



Silence Breaking: The Women's Dimension of the Human Rights Box

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HUMAN RIGHTS INITIATIVE

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INTRODUCTION

Around the world, women and girls face constant threats of violence—sometimes socially sanctioned—in the form of bride kidnapping, forced prostitution, rape as a weapon of war, and wife beating. They disproportionately suffer the negative effects of globalization and struggle to feed their families. Under local law, they are frequently barred from accessing their rights to be educated, to vote, or to hold office. The international human rights movement believes it can improve the lives of women, but is it in fact responding to their needs? As the movement gains greater notice on the international stage, has it managed to attract the attention of women and girls around the world? As the Beijing +5 meeting takes place at the United Nations this June to assess progress on women's human rights since the 1995 UN World Conference on Women in Beijing, this issue of *Human Rights Dialogue* devotes itself to the topic of women's human rights.

Lack of resources, lack of political will, and entrenched systems of patriarchy challenge the human rights movement's ability to protect the rights of women. At the local level, most women are not even aware of their rights and, when they are, they often don't place great stock in what human rights can do to help them. To many women, human rights, not to mention women's human rights, are foreign to their culture and challenge deeply held notions of individual and community identity. Moreover, women are frequently too preoccupied with the daily struggle for survival to invest much hope in abstract ideals or identify with a distant movement that doesn't seem to represent their concerns.

Perhaps more than any other set of rights, women's human rights are profoundly hindered by the "human rights box"—the ongoing theme of this series of *Human Rights Dialogue*. The "box" is a set of historical and structural circumstances that allow the human rights framework to gain currency among elites while limiting advances, even creating setbacks, for the awareness and acceptance of human rights among the general population. Traditionally, the international human rights community has privileged men's civil and political rights, protecting their rights to privacy in personal and family life. Women have therefore been particularly vulnerable to human rights abuse in the private sphere, with respect to such issues as sexuality, marriage, reproduction, inheritance, and the custody of children.

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HUMAN RIGHTS DIALOGUE, a quarterly Carnegie Council publication, challenges prevailing paradigms and grapples with fundamental human rights dilemmas. *Dialogue* provides an international forum for an active and evolving debate about how to make the human rights regime more responsive to the vital human needs of all societies.

Introduction

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Moreover, discrimination on the basis of sex is frequently justified as being in accordance with culture and religion. Because the abuse of women's human rights is often kept silent, the promotion of those rights is particularly challenging.

To break this silence, many activists are seeking to place women's issues within the human rights framework. But in order to change underlying societal norms and raise awareness of women's rights at the grassroots level, more context-specific approaches to human rights implementation are needed. To be accepted and legitimated locally, human rights ideals must be translated into particular social and cultural contexts.

Human Rights Dialogue asked community-based advocates from a variety of countries to write about their experiences implementing women's human rights at the local level. Their essays speak of silence breaking: how women's human rights are changing discriminatory norms when these rights reflect vital needs and complement existing belief structures. Lúcia Ribeiro demonstrates this in her account of the Basic Christian Communities in Brazil, from which women's awareness and empowerment have emerged organically. In contrast, Anna Pinto's experience of trying to implement women's human rights in the context of insurgency in Northeast India demonstrates the uphill battle that ensues when such concerns must contend with issues of greater local priority.

In many cases human rights concepts reflect women's needs but nonetheless face resistance because of prevailing stereotypes. Sandra Chapin has found that the human rights framework has limited power to challenge the U.S. welfare system because of negative preconceptions of poor mothers on state assistance, although she herself has been empowered by human rights as a welfare recipient and activist. Drawing upon interviews she

conducted with fellow sex worker rights advocates, Penelope Saunders shows how women in this vilified profession are benefiting from human rights concepts and speaking out about the abuse they face, despite the fact that sex worker rights continue to be highly controversial, particularly in international human rights forums.

But sometimes it is better not to use human rights language when addressing abuses, as Melron Nicol-Wilson from Sierra Leone and Nadia Wassef from Egypt argue with respect to female genital mutilation. Both make the case that human rights arguments are too much at odds with local realities and thus cannot change the deeply entrenched cultural norms that

perpetuate the practice. Another alternative to the human rights model is offered by Martha Nussbaum, a leading American political philosopher. The "capabilities approach," she argues, presents a clearer and less controversial means of implementing social justice for women than a human rights strategy alone.

We conclude this issue of *Dialogue* with an essay by Susan Bazilli, a global women's rights activist. On the eve of Beijing +5, she reflects on the connection between international work and effective social change at the local level and encourages the women's human rights movement to be self-critical at every level.

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Workplace Codes of Conduct

The forces of economic globalization are increasingly prompting concern for low-wage workers' rights in multinational enterprises around the world. Workplace codes of conduct have been a popular response to protect workers and assure consumers that their purchases are not connected to human rights abuses. However, critics charge that such codes superficially put "a human face" on exploitative capitalism or damage poor workers' chances to earn much-needed income. Particularly in recent debates surrounding "unfettered" world trade, the welfare of local workers is hotly contested, but little has been heard from them about their concerns. The fall issue of *Human Rights Dialogue* will explore whether the design and implementation of workplace codes of conduct actually reflect the human rights interests and priorities of those they are designed to protect, and how such codes impact workers' notions of human rights. Workers and activists will also suggest ways to meet local human rights needs in the global workplace.

To subscribe to *Human Rights Dialogue* free of charge, contact Deborah Carroll at 212-838-4120 or dcarroll@cceia.org.



Basic Christian Communities: Reaching Women in Brazil's Popular Sectors

BY LÚCIA RIBEIRO, *researcher, ISER/ASSESSORIA, Rio de Janeiro, Brazil**

"Nossos direitos vêm. Nossos direitos vêm. Se não vêm nossos direitos, o Brasil perde também."

"Our rights are coming. Our rights are coming. If our rights don't come, Brazil also will lose."

--A song women members of the Basic Christian Communities sing during celebrations

Brazilians first started to learn about human rights during the coup d'état of 1964 and the subsequent period of authoritarian rule that lasted until 1985. Groups such as Movimento pela Anistia (Amnesty Movement), Tortura Nunca Mais (Torture Never More), the Catholic church, and the Comissão Brasileira de Justiça e Paz (Brazilian Commission of Justice and Peace) employed the language of human rights in the fight against repression. Yet human rights remained largely the tool of a privileged minority until the social movements of the 1970s, which emphasized demands for popular participation and the right to equality. Primarily through these social movements, unions, and political parties, human rights ideas started to reach the "popular sectors," the poor. The Basic Christian Communities, or CEBs, have also been instrumental in this process.

Based in the Catholic church, CEBs are groups of 10 to 60 persons. They developed in the 1960s in response to ecclesial decentralization as well as the needs of poor people to gather together for religious practices and share their everyday problems. Since this was a period of military dictatorship, the church provided a rare forum for free speech.

Today, there are about 100,000 CEBs nationwide. In weekly meetings in a church, member's house, or other gathering place, members mostly partake in religious ceremonies and reflections based on the Bible, but they also discuss issues of social justice and learn about unions, political parties, and other social movements from fellow members. In a country marked by overwhelming social inequalities, CEBs help the poor discover that they are powerful agents of change. An awareness of their own human rights is fundamental to this process.

From their inception, CEBs embraced and spread human rights concepts grounded in theological notions: God is Mother and Father to all; thus the dignity of every human being must be recognized. CEB participants apply the language of human rights to their daily struggles for housing, education, health, transportation, work, and land property. As one woman participant once remarked to me: "Now that I understand human rights, I see that they are everything that I don't have."

But women's human rights were not discussed in the CEBs prior to the 1980s, despite the fact that the majority of CEB participants are women, in part

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Basic Christian Communities

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because other issues, such as the right to housing and health, took precedence in their daily lives. Another factor was the position of the Catholic church in Brazil in the 1970s: although quite progressive on social matters, it did not look favorably upon the women's movement. However, over time in the course of talking about their concerns, the female CEB members became

“Now that I
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aware of women's subordination. They began to see themselves as bearers of rights, and so they began to uncover the roots of their own oppression and rid themselves of the shame they felt as women. In the words of one participant, “To be a woman is marvelous, even with all the barriers and difficulties.” I have found that as the women become more aware and empowered, they defend with increasing resolve their rights not only as persons, but also as women.

Through their participation in CEBs—for many the only opportunity to associate with others outside of the home—women have started to demand their human rights as wives, mothers, workers, and members of the Catholic church. They question the exclusive attribution of tasks to them in the home, and some who work demand a salary and benefits equal to those of men. At the national meeting of the CEBs in 1992 in Santa Maria, a southern city in the state of Rio Grande do Sul, there was a call to build a church “where women should have equality of

rights and be respected in their feminine identity.” At other national meetings, women have actively participated in the closing celebration, approaching the altar, carrying religious symbols, and reading texts—all rituals normally performed by males.

I remember in particular a black woman whom I met at a CEB in Bahia who assumed the responsibility of proclaiming the Gospel in her community's celebrations, which at the time several years ago was highly unusual. Doing so prompted her to think in a whole new way about her position as a woman in both church and society: “When I was very young, I could not even think about reading something aloud in the church, much less read the Gospel. But today, I proclaim the Gospel!”

Such personal transformations are essential to empowering women to overcome the cultural conditions that limit their rights in society. But changing cultural norms is a long and difficult process. The hierarchy continues to resist women's equal participation in church life. Although laymen, priests, and even some bishops are increasingly supportive of women in theory, this does not necessarily translate into concrete changes in practice. In the workplace, women risk losing their jobs when they demand their rights. And in the home, not all men support their wives' participation in discussions of women's rights in the CEBs. Some men who themselves are CEB members support or tolerate it, but many more oppose or even forbid their wives to take part in such dialogues.

Patriarchy is often seen as a natural phenomenon by women as well as men, even if they are critical of it. As one woman explained at a CEB session: “Men can use their heads and make all sorts of efforts to change, but it is as if machismo and racism flow from the breast of women into their baby sons. What is inside of men is very strong and difficult to change.” Patriarchy still prevails within the CEBs themselves. Even though men

constitute just a minority of the CEB membership, they continue to hold most of the decision-making positions and have more representation in national meetings and seminars. Even the female CEB participants expect their daughters to help them with domestic tasks such as serving meals and washing their brothers' clothes.

Nonetheless, the CEBs provide an important space for discussion of patriarchy among women and men, as well as a host of other social justice concerns. Brazil's popular sectors are excluded and marginalized, and it is only through solidarity that they can ever hope to have their human rights respected. The CEBs have helped women to reflect upon their own understandings of themselves as well as to bond in common cause. And it is this collective dream of a better, fairer world that inspires these women to make human rights ideals a reality. ❖

The East Asian Challenge for Human Rights

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Women's Rights in the Context of Insurgency: A Report from Northeast India

BY L. ANNA PINTO, *Women's and Child Rights Unit, Centre for Organization, Research and Education, Imphal, India*

The Meitei inhabit the riverine valleys and wetlands of the lower Eastern Himalayas in India's Northeast, a remote and obscure place even to Indians. Like those of many other indigenous peoples of the region, the Meitei lands were divided by the British and turned over to the emerging states of India, Burma, and Bangladesh in the decolonization process in the mid-20th century, giving rise to ongoing, low-intensity armed conflict. Still today, peaceful and armed opposition groups are demanding independence or greater autonomy from the Indian government. India's Northeast is under a near-constant state of emergency, with tensions frequently erupting between local people and the Indian security forces.

Over a decade ago, I came to Imphal, the largest town in the Northeast Indian state of Manipur. I traveled over the barricade of hills that surround the city by a long and circuitous route. The local people were engaged in a highway blockade, which I later learned was a much-employed form of popular protest. The town was also experiencing one of its almost daily power outages, so only a scattering of oil lamps along the market stalls indicated that we had actually arrived at our destination. As we neared the home of my travel companion where we were to stay, he stopped to talk to some of the local Meitei women, who were hailing an army truck to hitch a ride home. "Aren't they afraid of getting home so late?" I asked, having learned about the security problems in the area from the Indian media. At that time I didn't speak the local language, so my companion obligingly translated my query. The women were highly amused and answered: "Afraid of the militants? My daughter, we are the proud mothers of these same militants!"

The women of Manipur are highly politicized. Meira Paibi is a women's association and one of the largest grassroots human rights movements in the region, comprising virtually the entire adult female population in every Meitei town and village. It is the watchdog of civil rights violations at the community level, initiating and engaging in campaigns against rights violations, such as arbitrary detention, cordon and search operations, and torture, committed by the security personnel of the federal government of India.

However, the Meitei women of Meira Paibi are little concerned with women's rights in and of themselves, and believe that they must "get general civil rights implemented first." This is perhaps the inevitable attitude of people in a situation of violent strife that has lasted for generations and where civil rights are routinely flouted. The tendency to dismiss women's rights is also likely due to the Meitei culture, which prides itself on the traditionally high status and prominent role of its women. Consequently, many women are reluctant to see themselves as objects of human rights violations particular to their gender.

But the Meitei women do suffer very much from rights abuses due to their gender, and they are not accorded adequate protection. Increasingly, Indian security personnel assault women for their support of opposition groups as a means of demoralizing and insulting the Meitei community at large. The results of a recent report by my organization, the Imphal-based Centre for Organization, Research and Education (CORE), suggest that incidences of violence against women, including rape, are increasing at alarming rates.

Moreover, while the community still arbitrates most disputes according to local customary law, which is more gender equitable, parties who stand to

benefit from them are increasingly accessing Indian laws that are strongly patriarchal regarding issues such as inheritance. In customary law, rape is an offense punishable by death and ostracization of the rapist's family, and judgment is passed by a local court of senior women who examine the victim. However, the way that modern Indian policies address rape is unnecessarily protracted and traumatizing for victims. Because of moral and social conditioning, local judges are often sympathetic to the "innocence" or "extenuating circumstances" of the perpetrator.

Since I started to work at CORE, my colleagues and I have been trying to give women's rights more prominence. We've educated the grassroots activists of Meira Paibi and other women's organizations on the gender aspects of civil rights by using relevant sections of the International Covenant on Civil and Political Rights (ICCPR) and the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW). This approach, tailored to local interest in civil rights, appears to have improved the public's understanding of gender discrimination to some degree.

However, we have been unable to create a general consciousness of women's rights as requiring any special attention. The Meitei women are ultimately more concerned with human rights abuses committed by the Indian government than they are with their rights as women. Consider these two contrasting incidents. In 1997, during a routine cordon and search operation, Indian Security Forces raped a woman, holding her husband at knifepoint outside the room while her seven-year-old son, bedridden with polio, witnessed the crime. For months, hundreds of thousands of Meira Paibi members, supported by human rights activists and

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The Hope of Human Rights in Combating Welfare “Reform”

BY SANDRA CHAPIN, *board member, Low Income Families Empowerment Through Education (LIFETIME), and B.A. candidate, Mills College, Oakland, USA*

Some county welfare administrators, and even welfare recipients I work with, roll their eyes when I mention anything about human rights violations. They think I am overdramatizing and simply do not understand the day-to-day problems faced by those on welfare. As a welfare recipient myself, I have found human rights language both empowering and effective.

I was wrongfully cut off from welfare six times in the past year alone, mainly as a result of “missing documentation.” My welfare benefits worker either intentionally or unintentionally lost my paperwork. She also told me she had a problem with my being in school and not at work. (I am a college student.) When I pointed out that I work part-time and that I have a right to a college education under California state welfare laws, she told me she did not like me telling her how to do her job. I have found that welfare employment and benefits workers often engage in such abusive behavior and deny support to legitimate recipients with children. I have the tools to address these injustices because I know my rights and have experience as an advocate. But what about other low-income mothers navigating the quagmire of “welfare deform,” as my associates and I call it?

Over the last two years, I have conducted research and worked with a grassroots advocacy organization, Low Income Families Empowerment Through Education (LIFETIME), to help empower other women like me who are striving to be good parents in the face of poverty. Clearly the label “human rights” is called for when these women are struggling just to survive at the very time that nearby Silicon Valley produces 34 millionaires a day!

The current federal welfare reform laws deny low-income women education in favor of work-first programs that lead to low-wage jobs with no

room for career advancement, little job security, and often no health benefits. Study after study has shown that higher education is the most effective means to help poor families become self-reliant. Yet across the nation, women with children are being pushed out of education and training programs that would significantly increase their earning potential and help them create a greater sense of life fulfillment. The number of low-income women forced to drop out of college because of the implementation of welfare reform varies from state to state, but it is estimated by the Washington, D.C.-based Center for Law and Social Policy to be between 42 and 82 percent. Without good education and training, women with children living in poverty will continue to suffer despite their best efforts to pull themselves out.

Early on in my advocacy work, I became aware of the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) and the Universal Declaration of Human Rights (UDHR) while cooperating with other community-based organizations involved in the rights of poor people. These documents have helped to guide the principles and goals of the work that I do. To understand welfare reform in human rights terms is empowering and opens up a new door to understanding the issues at hand. In fact, I am often overwhelmed by the extent to which the human rights framework, by placing the United States in an international context, lays bare the injustices inflicted upon those living in poverty in this country. I am appalled that the United States still has not ratified CEDAW. But if Congress ever did, the entire welfare reform system would have to be overhauled because, by denying access to education, health care, food, and jobs, it blatantly violates the human rights of low-income families.

I frequently employ international human rights concepts and language in my advocacy and education work, especially when people challenge my claims for social justice for welfare recipients. “Where is it written that the United States is obligated to help those in need?” they frequently ask, observing that this is not mentioned in the U.S. Constitution. I then refer them to the UDHR and explain that current U.S. policies are not only failing to meet many of the requirements of the Declaration, but are in fact making the situation worse and causing many American children to suffer.

Human rights arguments work best when appealing to legislators, who are more aware of such concepts. But the majority of Americans have not accepted the international human rights framework, so this approach has limited ability to successfully challenge current discriminatory welfare policies. For now, the most effective course of action is to work with low-income families and take advantage of opportunities for media exposure and public forums to counter harmful and discriminatory misperceptions.

Some welfare recipients have a hard time with the idea that they are victims of human rights abuse because they are not seeking an activist agenda. Many of the women I work with have little time in their lives to fight back after going to school full-time, working part-time, and being both mommy and daddy at home. Some women on welfare are also unwilling to participate politically because they fear further judgments from conservatives who promote wrongful stereotypes. Still others do not want to get involved because they are fed up with the system, tired of being beat up by unfair and spiteful welfare workers, and want nothing more than to forget they are, or ever were, on welfare.

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Fifteen Years after the World Charter for Prostitutes' Rights

BY PENELOPE SAUNDERS, *Rockefeller Research Fellow, Program for the Study of Sexuality, Gender, Health and Human Rights, Columbia School of Public Health, New York City, USA**

At least 15 years have passed since the sex worker rights movement linked its strategies for change to the human rights framework. In 1985 the International Committee for Prostitutes' Rights demanded that sex workers be guaranteed human rights, including freedom of speech, travel, immigration, work, marriage, motherhood, health, and housing. As part of this rights-based agenda, the sex worker rights movement aims to curb unethical and abusive behavior towards prostitutes. These abuses include harassment and extortion by police and other authorities; denial of fair treatment during arrest; imprisonment without due process; failure to investigate or prevent crimes committed against prostitutes such as rape, physical violence, or murder; and threats and reprisals toward sex workers' families.

At the local level, an active discourse on the rights-based approach has taken place through new sex worker organizations in both developed and developing countries, and the general principles of sex worker rights have been translated to suit local circumstances. Internationally, advocates have also elaborated a rights agenda through participation in world conferences and through new NGO alliances.

In order to evaluate these developments from the perspective of sex workers and explore how human rights have been employed by women who work in the sex industry, I interviewed key sex worker rights activists

about their involvement with the human rights framework. I also draw on my own ten-year experience as a sex worker rights advocate in Australia and the United States and my current role as a lobbyist and researcher in the field of human rights.

At the grassroots level, human rights have proved extremely useful for advocates seeking to reduce discrimination against sex workers. For example, the organization Workers in Sex Employment (WISE) in Australia utilizes the language of human rights to explain to migrant sex workers that they do not have to submit to "mandatory health tests" organized by brothel owners and that information regarding their health should be kept confidential. Migrant sex workers are often unaware that law in the Australian Capital Territory prohibits the use of health test results by business owners. This is a broader human rights issue for sex workers who in some countries have faced deportation, imprisonment without trial, and the denial of health care due to their actual or perceived HIV status. Sera Pinwill, the director of WISE, explains: "As sex workers, we are so often told that our jobs render us undeserving of protection under the law from exploitation, assault, privacy breaches, et cetera, that couching our rights in terms of human rights is a valuable tool. Once we sex workers feel that we are deserving of social justice, then we have a much better chance of convincing the rest of the world of that."

Sex workers in developing countries also see human rights as a crucial tool. Women who were evicted from the Tan Bazar brothel in Bangladesh recently won the right to return to their place of work using rights claims, solidarity with local NGOs, and the spotlight of the international arena to strengthen their cause. In 1999, when 3,500 sex workers were forcibly

removed from Tan Bazar, they and their families were forced to live in a shelter for vagrants where they faced sexual harassment, abuse, and extortion. In deciding the case, brought by 100 sex workers, the High Court concluded that the government had not had legal grounds to evict the brothel occupants because prostitution, when it forms the basis for women's livelihood, is not illegal. The Tan Bazar case is key because it illustrates that in organizing to protect the human rights of sex workers we should not limit our strategies to the perhaps more obvious realm of civil and political freedoms, but should also consider economic and social rights, including the right to work. As Carol Jenkins, an advocate who works with the sex workers in Bangladesh, stated: "No other approach but that of human rights [such as the rights of a citizen and the right to work] would have worked in Bangladesh. Because a coalition of over 60 human rights organizations put its strength behind the sex workers' cause, the High Court would hear the case."

It would be a mistake, however, to assume that the majority of sex workers have an in-depth appreciation of their rights or see utility in the human rights framework. Many sex workers simply never have thought about the social injustice they face in explicit human rights terms. In some places, the human rights framework is not viable. As one U.S.-based activist told me: "I think that human rights discourse would have to be popularized before U.S. sex workers could use it with any impact. . . . Rarely if ever does human rights come up in conversations among the local sex worker population that I work with." Moreover, because sex workers are considered criminals and "undesirable elements" in many countries, they risk serious consequences for

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* In addition to those mentioned in the text, I would like to thank the following activists for providing opinions for this article: Melissa Blake (New York), Jo Doezeema (Network of Sex Work Projects, London), Gretchen Soderlund (USA), Mary Right (South Australia), and Teri Goodson (Cyprian Guild and the Coalition for Prostitution Law Reform). More information about sex worker rights and the nature of sex work can be found by contacting the Network of Sex Work Projects Head Office, 3 Morley Rd. Observatory, 7925 Cape Town, South Africa, <http://www.walnet.org/csis/groups/nswp>.

Ending Female Genital Mutilation without Human Rights: Two Approaches

Sierra Leone

BY MELRON NICOL-WILSON, *coordinator for human rights education and sensitization, Lawyers Committee for Human Rights, Freetown, Sierra Leone*

Female genital mutilation (FGM) is an act of violence against women and girls and a human rights violation. But it is also a cultural tradition, deeply rooted in religious and social convictions, and ensures marriage prospects for girls. Many who choose to deviate from other patriarchal social norms accept FGM because there is tremendous social pressure to go through with the practice.

Simply condemning FGM as inhumane, or a human rights abuse, does little to stop it. In my discussions with local women, I have found it more effective to avoid the cultural and religious rationales of the practice and instead concentrate on the associated health risks, creating a more comfortable atmosphere in which to discuss this highly charged issue. Most women accept the fact that FGM causes numerous health-related problems that they would not like their daughters to experience; some have themselves experienced such problems, including chronic infection, damaged organs, intermittent bleeding, and infertility. Thus they more readily accept health-based rather than human rights arguments as justifications for resisting long-standing practices. A rights-based approach, on the other hand, which claims that a woman's culture violates her and her daughters' civil rights, is difficult for her to understand and controversial to accept.

Using the health approach to work toward the eradication of FGM requires a lot of patience, particularly as one is often dealing with illiterate and uneducated women. To the extent possible given the ongoing civil war, I travel throughout the country to hold sensitization programs with women in local market squares or in compounds

of village heads. One argument women in the villages often present to me is that FGM is the same as male circumcision: boys are circumcised, therefore girls should be too. I counter such thinking by pointing out that FGM is usually performed when a girl is between the ages of five and ten, whereas boys are circumcised shortly after birth, which rarely has harmful effects.

Using such an approach, I find that I am often able to convince women that FGM should be halted. A traditional practitioner told me a few weeks ago that since she attended my sensitization program on the health effects of FGM last year, she has not mutilated a single girl. She used to mutilate about 12 girls a month. She is now trying to form an organization in her village that will educate women and girls about the health problems that FGM causes.

I concentrate on the associated health risks, creating a more comfortable atmosphere in which to discuss this highly charged issue.

When it comes to raising awareness of domestic violence, however, I can use human rights language because it is a comparatively less culturally entrenched issue than is FGM. Patriarchy in Sierra Leone runs deep and wife beating is culturally sanctioned, but domestic violence is not a community-wide celebration and

female rite of passage as is FGM. When addressing domestic violence among groups of women, I begin by defining basic human rights and explaining the protections offered at the local, regional, and global levels. I then teach them about more specific topics such as violence against women, inequality, and human rights tools and treaties such as the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW). I often ask the women to talk about their status within the family and how they are treated. Then, using their experiences, I point out examples of the concepts I have already explained and the specific human right that is being violated, such as the right to human dignity or the right to freedom from torture and degrading treatment. The women are usually surprised. I remember one woman in particular who was astonished to learn that when her husband beat her and refused her food, he was violating both national law and international human rights treaties. She had thought that this was just a part of marriage, but now she knows it is wrong.

I have found that being an educated, male Sierra Leonean greatly helps my cause, whether I am discussing FGM or other women's rights issues. Because women's rights are usually violated by men, the women are more open to arguments against such behavior coming from one of these men, and they believe that a man advocating their rights will be more effective in changing the attitudes of other men within the community. In Sierra Leone, a great deal of respect is accorded to educated people, whose every word is often taken as truth. My qualifications as a lawyer lend me, and thus human rights concepts, a great deal of credibility among both men and women. ❖

Egypt

BY NADIA WASSEF, *researcher, New Women Research Center and Women and Memory Forum, and coalition member, Female Genital Mutilation Task Force, Cairo, Egypt*

Back in the 1980s, activists from around the world rallied around the issue of FGM and urged UN institutions and governments to take actions against it. Yet during the 1980 UN Conference on Women in Copenhagen and the 1985 meeting in Nairobi marking the end of the UN Women's Decade, tensions arose between North American and European feminists who condemned FGM outright and African women, who were seen by Western feminists as apologists for their cultures. As the issue became sensationalized and politicized, some Africans grew defensive and made a rallying point of the authenticity of their specific cultural traditions. However, the fact that we, as Southern women's rights advocates, are branded as agents of Western cultural imperialism when we speak out against FGM indicates that defenses of FGM are often less about maintaining traditions for the benefit of society than about sensitivity to geopolitical power inequalities. In my country, Egypt, where 97 percent of ever-married women are circumcised, polarizing international debate doesn't contribute to my area of concern: changing the minds of parents who are planning to circumcise their daughters.

Over the last century in Egypt, some doctors have argued that FGM is a necessary procedure because the clitoris would otherwise grow to rival the male penis and issue bad odors. Religious lore from the Koran is then harnessed in support of these absurdities. Those arguing against the practice point to the negative health side effects of FGM and back up their position with rival religious quotes, posing one *hadith* (saying attributed to the prophet Muhammad) against another offered in support of FGM. However,

these strategies have not worked. In the eyes of the audience, activists will never have the same authority to comment on religion as religious officials do. Highlighting health risks also presents credibility problems, because many women do not suffer from them or are not aware of them.

Emphasizing the health problems related to FGM has also had the disastrous effect of focusing debate only on the conditions under which the practice is performed. This has prompted calls to seek the assurance and sophistication of modern medicine and allow doctors to perform FGM in hospitals and private clinics. Even the government has considered institutionalizing and legitimizing the practice in this way. While it is true that sterilized surgical tools and anesthesia are preferable to the practices of *hala'een seha* ("health barbers" who perform male circumcisions) or traditional birth attendants, underscoring the negative health consequences does not effectively challenge the reasoning behind FGM and thus allows it to continue.

The Egyptian Female Genital Mutilation Task Force seeks to question the "why" of FGM rather than the "how," and to counter the straitjacket of prevailing religious and medical arguments and strategies. We are a coalition of 60 NGOs working at the grassroots level with an advisory group of researchers and activists in the fields of reproductive health, education, law, and human rights. When we were drafting a document outlining our strategies, one of my task force colleagues referred to the Universal Declaration of Human Rights as a way to convince people to stop the practice. This evoked an array of responses from the coalition. Some asked if they could be furnished with a copy of the

document, others were unmoved, and a minority thought it could have relevance to our work. We ultimately decided, however, that appealing to specific universal norms and UN documents would make no impression on those whose behavior we sought to affect at the local level, because such terms would be unfamiliar to them.

Appealing to universal norms and UN documents would make no impression on those whose behavior we sought to affect.

In order to argue against FGM at the local level, we use people's own life experiences and frames of reference. For example, I would never approach circumcised women using terminology that referred to them as "genitally mutilated." Although "female circumcision" misleadingly equates the practice with male circumcision, it focuses on the intent rather than the consequence and is respectful to the people practicing it. With concepts that are familiar and understandable, and grounded in the idea of *huquq* (a precedent set by God, government, law, or man, or that which is just or fair), we contest the credibility of "female circumcision" as a practice.

We begin by asking those who practice FGM why they insist on it. What are its imagined benefits? Who

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Egypt

(continued from page 9)

made the decision to do it? By what right? What about the girl's rights according to God? We remind people that children are God's blessing, and it is their duty as parents to protect them. We ask, how can the removal of the clitoris and/or labia minora help to calm a woman's sexual desire, when desire is located in the mind? Why do they circumcise when they know the clitoris does not grow to the size of a penis? We show them anatomical models and explain the functions of the reproductive system. We question beliefs that clitoridectomy serves as a beautifying procedure. Are they improving on the hand of God? Surely, if God did not want women to have a clitoris it would not be part of their anatomy. How can FGM be a *sunna* (a good religious action) if the aim of religion is to guarantee the dignity and welfare of people? If women are supposed to be the weaker sex, why hold them responsible for society's morality? Where does male responsibility fall? Our positions are more forceful when uncircumcised women, "positive deviants," are present to prove to people that they have married well, remained faithful, and have husbands who have found pleasure in them and are unashamed of them.

We may not be able to convince our audiences to stop circumcision with our first conversation, but at least they begin to realize certain contradictions, and they start to rethink the "facts" as they understood them. It is a slow process of change, but arguments supporting FGM can be dismantled with persistent questioning. Human rights declarations, treaties, and language aside, an appeal informed by an understanding of human rights but which draws upon local cultural and religious notions of common sense, justice, and dignity is often the best way to promote human rights and change the cultural norms that violate them. ❖

The "Capabilities" Advantage to Promoting Women's Human Rights

BY MARTHA NUSSBAUM, *Ernst Freund Distinguished Service Professor of Law and Ethics, University of Chicago, Chicago, USA*

Women in much of the world are less well nourished than men, less healthy, more vulnerable to physical violence and sexual abuse. They are much less likely than men to be literate, and still less likely to have preprofessional or technical education. Should they attempt to enter the workplace, they face greater obstacles, including intimidation from family members, discrimination in hiring, and sexual harassment—all, frequently, without effective legal recourse. Similar obstacles often impede their participation in political life, and in many nations women are not full equals under the law. Often burdened with the "double day" of taxing employment and full responsibility for housework and child care, they lack opportunities for play and the cultivation of their imaginative and cognitive faculties. All these factors take their toll on emotional well-being: women have fewer opportunities than men to live free from fear and to enjoy rewarding types of love—especially when, as is often the case, they are married without choice in childhood and have no recourse from a bad marriage. In all these ways, unequal social and political circumstances give women unequal human capabilities.

In order to highlight these inequities and provide a rationale for their redress, I have been developing the "capabilities approach" to understanding women's human development. This approach measures the presence of basic opportunities by looking at what individual women are actually able to do and to be. It provides an alternative to crude and inadequate aggregate measurements, such as per capita Gross National Product, which were and still are being purveyed by development economists and policymakers. Of course the capabilities approach supplies norms for human development in general, not just for women's development. Women's issues, however, have been at the heart of the approach from the start, both because of their urgency and because the dire situation of women around the world helps us see more clearly the inadequacy of various other approaches to development. The capabilities approach is featured in the influential Human Development Reports of the UN Development Programme, and many development agencies around the world now conduct their own country-based analyses of capabilities. My version of the approach introduces a list of central capabilities that can be used to establish a basic social threshold that should be met for all people [see box, page 11]. The list can also be used to determine entitlements that could, for example, be embodied in constitutional guarantees.

Why use the capabilities approach rather than the well-established framework of human rights to address issues of social injustice for women? After all, the list of capabilities includes many of the liberties that are also stressed in the human rights framework. And capabilities play a similar role to human rights in providing both a basis for cross-cultural comparison and the philosophical underpinning for fundamental constitutional principles.

But unlike capabilities, the idea of rights has been understood in many different ways. Difficult theoretical questions are frequently obscured by the use of rights language, which can give the illusion of agreement where there is deep philosophical disagreement. People differ on whether rights are prepolitical or artifacts of laws and institutions and about whether rights belong only to individual persons, or also to groups. The relationship between rights and duties is also disputed. If A has a right to B, does this mean that there is always someone who

has a duty to provide B, and how shall we decide who that someone is? What are rights to be understood as rights to? Rights to resources with which one may pursue a life plan? Rights to certain opportunities and capacities with which one may make life choices?

In contrast, the capabilities approach has the advantage of more clearly articulating the motivating concerns and ultimate goals of social justice, and provides a benchmark with which to measure what it means to secure certain rights. The right to political participation, the right to free religious exercise, the right of free speech—these and others are best thought of as “capacities to function.” In other words, to secure a right for citizens in one of these areas is to put them in a position of capability to function in that area. By defining rights in terms of capabilities, we make

it clear that a people in country C don't have the right to political participation just because this language exists on paper: they have this right only if there are effective measures to make people truly capable of political exercise. Women in many nations have a nominal right of political participation without having this right in the sense of capability: for example, they may be threatened with violence should they leave the home.

As compared to material and economic rights, the capabilities approach enables us to set forth clearly a rationale for spending unequal amounts of money on the disadvantaged or creating special programs to assist their transition to full capability. If we think of the right to shelter as a right to a certain amount of resources, then we encounter difficulty: giving resources to people does not always

bring differently situated people up to the same level of capability to function. Giving a woman money to build shelter does little if she is too ill to build or maintain it, or if her male relatives can take the money from her on the basis of social custom or even law. A utility-based analysis also encounters a problem: traditionally deprived people may be satisfied with a very low living standard, believing that this is all they have any hope of getting. A capabilities analysis, by contrast, looks at how people are actually enabled to live.

Unlike the human rights approach, the capabilities approach reminds its users to think at all times of the material basis of human freedom. It directs attention to connections that might otherwise be less clear: for example,

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CENTRAL HUMAN FUNCTIONAL CAPABILITIES

1. **LIFE.** Being able to live to the end of a human life of normal length; not dying prematurely or before one's life is so reduced as to be not worth living.
2. **BODILY HEALTH.** Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. **BODILY INTEGRITY.** Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; to have opportunities for sexual satisfaction and for choice in matters of reproduction.
4. **SENSES, IMAGINATION, AND THOUGHT.** Being able to use the senses, to imagine, think, and reason in a “truly human” way, informed and cultivated by adequate education, including literacy and basic mathematical and scientific training. Being able to use imagination and thought in experiencing and producing works and events of one's own choice. Being able to use one's mind in ways protected by guarantees of freedom of expression and freedom of religious exercise. Being able to have pleasurable experiences and to avoid unnecessary pain.
5. **EMOTIONS.** Being able to have attachments to things and people outside oneself; to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by fear and anxiety.
6. **PRACTICAL REASON.** Being able to form a conception of the good and to engage in critical reflection about the planning of one's life.
7. **AFFILIATION.**
 - A. Being able to live with others, to recognize and show concern for others, to engage in various forms of social interaction; to imagine the situation of another and to have compassion for that situation; to have the capability for both justice and friendship.
 - B. Having the social bases of self-respect and nonhumiliation. Being able to be treated as a dignified being whose worth is equal to that of others; this entails protection against discrimination.
8. **OTHER SPECIES.** Being able to live with concern for and in relation to animals, plants, and the world of nature.
9. **PLAY.** Being able to laugh, to play, to enjoy recreational activities.
10. **CONTROL OVER ONE'S ENVIRONMENT.**
 - A. *Political.* Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.
 - B. *Material.* Being able to hold property. Having the right to seek employment on an equal basis with others. Having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.

Reflections of a Global Women's Activist

BY SUSAN BAZILLI, LL.B., Toronto, Canada

Over the last few years, there have been a plethora of international human rights conferences, meetings, training programs, UN sessions, and Beijing +5 “Prep Coms” (preparatory meetings) designed to further the agenda of achieving equality and human rights for women. But how does such international work further effective social, political, and economic change at the local level? How would we know? As Beijing +5 draws near, now is a good time for activists to be self-reflective and self-critical, at the international level as well as in our own backyards.

At the International Women's Rights Project based at York University in Toronto, we have recently completed an evaluation of the use of the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) in ten countries. The methodology we chose was a grassroots one. If global activists are going to organize and train women at the local level on the use of international instruments and mechanisms, the effectiveness of such work needs to be evaluated by the parties involved—the local women.

The study concluded that effective change in the status of women is dependent upon the capacity of local women's NGOs to organize and mobilize members of their communities, to use their countries' reporting procedures, and to engage in dialogue with, if not to influence, their governments. These are political organizing strategies of local women's movements as much as they are about the use of CEDAW or any other human rights instruments. CEDAW will only be effective if we can ensure that women at the local level have political power to force their governments to change domestic laws and policies in accordance with the convention.

At this point the greatest barrier to progress lies in the reluctance of governments to commit the fiscal resources for programs required to address even the most fundamental human rights—the rights to shelter, food, education, employment, and the cessation of violence. We hope that any losses by the women's movement at the international level are not attributable to a myopic focus on UN conferences and documents at the expense of building strong local women's movements that mobilize grassroots women to bring about concrete change. The most absorbing activity of the last two Beijing +5 Prep Coms was the fight against the rollback of gains made in Beijing, whereby states have avoided commitments to the allocation of resources or to any redistributive agenda. Governments around the world are subverting our agenda with their own political maneuvers in venues where we have little voice in the process. None of this is new within the UN system. With little in the way of enforceable documents or an effective means of implementation, and a process fraught with political intrigue not of our own making, what meaningful change can occur?

We in the international women's movement need to question whether we have become too dependent on legal frameworks. We may be twisting ourselves around the legal paradigm in artificial ways, disconnecting ourselves from our real agenda. The narrow focus of criminal justice systems on “finding the bad guy,” without a more comprehensive analysis of the conditions that perpetuate abuses, too often renders women as “victims.” Creating the economic, social, and political conditions that will lead to the securing of rights is as important as finding the violators and seeking redress.

Instead, it seems that the resources

directed to the international level have drained funding for some of our national women's movements. This has been the case in my country, Canada, which the UNDP Human Development Index (HDI) consistently awards the “Oscar” for the best country in the world in which to live. The ranking is impressive, as long as you don't read the “scores” for the supporting roles of women and indigenous peoples. Women and children are poorer now in Canada than they have been in the past 20 years. Given the enormity and horror of such human rights violations as genocide, rape, and starvation throughout the world, Canada's plight may seem trite. But the

It seems that the resources directed to the international level have drained funding for some of our national women's movements.

tragic irony is that Canada is one of the countries that could most easily remedy its own violations of human rights.

Canada's behavior illustrates the heart of the local/global dilemma. There is a growing gap between Canada's compliance with its international human rights obligations and its domestic policies and actions. Canada excels at international donor aid and provides expertise on democracy and human rights outside its borders, while seldom acknowledging its own complicity in abuse and oppression at home. In fact, UN committees charged

with monitoring major treaties—such as CEDAW, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights—are increasingly finding Canada to be violating the fundamental rights of our most vulnerable citizens.

Canada appears of late to choose to support participation in UN conferences and international work, rather than respond to its own civil society groups seeking to change existing Canadian policies that abuse human rights. Such contradictory behavior perpetuates the perception, especially among people in developing countries, of an imperialist international human rights and development industry. It provides an easy excuse for governments of poor countries with atrocious human rights records to continue to deny basic rights, thereby feeding a backlash against the struggle for rights that women experience most acutely.

In Canada, human rights activists struggle to enhance democratic participation and transparency in order to hold our government accountable. If we cannot do it at home, in the HDI “Oscar” country, how can those of us who work at the global level hope to ensure the accountability of the governments of victims of human rights abuses around the world? And perhaps more critical a question is: to whom are we as global activists accountable? One of the uses of the international human rights system could be at the very least to articulate the hypocrisy of the North. But that is hardly enough!

We advocates and scholars seeking to broaden women’s rights need to focus on closing the gap between the local and the global, while continuing to identify the pressure points wherever we find them. This is no less tall an order than the lifetime task of protecting women’s human rights that we have set ourselves. ❖

The “Capabilities” Advantage

(continued from page 11)

between access to credit and freedom of expression; between land rights and meaningful access to political participation. Women who can get a loan have an economic independence from male relatives that makes it possible for them to speak out, even controversially, without fear; women who have some property in their own name are able to engage in political activity without worrying that withdrawal of male support will leave them destitute. The capabilities approach both focuses on human freedom and reminds us that freedom is not possible without wide-ranging material and institutional change. In an era in which globalization tends to push policymakers toward an impoverished and narrow account of their goals, the capabilities approach reminds all parties in the enterprise of development that their work is a human matter.

The capabilities approach has one further advantage over that of human rights: its language is not strongly linked to one particular cultural and historical tradition, as the language of rights is believed to be. (This belief is not very accurate: although the term “rights” is associated with the European Enlightenment, its component ideas have deep roots in many traditions. Nonetheless, the language of capabilities enables us to bypass this troublesome debate.) When we speak simply of what people are actually able to do and to be, we do not even give the appearance of privileging a Western idea. Ideas of activity and ability are everywhere, and there is no culture in which people do not ask themselves what they are able to do and what opportunities they have for functioning.

If we use the capabilities approach, do we also need human rights? The language of rights still plays many important roles, despite its unsatisfactory features. Rights remind us that people have justified and urgent claims to

certain types of treatment backed up by the simple fact that they are human. To say, “Here is a list of things that people ought to be able to do and to be” has only a vague normative resonance. To say, “Here is a list of fundamental rights” is more rhetorically direct. In the areas where we disagree about the proper analysis of rights talk—where the claims of utility, resources, and capabilities are still being worked out—the language of rights preserves a sense of agreement that entitlements should exist and are based on justice while we continue to deliberate over how these entitlements should be further analyzed.

Finally, rights also have value because of the emphasis they place on choice and autonomy: everyone is endowed with certain rights, but they are not compelled to act upon all or any of them. Indeed, my list of capabilities adopts the language of rights in order to communicate this very idea. There is a big difference between pushing people into functioning in ways you consider valuable and leaving the choice up to them. Some women may say that certain capabilities are not for them, but the capabilities approach ensures they have the option to choose. The capabilities approach thus fundamentally relies on human rights and provides a way of understanding and implementing the urgent claims captured by the language of rights. But we cannot secure human rights until we have secured to them a wide range of human capabilities. ❖

For more on the capabilities approach see Women and Human Development: The Capabilities Approach (Cambridge University Press, 2000) and “Women’s Capabilities and Social Justice,” forthcoming in the Journal of Human Development.

Prostitutes' Rights

(continued from page 7)

their activism. Many sex workers prefer not to make a fuss about rights abuse in order to avoid reprisals.

Unfortunately, little aid or development funding exists for rights-based activism and education among sex workers. Funding is often available only for health promotion to reduce the spread of HIV and other sexually transmitted diseases. As a result, few people in the sex worker rights movement have been trained in the principles and practice of human rights and international law.

Despite these constraints, sex worker activists have self-funded, or scraped together support for, human rights programs and participation in major conferences such as the Fourth International Women's Conference in Beijing in 1995. There, sex workers from different regions and cultures aimed to establish links with human rights organizations, especially those concerned with women's and with gays and lesbians' human rights.

Yet not all organizations at the Women's Conference proved to be allies, and some groups even opposed

the participation of sex workers and their organizations in such gatherings. For them, sex work is neither legitimate labor nor freely chosen. Rather, it is considered a human rights abuse: inherently coercive, degrading, and a form of violence against women. Sex worker rights activists, on the other hand, argue that it is not prostitution per se that is the problem, but the legal frameworks surrounding it that infringe upon sex workers' freedom and allow others to discriminate against them. Furthermore, it is difficult to generalize about any sex worker's personal experience. For some, prostitution may be as mundane as any other job; for others, sex work is the least bad option they can pursue out of a limited range of choices; and for still others, it can be an extremely creative, desirable, and lucrative profession.

Efforts to define prostitution as a human rights abuse open the way for governments to take action to abolish the sex industry and arrest those who work in it. Unfortunately, even when organizations are not clearly opposed to prostitution they may inadvertently undermine sex workers' rights. For example, measures developed by women's organizations ostensibly to

prevent the "trafficking in women" may result in stronger legislation against prostitutes and police crackdowns on brothels, and thus more abuse of their rights. Even though human rights advocates are now beginning to redefine "trafficking in persons" as a form of slavery present throughout many forms of work such as the garment industry and agricultural labor, many sex worker rights activists observe few practical changes in the measures emerging from the anti-trafficking movement. In this environment the fight for sex workers' rights is a difficult one, because few NGOs and human rights organizations understand the nature of sex work or are prepared to support the participation of sex workers in arenas where their rights are decided.

Clearly sex worker activists and their organizations have a long road ahead before their rights are accepted, institutionalized as part of human rights doctrine, and made widely accessible to those who need them. The challenge remains to raise awareness, strengthen organizations, and train effective lobbyists who can win permanent status for sex worker rights in the UN system and at home. ❖

Women's Rights

(continued from page 5)

organizations, protested on the streets of Imphal. Yet in 1999, a young woman was physically threatened with violent reprisal by community activists when she chose to be sexually involved with a trooper of the security forces. In this case, the public was widely sympathetic to the activists.

In my ten years in Imphal, I have found that unless women's rights contribute to the common understanding of the community's greater political cause, they do not resonate among the local women, nor are they likely to be implemented. ❖

Combating Welfare "Reform"

(continued from page 6)

Still, I am an optimist. I put my hopes in the many women on welfare with whom I come into contact who are open-minded, absorbing information about human rights and rising to the challenge of speaking out. To me, this is the face of the future. There is a tremendous political movement afoot that objects to the injustice of welfare reform. As people in the United States gain a greater awareness of the international human rights regime, and as they start to apply human rights to problems of economic justice in our own backyard, the human rights framework will become an increasingly powerful means to realize such change. ❖

WHAT DO YOU THINK?

Do you have a response to "Silence Breaking: The Women's Dimension of the Human Rights Box"? Share it with thousands of other *Human Rights Dialogue* readers. Send your comments before August 15, 2000, to: Roger Duthie, Human Rights Initiative, Carnegie Council on Ethics and International Affairs, 170 East 64th Street, New York, NY 10021-7496, fax: (212) 752-2432, e-mail: rduthie@cceia.org. We regret that we will not be able to print every response. Please limit your response to 300 words, and be sure to include your name and contact information. We reserve the right to edit text as necessary.

Readers' Responses

THE OTHER SIDE OF THE OIL PATCH

Organizing in the Amazon is a great challenge given logistical hurdles, a lack of information, a history of manipulation by outsiders, and simmering antagonisms between indigenous groups and settlers. Articles like Judith Kimerling's ["The Story from the Oil Patch: The Under-Represented in *Aguinda v. Texaco*," Spring 2000] only make things more difficult.

The Amazon Defense Front, the "Frente," is an umbrella organization established in 1994 to defend the environment and rights of Amazon communities. It represents 26 groups and communities and close to 20,000 people. It is

THE LEGAL LOGIC OF HUMAN RIGHTS LITIGATION

Samera Esmeir and Rina Rosenberg ["Resisting Litigation in Umm El-Fahem," Spring 2000] mention the irrelevance of "alien legal logic" to human rights litigation. I beg respectfully to differ and offer one of many examples from the docket of the Center for Constitutional Rights (CCR) in support of my position. In 1998, CCR was challenged by a delegation from the Philadelphia-based Kensington Welfare Rights Union (KWRU) to do something about the violation of their right to an adequate standard of living under Article 25 of the Universal Declaration of Human Rights (UDHR). This resulted in the filing, last fall, of a complaint against the United States in the Inter-American Commission of Human Rights. UDHR and other previously "alien" treaties and conventions dealing with economic rights are the basis of a national and international Economic Human Rights Campaign, led by activists from KWRU and other poor people's organizations, who draw their inspiration and sense of dignity from these dry legal texts.

Peter Weiss, vice president and cooperating attorney, Center for Constitutional Rights, New York City, USA

by far the most active organization working around the Texaco case and was recently profiled in a guide to community organizing prepared by Oxfam. Contrary to Kimerling's assertions, the Frente was not established to administer funds for the lawsuit; it does not view the lawsuit as an end in itself; it has succeeded in keeping Amazon residents informed about the Texaco case through constant workshops, outreach, meetings, press bulletins, and a weekly radio show; and it works closely on the lawsuit with the three indigenous groups most affected by Texaco—the Cofan, Secoya, and Siona—not with the Quichua, because their leaders negotiated a separate settlement with Texaco.

By contrast, the "Comite de Afectados," lauded by Kimerling, is a shell organization of ten individuals, with no community support or representation, organized and promoted by a local environment group, Accion Ecologica, after their falling out with local communities and the Frente. The Comite has yet to organize a single event on its own.

Luis Yanza, president, Frente de la Defensa de la Amazonia, Ecuador

WHEN THE COURTS ARE UNJUST

The spring issue of *Human Rights Dialogue* shows that countries should strive to make human rights abuses more justiciable. But even more important is the notion of "justice-ability": the ability to obtain justice through recourse to the courts. In criticizing the flaws in the quality of justice obtained through human rights litigation, we must be careful not to let the best become the enemy of the good.

Litigating human rights might have its perils. But they pale when compared to the human rights abuses that a "justice" system can perpetrate. Take, for instance, the recent Lim Guan Eng case in Malaysia. Lim, a member of parliament, published a pamphlet calling attention to a scandal involving a 15-year-old

REFUGEE WOMEN AND HUMAN RIGHTS LANGUAGE

Many human rights lawyers do not adapt their language to make it comprehensible to their clients, a fundamental step in any human rights litigation. I have seen this happen again and again in my work with refugee women in Perm, Russia, who are fleeing from Chechnya, Afghanistan, Algeria, Iraq, Iran, and former Soviet Republics. Pointing out an appropriate article in a law, lawyers will say: "Your husband should not batter you. He violates your human rights and has to be convicted and imprisoned." "But he battered me in the past and has not been convicted," replies a woman. "Your right to receipt of the state benefit for children is violated. You could write a claim to the court and we could win this case," says a lawyer. "But I have just been told by the local officials that a court will be against me," the refugee woman replies. Mentioning the term "human rights" usually brings a smile to the faces of the refugee women; the words "convention," "status," "asylum," and other human rights terms are not understood; and the words "claim," "court," and "prosecutor" can even frighten them.

Fedor Sinitsyn, director, Perm Center against Violence and Human Trafficking, Perm, Russia

girl who was "imprisoned" while her rapist escaped scot-free, thanks to his political connections. Lim is presently serving a sentence of imprisonment for 18 months, having been convicted of "falsely and maliciously" publishing the pamphlet. According to the court, the girl was not "imprisoned" but merely "detained" in a rehabilitation center. Lim's remarks, the court ruled, constituted sedition because they had the tendency "to bring into hatred or contempt or . . . excite disaffection against the administration of justice in Malaysia."

Clarence Dias, president, International Center for Law in Development, New York, USA

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