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FIVE YEARS AFTER BEIJING: A REPORT CARD ON WOMEN'S HUMAN RIGHTS

The panel was convened at 10:45 a.m., Saturday, April 8, by its Chair, Athena D. Mutua, State University of New York at Buffalo Law School, who introduced the panelists: Kerry Rittich, University of Toronto Law School; Celestine Nyamu, Harvard Law School; Jennifer M. Green, Center for Constitutional Rights; and Penelope Andrews, City University of New York School of Law at Queens.

OPENING REMARKS BY ATHENA D. MUTUA*

As many organizations assess the progress made since the adoption of the Beijing Platform for Action,¹ it seems clear that the major success has been that governments, organizations and groups, as well as many national populations, have become more *aware* of women's human rights and the necessity of women's advancement.² Further, the Platform and activity surrounding it have provided governments and other organizations with strategies to improve women's lives. This success has been achieved in part through the activities of nongovernmental organizations (NGOs) focused on women's advancement. The growth of these NGOs is another significant achievement of the Beijing conferences.

Five years ago 30,000 people, mostly women, gathered in Beijing to share hardships, problems, information, stories and strategies for empowering women. These experiences were shared primarily through the NGO conference: "The NGO Forum on Women: Look at the World through Women's Eyes." A much smaller portion of these women and men attended the governmental conference—the UN Fourth World Conference on Women—as representatives of NGOs or as government representatives. Their job was to hammer out a Platform for Action. The final Beijing Platform highlights twelve areas of concern, including women and poverty, education and training for women, women and health, violence against women, women and the economy, human rights and the girl child. The Platform then enumerates strategic objectives and actions to be undertaken by governments, international organizations and institutions, and civil organizations to ensure the equality, development, and peace necessary to the full development of women and their communities.

Although the Beijing conferences were glorious, pathbreaking events, they received little media coverage, particularly in the United States. The forces that believed there was little emerging from the conferences to warrant serious media attention are part and parcel of the continuing obstacles that hinder measures to advance the status of women. These belief systems which restrict the lives of women are embedded in systems, institutions, structures, and processes constituting the way we live. Specifically, UN Secretary-General Kofi Annan, in his appraisal of the implementation of the Beijing Platform, lists six obstacles to its implementation: (1) conflict and human development; (2) economic change and instability; (3) discriminatory practices; (4) attitudes, beliefs and stereotypes; (5) the absence of targets, data and monitoring mechanisms; and (6) resource shortages. Some of the emerging obstacles to women's advancement include globalization,

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¹ *Report on the Fourth World Conference on Women*, UN Doc. A/Conf.177/20.

² See, generally, UN Commission on the Status of Women, Report of the Secretary-General, *Review and Appraisal of the Implementation of the Beijing Platform for Action*, E/CN.6/2000/PC/2; UN Commission on the Status of Women, Report of the Secretary General, *Emerging Issues Containing Additional Material for Further Actions and Initiatives for the Preparation of the outlook Beyond the Year 2000*, E/CN.6/2000/PC/4 (Feb. 7, 2000); UNIFEM, *Progress of the World's Women*, (June 2000); WomenWatch, *Summary of the WomenWatch Online Working Groups on the 12 Critical Areas of Concern*, E/CN.6/2000/PC/CRP.1, obtainable from <<http://www.un.org/womenwatch/forum/index/html>>; Equality Now, *Words and Deed* <http://www.equalitynow.org/action_eng_16_1.html>.

The Secretary-General also reports that *in terms of certain statistical benchmarks such as fertility rates, infant and maternal mortality rates, immunization rates, women's literacy and school enrollment "progress is uneven."* Further, the United Nations Development Fund for Women (UNIFEM) using the UN Common Assessment Indicator Framework, which includes indicators on gender equality and women's empowerment, notes that only six countries have met goals that indicate progress toward women's equality.

Nevertheless, there has been some progress since Beijing. For instance, at the international level, 165 states have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Optional Protocol which opened for signature in December 1999 provides procedures allowing individuals and groups to complain to the CEDAW Committee about violations of the convention. At the national level, governments are starting to mainstream a gender equality approach, policy makers are recognizing the need for a "sustainable human development approach" that takes into account the needs of both women and men, microfinancing has emerged as a strategy for economic empowerment, and more attention has gone to the needs of women-headed households. But ultimately, the most significant accomplishments have been the growing awareness of, and the increasingly expressive articulation of, the goals of equality and empowerment.

ISSUES OF WOMEN'S POVERTY, ECONOMIC JUSTICE AND DEVELOPMENT SINCE BEIJING

*by Kerry Rittich**

At Beijing, strenuous efforts were made to persuade both women's groups and member states to adopt human rights as the language of the Platform as a whole.¹ The claim that human rights discourse and practice provide the integrated framework within which the objectives of the Platform are defined is now echoed in the reports of the Secretary-General to the Beijing +5 Conference.²

Yet the paradox of Beijing is that, despite the stress on the indivisibility of rights on the part of the international women's rights movement, human rights continue to be associated with a limited number of substantive issues, such as violence against women and reproductive rights. Issues of poverty, economic justice, and development remain largely seen as separate matters. This separation is reflected in the Platform itself, which places issues such as labor market insecurity, unpaid work, the structure of international development programs and the transformation in the regulatory and distributive powers of the state outside the ambit of human rights.

Apart from the conflict with normative commitments, there are conceptual, strategic, and political reasons for resisting the traditional division between human rights and development. For instance, advancing only some issues as matters of human rights may have the effect of demoting or displacing issues of enormous importance to vast numbers of women. No justification can be found at the conceptual level for doing so. Legal rights and institutions structure economic opportunity and deprivation just as they structure women's control over reproduction and exposure to violence.

Some of the key issues flagged in Beijing, namely, unpaid work and the distributive effects of the development policies of the international financial institutions, now appear on the agendas of mainstream labor, trade, and development agencies. Yet how groups of women ultimately fare depends in part on whether the disempowerment of workers and the transformation of work are recognized as strongly linked, gendered phenomena, and whether there

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¹ Charlotte Bunch et al., *Making the Global Local: International Networking for Women's Human Rights, in WOMEN AND INTERNATIONAL HUMAN RIGHTS LAW* (Kelly D. Askin & Dorean M. Koenig eds., vol. 1, 1999).

² UN Commission on the Status of Women, Report of the Secretary-General, *Emerging Issues Containing Additional Material for Further Actions and Initiatives for the Preparation of the Outlook beyond the Year 2000*, E/CN-6-2000-PC/4 (Feb. 7, 2000).