

## Appendix A

# Advocate for Women's Rights Using International Law

The United Nations (UN) brings together almost every government in the world to discuss issues, resolve conflicts, and make treaties affecting the well-being of all people. **The Universal Declaration of Human Rights**, adopted by the UN in 1948, states that "all human beings are born free and equal in dignity and rights." Article 25 declares that all people have the right to health care and necessary social services. The UN has made other agreements that specifically focus on and expand what is included in women's rights. These agreements are sometimes called conventions, treaties, covenants, instruments, or accords, and they all do the same thing: define the rights that every woman has according to international law.

### **Malala Yousafzai inspires UN members to promote educational rights**

At age 11, Malala became an education activist when she brought attention to the plight of girls in northwest Pakistan. When girls were banned from attending school in her region, she began writing blog entries detailing the discrimination she and other young women were facing. After being attacked and shot for her efforts, public outrage fueled a UN-led international campaign demanding recognition of the right of all children to attend school, guaranteed in Article 26 of the Universal Declaration of Human Rights. After her recovery, she continued her advocacy and in 2014 Malala became the youngest person ever awarded the Nobel Peace Prize.



*It does not matter what color your skin is, what language you speak, what religion you believe in, we should all consider each other human beings. We should respect each other, and we should all fight for our rights, for the rights of children, for the rights of women, and for the rights of every human being.*

# International human rights agreements

International law upholds the equality of women and men. This includes the right of women and girls to voluntarily choose whether or not to marry or have children, and the right to quality reproductive health care that gives them control over their own bodies. When women and girls are denied these rights, they may be able to use international agreements to draw attention to their struggle, strengthen arguments in a court of law, and pressure their government. Education about women's rights guaranteed by international law can support and inspire local and national campaigns to protect women's rights.

These are the most significant international accords on women's rights that recognize the link between reproductive health and human rights:

**The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, adopted in 1979, requires national governments to take "all appropriate measures, including legislation" to guarantee that women "exercise human rights and fundamental freedoms on a basis of equality with men." Article 12 states that governments must guarantee women equal access to health care services and family planning, as well as adequate nutrition and health care during and after pregnancy and birth. For more information on how to use CEDAW, see page 302.

**The Vienna Declaration and Programme of Action**, adopted in 1993, urges "the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices, and religious extremism."

**The Declaration on the Elimination of Violence against Women**, adopted in 1993, defines violence against women 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 ICPD Programme of Action**, adopted in 1994, redefined women's health goals to include universal access to reproductive health services and family planning, education for all women and girls, and prevention of unnecessary deaths of women and children.

**The Beijing Platform for Action**, adopted in 1995 at the Fourth World Conference on Women, focused on the many family, social, and political issues that prevent women from full participation in their communities. It calls for an end to violence against women, equality between boy and girl children, equal access to education and health care, shared family responsibilities, and freedom of reproductive choice and expression.

## Using CEDAW



Women's groups and human rights organizations often work together to hold governments accountable to CEDAW by submitting Shadow Reports, or by submitting complaints under the Optional Protocol, or by contacting the Special Rapporteur on Violence against Women.

### Shadow Reports

Governments that have signed CEDAW (see page 301) must present Periodic Reports to a UN committee about women's rights in their country. Often, these reports are inadequate, saying, "Yes, there are problems, but things are getting better." Non-governmental organizations can submit alternative reports, called Shadow Reports, documenting abuses. These Shadow Reports are often the only way the CEDAW committee can acknowledge that women's rights are being violated. Publicizing the reports can help bring international attention to the problem.

### Optional Protocol

The CEDAW Optional Protocol, adopted in 2000, provides 2 ways for women to pressure governments. The Individual Complaint Mechanism allows a woman, or a group of women, to submit a "complaint of abuse" after trying without success to obtain justice using their country's legal system. The Inquiry Mechanism lets the CEDAW Committee investigate "grave and systematic violations of women's rights."

### Special Rapporteur on Violence against Women

The Special Rapporteur is the person responsible for investigating the situation of violence against women in a country. The Special Rapporteur can be contacted with a letter, along with news reports, documents, or other written evidence of the problem. The Rapporteur will investigate and present a report to the UN with recommendations.

Sometimes a Rapporteur will visit the community that made the complaint, which can bring media attention and give credibility to your demands. If you think a visit would help your struggle for women's rights, all of your communications with the Rapporteur should include an urgent invitation to visit the site of the abuses.

The name of the current Special Rapporteur on violence against women, her mandates, and her contact information can be found here: [www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx](http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx)

To learn more about the Committee on the Elimination of Discrimination against Women, go to: [www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx](http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx)

## CEDAW protects women and children's rights in Nepal

The Forum for Women, Law and Development (FWLD) is an NGO in Nepal working “for the protection, promotion, and enjoyment of human rights.” FWLD strives to eliminate all forms of discrimination using “law as an instrument to ensure the rights of women, children, minorities, and all other marginalized groups.” FWLD also provides legal aid to victims of discrimination.

FWLD files Shadow Reports with CEDAW. The FWLD first created a “shadow reporting coalition” of 45 local women’s groups by advertising in local newspapers. This coalition identified key issues affecting the human rights of girls, women, and elders, and prepared their first Shadow Report. Representatives from the coalition participated in the CEDAW Committee’s review sessions. After the Committee issued its report, women’s rights groups used it to campaign for the repeal of many discriminatory laws and the adoption of new, protective laws. For example, The Nepalese Citizenship Act (2006) granted all children the right to citizenship through their mothers. In addition, The Gender Equality Act (2006) gave married women the right to keep inherited property and to use property without the consent of male relatives. This Act also expanded divorce rights and criminalized domestic and sexual violence, including marital rape.



These international human rights agreements can be used to support a broad range of international and domestic campaigns. They can be used to support the creation of better medical systems, as the woman of Vilcas did (see page 39) in Peru; to build international coalitions to speak out against violence against women, as the men of the White Ribbon campaign did in Canada (see page 161); or to promote the passage of new national laws, as groups in Africa have been doing to end child marriage in Malawi (page 72) and protect widows’ rights in Kenya (see page 71).

## Regional Agreements

Regional organizations of national governments have also adopted agreements about women's human rights. In some cases, it might be easier for you to bring complaints to the bodies that monitor these regional agreements in your region than to the UN.

**The Belém do Pará Convention** (the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women) was adopted by the Organization of American States (OAS) in 1994 to establish legal procedures aimed at eliminating violence against women's "physical, sexual, and psychological integrity, in both the public and private spheres."

**The Protocol to the African Charter of Human and Peoples' Rights on the Rights of Women in Africa** was adopted by the African Union (AU) in 2003. It includes protections for elderly women, women with disabilities, and women living with HIV, and upholds the right to health, including sexual and reproductive health.

**The Istanbul Convention** (the Convention on Preventing and Combating Violence Against Women and Domestic Violence) was adopted by the Council of Europe in 2011. It declares that national governments are obligated to prevent and address violence against women in all its forms, and calls for the prosecution of perpetrators.

In the Asia Pacific region, an organization called International Women's Rights Action Watch (IWRAP) helps monitor human rights. For more information, visit [www.iwraw-ap.org](http://www.iwraw-ap.org)

International agreements give women's groups important tools to fight for women's rights and equality. But governments are often unresponsive and resistant to change, and the CEDAW Committees do not have enforcement powers. Trying to use these agreements to hold governments accountable can be a slow, frustrating process. But combined with local actions and campaigns, it can be a rewarding part of organizing women's health movements.



One Billion Rising for Justice (see page 176) is an example of an international campaign that has mobilized support for women's rights around the world.