknowledged by many governments.

Despite much progress, responses from governments indicated that much more work needed to be done with regard to achieving the Beijing goals. Two major areas, violence against women and poverty, stood out as major obstacles to gender

²²From *Beijing to Beijing + 5*, 2001, pp. 5-6.

²³154 governments responded to a questionnaire on the implementation of the PfA. The analysis of the national reports is contained in the book *From Beijing to Beijing + 5*.

equality in the world. Globalisation had added new dimensions to both areas, creating new challenges for the implementation of the Platform, such as trafficking in women and girls; the changing nature of armed conflict; non-state actors in the forefront claiming the right to determine identity politics on the basis of culture, tradition, religion and ethnicity; widening gap between, nations, classes and the sexes; rising racism, xenophobia and exclusionary politics; and the detachment of macroeconomic policy from social protection concerns, among others.

Overall, the analysis of the national reports revealed that there had been no major breakthrough with regard to equal sharing of decision making in political structures at national and international levels. In most countries, women remain under-represented in politics. Even in countries where a "critical mass" in decision-making positions within the public sector has been achieved, there are few women on boards of directors of major business corporations, indicating that there is need for careful monitoring of progress to ensure that new strategies can be put in place in order to effectively respond to the emergence of new areas of exclusion.

The special session was very contentious, both in terms of lengthy negotiations that ran into the night as well as the threats posed by a well organised right wing coalition, consisting of people from diverse cultures, religions and geographies who had been mobilising to obstruct the success achieved at Beijing. This backlash, no doubt, signalled the growing trends of political and cultural fragmentation resulting from the disparities and new polarisation unleashed by globalisation and the emergence of fundamentalism.²⁴ Sure enough, five years later, at Beijing +10, the voice of opposition had made its way into some of the most effective official delegations. Although Beijing + 10 did not involve a negotiated document, the adoption of the short political declaration that reiterated the commitment to the Platform and the outcome of the special session, proved to be a trying process. It was clear that 30 years after Mexico City and 10 year after Beijing, the transgression on women's rights, particularly with regard to reproductive and sexual rights and violence against women, had gained new dimensions, thus posing new challenges for women and the UN in the struggle for gender equality.

While these developments reveal that, consensus among Member States on critical issues concerning women's rights is becoming increasingly difficult, there are ample reasons to believe that the women's rights agenda remains intact. In the

²⁴ For the first time in its history, at its 47th session, the CSW failed to reach a consensus on the draft agreed conclusions on women's rights and the elimination of all forms of violence against women and girls. Similarly, the same year, the GA had to abandon an omnibus resolution on violence against women, replacing it with a narrower text on domestic violence against women (resolution 58/147).

year 2000, the Security Council addressed the issue of women, peace and security and adopted SC resolution 1325. The same year, the Optional Protocol of the CEDAW came into force. In 2002, the GA adopted resolution 57/179 on "Working towards the elimination of crimes against women committed in the name of honour". In 2003, the Commission on Human Rights renewed the mandate of the Special Rapporteur on violence against women, its causes and consequences.

Furthermore, aside from the Fourth World Conference on Women in Beijing, the other UN Conferences of the 1990s - the United Nations Conference on Environment and Development (1992 Rio de Janeiro); the World Conference on Human Rights (1993 Vienna); the International Conference on Population and Development (1994 Cairo); the World Summit for Social Development (1995 Copenhagen); the United Nations Conference on Human Settlements-Habitat II (1996 Istanbul); and the World Food Summit (1997 Rome) – and their subsequent reviews have placed gender issues on their respective agendas. "All told, the conferences and summits of the 1990s and their five-year reviews were crucial in raising gender awareness in the world. As they had the cumulative effect of placing gender at the centre of international discourse on policy-making relating to environment, population, human rights, food security and social development."²⁵

To further strengthen the above mentioned initiatives for the advancement of women, the ECOSOC agreed conclusions 1997/2 on mainstreaming a gender perspective into all policies and programmes of the United Nations system was adopted. The idea was established in the Platform as a major strategy to change policies and institutions to ensure that gender equality is actively promoted and supported. It is commonly acknowledged that once gender equality is recognised as a strategic objective, gender equality goals influence broad economic and social policies and the programmes that deliver major resources. Efforts to achieve gender equality are thus brought into mainstream decision-making criteria and processes and are pursued from the centre rather than the margins. To be part of the mainstream means having equitable access to society's resources, including socially valued goods, opportunities and rewards. It also implies equal participation in influencing what is valued, in shaping development directions and choices, and in distributing opportunities. However, the gender mainstreaming strategy has so far suffered from essentialist notions of gender confining the process to merely recognising, valuing and considering women's difference from men without necessarily questioning why those differences exist.²⁶ Clearly, there is need to re-visit some of the conceptual tools in the light of lessons learned within praxis.

²⁵ *The 1999 World Survey on the Role of Women in Development*, p. xii.

²⁶ Ertürk, Yakim, "Considering The Role of Men in Gender Agenda Setting", p.6.

Normative framework

Since the adoption of the UN Charter, codification and development of mechanisms for the implementation of international law has been central to the work of the UN. Starting with the 1948 Universal Declaration of Human Rights, a comprehensive array of legal instruments and mechanisms has emerged. Reference has already been made to some of those instruments which affect women's lives directly.

During the 1960s it became clear that formal equality for women was only a partial solution. There was need for a strategy that would address the historically rooted factors that underline gender-based discrimination and that constantly reproduce gender inequality under diverse circumstances. It is interesting to note that the International Bill of Human Rights lays down a comprehensive set of rights to which all persons, including women, are entitled. However, the international community still considered it necessary to have a separate legal instrument for women. Additional means for protecting the human rights of women were seen as necessary because the mere fact of women's "humanity" had not been enough to guarantee them the protection of their rights. With this realisation in 1979, after a seven year preparatory period, a specific treaty on women's rights - the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) - was adopted by the GA.²⁷

As explained in the preamble to the Convention, despite the existence of other instruments, women still do not have equal rights with men. The Convention, also known as the Bill of Rights of Women, is a landmark multilateral treaty which moves beyond guarantees of equality and equal protection before the law in existing legal instruments and sets out in legally binding form, internationally accepted principles on the rights of women, which are applicable to all women regardless of status, marital or otherwise, in all fields of political, economic, social and cultural life. It allows for temporary special measures of affirmative action and binds State parties to seek to modify stereotypical values and attitudes regarding female and male roles and identities.²⁸ The basic legal norm of the Convention is the prohibition of all forms of discrimination against women. This norm cannot be

²⁷CEDAW was preceded by the 1967 Declaration on the Elimination of Discrimination against Women. Although the Declaration was a non-binding instrument, it was an important step in securing the legal foundation of women's equality. It brought together in a single document a concise listing of the areas in which equality of men and women had to be asserted as a matter of law and practice, thus paving the way for the Convention.

²⁸Despite the considerably broad definition of discrimination in the Convention, it has been argued that it is based on a limited approach where the measure of equality in Article 1 is still a male one. See, for example; Charlesworth, Hilary, "What are Women's International Human Rights?", in R. Cook (Ed), *Human Rights of Women* (1994) Philadelphia: University of Pennsylvania Press, pp.58-84.

satisfied merely by the enactment of gender-neutral laws. In addition to demanding that women be accorded equal rights with men, the Convention goes further by prescribing the measures to be taken to ensure that women everywhere are able to enjoy the rights to which they are entitled. The Committee on the Elimination of Discrimination against Women was established under article 17 of the Convention. The Committee is composed of 24 independent experts entrusted with the task of overseeing the implementation of the Convention by States parties.²⁹

Discrimination against women continues to exist in every society. However, the Convention provides women with an international platform to address violations of their rights. As Cook puts it, "The greatest accomplishment of the UN system regarding human rights law relating to women has been to define discrimination against women, to identify normative standards for the elimination of discrimination against women that states parties to the Women's Convention must pursue in both the public and private sectors of their national life, and to mechanisms by which discriminatory practices may be identified and remedied."³⁰

Unlike earlier treaties, such as the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, which refer to discrimination or distinction on the basis of sex, Article 1 of the CEDAW articulates the concern with discrimination against women comprehensively. Discriminatory practices are defined to include any differentiation, whether by way of distinction, exclusion or restriction, on the basis of sex, which aims or has the effect of preventing or hampering the enjoyment by women, whether married or unmarried, of their human rights to the same extent as men. Article 1 makes clear that the Convention aims to eliminate all forms of discrimination in public and private spheres, which include the political, economic, social and civil fields. In light of the fact that discrimination against women is perhaps most entrenched in the private spheres, it also emphasises discrimination in "any other field" within its reach, thereby encompassing private or domestic differentiation.

The problem of discrimination against women in the private sphere, including discrimination in the area of family law, is addressed in Article 16. Many of the acts of discrimination occurring against women take place in their own homes by their husbands, their families and their communities, including violence against women, which the Convention does not explicitly address. However, with the

²⁹ Under the terms of the Convention states parties are obligated to submit a report to the Committee for its review and recommendations once every four years.

³⁰ Cook, Rebecca, "Women", in C. C. Joyner (Ed), *UN and International Law* (1997) Cambridge: Cambridge University Press, p.186.

growing concern over violence against women among women's organisations and the momentum built around the issue in the preparations for the Vienna Human Rights Conference, in 1992 the Committee adopted General Recommendation 19, which clarifies that gender-based violence is a form of discrimination that seriously impairs or nullifies the enjoyment by women of their rights and freedoms.

Optional Protocol

During the drafting of the Convention, there was little discussion of whether the treaty should provide a procedure under which individuals or groups could lodge complaints with the Committee alleging violations by a State party. Such a possibility (similar to the Optional Protocols to the International Covenant on Civil and Political Rights) was recommended in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993. As part of the follow-up to that Conference, the CSW studied the draft Optional Protocol at its sessions in 1997 and 1998 and adopted it by consensus in 1999. The Optional Protocol was adopted by the GA later that year.

The CEDAW Optional Protocol contains a communications procedure allowing individual women or groups, after exhausting domestic remedies, to submit a complaint to the Committee about violations of the Convention by their governments; and enables the Committee to conduct inquiries into serious or systematic abuses of women's human rights in countries that have become party to the Protocol. In addition to improving on and adding to the existing enforcement mechanisms for women's rights, the Protocol is important as a tool for improving States' and individuals' understanding of the obligations imposed by the Convention; as a stimulus for States to implement the Convention and to ensure change in discriminatory laws and practices; and as a tool for creating greater public awareness of human rights standards relating to discrimination against women. As of June 2005, there were 180 States party to the convention and 76 to its Protocol.

Declaration on the Elimination of Violence against Women

Another step forward in setting standards for women's rights is represented by the 1993 Declaration on the Elimination of Violence against Women, which is the most explicit statement of international norms related to violence against women. The issue of violence against women, considered as a private matter, was largely marginal to the early work of the UN. The First World Conference on Women in 1975, although it did not refer to violence as such, laid

the groundwork for focusing on factors that inhibit or obstruct the advancement of women. As mentioned above, the issue of violence was not be addressed in the drafting of CEDAW either. It was, however, addressed at the Nairobi Conference in 1985 as a major concern and governments were called upon to take urgent action to prevent violence. While, during this period, it was acknowledged that violence against women exists in various forms in everyday life, the main focus was on domestic violence. With the persistent efforts of the women's movement to put new strategies in place before the end of the decade, all forms of violence against women became challenged at the cognitive, normative and policy levels, resulting in greater sensitivity and awareness. In 1991, the CSW recommended the convening of an expert meeting to determine what international instruments are needed in confronting the problem. The following year, the CEDAW General Recommendation 19 strongly linked violence with the general framework of discrimination against women and made states responsible for reporting on and taking measures to eradicate violence.

The Committee's emphasis on violence as an outcome of women's inequality and subordination was further reinforced by the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted at the World Conference on Human Rights in Vienna in 1993, which described women's rights as human rights. The impact of the Vienna conference within and outside the UN was astounding; within six months of the Conference, the GA adopted the Declaration on the Elimination of Violence against Women (48/104), which was followed by the creation of the first gender-specific human rights mechanism, the Special Rapporteur on violence against women, its causes and consequences, by CHR in 1994 (1994/45).³¹ These developments led to an exponential growth in the engagement of mainstream human rights activists in violence against women and stimulated action to eliminate violence at national and international levels.³²

The Declaration provides the normative framework for all international and national action in the field of violence against women. The preamble recognises the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings. It also recognises that violence against women constitutes a violation of the rights and

³¹The mandate of the Special Rapporteur was assigned to Ms. Rhadika Coomaraswamy of Sri Lanka who served until July 2003, after which Yakın Ertürk was appointed to the post for a three year term. Information on the mandate and reports of the rapporteurs can be accessed from: www.ohchr.org.

³²In this regard, the rapporteur mandate is particularly effective since it can receive complains from individuals or groups from all member states –irrespective of treaty ratification status. This enables the rapporteur to make appeals to the government concerned to take the necessary action in addressing the case. The communications between the rapporteur and the governments are compiled in a report and submitted to the CHR annually. The report then serves as an advocacy tool for non-governmental organisations and other actors in following up on the incidents of violence against women in different countries.

fundamental freedoms of women and that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men. The Declaration represents a significant contribution to the international gender agenda in a number of ways: (i) it provides the first official definition of violence against women (Article 1 & 2); (ii) it affirms that women are entitled to equal enjoyment and protection of human rights (Article 3); and (iii) it calls upon states to condemn violence against women, to not permit custom, tradition or religion to justify violent acts and to exercise due diligence to prevent, investigate and punish acts of violence against women (Article 4).

The term 'violence against women' as defined in the Declaration, was integrated into the Beijing Platform for Action as: "...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 in private life." The Platform, by including violence against women, along with women and armed conflict and human rights of women, among its 12 critical areas of concern placed a priority to the need to respond to violence related issues in achieving advancement of women. Within the context of the PfA, various forms of sexual assault on women that were not specifically mentioned in the Declaration became specified. These include; systematic rape and forced pregnancy during armed conflict, sexual slavery, forced sterilisation and forced abortion, female infanticide and prenatal sex selection. The 2000 special session of the GA on the review of the implementation of the PfA clearly demonstrated that violence against women had become a priority issue on the agenda of the Member States and significant steps have been taken to address the problem, in some cases, pre-dating the adoption of the Platform.³³ The Rome Statute of the International Criminal Court (ICC) includes rape, sexual slavery, enforced prostitution, forced pregnancy in the definition of crimes against humanity and war crimes. The fact that violence is viewed as a violation of human rights compels states to engage in international law in dealing with issues of violence, which otherwise would not have been possible.

Conclusion

The foregoing aimed to provide an overview of the emergence of the UN regime for the promotion and protection of women's rights and equality world

³³The above discussion on violence against women is based on the author's earlier work, "Violence in the Name of Honour Within the Context of International Regimes." In Mojab, S. and N.Abdo (Eds.), *Violence In the Name of Honour: Theoretical and Political Challenges*. Istanbul: Bilgi University Press (2004) 166.

wide. The UN gender agenda, with its policy and normative framework, represents the highest level of international consensus with regard to commitments made by governments in response to the needs and demands of women from local to global levels.

What has made the UN experience, in the area of advancement of women, a viable project has been the close collaboration among governments, women's organisations, academia and other actors. Such a coalition in multilateral dialogue enabled the UN to serve as a forum for building and expanding the boundaries of a common agenda for equality between women and men despite the multiple forms of persisting disparities and conflicts that continue to divide the world today. This collective initiative has contributed to systematically uncovering the Western/male-centered universalism, whereby disclosing the oppressive nature of dualistic categorisations that had been used to naturalise and legitimise gender inequality.³⁴

As women's human rights advocates learn from past experience and encounter emerging issues, the UN agenda will continue to evolve into new discursive frameworks to better respond to the challenges. One area of concern that needs to be addressed is the need to integrate a political economy perspective into the current understanding of human rights. Without adequately addressing the material basis of relations and their corresponding power dynamics human rights may have little to offer to the vast numbers of women across the globe that still lack access to basic needs such as clean water and sustainable sources of livelihood. In the past two decades, cultural analysis within a multicultural framework dominated efforts to deal with 'difference'. As a result, culture and religion were singled out as obstacles to the universal principles of human rights without due attention being paid to questioning the power dynamics underlying these assertions.

At the more institutional level, the UN gender agenda, like other areas of UN work, *often suffers from lack of coordination particularly between the policy and normative frameworks*. While, the fact that the Women's Convention is serviced in New York by DAW,³⁵ as opposed to Geneva like other treaty bodies, has allowed for some degree of scrutiny between the two, the gap in the work of CSW and CHR remains. The line of communication between the Special Rapporteur on violence against women, who reports to the CHR, and the CEDAW and CSW is weak, with no institutionalised means to ensure feedback among them. Innovative

³⁴Ertürk, Y., "Considering the Role of Men in Gender Agenda Setting", p. 18.

³⁵The location of CEDAW has been a controversial issue within the UN system. Proposals for its relocation in Geneva were often opposed by NY based women's organisations as well as by many of the Committee members. The issue is currently on the agenda again within the context of the UN reform.

methods need to be employed to overcome these and other institutional weaknesses. Some of these concerns are already on the agenda of the UN reform process.

Despite the existing gaps and concerns, international human rights standards are no doubt more or less in place. Their domestic application will necessarily vary according to how they are mediated through internal processes of the country concerned. While according to international law, states are responsible for ensuring the implementation of these norms at the national level, without a rights-driven civil society to demand state accountability for compliance with international commitments, the goal of gender justice is at risk of being delayed or totally sacrificed in the name of other pressing priorities. The trends in the global political economy of the world, particularly since 9/11, are particularly alarming in this regard. Conservative political trends and the response to global terror tend towards policies and measures that restrict civil liberties and encroach upon the universality of basic human rights for women and men. Such trends pose new challenges for the UN gender agenda. The international community stands to gain in strengthening the capacity of the UN to effectively encounter a world where the rule of law is at risk of going astray. The UN is the only platform for multilateral dialogue where negotiations among women, governments and other actors can move the gender agenda forward.