

## Making Gains with Women's Rights: One Step Forward, Two or Three Steps Back

---

The discourse of human rights and 'international instruments' through which discrimination against women and gender inequality would be addressed has led to the creation of numerous declarations against gender inequality with the aim of implementing them on a regional and national level. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is one example of these types of conventions. Others are the Beijing Platform of Action (created during the Fourth UN Decade for Women Convention, held in Beijing in 1995), and in the African context, the Southern African Development Community's (SADC) Declaration on Gender and Development and the African Union's protocol on the Rights of Women in Africa.

CEDAW has been ratified by 179 states, 76 became parties to its optional protocol, enabling women to file complaints directly with the CEDAW Committee. The Beijing platform of action has been ratified by 189 states. In Africa 51 states have ratified CEDAW and 17 have signed the optional protocol (Van der Westhuizen 2005: 15). The Beijing Platform of Action includes twelve areas of action for women's development: poverty; education and training; health (also reproductive health); violence; armed conflict; economy; power and decision-making; institutional mechanisms; human rights; media; environment; and the girl child.

These declarations acknowledge that 'women's rights have been marginalized both institutionally and conceptually from national and international human rights movements' (Ali 2002: 61). They are an indication of an international consensus on the rights of women in society, even though a convention like CEDAW is couched in a liberal individual rights discourse. This discourse is quite critical of tradition and culture, leading to one of the most serious areas of contestation for implementation in developing countries (Ali 2002: 64). Until 1999 the only enforcement mechanism for CEDAW,

**Amanda Gouws**

Department of Political Science,  
University of Stellenbosch,  
South Africa

for example, was a reporting procedure that lacked any formal measures to ensure effective consultation between NGOs and members of the CEDAW committee that had to determine the progress that was made with implementation (Ali 2002: 64). The biggest problem with these instruments is their 'domestication', meaning their implementation in local contexts. Very often the declarations remain on an abstract level to be paid lip-service but not really to be implemented. In the preparatory meeting for the Beijing +10 conference attended by African ministers of Women and Gender Affairs in Addis Ababa in October 2004 there was an acknowledgment that 'despite the mobilisation of women, and advocacy and increased political representation at national and regional levels, the "normative gains" have not yet manifested themselves in "substantive changes" in African women's lives' (Van der Westhuizen 2005: 17).

The ministerial committee indicated the following problem areas:

- Women's right to autonomy over their own bodies;
- Cultural practices that contribute to the spread of HIV/AIDS such as early marriage and female genital cutting;
- Risk of pregnancy resulting in one out of sixteen maternal deaths;
- Poverty with 70 per cent of women constituting the urban and rural poor.
- The Women's Environment and Development Organisation (WEDO) added the following problem areas:
  - The lack of universal enrolment in primary education for girls and boys;
  - Lack of access to land for women;
  - The exploitation of 'culture' and religion to propagate the 'natural' states of women as wives and mothers, per-

petuating a patriarchal view of women's status (Van der Westhuizen 2005: 18).

The United Nations Research Institute for Social Development (UNRISD) report titled *Gender Equality: Striving for Justice in an Unequal World* (2005: 5) argues that the main gains that have been made by women in the ten years since Beijing include increased visibility in elected assemblies and state institutions; a larger female presence in the labour market and in labour flows across international borders; and lower fertility rates. Other remarkable achievements were introducing issues of sexual and reproductive health/rights, violence against women and inequality of power in gender relations to the centre of global and national debates.

The greater presence of women in represented assemblies (for example, 48 per cent are women in Rwanda – the highest in the world, and there are thirty-three women in South Africa in parliament), in many countries due to the acceptance of a quota system, has led to enabling conditions for gender equality such as more women-friendly legislation, gender budget initiatives and national gender machineries (one of the important platforms of the Nairobi Platform of Action) to monitor gender equality.

A contributing factor to the institutionalisation of gender was the acceptance of a gender mainstreaming discourse that attempts to integrate gender concerns in the everyday work of government procedures. The enabling factors that have put gender mainstreaming on policy agendas were the language of promoting women's rights and gender equality, the proliferation of women's networks and transnational linkages and a growing number of gender sensitive women and men in global governance leadership positions (True 2003: 374). While it was envisioned as a transformative project, it has become highly technocratic, where implementation is accompanied by checklists and administrative interventions, completely eroding feminist activism and women's agency.

The biggest obstacles for women, however, are related to neo-liberal macroeconomic policies, which rose to dominance in the 1980s based on increasing privatisation, profit-driven markets and the 'rollback of the state'. One consequence of these policies was widening income inequalities all over the world, causing a lack of adequate safety nets for poorer and very poor households. Even social welfare states did not escape the creeping privatisation and commercialisation of welfare services (UNRISD) Report 2005: 6). In Africa the spiralling of HIV/AIDS infections put the care burden on women and girls in the absence of institutional care facilities, escalating poverty. As the UNRISD report states, the predicted benefits of higher economic growth and poverty reduction have not materialised. At a time that social protection is most needed, the capacity of governments to provide public services and social protection has been widely eroded. There has been a general lack of gender equality as an issue in macroeconomic and development policy analysis.

We also need to pose the question of what this emphasis on the institutionalisation of women's rights does to activism that gives women agency? Where local contexts of escalating war, militarization and growing fundamentalism and human trafficking have contributed to erode the gains women have made, activism has shifted to a transnational context.

This type of activism has translated, for example, into the Global Feminist Dialogues (GFD) at the World Social Forum (WSF) in 2004 and 2005. The aim of the GFD is to provide a strategic space for feminists to come together in their broad diversity to explore the differences and common ground and feminists' role in larger social movements. The prevailing atmosphere of the GFD is that of radical feminism where women claim a space as feminists and analyse and theorise the prevailing conditions of women's equality through a feminist lens.

In 2005 the themes of the GFD in Porte Allegre in Brazil, preceding the WSF, included the intersections of militarization and war, fundamentalism and neo-liberal globalisation. One of the aims was to include women in the decision-making processes of the WSF and to insert a feminist perspective on global governance since women's rights are eroded through bad governance.

Feminist analysis at the GFD emphasised the growing gap between rich and poor that disproportionately impacts on women with changing labour practices, leading to decreased job security. Another focus was on the commodification of women's bodies.

Increasing fundamentalist ideologies that transcend the religious sphere lead to authoritarian ways of thinking and very often women's bodies bear the brunt of authoritarian, nationalist and fundamentalist practices. In Africa, culture and custom are often used to reinforce the historically determined, subordinate status of women as mothers (and mothers of the nation) and wives.

The GFD opens spaces for increased transnational feminist organising and networking across borders of diversity such as the North/South divide, nationality, sexual orientation, trans-gendered sexuality, race, class, language and origin. The GFD organising draws on women's agency and strengthens strategic links with other social movements. The GFD space is an activist space but one which includes feminist activists, academics and community workers.

Transnational organising enables feminist activists to go beyond local issues and to see the similarities and differences of local contexts when they come together in a global space. Gender problems may manifest themselves in similar ways in local contexts but the solutions may be very different for each context. In 2006 the WSF had a meeting on the African continent in Bamako, Mali where feminist scholars also gathered. The aim now is to

set an agenda for the WSF meeting of 2007 in Nairobi, Kenya. This is an opportunity for African women to set the agenda for the GFD in a similar way to how it was set by Indian women in Mumbai, India in 2004. It is an opportunity that needs to be embraced and transnational organising needs to be encouraged on the continent. If we as Africans can generate the same type of feminist energy as was created in Mumbai (2004) and Porte Allegre (2005) but in a unique African way, we will put the spotlight on gender inequality in Africa in a way that cannot be ignored. What was striking about the Porte Allegre meeting was the attendance of young feminists. Young women on the African continent also need to be encouraged to be involved.

As Christine Obbo has said (2005: 23): 'Women do not need to draw up new documents. Women's rights as human rights are on the international agenda. We need an agenda and activism to demand commitment by African leaders to the existing UN Conventions, instruments and non-binding declarations that they have endorsed but reneged on implementing'. What better way to remind African political leaders of gender equality than through the GFD and WSF in a very activist expression?

## References

- Ali, S.S., 2002, 'Women's Rights, CEDAW, and International Human Rights Debates', in J. L. Parpart, S. M. Rai and K. Staudt, eds., *Rethinking Empowerment: Gender and Development in a Global/Local World*, New York: Routledge.
- Obbo, C., 2005, 'Gender Equity, Human Rights and Development', *CODESRIA Bulletin*, Special Issue, 11th CODESRIA General Assembly, 6-10 December.
- True, J., 2003, 'Mainstreaming Gender in Global Public Policy', *International Feminist Journal of Politics*, 5: 3.
- Van der Westhuizen, 2005, *Gender Instruments in Africa: Critical Perspectives and Future Strategies*, Midrand: Institute for Global Dialogue.