

WOMEN'S HUMAN RIGHTS:
A MANUAL FOR EDUCATION & ACTION
ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Created by:

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Background

The Women's Rights Network (WRN) is an international human rights organization based at the Wellesley Centers for Women. WRN created this women's human rights training manual and accompanying resource guide for use in its U.S. Human Rights Education & Advocacy Initiative (Initiative). The Initiative seeks to address the root causes of intimate partner abuse in the United States through the application of human rights principles, strategies and laws, as well as to help build a strong U.S. women's human rights movement. WRN's women's human rights trainings are designed to: (1) raise awareness of domestic violence and sexual assault as human rights abuses; (2) enhance the leadership skills of anti-violence activists; and (3) create the foundation and momentum for implementing human rights strategies on violence against women within the United States.

WRN's trainings use a combination of lecture, video, and small and large group participatory exercises, including an action planning section. The trainings encourage participants to draw upon their own experiences in order to develop an understanding of the concepts and potential uses of human rights to address violence against women in their own communities.

Building a Grassroots Human Rights Movement in the U.S.

Human rights are much more than a body of law: they constitute a universal value system and vision of principles that form the foundation of global freedom, justice and peace. Although activists throughout the world have been applying a human rights approach to their work for years, the movement to use human rights as a tool for social change *within* the United States is relatively new. Many U.S. activists are unaware of what human rights are, let alone what obligations the U.S. government has under international human rights laws or how those laws relate to the goals of social change movements in our own communities. Those in the United States who do advocate for human rights tend to focus on violations that occur in other countries, rather than in this country.

The first step in making human rights real, meaningful and enforceable in the United States, therefore, is to educate ourselves about human rights, and to explore ways to incorporate human rights principles, documents and strategies into social justice work in our own local communities. By building a strong grassroots base for human rights activism within the United States, we can also put pressure on the U.S. government to fulfill its existing obligations under international law and push for U.S. ratification of international conventions that protect and promote all of our rights.

Creating Local Links with the Global Women's Human Rights Movement

When U.S. activists respond to domestic violence and sexual assault as violations of women's human rights, we immediately connect our local work with that of the global women's human rights movement. One of the goals of the Initiative, therefore, is to forge links between the global women's human rights movement and U.S.-based movements against violence against women. Our hope is that through these links, we can begin to take full advantage of our collective expertise, knowledge and strength.

The U.S. women's movement and the global women's human rights movement have historically worked in isolation from one another, despite their common concerns and the similarity of their struggles. As a result, the history of the global women's movement is generally not well known to women's activists in the United States. Yet ever since the founding of the United Nations in 1945, women's rights activists have worked steadily to get women's rights officially recognized as human rights by the international community. But it took nearly 50 years. It was not until 1993, at the U.N. World Conference on Human Rights in Vienna, Austria, that governments around the world agreed for the first time that "the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights" (from the Vienna Declaration). This concept was reaffirmed by governments and non-governmental organizations worldwide at the Fourth U.N. World Conference on Women in Beijing, China in 1995.

Although the position that women's rights are human rights should be obvious, the international community failed to embrace it largely because the traditional human rights system focused its attention on violations of civil and political rights committed directly by the state against men (such as political imprisonment and torture). As a result, the international community dismissed the violations that women experience, such as rape and domestic violence, as "private" and therefore not capable of redress under human rights law. Historically, even rape by military officers while in detention was considered "private" and thus not a human rights violation.

Women's human rights activists, like women's rights activists in the United States, have succeeded in bringing to light the unique experiences of women, and thereby in challenging these false public/private distinctions. The women's human rights movement has succeeded in broadening the concept of human rights to include violations against women that are gender-based (i.e. because the victim is a woman), whether committed by state or private actors. Thus, sex discrimination in employment, forced abortion, rape in custody, domestic violence, and female genital mutilation are now all considered human rights violations by the international community. This means that governments bear responsibility to protect women from, and respond appropriately to, these violations. And when the state does not respond adequately to the violation, it conspires in it and can be held accountable for its failures under international human rights law.

Despite the remarkable achievements of women's activists throughout the world, we still have a long way to go in order for women to become full and equal participants in society. The parallel histories of the global women's movement and the U.S. battered women's and rape crisis movements indicate clearly how much we have to learn from one another and how much more we could achieve if we work together. In order to bridge the gaps between diverse populations of women and the full array of issues that affect them, including violence, women's activists in all parts of the world need the common language of women's human rights. It is our hope that WRN's U.S. Human Rights Education & Advocacy Initiative will help achieve the dual goal of empowering the U.S. women's anti-violence movement to use the tools of human rights in their local work, while at the same time forging lasting, productive partnerships among women's rights activists in all corners of the world.

Training Manual: Table Of Contents

Section One: What Are Human Rights?

Exercise A: *Fulfilling Our Full Human Potential*

Exercise B: *Understanding Human Rights*

Section Two: Women's Rights Are Human Rights

Exercise A: *The Global Women's Human Rights Movement*

Exercise B: *Domestic Violence and Sexual Assault as Human Rights Violations*

Section Three: Human Rights Action Planning

Exercise A: *Action Planning to Hold Massachusetts Accountable for Violations of Battered and Sexually Abused Women's Human Rights*

Exercise B: *Brainstorming about Ways to Integrate a Women's Human Rights Approach Into Our Work and Workplaces*

SECTION ONE: WHAT ARE HUMAN RIGHTS?

Total Time for Section One: 44 minutes

Exercise A: *Fulfilling Our Full Human Potential*

Objectives:

- I. To ground human rights in our personal beliefs.

Time: 21 minutes

Materials Needed: (1) Two flip charts; (2) Markers; (3) Pads of paper and pens.

Sequence:

Step 1 (8 minutes): Break into groups of up to 4 people. Ask participants to brainstorm about what people need, no matter who they are or where they come from, in order to become full and equal participants in society – to fulfill their full human potential. One member of each group should take notes. Ask a representative from each group to report back on 3 needs. Write these on a flip chart.

Step 2 (8 minutes): Then ask them to brainstorm about what battered and sexually assaulted women in the United States need to become full and equal participants in U.S. society – to achieve *their* full human potential. One member of each group should take notes. Ask a representative from each group to report back on 3 needs. Write these on a separate flip chart.

Step 3 (5 minutes): Highlight any overlap and/or differences between the two categories, as well as the range of civil, political, economic, social and cultural rights issues covered.

Exercise B: Understanding Human Rights

Objectives:

- I. To become familiar with the basic history and principles of human rights.

Time: 23 minutes

Materials Needed: (1) Flip chart; (2) Markers; (3) Handout “Basic Human Rights Principles”; (4) Handout “International Bill of Rights”.

Sequence:

Step 1 (10 minutes): Ask the group what they think of when they think of human rights, in other words, what does human rights mean to you? Record responses on a flip chart. Then refer participants to the handout on “Basic Human Rights Principles” and ask them to take a moment to read it. Explain that this handout is WRN’s summary of the concepts of human rights as embedded in existing human rights laws and instruments such as the Universal Declaration of Human Rights (UDHR).

Ask the group to add any other points to the flip chart, based on the reading of the handout. Compare this flip chart with the list of needs they created in the previous exercise. Make the point that enabling people to fulfill their full human potential is what human rights is all about. Put another way, human rights: (1) are those basic standards without which people cannot live in dignity; (2) set minimum standards for how individuals and institutions everywhere should treat people, and empower people when those minimum standards are not met; and (3) offer a blueprint for realizing a global culture that is based on respect for our shared humanity.

Step 2 (10 minutes): Give brief history of the human rights movement. Start by pointing out that the essential concept of human rights has existed throughout history in many different cultures and traditions around the world, but that the modern human rights movement comes out of the Holocaust in WWII.

(1) Creation of the United Nations as the first formal international organization dedicated to promoting and protecting human rights, (1945 U.N. Charter); and

(2) Adoption of the Universal Declaration of Human Rights or UDHR, the first formal international document articulating the principles and vision of human rights (1948), which has now attained the status of international customary law. Then, in 1976, two other key laws were adopted that, together with the UDHR, form what is known as the International Bill of Rights. Explain what rights each treaty covers, that some human rights are economic and social rights (ICESCR), others are civil and political rights (ICCPR).

(3) All nations are automatically bound to uphold the principles in the UDHR because of its customary law status; however, the ICCPR and the ICESCR are both treaties and, therefore, must be signed and ratified by each government for them to go into effect. Refer to the handout “International Bill of Rights” which contains excerpted language. Explain that, generally, declarations are not binding law, while treaties, conventions and covenants are binding law.

(4) There are over 20 international human rights laws out there. Some conventions/treaties prohibit inhuman acts like genocide or torture or racism, while others protect certain populations like refugees, children or women. There are basic human rights principles that apply to all of these laws, regardless of the specific issue.

(5) Mention that summaries of the ICCPR and ICESCR are in their Resource Guide, then make the following points:

- In the past, the human rights system focused on how governments or people acting on behalf of the government (i.e. state actors) violate the human rights of their citizens, and *not* on how private citizens treat one another. For example, groups like Amnesty International or Human Rights Watch have in the past focused their campaigns on political prisoners, torture victims, and genocide, but *not* on child abuse, domestic violence, sexual assault or female genital mutilation.
- However, as we see from UDHR and UN Charter, the language of human rights laws contains a broader vision of the meaning of human rights which includes creating a global culture of respect for human rights and which clearly addresses domestic violence and sexual assault.
- One of the strengths of the human rights framework is that it is constantly evolving: the need to identify and protect new human rights (e.g. the right to

freedom of sexual identification), and existing human rights may be expanded and reinterpreted. For example, draft treaties are currently pending on indigenous peoples and the environment. And a number of groups are doing groundbreaking human rights work on lesbian, gay, bisexual and transgender issues.

Step 3 (3 minutes): Ask the group if they have any questions about this first section.

SECTION TWO: WOMEN’S RIGHTS ARE HUMAN RIGHTS

Total Time for Section Two: 1 hour, 2 minutes

Exercise A: *The Global Women’s Human Rights Movement*

Objectives:

- I. To learn about the history, priorities and accomplishments of the global women’s human rights movement, focusing on the recognition that domestic violence and sexual assault are violations of women’s human rights.

Time: 27 minutes

Materials Needed: (1) Video clip from the Vienna Tribunal; (2) Handout “Brief History of the Global Women’s Human Rights Movement”.

Sequence:

Step 1 (12 minutes): Introduce and show the videotape on the Global Tribunal on Violations of Women’s Human Rights from the U.N. World Conference on Human Rights (Vienna, Austria, June 1993). Warn the group that some of the stories are graphic and may be difficult to hear. Give credit to the Unitarian Universalist Service Committee. Begin the discussion by pointing out the diversity of the women shown in the video, and how this coming together over

shared concerns is the strength of the global women's movement. Emphasize that human rights has been the unifying theme or bridge that has enabled women from all over the world to work together.

Step 2 (5 minutes): Ask the group for their reactions to the video. Did they learn anything new? What was most inspiring or troubling about it?

Step 3 (10 minutes): Despite the fact that the UDHR states explicitly that men and women have equal rights, women have had to work for more than 50 years to get the international community to officially recognize the fact that women experience particular kinds of violations simply because they are women, and that those violations are human rights violations.

Traditionally, the international community dismissed the violations that women experience, such as rape and domestic violence, as "private" and therefore not capable of redress under human rights law. Even rape of women prisoners by military officers – clear state action - was considered "private" and thus not a human rights violation.

At the 1993 U.N. Conference on Human Rights in Vienna, however, women's human rights activists lobbied successfully for the international community to state officially that "*the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights.*" This was a landmark declaration because it signaled the formal recognition that women's rights are human rights, and also because it marked the beginning of a shift in the traditional legal analysis of human rights violations.

Since this conference, it has become generally accepted that, under human rights law, governments have certain responsibilities for violations committed by non-state actors, i.e. ordinary citizens, as well as violations committed by state actors, e.g. police. This shift has been critical for addressing violations of women's human rights, which are so often committed at the hands of private individuals: husbands, boyfriends, acquaintances, and so on.

The global women's human rights movement – which consists of local grassroots groups around the world plus a core of activists working at the U.N. level - has also succeeded in getting the international community to promulgate laws and declarations specifically addressing women's human rights.

1. CEDAW (1979) & General Recommendation #19 (1992)
* What it is; Mention that although we won't be doing an exercise specifically on CEDAW, it is one of the most important tools for women's rights advocates everywhere; US ratification.
2. The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (1996). U.S. has also failed to ratify this regional Convention.
3. The Declaration on the Elimination of Violence Against Women (1993), which grew out of the 1993 Vienna Conference mentioned above. Not a law, but member states of the UN are expected to be in agreement with and adhere to its principles.
4. Radhikha Coomaraswamy, the UN Special Rapporteur on Violence Against Women (1994)
5. 1995 Beijing Women's Conference, where the principle that women's rights are human rights was affirmed loud and clear.
6. Beijing Plus Five Review at the U.N. in June 2000.

Refer to handout "Brief History of the Global Women's Human Rights Movement."

Exercise B: *Domestic Violence and Sexual Assault as Human Rights Violations*

Objectives:

- I. To become familiar with the UDHR and its role as a tool for promoting women's human rights.
- II. To understand what it means to address domestic violence and sexual assault as violations of women's human rights.

Time: 35 minutes

Materials Needed: (1) UDHR; (2) Handout "Formal Definitions of Domestic Violence as a Human Rights Abuse"; (3) Handout "Government Obligations to Address Domestic Violence Under International Law."

Sequence:

Step 1 (10 minutes): Divide the room into 2 groups and refer participants to the UDHR. Tell one half to read Articles 1-15, and the other to read Articles 16-30. Everyone should read the Preamble. Ask them to flag specific articles or statements in the UDHR that can be interpreted to address domestic violence and/or sexual assault.

Step 2 (10 minutes): (a) First ask the group to name and read out loud the articles or language they found in the UDHR that address domestic violence and sexual abuse. (b) Then ask them to give brief examples of how the UDHR might apply to specific domestic violence or sexual assault cases they have encountered in their work. (c) Finally, ask the group for their reaction to the UDHR overall.

Point out that when a woman is abused by her spouse or partner, not only are her rights to life, liberty and security of person violated, but her rights to education, freedom of expression, freedom of movement, right to participate freely in the cultural life of the community, etc., are often compromised or violated as well. The human rights framework shows the intersection and equal importance of all of these rights.

Step 3 (10 minutes): Explain that the struggles of the global women's human rights movement to get domestic violence and sexual assault recognized as a human rights violation are similar to the early struggles of the U.S. battered women's and rape crisis movement to get domestic violence and sexual assault recognized as a crime and not as a "private" or "family matter".

The international community now recognizes that everyone - men, women and children - has the right to be free from violence, whether inflicted by the state OR by a private individual. And governments have responsibilities under international human rights laws to take specific steps to prevent and punish the abuse of a woman by her husband, just as they have the responsibility to refrain from imprisoning or torturing people just because of their political beliefs.

Technically, the human rights abuse in domestic violence and sexual assault cases is the state's failure to adequately intervene in, take steps to prevent, or to punish this form of inter-personal violence. E.g., the state commits a human rights violation when a judge allows an alleged abuser to interpret for his victim at a restraining order hearing, if the victim's first language isn't English; or, when a judge issues a "mutual" restraining order in a case where the victim acted in self defense against her abuser; or, when the police refuse to arrest a batterer; or when

the legislature fails to pass laws that adequately protect battered women; or when the emergency room of a public hospital fails to screen for domestic violence and offer resources to battered women.

This means that, in order to use the human rights framework in the U.S. to address domestic violence and related issues – especially from a legal perspective - we need to be clear about:

1. What the *state's* responsibility is under international human rights law, both in terms of intervention and prevention. (i.e., know the law).
2. Who are the specific state actors committing the human rights violations (e.g., judges, police and so on).
3. What specific actions – or inactions – of the state actors violate the human rights of battered mothers and their children.
4. What specific human rights of victim/survivors are being violated.

Domestic violence and sexual assault are defined as human rights violations both directly and indirectly in a number of major international human rights laws, treaties, non-binding declarations and other instruments. Refer them to handouts: “Formal Definitions of Domestic Violence as a Human Rights Abuse” and “Government Obligations to Address Domestic Violence Under International Law.” Also refer them to: “Domestic Violence & Sexual Assault: A Women’s Human Rights Information Sheet.”

Step 4 (5 minutes): Ask the group if they have any questions before moving on to the Action Planning Section. Take a 10 minute break.

SECTION THREE: HUMAN RIGHTS ACTION PLANNING

Total Time for Section Three: 2 hours

Exercise A: *Action Planning To Hold Massachusetts Accountable For Violations Of Battered and Sexually Abused Women's Human Rights*

Objectives:

- I. To identify priority areas for action to address domestic violence and sexual assault as human rights abuses in Massachusetts;
- II. To develop concrete strategies, using the human rights framework, for holding Massachusetts accountable for its failures to address domestic violence.

Time: 1 hour, 20 minutes

Materials Needed: (1) Blank flip charts and markers; (2) stickers.

Sequence:

Step 1 (10 minutes): Explain that the vision and framework of human rights is broad enough to be used creatively in many contexts - as an education, organizing, or advocacy tool. In many situations, simply naming an issue as a human rights violation is a significant step.

Then give a brief overview of how human rights is currently being used to address a number of different issues in the United States (make clear that this is not an exhaustive list):

1. Domestic violence/ child custody - Battered Mothers' Testimony Project
2. Sexual abuse of women prisoners - Amnesty and Human Rights Watch's human rights reports on the sexual abuse of women prisoners in the United States, which classified sexual abuse of women inmates as torture, prompted at least 4 U.S. states to pass laws protecting the rights of women inmates.
3. Women's/girls' human rights - WILD
4. Poverty/economic injustice - Kensington Welfare Rights Union/ Urban

Justice Center

5. Death penalty – Amnesty International/individual lawyers
6. Racism - Center for Human Rights Education/World Conference on Racism
7. Human rights education – University of Minnesota Human Rights Resource Center/Amnesty International - USA
8. Indigenous peoples' rights - International Indian Treaty Council
9. Gay/Lesbian/Bi/Trans rights - International Gay & Lesbian Human Rights Commission

Point out that human rights has also been used in many other countries to address violence against women and related issues. Refer participants to resource guide “Examples of How Women’s Advocates Around the World are Using Human Rights”.

Step 2 (10 minutes): Next, in the big group, ask participants to call out priority issues facing battered and sexually abused women in Massachusetts – that is, major issues or problems they are addressing or would like to address in their work. Record the issues on a flip chart. Then give each participant 5 stickers to place by the issue(s) they feel are most important. Let participants know that they can group their stars around one particular issue, if they want. Circle the top 4-6 issues (depending on # of participants).

Step 3 (40 minutes): Ask the group to break down into groups of 3-4 people, and either assign each group one of the top priority issues or allow participants to choose the issue they want to work on. Give each group flip chart paper and a marker, and tell them they will have 35-40 minutes to develop an action plan for how to use human rights to address their assigned issue. Tell participants that their action plans can focus on direct services, education & training, legal advocacy, policy & advocacy efforts, and so on.

Let them know that this exercise is meant to illustrate the practical applications of human rights, but that they are not expected to implement their plans. We do hope, however, that it will spark some ideas for them.

Tell participants to be as specific, concrete and detailed as possible in their action plans, especially with regard to the strategies and steps they outline. Each plan must contain the following (refer to handout):

- (1) Definition of their issue in human rights terms, i.e. how is your issue a human rights issue? Refer to the UDHR, where possible.
- (2) Your goals – what are you trying to achieve?
- (3) Specific steps outlining a strategy for using human rights to address your issue, including what the government (city, state and/or federal) should do regarding your issue.

Step 4 (20 minutes): Ask a representative from each group to report back on the results of their action-plans. Allow some time for open discussion of the action-plans. What does a human rights approach add to your issue? What are its limitations? Will it help you work across issues and constituencies?

Exercise B: Brainstorming About Ways To Integrate A Women's Human Rights Approach Into Our Work and Workplaces

Objectives:

- I. To help participants think strategically and concretely about how they can apply the human rights framework to their work.

Time: 20 minutes

Materials Needed: (1) Pre-prepared flip chart; (2) Blank flip chart and markers

Sequence:

Step 1 (10 minutes): Put up a flip chart with the following broad categories written on it: (1) Direct service work; (2) Outreach/Education; (3) Organizing/Advocacy; (4) Legal work; (5) Staff/Volunteer training; and (6) Culture of workplace. Ask participants to call out ways to integrate a women's human rights approach for each category.

Step 2 (5 minutes): Offer other examples of ways to integrate a women's human rights approach into one's work or workplace:

Direct Services: Use human rights language and terms in counseling work with victim-survivors to help them understand their experiences, identify their own rights, and to demonstrate that domestic violence is not only against the law in the United States, but it also violates universal human rights principles. Draw on examples of human rights movements and/or violations from victim-survivors' countries of origin.

Outreach/Education: Use human rights language in the literature of battered women's and rape crisis organizations. Post excerpts from human rights laws for clients and staff of batterers intervention programs, and include those excerpts in materials for partners. Incorporate human rights into presentations and workshops on domestic violence to community audiences.

Organizing/Advocacy: Work to get CEDAW ratified.

Legal Work: Cite international human rights in legal briefs or in hearings.

Staff/Volunteer Training: Use select exercises from WRN's Training Manual to introduce and frame domestic violence and sexual assault as human rights issues and/or include human rights as one module in volunteer/staff trainings.

Step 3 (5 minutes): Discuss any final thoughts, ideas, or questions.

Closing (20 minutes): Review contents of binders. Final go-around: What is one idea or impression from this training that you'll take back with you to your work?