

LAW AND SOCIETY TRUST

Fortnightly Review



No 3 Kynsey Terrace, Colombo 8
Fax 686843 Tel 691228/684845
September 1995 Volume VI Issue No 95

OBJECTIVES

The Law & Society Trust's Fortnightly Review keeps the wider Law and Society community informed about the activities of the Trust, and about important events of legal interest and personalities associated with the Trust.

In the wake of the Beijing 4th World Conference on Women in September the Law and Society Trust decided to dedicate this edition of the Fortnightly Review to the Beijing conference, and to some of the issues discussed there. Contained in this publication are a number of papers presented by different parties at the Conference, and various reports written in the aftermath. The compilation of these speeches intends to give as broad a view as possible of the variety of contributions to the Conference, hopefully giving a sense of what might in some ways be said to be the essence of the Conference: the union of the whole world's women to highlight and make manifest the shared concerns of women throughout the globe. Beijing was, for that reason, a ground-breaking event; it brought together in one place an unprecedented gathering of women with individual and separate priorities, and from vastly differing cultures, but with one primary goal in mind - that of putting women's rights firmly and permanently on the international human rights agenda.

To give an idea of the diversity of ideas expressed at the Conference, the speech of Benazir Bhutto, a prominent representative of the Muslim perspective on women's human rights, and the speech made by the Holy See are reproduced here. An Amnesty International statement made at the beginning of the Conference laying out the intentions and requirements of the Organisation is also included. It gives a sense of what expectations such international NGOs had for the Conference, and it is informative, with hindsight, to assess how many of these aims were met. The other two papers are those submitted by NGO activists in Sri Lanka, who were present at Beijing in their separate capacities and who have their own individual perspectives on the course of the Conference, and the Platform for Action that has resulted.

Included also is the Lanka country report submitted at the Conference by the governmental delegation. Only an abbreviated form of this document is produced as the majority of the data provided was in table form. It is a pity that this format was chosen for the presentation of information, as it has in the process sacrificed the text which should have accompanied it.

BEIJING AND BEYOND

Beijing will hopefully prove a watershed in the history of women's human rights. Complaints were made by delegates and representatives from all around the world about the failure of the Conference to see established some of the pivotal controversial points in women's rights, and arduous and lengthy struggles over the specifics of language were never finally resolved because of the resistance put up by various of the women's parties. Women's groups from different parts of the world had very different prioritisations of concerns, and issues were raised on which, it seems, global agreement is an impossibility. But despite this, the Conference was the first to bring to light so many new concerns and to give women working at all levels the sense that there is solidarity for their work in all parts of the world. The exchange of ideas and discussion of methods and approaches that occurred is a valuable and vital process in the empowering of women to continue the struggle for their rights, into what will hopefully prove an increasingly bright and positive future.

CONTENTS

DRAFT PLATFORM FOR ACTION CHAPTER I - MISSION STATEMENT	1
TOWARDS GENDER EQUALITY : THE SRI LANKA NATIONAL REPORT TO THE UN FOURTH WORLD CONFERENCE ON WOMEN 1995, BEIJING-CHINA	14
COMMENT ON THE SRI LANKAN GOVERNMENT REPORT SUBMITTED AT THE FOURTH WORLD CONFERENCE ON WOMEN, BEIJING - <i>Katy Grant</i>	24
ADDRESS BY BENAZIR BHUTTO PRIME MINISTER OF THE ISLAMIC REPUBLIC OF PAKISTAN AT THE FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING 4.9.95	26
OPTION IN FAVOUR OF GIRLS AND YOUNG WOMEN	32
HOLY SEE HOPES FOR ADVANCEMENT OF WOMEN'S FREEDOM AND DIGNITY	35
UN CONFERENCE ON WOMEN BRIEFING STATEMENT PIERRE SANE, SECRETARY GENERAL AMNESTY INTERNATIONAL, BEIJING 29.8.95	38
BEGINNING THE POST-BEIJING DISCUSSION : CREATING A PEACEFUL, JUST AND HUMANE WORLD BASED ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS INCLUDING THE PRINCIPLE OF EQUALITY FOR ALL - <i>Sunila Abeysekera</i>	42
UN FOURTH WORLD CONFERENCE ON WOMEN - <i>Nimalka Fernando</i>	48

II. DRAFT PLATFORM FOR ACTION

Chapter I

MISSION STATEMENT*

1. The Platform for Action is an agenda for women's empowerment. It aims at accelerating the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women¹ and at removing the all obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making. This means that the principle of shared power and responsibility should be established between women and men at home, in the workplace and in the wider national and international communities. Equality between women and men is a matter of human rights and a condition for social justice and also a necessary and fundamental prerequisite for equality, development, development and peace. A transformed partnership based on equality between women and men is a condition for people-centred sustainable development. A sustained and long-term commitment is essential, so that women and men can work together for themselves, for their children and for society to meet the challenges of the twenty-first century.
2. [The Platform for Action reaffirms the fundamental principle, set forth in the Vienna Declaration and Programme of Action², adopted by the World Conference on Human Rights that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights.] As an agenda for action, the Platform seeks to promote and protect [the full enjoyment of all universal] all human rights and the fundamental freedoms of all women throughout their life cycle.
3. The Platform for Action emphasises that women share common concerns that can be addressed only by working together and in partnership with men towards the common goal of gender equality around the world. It respects and values the full diversity of women's situations and conditions and recognises that some women face particular barriers to their empowerment.
4. The Platform for Action requires immediate and concerted action by all to create a peaceful, just, humane and [equitable] world based on the [universal human rights and fundamental freedoms, including the] principle of equality [and equity] for all people of all ages and from all walks of life.

* These excerpts are taken from the Draft Platform for Action produced for the Beijing Conference.

¹ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85. IV.10), Chap. I, Section A.

² Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I), Chap. III.

5. The success of the Platform for Action will require a strong commitment on the part of Governments, international organisations and institutions at all levels as well as [adequate] [new additional] resources for the implementation of the agreements made; a commitment to equal rights, equal responsibilities and equal opportunities and to the equal participation of women and men in all national, regional and international bodies and policy-making processes; and the establishment or strengthening of mechanisms at all levels for accountability to the world's women.

D. Violence against women

113. Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of [their universal] human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed. Knowledge about its causes and consequences, as well as its incidence and measures to combat it, have been greatly expanded since the Nairobi Conference. In [all] societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of violence against women.

114. The term "violence against women" means 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 private life. Accordingly, violence against women encompasses but is not limited to the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.

115. Other acts of violence against women include violations of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and [forced pregnancy]. [Acts of violence against women also include terrorism, forced sterilisation and [forced abortion], coercive/forced use of contraceptives, [female foeticide/prenatal sex selection and female infanticide].

116. Some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict are also particularly vulnerable to violence.

117. [Internally] displaced women, repatriated women, women migrant workers, women living in poverty and [women living in areas under foreign occupation or where acts of terrorism occur] are also particularly vulnerable to violence.

118. Acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instil fear and insecurity in women's lives and are obstacles to the achievement of equality [and equity] and for development and peace. The fear of violence, including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. In many cases, violence against women and girls occurs in the family or within the home, where violence is often tolerated. The neglect, physical and sexual abuse, and rape of girl-children and women by family members and other members of the household, as well as incidence of spousal and non-spousal abuse, often go unreported and are thus difficult to detect. Even when such violence is reported, there is often a failure to protect victims or punish perpetrators.

119. Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, in the workplace, in the community and in society. Violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and to enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence. Images in the media of violence against women, in particular those that depict rape or sexual slavery as well as the use of women and girls as sex objects, including pornography, [are] factors contributing to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people.

120. Developing a holistic and multi-disciplinary approach to the challenging task of promoting families, communities and States that are free of violence against women is necessary and achievable. Equality, partnership between women and men and respect for human dignity must permeate all stages of the socialisation process. Educational systems should promote self-respect, mutual respect, and cooperation between women and men.

121. The absence of adequate gender-disaggregated data and statistics on the incidence of violence make the elaboration of programmes and monitoring of changes difficult. Lack of or inadequate documentation and research on domestic violence, sexual harassment and violence against women and girls in private and in public, including in the workplace, impede efforts to design specific intervention strategies. Experience in a number of countries shows that women and men can be mobilised to overcome violence in all its forms and that effective public measures can be taken to address both the causes and the consequences of violence. Men's groups mobilising against gender violence are necessary allies for change.

122. [Refugee, [internally] displaced and migrant girls and women, including women migrant workers, as well as women in detention, and women in situations of armed conflict or [women living under foreign occupation or alien domination] are especially vulnerable to all types of violence, including terrorism, murder, torture, prostitution, including forced prostitution, rape, in particular its systematic use as a weapon of war, [forced pregnancy], sexual abuse, slavery, harassment and other forms of violence, which are often perpetrated by persons in positions of authority. Such practices constitute crimes against humanity and violations of human rights [and relevant Geneva conventions]]. Training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces.

123. The effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern. Implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others³, as well as the other relevant instruments, needs to be reviewed and strengthened. The use of women in international prostitution and trafficking networks has become a major focus of international organised crime. The Special Rapporteur of the Commission on Human Rights on Violence against Women [who has explored these acts as an additional cause of the violation of the human rights and fundamental freedoms of women and girls,] is invited to address, within her mandate and as a matter of urgency, the issue of international trafficking for the purposes of the sex trade, as well as the issues of forced prostitution, rape, sexual abuse and sex tourism. Women and girls who are victims of this international trade are at an increased risk of further violence, as well as [unwanted pregnancy] and sexually transmitted infection, including infection with HIV/AIDS.

124. In addressing violence against women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken an analysis may be made of their effects on women and men, respectively.

[Eliminate violence against women]

Strategic objective D.1. Take integrated measures to prevent and eliminate violence against women

³ General Assembly Resolution 317 (IV), Annex.

- Strategic objective D.2. Study the causes of violence against women and effective methods of prevention strategies
- Strategic objective D.3 Adopt special measures to eliminate trafficking in women and to assist female victims of violence due to prostitution and trafficking

E. Advance peace, promote conflict resolution and reduce the impact of armed or other conflict on women

132. [An environment which maintains world peace and promotes [universal] human rights, democracy and the peaceful settlement of disputes, [upholding the principles of non-threat or non-use of force and of mutual respect of territorial integrity and sovereignty is a precondition for the advancement of women.] [Without peace, there will be no equality or development.] Armed and other types of conflicts have not decreased since the end of the cold war; aggression, [foreign occupational] ethnic and religious and [other types of] conflicts are an ongoing reality affecting women in nearly every region. Gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or summary and arbitrary detention, all forms of racism, racial discrimination, xenophobia, denial of economic, social and cultural rights and religious intolerance. Terrorism is a new emerging global phenomenon. International humanitarian law, prohibiting attacks on civilian populations, is systematically ignored; [human rights are being violated by [all] parties in armed conflicts.] Armed conflict has resulted in serious violations of the human rights of women, including murder, torture, systematic rape and [forced pregnancy,] especially in ethnic cleansing as a strategy of war and its consequences. Some of these situations, of armed conflict have their origin in the conquest or colonisation of a country by another country or State and the perpetuation of that colonial situation through State and military repression.]

133. The Geneva Convention relating to the Protection of Civilian Persons in Time of War, of 1949 [and the Additional Protocols], that women shall especially be protected against any attack on their honour, in particular against humiliating and degrading treatment, rape, enforced prostitution or any form of indecent assault⁴. The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, states that "Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law⁵." Gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or summary and arbitrary detention, all forms of racism, racial discrimination, xenophobia, denial or economic, social and cultural rights and religious intolerance.

⁴ United Nations, Treaty Series, Vol. 75, No. 973, p. 287.

⁵ Report of the World Conference on Human Rights, Chap. III, Section II, para. 38.

134. Violations of human rights in situations of armed conflict and military occupation are violations of the fundamental principles of international human rights and humanitarian law as embodied in international human rights instruments and in the Geneva Conventions of 1949 and the Additional Protocols thereto. [Humanitarian law, prohibiting attacks on civilian populations, and international human rights law are systematically ignored and violated by armed and security forces and other parties to armed conflicts.] Gross human rights violations and policies of ethnic cleansing in war-torn and occupied areas continue to be carried out. These practices have created, *inter alia*, a mass flow of refugees and [internally] displaced persons, the majority of whom are women, adolescent girls and children. Civilian victims, mostly women and children, often outnumber casualties among combatants. In addition, women often become dX for injured combatants and find themselves, as a result of conflict, unexpectedly cast as sole manager of household, sole parent, and caretaker of elderly relatives.

135. In a world of continuing instability and violence, the implementation of cooperative approaches to peace and security is urgently needed. [[In implementing cooperative approaches to peace and security] [This requires that] emphasis [should] be given to preventive strategies and to peace-building as a particular prevention-oriented concept. The perspective of women would provide a more constructive approach to the use of power and the resolution of conflict.] Although women have begun to play an important role in conflict resolution, peace-keeping, and defence and foreign affairs mechanisms, they are still underrepresented in decision-making positions. If women are to play an equal part in securing and maintaining peace, they must be empowered politically and economically and represented adequately at all levels of decision-making.

136. [While entire communities suffer the consequences of armed conflict, terrorism and [foreign occupation and alien domination], women and girls are particularly affected because of their status in society and their [sex/gender]. Parties to conflict often rape women with impunity, sometimes using systematic rape as a tactic of war and terrorism. The impact of violence against women and violation of the human rights of women in such situations is experienced by women of all ages, who suffer displacement, loss of home and property, loss or involuntary disappearance of close relatives, poverty and family separation and disintegration and who are victims of acts of murder, terrorism, torture, involuntary disappearance, sexual slavery, rape [and its consequences], sexual abuse and [forced pregnancy], especially as a result of policies of ethnic cleansing and other new and emerging forms of violence. This is compounded by the life-long social, economic and psychologically traumatic consequences of armed conflict and [foreign occupation].]

137. Women and children constitute some 80 per cent of the 23 million refugees and of the 26 million [internally] displaced persons in the world. They are threatened by deprivation of property goods and services and deprivation of their [basic] right to return to their homes of origin as well as by violence and insecurity. Particular attention should be paid to sexual violence against uprooted women and girls employed as a method of persecution in systematic campaigns of terror and intimidation and forcing members of a particular ethnic, cultural or religious group to flee their homes. [Women may also be forced to flee because of [gender-based/through sexual violence,] persecution and they continue to be vulnerable to violence and exploitation while in flight, in countries of asylum and resettlement, and during and after

repatriation. Women often experience difficulty in some countries of asylum in being recognised as refugees on the grounds of [gender-based/through sexual violence] persecution.]

138. Refugee, displaced and migrant women in most cases display strength, endurance and resourcefulness and can contribute positively to countries of resettlement or to their countries of origin on their return. They need to be appropriately involved in decisions that affect them.

139. Many women's non-governmental organisations have called for reductions in military expenditures worldwide, as well as in international trade and trafficking in and the proliferation of weapons. Those affected most negatively by [conflict] [excessive military spending] are people living in poverty, who are deprived because of the lack of investment in basic services. Women living in poverty, particularly rural women, also suffer because of the use of arms that are particularly injurious or have indiscriminate effects. There are more than 100 million anti-personnel land-mines scattered in 64 countries globally. [Excessive military spending is one of the main constraints to development.] [At the same time, maintenance of national security and peace [is an important factor] [is essential for economic growth and development and the empowerment of women.]

140. [International stability and security are prerequisites for economic growth and development. In the new international setting, military strength is no guarantee of security. The effects of mass migration, crime, the drug problem, disease, human rights violations, environmental degradation, pressures of population growth and underdevelopment transcend national borders. These new challenges to peace and security have implications at the local, regional and global levels.]

141. During times of armed conflict and the collapse of communities, the role of women is crucial. They often work to preserve social order in the midst of armed and other conflicts. [Women make an important but often unrecognised contribution as peace educators both in the family/families and in society.]

142. Education to foster a culture of peace that upholds justice and tolerance for all nations and peoples is essential to attaining lasting peace and should be begun at an early age. It should include elements of conflict resolution, mediation, reduction of prejudice and respect for diversity.

143. In addressing armed or other conflicts, an active and visible policy of mainstreaming a gender perspective into all policies and programmes should be promoted so that before decisions are taken an analysis is made of the effects on women and men, respectively.

[Increase the participation of women in conflict resolution
and protect women in armed and other kinds of conflict and
under foreign occupation]

Strategic objective E.1. **Increase and strengthen the participation of women in conflict resolution and decision-making and leadership in peace and security activities and protect women in armed and other conflicts [and living under foreign occupation]**

- Strategic Objective E.2. **[Reduce military expenditures and control the availability of armaments] [Reduce and eliminate the availability of instruments of violence against women]**
- Strategic objective E.3. **Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations**
- Strategic objective E.4. **Promote women's contribution to fostering a culture of peace**
- Strategic objective E.5. **Provide protection, assistance and training to refugee and displaced women [including internally displaced women]**
- Strategic objective E.6. **Provide assistance to the women of the colonies.**

I. Lack of awareness of and commitment to [internationally and nationally recognised] human rights of women] [the enjoyment of [all] [universal] human rights by women]

**[213. Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments.

**The World Conference on Human Rights reaffirmed the solemn commitment of all States to fulfil their obligation to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.

**The Platform for Action reaffirms that all human rights - civil, cultural, economic, political and social, including the right to development - are universal, indivisible, interdependent and interrelated, as expressed in the Vienna Declaration and Programme of Action. The World Conference on Human Rights reaffirms that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal enjoyment of all [universal] human rights and fundamental freedoms by women and girls [is a requirement of international law] [is essential for advancement of women].]

214. Equal rights of men and women are explicitly mentioned in the Preamble to the Charter of the United Nations. [All the major international human rights instruments include sex as one of the grounds upon which States may not discriminate, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All

** The placement and the coherence of the text have not yet been agreed.

Forms of Racial Discrimination⁶ and the Convention on the Rights of the Child, as well as the Declaration on the Right to Development⁷ and the Declaration on the Elimination of Violence against Women.]

215. Governments must not only refrain from violating the human rights of all women, but must work actively to promote and protect these rights. [Nevertheless, it should be taken into account that the activities of the United Nations in the area of human rights should be rationalised, streamlined and reinforced [taking into account the need to] [in order to] avoid unnecessary duplication.] Recognition of the importance of the human rights of women is reflected in the fact that three quarters of the States Members of the United Nations have become parties to the Convention on the Elimination of All Forms of Discrimination against Women.

216. [The World Conference on Human Rights reaffirmed clearly that the human rights of women throughout the life cycle are an inalienable, integral and indivisible part of universal human rights. The International Conference on Population and Development reaffirmed women's reproductive rights and the right to development. Both the Declaration of the Rights of the Child and the Convention on the Rights of the Child guarantee children's right and uphold the principle of non-discrimination on the grounds of gender. Three quarters of the States Members of the United Nations have become parties to the Convention on the Elimination of All Forms of Discrimination against Women. An increasing number of countries have established mechanisms to enable women to exercise their rights.]

217. The gap between the existence of rights and their effective enjoyment derives from a lack of commitment by Governments to promoting and protecting those rights and the failure of Governments to inform women and men alike about them. The lack of appropriate recourse mechanisms at the national and international levels, and inadequate resources at both levels, compound the problem. In most countries, steps have been taken to reflect the rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women in national law. A number of countries have established mechanisms to strengthen women's ability to exercise their rights.

218. In order to protect the human rights of women, it is necessary to avoid, as far as possible, resorting to reservations and to ensure that no reservation is incompatible with the object and purpose of the Convention [or is otherwise contrary to international treaty law.] Unless the human rights of women, as defined by international human rights instruments, are fully recognised and effectively protected, applied, implemented and enforced in national law as well as in national practice in family, civil, penal, labour and commercial codes and administrative rules and regulations, they will exist in name only.

219. In those countries that have not yet become parties to the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights

⁶ General Assembly Resolution 2106 A (XX), Annex.

⁷ General Assembly Resolution 41/128, Annex.

instruments, or where reservations that are incompatible with the object or purpose of the Convention have been entered, or where national laws have not yet been revised to implement international norms and standards, women's [*de jure*] equality is not yet secured. [Women's full enjoyment of equal rights is undermined by the discrepancies between some national legislation and international law and international instruments on human rights, overly complex administrative procedures, lack of awareness within the judicial process and inadequate monitoring of the violation of the human rights of all women, coupled with the underrepresentation of women in justice systems, insufficient information on existing rights and persistent attitudes and practices that perpetuate women's inequality.] [Lack of enforcement of family, civil, penal, labour and commercial codes or administrative rules and regulations have undermined women's access to the protection offered under international human rights instruments.]

220. Every person should be entitled to participate, to contribute to and to enjoy cultural, economic, political and social development. In many cases women and girls suffer discrimination in the allocation of economic and social resources. This directly violates their economic, social and cultural rights. [They also suffer from the negative effects of structural adjustment policies.]

221. [The human rights of all women and girls [should form an integral part of] [must be integrated in] United Nations human rights activities.] Intensified efforts are needed to integrate the equal status and the human rights of all women and girls into the mainstream of United Nations system-wide activities and to address these issues regularly and systematically throughout relevant bodies and mechanisms. This requires, *inter alia*, improved cooperation and coordination between the Commission on the Status of Women, the United Nations High Commissioner for Human Rights, the Commission on Human Rights, including its special and thematic rapporteurs, independent experts, working groups and its Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission on Sustainable Development, the Commission for Social Development, the Commission on Crime Prevention and Criminal Justice, and the Committee on the Elimination of Discrimination against Women and other human rights treaty bodies, and all relevant entities of the United Nations system, including the specialised agencies [and cooperation is needed also in order to strengthen and rationalise the structure and activities [in order to] [taking into account the need to] avoid unnecessary duplication.]

222. [[Gender] analysis applied to human rights law has shown that the formal requirement of equal treatment of men and women does not take into consideration the systematic nature of discrimination against women. Consequently, if the goal of universal realisation of human rights for all is to be achieved, [universally accepted] international human rights [law] instruments must be applied in a way that takes this fact into account.]

223. [The World Conference on Human Rights and the International Conference on Population and Development [which did not create any human rights] reaffirm [all aspects of the [universal] human rights of women, including] women's reproductive rights [as defined in the Programme of Action of the International Conference on Population and Development, taking into consideration the reservations to the Programme of Action] and the right to development.]

Bearing in mind the definitions given in chapter II, chapter VII, paragraph 7.2, and chapter VIII of the Programme of Action⁸ [reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents. [Therefore, the unique reproductive and productive roles of women [and men] must be recognised and valued.] [Changes in both men's and women's consciousness, attitudes and behaviour are necessary conditions for achieving harmonious partnerships between women and men. It is essential to improve communication between women and men on issues of shared responsibility, including sexuality and reproductive health, so that women and men are equal partners in public and private life. Special efforts are needed to emphasise men's shared responsibility and promote their active involvement in responsible parenthood and sexual and reproductive behaviours.]

224. [Changes in both men's and women's knowledge, attitudes and behaviour are necessary conditions for achieving harmonious partnerships between women and men. It is essential to improve communication between women and men on issues of shared responsibility, including sexuality and reproductive health, so that women and men are equal partners in public and private life. Special efforts are needed to emphasise men's shared responsibility and promote their active involvement in responsible parenthood and sexual and reproductive behaviour.]

225. [Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. There has been a long-standing failure to protect and promote these rights and freedoms in relation to violence against women. Gender-based violence and all forms of sexual harassment, prostitution, pornography, sexual slavery and exploitation, including those violations resulting from cultural prejudice, racism and racial discrimination, xenophobia, ethnic cleansing, religious and anti-religious extremism and international trafficking in women and children, are incompatible with the dignity and worth of the human person and must be eliminated. Any harmful aspect of certain traditional, customary or modern practices that violates the rights of women should be prohibited and eliminated. Governments should take urgent action to combat and eliminate all forms of violence against women in private and public life, whether perpetrated or tolerated by the State or private persons especially in situations [or experienced as a result] of armed conflict. [foreign occupation] or terrorism. Special emphasis must be placed on the prevention of violence against women.]

(First alternative)

[Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. There has been a long-standing failure to protect and promote these rights and freedoms in relation to violence against women. All forms of gender-based violence, including those resulting from armed conflict, foreign occupation, racism, racial

⁸ Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (A/CONF.171/13 and Add.1), Chap. I, Resolution 1, Annex.

discrimination, xenophobia, ethnic cleansing, extremism, terrorism, cultural prejudice and international trafficking [in women and children] are incompatible with the dignity and worth of the human person and must be eliminated. [To this end] urgent action and effective measures by Governments and the international community must be taken to eliminate all forms of violence against women.]

(Second alternative)

[Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. There has been a long-standing failure to protect and promote these rights and freedoms in relation to violence against women. Special emphasis must be placed on the prevention of violence against women.]

226. [Women in particularly vulnerable circumstances, such as migrants, including migrant women workers, refugees or [internally] displaced women or those belonging to racial or ethnic minorities or indigenous groups, are often disadvantaged and marginalised by their lack of knowledge and recognition of their human rights and the absence of recourse mechanisms to redress violations of their rights. The factors that cause the flight of refugee and [internally] displaced women may be different from those affecting men. Refugee and [internally] displaced women continue to be vulnerable to abuses of their human rights while in flight and in countries of asylum and resettlement because of the varied effects of their displacement, including a lack of access to human rights recourse mechanisms and to information on their rights. Such effects of displacement may also be experienced by other migrant women.]

(Alternative)

[Many women face additional barriers in the enjoyment of their human rights because of such factors as their race, language, ethnicity, culture, religion, sexual orientation, disability or socio-economic class or because they are indigenous people, migrants, displaced people or refugees. They are also disadvantaged and marginalised by a lack of knowledge and recognition of their human rights as well as by the obstacles they meet in getting access to information and recourse mechanisms in cases of violation of their rights.]

227. While women are increasingly using the legal system to exercise their rights, in many countries lack of awareness of the existence of these rights is an obstacle to full enjoyment of their human rights and the attainment of equality. Experience in many countries has shown that women can be empowered and motivated to assert their rights, regardless of their level of education or socio-economic status. Legal literacy programmes and media strategies have been effective in helping women to understand the link between their rights and other aspects of their lives and in demonstrating that cost-effective initiatives can be undertaken to help women obtain those rights. Provision of human rights education is essential for promoting an understanding of the human rights of women, including knowledge of recourse mechanisms to redress violations of their rights. It is necessary for all individuals, especially women in vulnerable circumstances, to have full knowledge of their rights and access to legal recourse against violations of their rights.

228. Women engaged in the defence of human rights must be protected. Governments have a duty to guarantee the full enjoyment of all rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights by women working peacefully in a personal or organisational capacity for the promotion and protection of human rights. Non-governmental organisations and women's organisations [and feminist groups] have played a catalytic role in the promotion of the human rights of women, through grass-roots activities, networking and advocacy, and need encouragement, support and access to information from Governments in order to carry out these activities.

229. In addressing the enjoyment of human rights, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men respectively.

Apply and enforce international norms and standards to promote and safeguard the full and equal enjoyment by women of all human rights.

- Strategic objective I.1. **Promote and protect [all] the human rights of women, through the full implementation of all [international] human rights instruments, especially through the Convention on the Elimination of All Forms of Discrimination against Women**
- Strategic objective I.2. **Ensure equality and non-discrimination under the law**
- Strategic objective I.3. **Achieve legal literacy**

TOWARDS GENDER EQUALITY: THE SRI LANKA NATIONAL REPORT TO THE UN FOURTH WORLD CONFERENCE ON WOMEN 1995, BEIJING-CHINA*

OVERVIEW

The current constitution of Sri Lanka introduced in 1978 has recognised gender equality as a priority issue to be considered in the elimination of all forms of discrimination in the population. A review of development activities that have taken place following the post Nairobi period shows that Sri Lanka has followed policies and adopted measures facilitating the advancement of women.

The establishment of a Women's Bureau in 1978, the creation of a Women's Ministry in 1983, and the forming of a National Committee on Women in 1992 geared to facilitating the implementation of the Charter of Women's Rights - accepted as national policy, were outstanding features of a concerned and serious effort initiated to ensure and achieve gender equality, and equity. Compared to many countries in the developing world in Africa, South America, Asia and the Pacific, Sri Lanka has achieved a commendable degree of success in the areas of fertility control, literacy, and life expectancy at birth.

The UNDP Report on Human Development has placed Sri Lanka among countries falling within the Middle Development Group. It is a fact that speaks well for Sri Lanka's achievements.

There have been equally potent negative factors too, militating against whatever was achieved in a positive manner. They were the outcome of political turbulence strongly backed up by social and economic imperatives.

A youth insurrection in mid-eighties in the south, and a violent ethnic conflict in the North and the East, which commenced in 1983 and which has been widely escalating to this day taking toll of many thousands of lives and destroying valuable property, required that Government energies and resources be spent to counteract them.

The State delivery services in the North and the East were disrupted. By the end of 1993, official figures revealed that there were 1,41,000 displaced families (557,000 people) living as refugees and requiring rehabilitation. Defence expenditure prevented most development programmes contemplated to be executed. Despite such constraints, the long-standing state services such as free health care, free education and free meals and free uniforms to school children have continued to benefit the people.

In addition to the constraints imposed by an ever rising defence budget, yet another factor that led to limiting the social development work of the Government was the policy of structural

* This is an abbreviated version of the Sri Lankan National report presented at the UN Fourth World Conference on Women in Beijing in September 1995.

adjustment which it was forced to follow, as a condition in loan agreements entered into with the World Bank and the IMF.

Since 1977, the economy continued to be guided on the free market principle with stress on activating the private sector. Export led production and accelerated industrialisation weakened agricultural development, a sector mostly dominated by women. Despite heavy expenditure on security, the maintenance of an annual economic growth rate above 4.3% could be considered encouraging.

Since 1986, foreign exchange earnings from industrial exports have out-paced earnings from plantation exports. The open economic policy adopted by the Government provided a large number of women with job opportunities. However, concerns remained as to whether they had access to worker rights that would enable them to enjoy such benefits as reasonable wages, maternity leave, security of service and insurance against industrial hazards they are exposed to in work places.

It is heartening to note that the Ministry of Labour of the new Government which came to power in 1994, has taken many new initiatives, towards the protection of workers' rights. Women without special skills in large numbers started migrating to West Asian countries in search of employment as domestic workers. As recruitment was done through a network of private Agencies, there remained numerous complaints of exploitation and harassment of women most of whom appeared to be in a state of vulnerability due to their low education and poverty. The Ministry of Labour, in recent months has taken action to evolve appropriate mechanisms through the Foreign Employment Bureau to adopt corrective measures to give them better protection.

Despite the expansion of the economy, the income distribution patterns have shown widening disparities. Over 40% of the population remains below the poverty line. From 1989 onwards, attempts were made to address the poverty issue through a national level poverty alleviation programme, *Janasaviya* which concentrated on promotion of self-reliance and sustainable development. With the new Government of Madam Chandrika Bandaranaike Kumaratunga, taking charge of the administration since August last year, has introduced a new strategy, "Prosperity" (*Samurdi*) to replace *Janasaviya*. *Samurdi* attempts basically to involve young men and women in a participatory development process while promoting the creation of a Youth Leadership comprising both sexes at village level. Recognition afforded to women and social mobilizers is a significant factor in support of their demand for equity and equality within the family and in society.

Yet another development that reflects the new Government's vision of peace and justice for all, is its power-sharing political package that has just been laid bare and which has come in for critical scrutiny in many quarters.

With the possibility of many of its shortcomings being consensually narrowed, it is likely to offer the most viable and practical solution to persuade all warring elements within the country to accept the reality of pluralism and be assured of a lasting peace within a growing spectrum of diversity. More importantly, the elimination of regional imbalances, in terms of power and

resources being equally shared would certainly assist women from regionally marginalised peripheral groups to come into the main-stream of social, political and economic life.

In view of many favourable achievements gained in social development, it is often believed that women have overcome most of their disabilities in matters related to gender differentiation. Nevertheless, the reality remains different with an insufficient number being placed in decision making positions.

The absence of a sufficiently strong female lobby to highlight their not so conspicuous marginalisation at all levels of domestic and public life too has certainly been a constraint to their upliftment and total liberation.

Cultural norms and traditional beliefs are yet another factor that has led to a lack of enthusiasm on their part to challenge forces which tend to suppress and oppress them.

Against this back-drop it is a matter of relief to find many NGOs, both local and foreign, implementing programmes designed and planned to conscientise them to feel empowered in the demand for their just rights.

Many NGOs have carried out projects at grass-roots intended to train women in the acquisition of skills meant to help them be self-employed. Economic self-reliance, it is thought, and it is rightly so, helps them gain greater confidence.

Violence against women is a phenomenon found mostly in communities which remain socially and economically backward. Still, there remain remnants of legal handicaps pertaining to placing of women under severe hardships in matters related to marriage, divorce and inheritance.

The prevailing legal system does not afford them the opportunity to freely present their view points in regard to their grievances. Hence, it is a matter of satisfaction to know that steps are being taken to overhaul the outdated and obsolete laws. Action has already been taken to establish special female units in police stations as a supportive measure to help women feel more confident to face challenges when being forced to be involved in litigation. Be it in a police station or the courts, they remain to be perpetually humiliated even when they appear as complainants.

Attention needs to be focused on the need to persuade more and more women to enter positions of authority within the administrative and political structures in the country, at provincial, regional and national level.

The media too needs to refashion its focus on women to ensure that they function in their varying roles not as passive characters to be manipulated by males, but as actors with an identity and a dignity of their own.

1. GENDER EQUITY

Despite the grant of female franchise in 1931, and the higher level of literacy, the ratio of women parliamentarians has continued to remain rather low in Sri Lanka. However, it is encouraging to note that there has been an increase to 5.82% upto 1989.¹

It is rather strange that, although the female voter turn-out was comparable to that of males, the nomination process has shown a considerable degree of male dominance, giving the impression that women have been side-stepped, or they have shown no initiative to assert their rights, to get into decision-making roles.

There has been a marginal reduction of female presence in the 1994 elections to Parliament, compared proportionately with preceding years. However, it should not be forgotten that the voters preferred to elect a woman as President in the same year with an unprecedented majority - 64% votes.

Also, there are 3 women holding Ministerial positions among whose subjects are areas considered "extremely hard" such as Finance, Defence, and Transport. This is in sharp contrast to what used to be "the softer domain" of female Ministers in the past. It is an indication that there is a visible emergence of a conviction about women's capacity to deal with difficult decisions. Figures indicate that decision-making at higher political and executive levels yet remain a male prerogative. Although there has been an increase, it appears only marginal.

With Provincial Councils being established in 1989, there appeared one Woman Chief Minister as against seven men indicating a 12.5% female participation. There were no females among the eight Chief Secretaries appointed.

In the composition of Divisional Secretaries, for the year 1993, it is noticed that there has been 1.6% female presence, which is absolutely negligible considering the fact that there is no dearth of women with experience, seniority and service in the public service. This sad situation has continued even though the gender-wise quota prescription for entry into the public service was removed in 1978. An allocation of subjects to the few women Ministers who were exceptionally fortunate to hold such positions indicate that they all fell within the spectrum of "Social Service"..... The low rate of participation of women in political and administrative decision-making is an indicator of a general trend towards affording them a lower status.

Figures are indicative of a decreasing ratio of positions of women at the higher diplomatic service. This is because from 1958 to 1974 there were only two women in the Foreign Service, both of whom became ambassadors. It is perhaps because of the greater difficulty of combining a career in the Foreign Service with family obligations, that the female intake into the service has been small, and in such a context, it is a significant factor that more women have been

¹ Editors note : Although there is an increase until 1989, the data given in the report indicates that there has been a reduction to 5.6% in 1994.

entering the service in recent years and are visible in the lower grades, and should increase Heads of Missions in the course of time.

Analysis of relevant statistics demonstrates clearly that the participation of women in local level political decision making too has been less than two percent. There has not been very much of a positive change in 1994 as for the results of local elections, from what they were in 1991, expect in elections to Urban Councils. The situation calls for extensive consciousness raising and leadership training among women which could be has mainly through participation in community politics. Yet, it augurs well for the future that the situation seems to be changing for the better although with a relatively slow upward trend.

2. **POVERTY; POVERTY AND SOCIAL SUPPORT TO FACILITATE WOMEN'S ACCESS TO SKILL DEVELOPMENT AND ECONOMIC ACTIVITY**

The urban unemployment rate for women has remained over 30% in 1991, whereas the figures in the rural and estate sectors were comparatively lower for the same period. Many have sought work in garment factories with a fair number migrating to West Asian countries as domestic aides.

The percentage of women with access to clean water is a factor that helps decide on the degree of burden women are called upon to bear in respect of their household duties. Although the situation appears to be fairly satisfactory in the urban sector, it does not indicate that the situation is the same in the rural sector. There has been, however, a gradual improvement in the service between 1981 and 1992. There has been a reasonable increase of facilities for the supply of clean water through drilled-wells between 1985 and 1992 in urban settlements.

Enrolment figures - Figures for enrolment in government technical colleges² demonstrate that there has been a rise in the participation of women in skills training programmed offered by such agencies as the Department of Labour, Ministry of Higher Education, the Youth Services Council, the Handicrafts Board, and the National Industrial Training Authority.

Yet, it is noticeable that there is still a gender segregation in the selection of courses. Women prefer what are identified as "feminine tasks" such as stenography and dress-making to what are known as male tasks, such as radio-electronics, gem-cutting and jewellery making. This tendency in them may be due to their anxiety to devote a part of the time available for work for child-care. However, the few who have opted to practise "male-specific" tasks have proved their potential and capabilities.

Government technical colleges situated in the major cities offer a variety of training courses of which accountancy, business studies, stenography, and secretarial work are the most popular among women. Data indicates an increase of the percentage of women trainees during the period 1989 - 1992. Despite training, absorption of these trainees into the labour market has been found to be problematic.

² Data available only until 1992

Although there are disparities in facilities provided for education between urban and rural sectors, a greater percentage of girls (56.7% and 58.2%) have secured scholarships at the Grade 5 examination in the years 1992 and 1993 respectively. It is a factor which indicates that there is no discrimination based on gender as far as education is concerned.

In the year 1993, 41.3% of girls entering universities have been awarded Mahapola scholarships. Although the figures indicate a comparatively reasonable achievement level for girls at examinations, it is incomprehensible as to why there has been a wide disparity between males and females as regards award of scholarships and fellowships by the Government through the Department of External Resources, for example 20% for females and 80% for males. This sad situation should perhaps be attributed to the fact that selection panels are manned by a majority of men whose judgement remains coloured by gender biases and prejudices against females.

3. WOMEN'S ACCESS TO EDUCATION, HEALTH, EMPLOYMENT AND OTHER AREAS, TO DEVELOP AND USE THEIR CAPABILITIES.

Sri Lanka has throughout maintained a relatively high literacy rate. However, it is clear that the illiteracy rate is yet higher in the estate sector and lower in the urban sector. It is also noticeable, that gender disparity as for illiteracy is lower in the under 35 age group and that too seems to be narrowing over the years. The Labour Force and Socio-Economic Survey conducted in 1992 (except in the North and the East) has revealed that the literacy rate for men is 90% and for women, 83.08 percent.

Women have had equal access to educational facilities and opportunities. Except at the primary level, enrolment ratio of females has been higher than that of males at the secondary level. It could be explained by the fact that the drop-out rate of boys is comparatively higher. The retention rate of girls has been consistently high while the drop-out rate of boys has been higher. While there is no discrimination between boys and girls as for education, whatever disabilities they have suffered are obviously to be attributed to poverty.

Except in Arts, the ratio of female success appears to remain lower in most other fields. It is lowest for Engineering. As for female performance generally taken, ratios achieved clearly indicate that they have the potential to compete with males, with equal competence and capacity. However, it is seen that their absorption into the labour market has continued to remain minimal, a factor which needs a thorough probing.

Although the total number of graduates in Engineering during the period 1985 - 1990 has increased, the ratio of women in the component has decreased from 18.6% to 17.8 percent. In 1991 there have been 81 women engineers compared to 24 men unemployed, reflecting a trend towards job segregation in favour of males.

In view of the high literacy rate that prevailed here during the last five decades and preference shown by women for the teaching profession, the majority in the teaching cadre have been females. They comprise a ratio of 67.3% according to statistics available for the year 1992. There has been an increase from 61.2% to 67.3% between the period 1985 to 1992. In tertiary

institutes including universities, the figure for female participation is 45 percent.

However, the high concentration of females in the teaching profession indicates a gender segregation as an outcome of prevailing social norms. There has been a tradition to focus on teaching and nursing, when decisions are taken as regards a choice of profession for females. In a way, it has encouraged more girls to gain access to education.

Since 1971, the female life expectancy rate has improved over that of males and stands at 74.8 years in 1991. It is certainly to be attributed to improved maternal and child health programmed conducted by the Government.

A high level of literacy and a steady expansion of the Health Care Services have contributed to a significant reduction of maternal mortality in Sri Lanka. The recorded figure for 1992 is 50 deaths for 100,000 live births. Although this is the national figure, it is to be admitted that there are high rates recorded in community pockets which remain geographically isolated as escalation of service-delivery to them has been slow and impeded by a lack of communication. Figures available indicate an improvement of the overall infant mortality rates. In fact, the mortality rate of females is recorded to be lower, an indicator that there has been no discriminatory practices against women.

The gender role perception of females as secondary earners has affected them as dispensable factors of production. As there is a heavy surplus of unemployed women, their bargaining power for work and for better wages and conditions of service remains pathetically inadequate and low. Of the total of 83,529 workers employed in the three Free Trade Zones, by the end of 1993, 85 % were women involved in semi-skilled assembly line operations. They labour hard under trying conditions to earn their daily bread. With exposure to health hazards and vulnerability to violence of many forms, these women have encountered and are continuing to encounter painfully traumatic experiences.

The general unemployment rate of women for the year 1993 has exceeded the figure for males by 11.1 percent. Trends reflected in data gathered indicate a very low percentage of women having acquired employer status. It is an indication that women have less access to resources and factors of production in a highly competitive economy. Economic liberalisation has had no significant impact on a majority of women. The economic restructuring, privatisation and trimming of the public sector as a result of the structural adjustment process have led to reduction of public sector employment.

This reduction along with the acute competition in the labour market and the limited employable skills have in combination resulted in a drop of the percentage of women in paid employment from around 80% in the early eighties, to 55 % by 1990. This figure, however, has risen to 61.2% by 1993.

In recent years, much stress has been put on promotion of self-employment among low income women. It is to be observed that supportive services provided in terms of training and credit facilities have been inadequate for them to be assured of viability and sustainability. A significant number of women engaged in home-based activities have failed to be reflected in

official employment data, a factor that has led to them being deprived of formal support services.

There were nearly 400,000 migrant workers in Gulf States in 1994. A majority of them were unskilled domestic aides who had been exposed to exploitation and harassment.

Insufficiency of employment opportunities currently found tends to reinforce the subordination of women socially and economically.

4. VIOLENCE AGAINST WOMEN

There have been no women appointed to the Court of Appeal or the Supreme Court so far. The only women judge appointed to the High Court took office in 1988.

Although, as at present, there is no bar to women being appointed to high judicial office, the percentage of women already in has continued to remain negligible. The percentage of women judges compared to their male counterparts is 23.2 percent. However, it is to be noted that the percentage has gradually increased during the past decade.

The percentage of women passing out as Attorneys was 40% in 1985, but it did rise up to 44% by 1992. Enrolment of women in the University Law Faculty too has risen from 47.5% in 1986 to 52.9% in 1991. The percentage of women at the Bar too has increased. Nevertheless, the mere presence of women in the judiciary itself cannot be presumed to have elevated the status of women in general, until appropriate reforms have been effected to the many obsolete laws that are seen to prevent women enjoying equal benefits as men.

The percentage of females in police ranks and that too at lower grades is 3.45 percent. Their promotion to higher grades has been extremely slow: from 1953 up to the end of 1993, there was only one woman Assistant Superintendent of Police, one woman Chief Inspector and 37 women Inspectors. It is strange that the letter "W" denoting their sex was attached to their titles, such as "WPC", which is evidence that there has been gender segregation against them. It is observed that Women Officers in lower grades are often assigned subordinate roles to be performed under males. The handful of higher cadres in service are expected to handle "soft duties" such as building maintenance, data collection and first aid.

It was in the year 1993 that a Police Desk was started for the first time to deal with "Child Abuse and Violence against Women" under a Senior Woman Police Officer. It is indeed an action which relates itself to a requirement under the newly approved Women's Charter. The subject of violence against women has been given highest priority in the list of duties of all senior public servants. It is rather disheartening to note that detailing of Women Police Officers to handle duties under this latest programme is done in an *ad hoc* manner without following any specific criteria. This has made it necessary to introduce the subject of gender sensitisation into the normal training curriculum of Police Officers.

5. EFFECTS OF CONTINUING ARMED CONFLICTS ON WOMEN

6.1 Approximate No. of Displaced Families/Persons within Sri Lanka (Based on the data for Day Ration Issue)

Year	Total No Families	Total No Persons
1985	33,000	138,600
1986	20,000	84,000
1987	96,000	403,000
1988	30,000	126,000
1989	17,000	71,400
1990	170,000	714,000
1991	152,000	638,400
1992	163,000	684,600
1993	141,000	557,000

Source : REPIIA

Consequent to the ongoing armed conflict in the North and the East, a large number of families, nearly 141,000 have become displaced. They are being accommodated in refugee camps. There could be at least 200,000 women who have suffered traumatic experiences and requiring psycho-social support in the form of counselling. It is a pity that such services are found wanting in Sri Lanka.

AWARENESS AND COMMITMENT TO THE INTERNATIONALLY AND NATIONALLY RECOGNISED WOMEN'S RIGHTS.

MAIN AREAS IN WHICH LEGAL DISCRIMINATION STILL EXISTS

The main areas of legal discrimination against women are as follows:-

Family Law

Discriminations are evident as regards Muslim Women (Jaffna Tamils)³ as they are compulsorily subject to indigenous legal processes, the Muslim laws and Thesavalamai respectively. They relate mainly to marriage, property rights and divorce -

Under the general law too women are discriminated against in regard to the age of marriage. The minimum age of marriage for women is 12 years, while it is 10 years for males. However,

³ Editors note: It is erroneous to put Jaffna Tamils within brackets after muslim women here as these are two separate ethnic groups of people subject to distinct personal laws. The bracket here indicates that "Jaffna Tamils" is another name for "Muslim women".

the Women's Charter has attempted to correct it by getting a single age limit for marriage for both sexes which is 18 years.⁴ Married women are not permitted to acquire an independent domicile.

Women are also discriminated against in respect of the legal guardianship of children.

General areas of discrimination

As against the UN convention on the Nationality of Women, the issue of residence permits women remains prejudicial towards them. There is also discrimination against women on the matter of transmission of citizenship by descent to children.

Criminal Law

Rape and abortion laws are discriminatory towards women. Penalties for violence against and harassment of women have continued to be lenient and inadequate. Prosecution is difficult too. There is insufficient protection for women against domestic violence within marriage.⁵

Employment Law

Employment law is less discriminatory against women. Nevertheless, sexual harassment is a frequent occurrence in work places. The Labour Department is hesitant to intervene on behalf of harassed women employees in Investment Promotion Zones for fear of losing investor confidence. Female domestic aids have no legal protection. Wage structures are generally unfavourable to women.

⁴ Editors note: The recent amendments to the law stipulate that the age of marriage for both sexes is 18 years.

⁵ Editors note: See in this regard, recent amendments to the Penal Code on rape, child abuse etc.

COMMENT ON THE SRI LANKAN GOVERNMENT REPORT SUBMITTED AT THE FOURTH WORLD CONFERENCE ON WOMEN, BEIJING.

by

*Katy Grant**

The Beijing Fourth World Conference on Women was a rare opportunity for countries all over the world to demonstrate their commitment to the new prominence of women's issues on the international human rights agenda. At this conference, delegates from every country and representatives from any government in the world met and exchanged ideas. Women from all levels of society - from the top political positions to grassroots village representatives - were able to express their views, share their experience and learn through the process of exchange. It was a chance to make a point or take a position on matters close to the hearts of the world's largest oppressed group - 50% of the global population - and to declare a solidarity with women in all aspects of their human rights concerns.

In the light of this, and of the fact that Sri Lanka's Prime Minister, President and Minister for Women's Affairs are all women, the governmental report submitted by the country to Beijing ought to have been amongst the foremost in its consciousness of the need to promote women's rights. Instead, it was embarrassment.

Introduced by the three prominent female figures mentioned above, the report proper is only 24 pages long. Minister of Women's Affairs, Srimani Athulathmudali's introduction barely alludes to women in the summary of social and economic development that is included, and contains such questionable statements as "Violence against women is a phenomenon found mostly in communities which remain socially and economically backward." This is one of the classic myths about violence, especially domestic, against women which those active in the field have long been trying to dispel, along with the inevitable irresponsible and prejudiced perceptions which accompany such a claim.

The introduction was very short, and made very little reference to the present legal situation and the recent changes in law which concern themselves primarily with women's rights.

The report itself consisted of a series of tables, with minimal accompanying text, to show how matters had altered statistically in some fields concerning women's rights in Sri Lanka. Much of the information in the tables was old, often ending in 1991 or 1992, and in any case, the presentation of so much statistical data in table form makes for turgid and unimpressive reading.

Significant also was what appeared to be the report's total failure to have appreciated the recent foci of international women's rights; concerns such as the effect on women of poverty, of violence, and of armed conflict. These matters were 'treated' in the report, but in minimal

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detail, with no analysis of the reality of women's experience in these situations, or any positive response to the problems. In fact, the concluding comment about counselling for refugee women made at the end of a 1/2 page section on women and armed conflict, is that "it is a pity that such services are found wanting in Sri Lanka." So whose responsibility is it to see that such services are available in Sri Lanka? Having registered their concern, it is for the government to take action regarding this inadequacy.

Moreover, the section on violence against women consists entirely of statistics about the number of women admitted to the Courts, to the Bar, and discrimination against women in the police force. In what way do these figures, important though they are, constitute *violence against women*? In a country where so much extreme physical violence against women exists at domestic, community and state level it is outrageous that they are given no treatment at all. Given that the United Nations Special Rapporteur on Violence against Women is Sri Lankan and working in Colombo, and that there exist in the country a number of national and international NGOs who are working entirely with the female victims of violence, the relevant information cannot be hard to access. Ignoring the reality of the problem is all part of the age-old and male-constructed process of marginalisation of women's concerns, and it is more than time to alter the situation that perpetuates the cloak of silence that still surrounds the suffering of women.

The final page of the report is an attempt by the Government to acknowledge openly the areas in which the law in Sri Lanka still discriminates against women. Although the Government should be commended for its honesty in this respect, there is no mention of any intention to rectify the ongoing discrimination, and statements such as "Rape and abortion laws are discriminatory towards women" are baldly made with no follow up comment, response or declaration of intent as regards changing the law.

On top of all this, the report was full of typing errors, bad punctuation, poor grammar, and colloquialisms, none of which makes for being taken very seriously at the international level.

If Sri Lanka wishes to show the world that it is taking steps towards improving its human rights record, that it is a country whose woman-led government is to be respected for its progressiveness, and that its presence at Beijing was indicative of a desire to prioritise women's concerns, then it must take greater care with the documents which are to make a lasting impression at the international level. So much energetic work is being done by different parties in the country in the field of human rights and of women's concerns, it is shameful and irresponsible not to harness the product of this work. There are many who mind passionately about what happened at Beijing and what the future of women's rights holds, and the Sri Lankan Government owes it to them to represent them at the national level with sensitivity, energy, and dignity.

**ADDRESS BY BENAZIR BHUTTO PRIME MINISTER
OF THE ISLAMIC REPUBLIC OF PAKISTAN
AT THE FOURTH WORLD CONFERENCE
ON WOMEN IN BEIJING 4.9.95**

There is a moral crisis engulfing the world as we speak, a crisis of injustice and inaction, a crisis of silence and acquiescence. The crisis is caused by centuries and generations of oppression and repression. This conference, therefore, transcends politics and economics. We are dealing with a fundamental moral issue. This is a truly historic occasion. Some 40,000 women have assembled here to demand their rights; to secure a better future for their daughters; to put an end to the prejudices which still deny so many of us our rightful place in society.

On this solemn occasion I stand before you not only as a Prime Minister but as a woman and a mother - a woman proud of her cultural and religious heritage, a woman sensitive to the obstacles to justice and full participation that still stand before women in almost every society on earth.

As the first woman ever elected to head an Islamic nation, I feel a special responsibility towards women's issues and towards all women. And as a Muslim woman, I feel a special responsibility to counter the propaganda of a handful that Islam gives women a second class status.

This is not true. Today the Muslim world boasts three women Prime Ministers, elected by male and female voters on our abilities as people, as persons, not as women. Our election has destroyed the myth built by social taboo that a woman's place is in the house, that it is shameful or dishonourable or socially unacceptable for a Muslim woman to work.

Our election has given women all over the Muslim world moral strength to declare that it is socially correct for a woman to work and to follow in our footsteps as working women and working mothers. Muslim women have a special responsibility to help distinguish between Islamic teachings and social taboos spun by the traditions of patriarchal society.

This is a distinction that obscurantists would not like to see. For obscurantists believe in discrimination. Discrimination is the first step to dictatorship and the usurpation of power.

A month ago, Pakistan hosted the first ever conference of Women Parliamentarians of Muslim world. Never in the history of Islam had so many working women and elected representatives gathered together at one place to speak in one voice. As over a 100 delegates from 35 Muslim countries gathered together, I felt an enormous sense of pride that we women had each other for strength and support across the globe and across the continents to face and oppose those who would not allow the empowerment of women.

And, today, I feel the same sense of pride, that we women have gathered together at Beijing, at this ancient capital of an ancient civilisation to declare: we are not alone in our search for empowerment, that women across continents are together in the search for self-esteem, self-

worth, self-respect and respect in society itself. In distinguishing between Islamic teachings and social taboos, we must remember that Islam forbids injustice.

Injustice against people, against nations, against women. It shuns race, colour, and gender as a basis of distinction amongst fellow men. It enshrines piety as the sole criteria for judging humankind. It treats women as human beings in their own right, not as chattels. A woman can inherit, divorce, receive alimony and child custody. Women were intellectuals, poets, jurists and even took part in war.

The Holy Book of the Muslims refers to the rule of a woman, the Queen of Sabah. The Holy Book alludes to her wisdom and her country being a land of plenty. The Holy Prophet (peace be upon him) himself married a working woman. And the first convert to Islam was a woman, Bibi Khadija.

Prophet Muhammed (peace be upon him) emphatically condemned and put an end to the practice of female infanticide in pre-Islamic Arabia. The Holy Quran reads:

When news is brought to one of them of the birth of a female child, his face darkens and he is filled with inward grief and with shame does he hide himself from his people because of the bad news he has had.

Shall he retain it on sufferance and contempt, or bury it in the dust. Ah! what an evil choice they decide on (Surah Al-Nayah, Ayat-57, 58, 59)

How true these words ring even today. How many women are still "retained" in their families "on sufferance and contempt" growing up with emotional scars and burdens. How tragic is it that the pre-Islamic practice of female infanticide still haunts a world we regard as modern and civilised. Girl children are often abandoned or aborted.

Statistics show that men now increasingly outnumber women in more than 15 Asian nations. Boys are wanted. Boys are wanted because their worth is considered more than that of the girl. Boys are wanted to satisfy the ego: they carry on the father's name in this world. Yet too often we forget that for Muslims on the Day of Judgement, each person will be called not by their father's name but by the mother's name.

To please her husband, a woman wants a son. To keep her husband from abandoning her, a woman wants a son. And, too often, when a woman expected a girl, she abets her husband in abandoning or aborting that innocent, perfectly formed child.

As we gather here today, the cries of the girl child reach out to us. This conference needs to chart a course that can create a climate where the girl child is as welcomed and valued as a boy child, that the girl child is considered as worthy as a boy child.

When I was chairperson of the South Asian Association of Regional Countries, SAARC declared 1989 as the Year of the Girl Child. Six years later, the girl child's vulnerability continues. And it continues, not because of religion in the case of Pakistan, but because of social prejudice.

The rights Islam gave Muslim women have too often been denied. And women are denied rights all over the world, whether developed or developing. All over the world women are subjected to domestic violence. Often a woman does not walk out for she has nowhere to go. Or she stays and puts up with the domestic violence for the sake of her children.

We in Pakistan have started a public awareness campaign against domestic violence through the mass media to inform women that domestic violence is a crime and to alert men that they can be punished for it. Often women, in many a society are tortured, not only by men, but by women-in-laws too, for financial benefits from the woman's family.

Sometimes a wife is killed by her husband or in-laws so that they can gain another wife and more dowry. The dowry system is a social ill against which we must raise our voices and create greater awareness. Women are not only victims of physical abuse, women are victims of verbal abuse. Often men, in anger and frustration, indulge in the uncivilised behaviour of rude and vulgar language against women. Unfortunately, women at times also use vulgar language to denigrate another woman.

So we have to work together to change not only the attitude of men but the attitudes of both men and women. Women have become the victims of a culture of exclusion and male dominance. Today more women than men suffer from poverty, deprivation, and discrimination. Half a billion women are illiterate. Seventy per cent of the children who are denied elementary education are girls.

In Pakistan we are concentrating on primary education for girls to rectify this imbalance. We are concentrating on training women teachers and opening up employment avenues for women. It is my firm conviction that a woman cannot ultimately control her own life and make her own choices unless she has financial independence. A woman cannot have financial independence if she cannot work.

The discrimination against women can only begin to erode when women are educated and women are employed. If my father had not educated me or left me with independent financial means, I would not have been able to sustain myself or to struggle against tyranny or to stand here before you today as a special guest speaker.

If the girl child is to be valued, if the wife is to say "No" to domestic violence, then we owe a special obligation to creating jobs for women. That is why we in Pakistan, set up in 1989 the Women's Bank.

A bank run by women for women to aid and assist women in setting up their own enterprises to gain financial independence and with it the freedom to make one's own choices. In 1997 we host the Second Muslim Women's Olympics. Special sporting facilities are being set up to encourage participation by Pakistani women in sports.

And Pakistani women are playing a significant role in defusing the population bomb in Pakistan. One hundred thousand women are to be trained to reduce Pakistan's population growth levels and its infant mortality levels.

Some cynics argue about the utility of holding this conference. Let me disagree with them. The holding of this conference demonstrated that women are not forgotten, that the world cares. The holding of this conference demonstrates solidarity with women.

The holding of this conference makes us determined to contribute each in our own way, in any manner we can, to lessen the oppression, repression and discrimination against women. And while much needs to be done, each decade has brought with it its own small improvement.

When I was growing up, women in my extended family remained behind closed walls in village homes. Now we all travel to cities or abroad.

When I was growing up, women in my extended family all covered ourselves with the *Burqa*, or veil, from head to foot when we visited each other for weddings or funerals - the only two items for which we were allowed out. Now most women restrict themselves to the *Dupatta* or *Chadar* and are free to leave the house.

When I was growing up, the boy cousin inevitably took a second wife. Now the girls do not expect their husbands to marry again. From the norm, it has become the exception to the norm. When I was growing up, women were not educated. I was the first girl in my family to go to university and to go abroad for my studies. Now it has become the norm for girls to be educated at university and abroad when the families can afford it.

I have seen a lot of changes in my lifetime. But I hope to see many more changes, and some of these changes I hope will flow from the Universal Declaration of Human Rights calling for the elimination of discrimination against women. I hope some of these changes will flow from the Convention for the Elimination of all forms of Discrimination which Pakistan signed last month.

Of course, there was resistance from many quarters. But we are determined to move forward in fulfilling our dream of a Pakistan where women contribute their full potential. As women, we draw satisfaction from Beijing Platform of Action which encompasses a comprehensive approach towards the empowerment of women.

But women cannot be expected to struggle alone against the forces of discrimination and exploitation. I recall the words of Dante who reminded us that:

The hottest place in Hell is reserved for those who remain neutral in times of moral crisis.

Today, in this world, in the fight for the liberation of women, there can be no neutrality.

But, my dear sisters, we have learned that democracy alone is not enough. Freedom of choice alone does not guarantee justice. Equal rights are not defined only by political values. Social justice is a triad of freedom, of equality and of liberty:

Justice is political liberty.
Justice is economic independence.
Justice is social equality.

Empowerment is not only a right to have political freedom. Empowerment is the right to be independent; to be educated; to have choices in life. Empowerment is the right to have the opportunity to select a productive career; to own property; to participate in business; to flourish in the market place.

Pakistan is satisfied that the draft Platform for Action of the Fourth World Conference on Women negotiated so far focuses on the critical areas of concern for women and outlines an action-oriented strategy for the solution of their problems.

However, we believe that the Platform needs to address the questions of new and additional resources, external debt, structural adjustment programmes, human rights of women, protection of women entrapped in armed conflicts and the realization of the right to self-determination of the territories still under foreign occupation and alien domination.

It must also seek to strengthen the role of the traditional family as the bedrock of the society. Disintegration of the family generates moral decay. This must be arrested. The Platform is disturbingly weak on the role of the traditional family. This weakness can lead to misinterpretation, and even distortion by opponents of the women's agenda. We have seen much progress. The very fact that we convene in Beijing today is a giant step forward.

But new clouds darken the horizon. The end of the cold war should have ushered in peace and an era of progress of women. Regrettably, the proliferation of regional tensions and conflicts have belied our aspirations. As in the past, women and girls have again been the most direct victims of these conflicts - the most helpless, and thus the most abused.

The use of rape as a weapon of war and an instrument of "ethnic cleansing" is as depraved as it is reprehensible. The unfolding of this saga in different parts of the world has shaken the conscience of the entire international community.

The enormity of the tragedy dwarfs our other issues - urgent as they are. This conference must, therefore, express its complete solidarity with our sisters and daughters who are victims of armed conflict, oppression, and brutality, their misfortunes must be our first priority.

I come before you to speak of the forces that must shape the new decade, the new century, the new millennium. We must shape a world free from exploitation and maltreatment of women. A world in which women have opportunities to rise to the highest level in politics, business, diplomacy, and other spheres of life. Where there are no battered women here honour and dignity is protected in war and conflict.

Where we have economic freedom and independence. Where we are equal partners in peace and development. A world equally committed to economic development and political development. A world as committed to free markets as to women's emancipation. And even

as we catalogue, organise, and reach our goals, step by step, let us be ever vigilant. Repressive forces always will stand ready to exploit the moment and push us back into the past.

Let us remember the words of the German writer, Goethe: "*Freedom has to be re-made and re-earned in every generation.*" We must do much more than decry the last. We must change the future.

Remembering the words of a sister parliamentarian Senator Barbara Mikulski, that, "demography is destiny," I believe time, justice and the forces of history are on our side. We are here in Beijing to proclaim a new vision of equality and partnership.

Let us translate this vision into reality in the shortest possible time.

OPTION IN FAVOUR OF GIRLS AND YOUNG WOMEN

VATICAN CITY, 1 SEPT 1995, (VIS) - The Holy See's Delegation to the 4TH UN Conference on Women was received by John Paul II on 29 August. It is headed by Mrs. Mary Ann Glendon, to whom the Pope handed a message. Following are excerpts:

"The Secretary General of the United Nations has asked the participating nations at the Beijing Conference to announce concrete commitments for the improvement of the condition of women. Having looked at the various needs of women in today's world, the Holy See wishes to make a specific option regarding such a commitment: an option in favour of girls and young women. Therefore, I call all Catholic caring and educational institutions to adopt a concerted and priority strategy directed to girls and young women, especially to the poorest, over the coming years.

It is disheartening to note that in today's world, the simple fact of being a female, rather than a male, can reduce the likelihood of being born or of surviving childhood; it can mean receiving less adequate nutrition and health care, and it can increase the chance of remaining illiterate and having only limited access, or none at all, even to primary education;

Investment in the care and education of girls, as an equal right, is a fundamental key to the advancement of women. It is for this reason that today;

I appeal to all the educational services linked to the Catholic Church to guarantee equal access for girls, to educate boys to a sense of women's dignity and worth, to provide additional possibilities for girls who have suffered disadvantage, and to identify and remedy the reasons which cause girls to drop out of education at an early stage;

I appeal to those institutions which are involved in health care, especially primary health care, to make improved basic health care and education for girls a hallmark of their service;

I appeal to the Church charitable and development organisations to give priority in the allocation of resources and personnel to the special needs of girls;

I appeal to Congregations of Religious Sisters... to identify and reach out to those girls and young women... who have the least opportunity.

I appeal to Catholic Universities and centres of higher education to ensure that, in the preparation of future leaders in society, they acquire a special sensitivity to the concerns of young women;

I appeal to women and women's organisations within the Church and active in society to establish patterns of solidarity so that their leadership and guidance can be put at the service of girls and young women.

As followers of Jesus Christ, who identifies himself with the least among children, we cannot be insensitive to the needs of disadvantaged girls, especially those who are victims of violence and a lack of respect for their dignity.

I appeal to all men in the Church to undergo, where necessary, a change of heart and to implement, as a demand of their faith, a positive vision of women. I ask them to become more and more aware of the disadvantages to which women, and especially girls, have been exposed and to see where the attitude of men, their lack of sensitivity or lack of responsibility may be at the root.

Once again, through you, I wish to express my good wishes to all those who have responsibility for the Beijing Conference and to assure them of my support, as well as that of the Holy See and the Institutions of the Catholic Church, for a renewed commitment of all to the good of world's women."

BRIEFING ON THE BEIJING WORLD CONFERENCE

VATICAN CITY, 4 SEPT 1995, (VIS) - Following is a synthesis of the second press briefing, held 25 August, outlining the position of the Holy See Delegation to the 4th World Conference on Women, which opens today in Beijing:

"The Holy See wants the Conference in Beijing to be an occasion for reflection, and above all, to take operative decisions that promote the dignity, the rights and the holistic development of women. To reach these objectives it is necessary that the Conference boldly assume a perspective decidedly in favor of women.

The draft of the Platform for Action is a basis of discussion for the Conference on Women. It is alarming that more than 50% of the text has not obtained a consensus and goes to Beijing in brackets... Some thematic fundamentals of the Platform for Action are part of an agreed language, recognised in preceding documents of the UN... The Holy See will insist that the content of these documents already approved by the international community be respected."

Other basis points of the Holy See's position at Beijing:

"Men and women enjoy the same identical dignity. The dignity of women is prerequisite to any recognition on the part of the State. Without a clear understanding of the meaning of human dignity discrimination will never be avoided. Women are - and have been historically - the first to suffer... Women and men are the illustration of a biological, individual, personal and spiritual complementarity... In the document the word 'dignity' (of women) is found unexplainably in brackets... Only the particular attention of the Conference to the inalienable dignity of each woman can avoid discrimination founded on 'pragmatic' reasoning.

The family is the fundamental unit of society. For this reason there needs to be special protection of it by society. This fact has been recognised and emphasised in international documents on human rights up to the present time. Nevertheless in their discussion of the subject a few states did not include the family among the above cited objectives of social policy.

In the Platform for Action there is an alarming tendency to speak of the family solely in negative terms. Instead of underscoring the duties of the State regarding the family and of discussing more adequate family policies, there is an almost conscious non-advertence to the

crucial, social importance of the family. In contrast to the document approved at Cairo (1994), which has one entire chapter on the family, and that of Copenhagen (1995), which has a section on the family, it is alarming that the preparatory Document for Beijing does not include any chapter on the family. This is one aspect which broadly demonstrates the ideological weight that the Platform of Action carries. The absence in the Document of practically any consideration of the role and work of women in the family arouses suspicion. The paragraph is still in brackets.

Access to education, on all levels, is a pivotal in the liberation and promotion of women... Education is the road that averts poverty. The Holy See cannot help but cite in this area its own experience, down through the centuries and still active today in more than 300,000 social welfare institutions world-wide, many of these specialising in the education of women of all cultures and religions.

The ideological imbalance present in the Platform for Action is more evident in the chapter devoted to health. The document gives preference to sexually transmitted diseases or those which refer to reproduction. These represent only a part of women's health problems. Other diseases, such as tropical ones - which each year become more contagious and cause more deaths than sexually transmitted diseases - are not given serious consideration.

The imbalanced emphasis in the chapter on so-called 'reproductive rights' 'safe sex' and 'safe abortion' runs the risk of altering the aim and the sense of this Conference. While the official theme of the Conference is 'action for equality, development and peace,' it has already been presented as a conference 'on the rights of women and their reproductive health.' This reduction again penalises the interests of the majority of women.

Abortion is not a problem uniquely concerning women; it involves also men and society. Surprisingly, this aspect is absent in the Platform for Action. In this way, a woman is condemned to isolation just in that moment of her life when she needs solidarity the most. The irresponsibility of men, and often of society, is at the root of many abortions.

At Cairo and at Copenhagen the recommendations to governments were approved, according to which services to minors and adolescents have to be offered and carried out 'in accordance with the Convention of the Rights of the Child and in recognition of the rights, duties and responsibility of the parents and of other persons responsible for minors.' Some Western States seem to have changed their opinion on this point, now finding it difficult to affirm in the Beijing Document the very commitment made only six months ago at Copenhagen.

The Holy See goes to Beijing with the desire and the purpose of making its own contribution so that the Fourth World Conference on Women can reach a universal 'consensus' on the urgent topics of interest to women today. It has been said that the Conference would be 'a very effective way to get the world together.' This objective can be reached if the Conference succeeds in making everyone conscious of women's rights; and if it offers the means to protect motherhood, the family, and the needs of women in professional life; if it succeeds in eradicating violence and the feminisation of poverty; and if it finds effective ways to protect women emigrants and the population migrating between the South and North of the world."

HOLY SEE HOPES FOR ADVANCEMENT OF WOMEN'S FREEDOM AND DIGNITY

VATICAN CITY, 5 SEPT 1994, (VIS) - The following are excerpts from the Statement of Professor Mary Ann Glendon, Head of the Holy See's Delegation to the Fourth World Conference on Women, given today in Beijing.

"From Rio de Janeiro to Vienna, from Cairo to Copenhagen and now here in Beijing, the community of nations and each single State have been focusing their attention on the significance and the practical consequences of what was affirmed in the first principle of the Rio Declaration, namely, that '**Human Beings** are at the centre of the concern for sustainable development.'

Today, more than ever our task is to move from aspiration to action. We must see that what has been affirmed at the universal level becomes a reality in the everyday lives of women in all parts of the world.

The views of the Holy See represent the aspirations of many people, believers of all faiths and non-believers alike, who share the same fundamental vision and wish it to be known. It is only when different viewpoints are sensitively listened to and appreciated that one can arrive at a true discernment of situations and a consensus on how to remedy them.

Because so many women face exceptional difficulties as they seek to balance greater participation in economic and social life with family responsibilities, this Conference rightly places a high priority on the right of women to effectively enjoy equal opportunities and conditions with men in the workplace as well as in the decision-making structures of society, especially as they affect women themselves.

Justice for women in the workplace requires in the first place the removal of all forms of the exploitation of women and young girls as cheap labour, all too often at the service of the lifestyle of the affluent. It requires equal compensation and equal opportunities for advancement, while addressing also the added responsibilities they may bear as working mothers, and according special attention to the problems of women who are the sole providers for their family.

It is well-known that the Catholic Church, in its manifold structures, has been a pioneer and leader in providing education to girls in both developed and developing countries... On 29 August last, his Holiness Pope John Paul II committed all over 300,000 social, caring and educational institutions of the Catholic Church to a concerted and priority strategy directed to girls and young women, and especially to the poorest...

May I draw attention here to the extraordinary work that has been done, and is being done today, by a category of women whose service is so often taken for granted: that of religious sisters... They are examples of how religious principles are for so many women today a source of inspiration in fostering a new identity for women and a source of perseverance in the service and advancement of women.

The international community has consistently stressed that the decision of parents concerning the number of their children and the spacing of births must be made freely and responsibly. In this context, the Catholic Church's teaching on procreation is often misunderstood. To say that it supports procreation at all costs is indeed a travesty of its teaching on responsible parenthood... Responsible procreation also requires especially the equal participation and sharing of responsibility by husbands, something which will only be achieved through a process of changing of attitudes and behaviour.

The Holy See joins with all participants in the Conference in the condemnation of coercion in population policies. It is to be hoped that the recommendations of this Conference to this effect will be adhered to by all nations.

There is clear consensus within international community that abortion should not be promoted as a means of family planning and that all efforts must be made to eliminate those factors which lead women to seek abortions. Pope John Paul II has emphasised, in speaking of the responsibility for a woman's tragic and painful decision to have an abortion, 'before being something to blame on the woman,' there are occasions when 'guilt needs to be attributed to men and to the complicity of the general social environment.' All who are genuinely committed to the advancement of women can and must offer a woman or a girl who is pregnant, frightened and alone, a better alternative than the destruction of her own unborn child.

The question of violence experienced by women is also linked to those factors which underlie the widespread hedonistic and commercial culture which encourages the systematic exploitation of sexuality and especially reduces women to the role of sex objects. Should the Conference not condemn such attitudes, it could well be accused of condoning the very root causes of much violence against women and girls.

The title of our Conference is 'equality, development and peace.' We must move from a vision of human persons looked on as mere instruments or objects to one in which every person can fully realise her or his dignity and full potential.

It is to the future that we must now look. The freer women are to share their gifts with society, and to assume leadership in society, the better are the prospects for the entire human community to progress in wisdom, justice and dignified living. The delegation of the Holy See hopes that this Conference and the name of the great city of Beijing will be remembered by history as an important moment in which, by advancing women's freedom and dignity, we will have contributed to building a civilisation of love, where every woman, man and child can live in peace, liberty and mutual esteem, with full respect for their rights and responsibilities; a civilisation where life and love can flourish; a civilisation where the culture of death shall have no dominion. May Almighty God accompany us and sustain us in our task."

VATICAN CITY, 9 SEPT 1995, (VIS) - The following is the text of press release published this morning by the Holy See delegation to the Fourth World Conference on Women in Beijing:

"After five days of negotiations at the Fourth World Conference on Women, the Holy See delegation has expressed its concern that a minority coalition is vigorously blocking efforts to

bring the Beijing draft and Programme of Action into conformity with the United Nations Universal Declaration of Human Rights, and other basic human rights documents. The European Union figures prominently in this group that is impeding consensus.

Pointing out that the conference participants have no authority to undermine the pillars of the human rights tradition, Spokesperson Dr. Joaquin Navarro-Valls cited five respects in which the positions of such delegations are at odds with foundational human rights documents and principles. He criticised the delegations' selective use of human rights language.

1. Where the Universal Declaration provides that 'recognition of the inherent dignity' and equal rights of all human beings is the very 'foundation of freedom, justice, and peace,' a determined coalition of Beijing negotiators is making vigorous efforts to remove all references to human dignity from the Beijing draft.
2. The Universal Declaration makes marriage a fundamental right and provides that 'the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.' At Beijing, the draft document casts marriage and the family negatively as impediments to women's self-realisation (e.g as associated with violence). Several negotiators, moreover, are pressing to change 'family' to the politically correct and ambiguous word 'families' - which lends itself to the interpretation that any group of unrelated people may call itself a family.
3. The Universal Declaration provides that 'Everyone has the right to freedom of thought, conscience, and religion... (including) freedom, either alone or in community with others and in public or in private, to manifest his religion or belief in teaching, practice, worship and observance.' At Beijing, an active coalition has aggressively sought to remove all references to religion, morals, ethics and spirituality, except where religion is portrayed negatively (e.g. as associated with intolerance of extremism).
4. The Universal Declaration provides that 'Motherhood and childhood are entitled to special care and protection.' Beijing negotiators have quashed references to motherhood except where it appears in a negative light.
5. The Universal Declaration and the Convention on the Rights of the Child make special provision for parents' rights and responsibilities concerning the education and upbringing of their children. Beijing negotiators are attempting to eliminate all recognition of parental rights and responsibilities from key section of the draft - even rejecting direct quotations from the Convention on the Rights of the Child.

The Holy See delegation, in calling attention to these surprising positions, expressed puzzlement about the stances of these negotiators - in view of the fact that most of their own national constitutions mirror the above-cited provisions of the international human rights documents. Surely the provisions of the Universal Declaration of Human Rights should not be so casually brushed aside.

UN CONFERENCE ON WOMEN BRIEFING STATEMENT

**PIERRE SANE, SECRETARY GENERAL
AMNESTY INTERNATIONAL**

BEIJING

29 AUGUST, 1995

Equality, development and peace.

Those three words spell out the main themes of this first UN World Conference on Women for a decade.

You will have noticed that human rights is not explicitly one of those themes.

By the end of this conference, Amnesty International wants to make sure that better protection for the human rights of women is strongly and clearly reflected in the Platform of Action.

And that the government who leave here after 15 September have committed themselves to taking real and measurable action to improve those rights.

Specifically we want five things to come out of this conference and from governments:

- a commitment to reaffirm and build on their previous commitments to the universality and indivisibility of the human rights of women
- a commitment to take action on state violence against women
- a commitment to tackle human rights violations of women in armed conflict
- a commitment to fulfil their international obligations to end human rights violations occurring in the private sphere and in communities
- a commitment to protecting women activists

The reason for these demands is straightforward. No woman who is at risk of arbitrary imprisonment, torture, "disappearance" or political killing stands any real chance of exercising her rights for equality, development and peace.

Let me give you one example of what I am talking about.

It is the case of Josephine Nyawira Ngengi, arrested on 8 May 1994 in Kenya and held illegally and incommunicado for 22 days before being charged with violent robbery. Her crime was her membership of a campaigning human rights group, the *Release Political Prisoners*, and being the sister of a prominent government critic and prisoner of conscience currently on trial for his life.

During her detention, she says she was tortured by being beaten and having blunt objects forced into her vagina until it bled.

Amnesty International believes that Josephine is a prisoner of conscience and that the charges against her have been fabricated. We are calling for her immediate and unconditional release.

What I have just been talking about illustrates our first demand from the conference - the indivisibility and universality of human rights.

The principle that all women, wherever they live in the world or whatever their circumstances, should enjoy all the human rights and fundamental freedoms.

Amnesty International argued for this principle in Vienna in 1993 at the UN World Conference on Human Rights.

It is astounding that commitments on this very point made by 171 governments at the conference just two years ago are barely visible in the Platform of Action at this stage.

What they said then, and I quote, is:

The human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights.

At this stage many governments have resisted attempts to affirm and build on the commitments to all human rights they made in Vienna, and at other global conference on the environment, population and social development.

The message that many governments are sending is that they will not treat all human rights on the same footing - and in particular, that they do not want to tackle human rights violations for which they have direct responsibility.

This is nothing short of an abdication of their responsibility and a sell out of the human rights of women. And no less astonishing since this is the first world conference on women to deal with human rights.

And this brings me to our second demand. Action from governments to stem state violence against women.

Until the most recent draft of the Platform of Action, state violence against women - such as torture, "disappearance" and extrajudicial execution - was barely mentioned.

Now there is a reference that governments should refrain from engaging in violence against women. What is still missing, though is a statement that torture by state agents is one of the most common forms of violence suffered by women. The Conference must make it clear that governments should promptly ratify and implement the Convention Against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment, and to bring state agents responsible for torture to justice.

This point is crucial not only because any attempt to stem violence against women must eradicate brutality by police and soldiers.

But also because any government which does not do so sends a message to the rest of society that violence against women is condoned.

And this leads me to our third demand. Ending human rights violations against women in armed conflict.

Women are disproportionately the victims of violations and abuses such as rape, other torture "disappearance" and summary or arbitrary executions during armed conflict.

This is a central point that the conference must take on board for it to make a real impact on the human rights violations suffered by women. And in doing so, it must recognise that governments and armed opposition groups are bound by the laws of war that prohibit rape and other forms of torture, as well as hostage taking, and extrajudicial execution - and governments are additionally bound by human rights law.

If torture is one of the most common forms of violence suffered by women, then the most damaging form of torture must be rape by soldiers and security forces. In a world where rape is increasingly used as a weapon of war - and not just seen as the 'spoils of war' - the conference should single this out for condemnation.

Our fourth demand is that, in addition to ensuring an end to violence committed by state agents, governments must also live up to their obligation to see to it that human rights violations committed in the so-called private sphere and in communities are prevented and brought to an end. The widespread practice of female genital mutilation is an example of such a practice.

And our fifth and final, demand relates to human rights activists. The Platform of Action now includes a reference to the duty of governments to guarantee all the human rights of women activists, but governments have yet to make a firm commitment to guaranteeing these rights.

These, very simply, are our hopes for the conference.

That the governments in Beijing will build on Universality and indivisibility;

That they will take steps to clean up their own house by addressing state violence, and also move to eliminate human rights violations in the private sphere;

That they will move to bring their soldiers in line with international humanitarian law in conflicts;

And that women activists will receive real protection of their human rights.

Our fears are just as straightforward.

That governments will not build on but will try to backdown on, the often repeated commitments to the universality and indivisibility of human rights;

That they will ignore the urgent need for action on human rights protection for women in favour of vested political interests;

And that they will ignore the fact that the state is a major cause of the violations of the human rights of women.

I said earlier that this is the first of four world conferences on women to deal with human rights issues - this is long overdue and we hope the conference will finally come to grips with human rights.

It is also the first UN women's conference since the global thematic conference in Rio, Vienna, Cairo and Copenhagen.

But whatever the Platform for Action says, and we hope that governments will use this opportunity to make firm commitments to human rights, it is ultimately what governments do that will change the situation of women.

The agenda that I have just set out is the reason for Amnesty International coming to Beijing.

But as most of you know, this is also the first time that Amnesty has been allowed into China. And sitting here, in the capital of a country whose government has a grave human rights record, we cannot be silent.

Just over two weeks ago, some 10 people were executed as part of a security operation to make this city safe for the conference on women. Days later, another six faced death by the state. Sixteen people among the thousands known to be executed by the Chinese authorities each year.

We have heard virtually every excuse from governments to justify human rights violation, but this is simply unbelievable. To welcome the world to Beijing, must people die?

Of course this is not new. Those of you based in Beijing know that it is common for dissidents to be arrested and people executed before major festivals and important political events.

But it doesn't happen just when the international spotlight is on China.

- the repression of prominent dissidents and human rights activists has intensified since 1994, with scores detained and held without charge.
- members of religious groups who refused to join the official churches have been harassed, fined or detained in the crackdown that has continued into this year.
- and those who dare to ask questions about the fate of hundreds killed during the suppression of the 1989 protests and the thousands arrested at that time have themselves been victimised.

In June 1995 Amnesty published a report on human rights violations against women in China. Every violation that I have just described affects women as well as men. We are here to address human rights protection for women, not just in China, but all over the world.

**BEGINNING THE POST-BEIJING DISCUSSION : CREATING
A PEACEFUL, JUST AND HUMANE WORLD BASED ON
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
INCLUDING THE PRINCIPLE OF EQUALITY
FOR ALL**

by

Sunila Abeysekera

I. Background to Beijing : Brackets and Non-Papers

The Fourth World Conference on Women is over. All over the world, thousands of women activists are sitting back after almost two years of intensive action, trying to take stock of everything that took place in Beijing and Huairou - and along the way to China - and contemplating the future and the voluminous and convoluted Platform for Action that emerged as a consequence of this meeting.

A complete discussion on the World Conference seems to be an impossible task. There were so many different aspects of it, such variety and colour and vibrancy at the level of women's participation and activism the world over, that it certainly cannot be encompassed in a short presentation. This means that for the purpose of writing this piece, I have to draw lines that define my particular little piece of the World Conference. And in thus defining, I leave, with regret, the many wonderful events and incidents that made the experiences in Huairou and Beijing spectacular and unforgettable, and go on to talk about the Platform for Action that will now guide whatever decisions states may make nationally, regionally and internationally, to promote the advancement of women in the coming decade.

The Platform for Action emerged through a process in which a series of drafts were negotiated at regional, sub-regional and international level, at a number of Preparatory Committee meetings; among them were ones held in Indonesia (for the Asia-Pacific), in Senegal (for Africa), in Argentina (for South America and the Caribbean), in Jordan (for West Asia), in Vienna (for Europe and North America). NGO Forums took place alongside each of the regional meetings, and there were documents that emerged from the meetings both from the official meeting as well as from the NGO meeting.

The final Prep. Com. meeting was held in New York in March/April 1995. At this stage, the draft Platform for Action appeared as a synthesis of all the different regional reports; much of the text was in brackets, which indicated that there was no consensus on the issue or on the language. The divisions and controversies around language even extended to a point where a special group was appointed to look into the use of the word 'gender'!

At the end of the meeting in New York, it was clear that there had been little progress made in resolving contentious issues; thus, the prospect was of going to Beijing with a document that was so highly contested that no agreement could be reached at that meeting. Thus, a flurry of consultation ensued, with the result that a special session of 'informal' consultations were held in New York in July/August. A number of key areas of contest were smoothed out at this

meeting, and the texts thus agreed upon were introduced to the UN meeting in the form of 'non papers' (!) with the understanding that the texts were not open for major changes or reformulations.

The draft document that came to Beijing was divided into six chapters:

1. Mission statement
2. Global framework
3. Critical areas of concern:
 - poverty;
 - education;
 - health;
 - violence;
 - armed conflict;
 - economy;
 - power-sharing and decision-making;
 - mechanisms to promote the advancement of women;
 - human rights of women;
 - media;
 - environment;
 - the girl child;
4. Strategic objectives and actions;
5. Institutional arrangements : national/regional/international/UN;
6. Financial arrangements.

II. Some basic flaws in the document

A major difficulty with the text and framework of the document as prepared by the Commission on the Status of Women of the UN was that it did not reflect language or commitments of the international community at previous international conferences - for example at the World Conference on the Environment and Development at Rio, at the World Conference on Human Rights in Vienna, at the World Conference on Population and Development in Cairo, and at the Social Summit in Copenhagen.

Thus, major achievements of the women's movement over a decade or more of intense activism at the level of the international community were ignored or discarded. In particular, issues such as the universality of human rights, the need to integrate women's rights into the overall human rights framework of the UN system (which had been a priority on the agenda of the women's human rights campaign in Vienna) or the need to strive for broader definitions of the family (which had been a major battleground in Cairo) on which global consensus had been achieved after years of debate and contestation, were once again up for discussion.

The draft Platform for Action also lacked cohesion and a sense of direction, for example, in comparison with the document that emerged from the Third World Conference on Women in Nairobi in 1985 - the Forward Looking Strategies. It strove to be comprehensive and ended up being general. In trying to satisfy all the different players in the game, it became non-committal, and lacked a rights-based framework which would have been conducive to enforcement. In addition, the contentious nature of the debates showed through very clearly,

in a series of ambiguous and ambivalent formulations on, for example, discrimination against the girl child.

III. Issues of Economic Justice

Throughout the debates in Beijing, there was tension regarding the resistance of many states to issues of economic justice and rights. Proposals to reduce military spending, to curb global consumption of energy and resources, to promote more equitable forms of economic restructuring and so on were hotly debated. This tension only narrowly escaped from trapping us in the classic north-south divide. In the final draft of the document, the Global Framework contains references to excessive military expenditure and states that investments in arms production and acquisition have reduced resources available for social development; it also states that 'broad-based, sustainable economic growth is necessary to sustain social development social justice,' taking on language from the Copenhagen Declaration.

IV. Universality or Cultural Specificity, Equality or Equity

The words 'universality' and 'equality' acquired deep political significance through the process of the discussion in Beijing, because the structure and nature of the debates around the use of these two words point to an on-going dilemma worldwide, in which the forces of fundamentalism and conservatism are uniting to demand restrictions of women's rights which would have been unthinkable a decade ago.

The concept of the 'universality of rights' was hotly contested throughout the discussions on the document; alternative formulations called for the use of the phrase 'universally accepted' or 'universal' as qualifiers to the words 'human rights'. Again and again, representatives of fundamentalist states brought up the issue of cultural relativism; the debate was also quite quickly polarised into north/south positions, with those standing for 'universality' being accused of voicing the northern/western/individualist view and with those proposing 'relative' or specific standards of human rights dependent on culture, religion and tradition touting themselves as the defenders of the 'south'.

This issue was resolved by including in paragraph 9 of the Beijing Platform for Action, text from paragraph 5 of the Vienna Declaration, which states : 'While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of states, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.'

In addition, paragraph 11 of the Beijing Platform reaffirmed the fact that the World Conference on Human Rights 'recognised that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights'; paragraph 12 of the Platform referred to the observance and protection of human rights with reference to the UN Charter and other instruments of human rights and international law, states that

'The universal nature of (these) rights and freedoms is beyond question. Thus, the concept was retained, but without using the word universality. In addition, the section

on Human Rights in the Platform contains a sentence that says 'The Platform for Action reaffirms the importance of ensuring the universality, objectivity and non-selectivity of human rights issues.'

There was also a debate on the use of 'equity' instead of 'equality' throughout the document. The proponents of equity as a concept to adopt in speaking of the advancement of women were basing themselves on arguments that agreed that women should have some rights but not equal rights. Equality, as a concept, was anathema to them, since they perceived equality of women as a challenge to male supremacy in culture and tradition - which, of course, it is! However, in the discussions in Beijing, it was finally agreed to retain the word equality throughout the text.

Again, one looked back with amazement at the facility with which the word 'equality' had been acknowledged as one of the keys to women's advancement in the Nairobi document ten years ago.

V. Gender, Sexual Orientation and the rights of the Girl Child

Among the most controversial terms in the document were those of 'gender' and 'sexual orientation.'

The debate about whether or not to refer to 'gender' in the report was critical since those who wanted to delete it were objecting to the formulation that focuses on the socially constructed differences between men and women that disadvantage women. The matter was finally referred to a special contact group, which proposed that the Platform should contain a reference to the fact that gender was used 'as it is in ordinary, generally accepted usage'!

The inclusion of 'sexual orientation' as one of the bases of discrimination against women was far more contentious and in the end had to be dropped from the text of the Platform for Action. The group that lobbied for its inclusion had to be satisfied with including, in paragraph 97 of the Platform, in the Health Section, a phrase that said:

'the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.'

Following this debate, several states, including Cuba and the Cook Islands made interpretative statements saying that the words 'other status' in the text - for example in Paragraph 48, which states that 'the Platform recognises that women face barriers to full equality and advancement because of such factors as their race, age, language, ethnicity, culture, religion or disability, because they are indigenous women or because of other status' - would, in their contexts, refer also to a person's sexual orientation.

The Health Section in the Platform also referred to many of the positions set out in the ICPD regarding contraceptive use and sex education/information; it was also heartening that the proposed footnote to the health section which would have allowed 'the sovereign right of states' to decide which areas of this section of the Platform to implement, was deleted. Many fundamentalist states had argued that if the footnote were included, they would approve of the totality of the text of this Section. This blackmailing, however, proved ineffective; as a

totality of the text of this Section. This blackmailing, however, proved ineffective; as a consequence, the largest number of reservations to the Platform were entered with regard to Paragraph 97 and section (k) of Paragraph 107, also in the Health Section, which referred to abortion and called on states 'to review laws containing punitive measures against women who have undergone illegal abortions.'

The debates over the section of the Platform on the Girl Child were also quite intensive. The definition of discrimination against girls was contentious, because of the argument that female foeticide represents pre-birth discrimination. Ultimately, the dispute was resolved by stating that 'in many countries available indicators show that the girl child is discriminated against from the earliest stages of life through her childhood and into adulthood' in Paragraph 259 of the Platform.

The 'right to equal succession and inheritance' of girls was perhaps the most controversial issue, and again, one on which a defeat must be recorded. After intense discussions, the text was transformed into 'equal right to succession and equal right to inherit,' the placing of the word equal making a substantive change in meaning.

The text of the section also included a controversial part on sex education, saying that it should meet 'the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality.'

VI. Violence against Women and Armed Conflict

In the Platform, violence against women was defined so as to include '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 private life'. Marital rape, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution, violation of the human rights of women in situations of armed conflict, forced sterilisation and forced abortion were all recognised as forms of violence against women, despite the controversies over each.

In addition, in the Human Rights Section, violence against women has been defined to include 'violence against women resulting from cultural prejudice, racism and racial discrimination, xenophobia, pornography, ethnic cleansing, armed conflict, foreign occupation, religious and anti-religious extremism and terrorism.'

The section of the Platform on Women and Armed Conflict was comprehensive; the phrase that generated a great deal of argument was that which placed internally displaced women outside the purview of the international community by defining women victims of conflict as 'refugee women, other displaced women in need of international protection and internally displaced women.'

VII. What does this mean for the future?

As an activist working outside the framework of government and of UN institutions, I observed the debates and discussions over the Platform for Action with some degree of impatience and

cynicism, I must confess. The overwhelming presence of conservatives and fundamentalists from each corner of the globe was certainly depressing; and given the weakness of the UN and of the ability of the international community to withstand these global tendencies, one felt that the Platform could achieve little, if anything, for women. The Platform for Action is there; it could well remain a simple, piece of paper with marks on it. The implementation of the Platform depends on the ability of women worldwide to mobilise to call for its implementation in their own countries and regions, as well as globally.

However, need I say, I am also the eternal optimist. I was truly energised and impressed by the numbers of women activists who were present in Huairou and Beijing, lobbying for their constituencies and joining hands to work together on critical issues such as the affirmation of universality of rights.

In particular, I was impressed by the failure of attempts to create north-south divides within the women's movements. There were rumblings that mentioned that the north was taking up issues of sexual rights and freedoms and ignoring economic justice issues, for example. Yet, when it came to demonstrations and to lobbying on the floor of the Conference, there was a riot of colour everywhere, southern lesbians as well as northern lesbians, placing the issue of their rights firmly on the agenda and white women agitating about cutbacks in welfare allying themselves with women of colour talking of the negative impact of structural adjustment policies on women. It was the issues that affected them in common that drew women together, not colour or geographic location.

In the same way, the idea that the north stands for universality because of its focus on individual freedoms and the south stands for respect for diversity because of its roots in collective social formations was once again defeated, as it was at the World Conference on Human Rights, and again it took many groups of women, from all over the world, working together, to achieve this.

In fact, Beijing has brought forth a range of new alliances and coalitions among women worldwide, following on the traditions created at Rio, Vienna and Cairo. Women across the globe forged links to work together on issues of economic justice and rights, on reproductive and sexual rights, on trafficking and prostitution, on militarisation and peace. In addition, key theoretical and organisational linkages were made between, for example, the groups working on reproductive rights issues and groups working on women's human rights issues. It is this feeling of connectedness that leaves one with a sense of hopefulness about the future. Sisterhood is not dead, yet. We only fool ourselves into thinking that, if we define our sisterhood on the basis of our biology.

The experiences of the Fourth World Conference on Women are yet to be totally digested. In the meanwhile, all over the world, women are already beginning to take forward the links and connections made in China, to work together on issues that affect us as women, especially at the global level and to use these global linkages to strengthen our initiatives and our activism at the local, national and regional levels.

UN FOURTH WORLD CONFERENCE ON WOMEN

by

*Nimalka Fernando**

In September 1995 the Fourth World Conference on women took place amidst great concerns and hopes. During the preparatory process concerns emerged amongst women's groups all over the world regarding the manner in which the UN appointed regional co-ordinators and formed committees to facilitate the input into the NGO Forum and the official meeting. In fact, the NGOs of the Latin American region refused to accept the regional co-ordinator appointed by the UN. Subsequently, they selected their own co-ordinator. Within the Asia Pacific region, concerns emerged regarding the manner in which the NGO Working Group compromised with the ESCAP in developing the regional agenda. The NGO contribution of this region was framed within the framework given by the ESCAP in order to make the contribution acceptable to the respective governments. In fact, the issue of religious and cultural traditions and norms used to discriminate women was not permitted in the ESCAP-convened NGO meeting held in the Philippines in 1994 which was the NGO preparatory conference. There was always the call "to work with governments to make gains possible."

In the accreditation processes, China had problems regarding the number of NGOs that should participate and the accreditation of some NGOs. In fact, the Chinese organising committee was very clear that the Tibetan women in exile should have no access (a special accreditation is not necessary as Tibet is part of China). This raised several issues related to human rights violations. While this dialogue regarding the human rights issue was going on, the Chinese organising committee shifted the NGO forum site to Huairou away from Beijing, the venue of the UN official meeting. This created an uproar as it meant travelling to and from Beijing for hundreds of NGO delegates who would want to closely collaborate in the official processes.

With all these concerns and anxieties, women thronged to Huairou. The approximate figures as released at the NGO press briefing stated about 30,000 women were present at the NGO Forum. The NGO Forum site was a festivity with colourful demonstrations and exhibitions spread all over. Workshops and seminars were held throughout the day on hundreds of women related issues. They ranged from violence against women, to animal husbandry techniques, from birth control mechanisms to yoga! Amongst these activities, interestingly, I met the Sub-Saharan POLISARIO Liberation movement group singing away liberation songs. Iraqi delegation led a demonstration against the UN embargo, the South Asian held a peace demonstration, the Pacific islanders led a demonstration against the latest French experimentations on nuclear weapons.

The Chinese organising committee had taken great pains to provide the participants with all convenient arrangements regarding lodging facilities and food. Despite our concerns I have no hesitation in congratulating them for the arrangements made. But unfortunately we hardly saw ordinary citizens in Huairou. I did not meet any workers or peasants. In a very rare capture the CNN had spotted a very old lady straying on to the streets where the NGO Forum site was

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and how two young men immediately covered her and took her away! The NGO Committee also had to protest about the confiscation of audio visuals related to Tibet and the constant watch kept by civil clothesmen and women of our movements. But it was of great significance that Tibetan women were able to demonstrate on Chinese soil for the recognition of their rights.

The Fourth World Conference has ended by drawing the attention of the world once again to women's issues. The issues emerging at this World Conference had a strong feminist dimension as compared to the previous meetings held. During the past conferences the issues raised covered - education, work, health advancement of women in the private and public sector and promotion and the use of human rights (in Nairobi). This time the objectives defined are the following: to adopt a Platform for Action centred on some major problems affecting the advancement of women and violations of women's human rights.

ASIA PACIFIC CONCERNS

Apart from the document produced by the official NGO Working Group based on the preparatory meeting held in Manila, other women's groups in our region lobbied strongly on the following issues in the preparatory processes leading up to Beijing.

- Review the existing international legal instruments related to trafficking in women;
- Lobby on indigenous women's rights;
- Call for the removal of reservations on CEDAW and ratification of CEDAW by those countries who have not yet ratified CEDAW;
- Comfort women's issue.

It must be noted that several countries in Asia, namely Pakistan, Malaysia, India and ratified CEDAW with reservations only a few months before Beijing! This was probably to keep the records straight for Beijing.

In reviewing the NGO lobby process for Beijing, I cannot but make a comparison to my experiences in the Vienna Conference on Human Rights, which was my first such exposure and work experience. The NGO participation in Vienna was facilitated by the various regional and national NGOs and had no framework given to us by the UN Centre for Human Rights nor ESCAP. NGOs in Asia managed to produce a booklet with our concerns and lobby based on the common agreements reached as the NGO community. Unfortunately, in our search to collaborate with governments the NGO community had greatly compromised itself from the very beginning. Further, how did the various national reports produced play an important role in Beijing? One of the major issues faced by Asians, that of migrant workers, had only a lukewarm response from the receiving countries. Hence it is my view that we could not put our act together in a stronger commitments as NGOs to challenge the governments and the UN system when compared to Vienna. The fact that the official Forum and the NGO Forum were far apart also worsened matters.

THE PLATFORM FOR ACTION

The official document which was titled the *Platform for Action*, was a controversial document before us. When one compares this to the former document, i.e the Nairobi Forward Looking Strategies, the present document very clearly lacks an alternative empowering political perspective. In Nairobi the issue of underdevelopment and development was stated as the main problem causing the disparities, and called to establish a new international economic order. The official document adopted in China has not challenged the capital centred growth and the development paradigm which has given rise to national and regional conflicts. The issues of fundamentalism and ethnic problems, and problems faced by women, as refugees, and the violence faced as a result of militarisation and the subversion of democratic processes experienced by our societies as a result of totally accepting IMF and World Bank policies have been described in very mild language.

From the very beginning we were told by the New York centre "to formulate phrases acceptable to governments and the UN system." For me this was an undue pressure exercised on the NGO community and greatly brought in divisions at the national level. In many countries in Asia and the Pacific the women's groups became divided. While some groups agreed to accept the given framework in order "to creep in gains" some others decided not to endorse the official national NGO Forum positions. Although many women's groups had produced alternative reports and recommendations, it was futile, as an alternative position received only a minimum time for lobbying. Many would congratulate the fact that women were able to strongly lobby on the following highly controversial issues: reproductive rights of women, redefining the experiences of the family, accepting the universal human rights of women, rights of women for sexual orientation and lesbian rights. The Fourth World Conference had reached some tentative agreements in relation to the usage of such terminology. While strong religious and fundamentalist lobbies interplayed to prevent the inclusion of at least these terms into the Platform for Action, the strong lobby of women made gains as the document finally came out with positions to consider the rights of women for sexual orientation and accepted that girl children have rights to property. But it did not want to state that the girl child should have equal rights.

Further, the position to compromise women's rights based on religious and cultural traditions of women still remains intact. This clearly means that the document is one which was formulated with the interests of governments and state policies in mind and not one committed to the political empowerment of women as equal citizens in the world. The document basically is one which gives more attention to the social welfare means of women, than to their empowerment. This gives rise to the issue of lack of resources and the political will of governments to ensure that commitments made are actually transformed into actions. After a decade we stated that "Financial and human resources have generally been insufficient for the advancement of women." This has contributed to the slow progress to date in implementing the Nairobi Forward-Looking Strategies for the Advancement of Women. Let us hope that we will not have to repeat the same sentence regarding the Platform for Action after the end of this decade.

SUBSCRIPTIONS

The LST Fortnightly Review is published about 20 times a year. Annual subscription rates inclusive of postage have been adjusted due to rising costs of production as follows:

Local : Rs. 300/-

Overseas subscription has been adjusted as follows as postal rates have been increased in Sri Lanka:

<i>South Asia/Middle East</i>	<i>US\$ 25</i>
<i>S.E. Asia/Far East/Australia</i>	<i>US\$ 30</i>
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<i>Volume II</i>	<i>(August 1991 - July 1992)</i>	<i>Rs. 525/- or US\$ 35</i>
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Cheques should be made payable to the Law & Society Trust and envelopes addressed to the 'Publications Officer.' Individual copies at Rs. 15/- may be obtained from the Trust at 3, Kynsey Terrace, Colombo 8 (tel: 94 1 684845/691228, fax: 94 1 686843); and BASL Bookshop, 129, Hulfisdorp Street, Colombo 12.

If undelivered please return to:
Law & Society Trust
No 3, Kynsey Terrace
Colombo 8
Sri Lanka

Printed and published at the Law & Society Trust, 3, Kynsey Terrace, Colombo 8, Sri Lanka.