

ABA- WOMEN / CHILDREN

Women's Domestic Issues

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July 22, 1998

Ms. Nicole Rabner
Office of the First Lady
2nd Floor, West Wing
The White House
Washington, D.C. 20502

Re: The International Human Rights of Women: Instruments of Change

Dear Ms. Rabner:

As we discussed this evening, I enclose some materials for your reference concerning the upcoming American Bar Association (ABA) publication, The International Human Rights of Women: Instruments of Change. The original foreword written by the First Lady is the first enclosure. I also attach an unfortunately rather poor copy of the cover, along with the "front matter" for the book, including the typeset version of the First Lady's foreword, a table of contents for the book, and the table of contents for the separate "chapter" written by Felice Gaer, a human rights expert who was a member of the U.S. delegation to the Beijing Fourth World Conference on Women. The bulk of this 640 page book consists of the full or excerpted text of international women's human rights instruments (conventions, declarations, etc.); the remainder is Felice Gaer's analysis of the evolution of women's international human rights up to and including the Beijing Conference. Also attached for your reference is the list of endorsements that will appear on the back cover. These include statements from Gro Brundtland, Radhika Coomaraswamy, Geraldine Ferraro, and Susan Weld.

As I said, the book is to be released on July 31, 1998 at the ABA's annual meeting in Toronto. The press release for the book will be posted on the ABA's website tomorrow morning, and will include a very short excerpt from the First Lady's foreword. The web site address is: <http://www.abanet.org/media>. If you have any concerns or questions, we have a tiny window of time tomorrow morning to make minor changes to the text of the foreword. However, I do not believe it is out of date even 3 years after the Beijing Conference.

*Melanne, fyi, this is
the Women's human
rights ABA publication
I mentioned to you.
HRC's foreword & the
Table of contents
follow.
NR*

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WASHINGTON, D.C.

Ms. Nicole Rabner

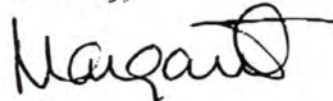
July 22, 1998

Page 2

Please contact me tomorrow at (202) 736-8689, and feel free to have me paged if I am not at my desk. It goes without saying that your office will be receiving copies of the book once it is printed. We also will be sure to get you a copy of the "blue-line" proofs prior to July 31, but with our tight schedule I am afraid that tomorrow morning is the last time we can make any changes.

Please accept our apologies for this late notice. Thanks again for your help, and I look forward to speaking with you again.

Sincerely,



Margaret Spring

MFS/sb

Enclosures

July 22, 1998 (7:52pm)

THE WHITE HOUSE
WASHINGTON

OFFICE OF THE FIRST LADY

phone 202-456-6266
fax 202-456-6244

Private
Material

793 (ABH)

TO Lucinda Low (please deliver to her room)

FROM Wade Baker

FAX # 407-934-4499

PHONE # 407-934-3000

OF PAGES (including cover) 2

COMMENTS

Hello ~ Here is the Forward
Please call if needed to discuss
Thanks! 202-456-6266

FOREWARD TO AMERICAN BAR ASSOCIATION PUBLICATION

I am delighted to be a part of this important project to document the progress our world has made in strengthening the rights of women and their families. The publication of this book presents all of us with the opportunity to listen to the voices of the past, to reflect on the principles that guide us today and to recognize the tasks that still lay before us.

Today, women contribute to our society in more places and in more ways than ever before: in the home, on the job, in their communities, as mothers, wives, sisters, daughters, teachers, workers, citizens and leaders. Women remain the primary caretakers of the world's children and elderly. Their families rely on them for emotional support and increasingly, for outside income. Yet, in many places throughout the world, women continue to be denied basic human rights and opportunities to fulfill their God-given potentials.

We all have a stake in ensuring that women around the globe are given the chance to thrive -- that they have access to education, credit, and health care, that they lead lives free from violence, that they are allowed to participate fully in the political lives of their countries and to influence the decisions that affect their lives. The fortunes of nations are inextricably tied to the fortunes of women. It is this simple: where women flourish, their families flourish. And where families flourish, communities and nations flourish. Issues affecting women and their families are not "soft" issues to be relegated to the sidelines of serious debate; rather, they are among the hardest and most important issues we face.

If we are to meet the great challenge of giving voice to women everywhere -- especially to women whose contributions still go unnoticed and whose ideas often go unheard -- then we must learn from those who came before us. This collection of international declarations and conventions chronicles the development of women's international human rights over the past three centuries. It is a testament to the will of women to rise above obstacles, to challenge the status quo, and to enrich and further the rights of their contemporaries and their descendants.

It is my hope that this volume will inspire, enlighten, and assist all students, teachers, grassroots human rights activists, and non-governmental organizations working to chart a just and humane course for the future.

Hillary Rodham Clinton

Brochure 7/17/98 3:50 PM Page 1

THE INTERNATIONAL HUMAN RIGHTS OF WOMEN



INSTRUMENTS OF CHANGE

EDITED BY

CAROL ELIZABETH LOCKWOOD

DANIEL BARSKOW MARGAW

MARGARET FAITH SPRING

S.J. BIRONG

AMERICAN BAR ASSOCIATION
SECTION OF INTERNATIONAL LAW AND PRACTICE

The International Human Rights of Women: Instruments of Change chronicles the development of women's human rights over the past three centuries, from the 1791 Declaration of the Rights of Woman through the historic achievement in 1995 at the Fourth World Conference on Women in Beijing, at which the international community finally recognized that "women's rights are human rights." The book reprints fifty documents ~~(including the two mentioned above)~~ critical to the evolution of women's human rights. Introductory notes put each document in historical context, and an introductory chapter describes the developments that led to the Beijing Conference, with particular attention to the role of civil society.

**THE INTERNATIONAL HUMAN
RIGHTS OF WOMEN:**

INSTRUMENTS OF CHANGE

EDITED BY
Carol Elizabeth Lockwood
Daniel Barstow Magraw
Margaret Faith Spring
S.I. Strong

FOREWORD BY
Hillary Rodham Clinton

INTRODUCTORY CHAPTER BY
Felice D. Gaer

COORDINATOR AND EDITOR OF DOCUMENT INTRODUCTIONS
Adelaide Ferguson

**AMERICAN BAR ASSOCIATION
SECTION OF INTERNATIONAL LAW AND PRACTICE**

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ISBN: 1-57073-610-3
Printed in the United States of America
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Published under the direction of the Publications Committee of the
Section of International law and Practice.

Publications Committee Chair: Patrick M. Norton
Publications Director: Bill Bryan
Design: Studio Spark

THE INTERNATIONAL HUMAN RIGHTS OF WOMEN: *INSTRUMENTS OF CHANGE*

TABLE OF CONTENTS

	Page
DEDICATION	i
EDITORS' FOREWORD	ii
ACKNOWLEDGMENTS	iv
FOREWORD	vi
By Hillary Rodham Clinton	
AND NEVER THE TWAIN SHALL MEET? THE STRUGGLE TO ESTABLISH WOMEN'S RIGHTS AS INTERNATIONAL HUMAN RIGHTS	I
By Felice D. Gaer	
SOURCE DOCUMENTS	
1. Olympe de Gouges: Declaration of the Rights of Woman and the Female Citizen (1791)	90
2. Mary Wollstonecraft: A Vindication of the Rights of Woman (1792)	98
3. The Seneca Falls Declaration of Sentiments and Reso- lutions (July 19, 1848)	103
4. National American Woman Suffrage Association: Dec- laration of Principles (1904)	107
5. Convention Respecting the Laws and Customs of War on Land (Hague IV) (October 18, 1907)	110
6. International Labour Organisation: Convention Number 3 Concerning the Employment of Women Before and After Childbirth (November 29, 1919)	115
7. Fifth International Conference of American States: Reso- lution on the Rights of Women (April 26, 1923)	120
8. Sixth International Conference of American States: Reso- lution of the Inter-American Commission of Women (February 18, 1928)	122

♀ *International Human Rights of Women*

	Page
9. League of Nations: Resolution on the Nationality of Women (January 24, 1931)	124
10. United Nations Charter (June 26, 1945)	127
11. American Declaration of the Rights and Duties of Man (May 2, 1948)	131
12. Universal Declaration of Human Rights (December 10, 1948)	137
13. Geneva Convention Relative to the Protection of Civilian Persons in Time of War (August 12, 1949)	144
14. European Convention for the Protection of Human Rights and Fundamental Freedoms (November 4, 1950)	154
15. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (With Final Protocol) (July 25, 1951)	163
16. International Labour Organisation: Convention Number 100 Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (June 29, 1951)	171
17. International Labour Organisation: Convention Number 103 Concerning Maternity Protection (June 28, 1952)	176
18. Convention on the Political Rights of Women (March 31, 1953)	181
19. Convention on the Nationality of Married Women (February 20, 1957)	185
20. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (September 7, 1957)	190
21. International Labour Organisation: Convention Number 111 Concerning Discrimination in Respect of Employment and Occupation (June 25, 1958)	193
22. Convention Against Discrimination in Education (December 15, 1960)	199
23. European Social Charter (October 18, 1961)	204
24. Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages (November 7, 1962)	211
25. International Covenant on Economic, Social and Cultural Rights (December 16, 1966)	214
26. International Covenant on Civil and Political Rights (December 16, 1966)	224
27. Optional Protocol to the International Covenant on Civil and Political Rights (December 16, 1966)	241
S 28. United Nations General Assembly: Declaration on the Elimination of Discrimination Against Women (November 7, 1967)	245
29. American Convention on Human Rights (November 22, 1969)	251
30. United Nations General Assembly: Declaration on the Protection of Women and Children in Emergency and Armed Conflict (December 14, 1974)	265
31. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (December 18, 1979)	269

Contents

Page

32. Organization of African Unity: Banjul Charter on Human and Peoples' Rights (June 27, 1981)	281
33. International Labour Organisation: Convention Number 156 Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (June 23, 1981)	291
34. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (December 10, 1984)	297
35. Nairobi Forward-Looking Strategies for the Advancement of Women (December 13, 1985)	303
36. Bangalore Principles on the Domestic Application of International Human Rights Norms (February 26, 1988)	324
37. Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (November 14, 1988)	327
38. Convention on the Rights of the Child (November 20, 1989)	333
39. Conference on Security and Co-operation in Europe: Document of the Moscow Meeting on the Human Dimension, Emphasizing Respect for Human Rights, Pluralistic Democracy, the Rule of Law, and Procedures for Fact-finding (October 3, 1991)	342
40. Committee on the Elimination of Discrimination Against Women: General Recommendation Number 19 (January 29, 1992)	352
41. United Nations Commission on Human Rights Resolution Number 1993/46: Integrating the Rights of Women Into the Human Rights Mechanisms of the United Nations (March 8, 1993)	359
42. Vienna Declaration and Programme of Action of the World Conference on Human Rights (June 25, 1993)	362
43. United Nations General Assembly: Resolution 48/104 Containing the Declaration on the Elimination of Violence Against Women (February 23, 1994)	388
44. Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) (June 9, 1994)	394
45. Programme of Action of the International Conference on Population and Development (September 13, 1994)	402
46. Victoria Falls Declaration of Principles for the Promotion of the Human Rights of Women (August 20, 1994)	440
47. United Nations Commission on Human Rights Resolution No. 1994/45: Question of Integrating the Rights of Women into the Human Rights Mechanisms of the UN and the Elimination of Violence Against Women (March 4, 1994)	444
48. United Nations Commission on Human Rights, Preliminary Report Submitted by the UN Special Rapporteur on Violence Against Women, its Causes and Consequences (November 22, 1994)	450

United Nations

United Nations

 International Human Rights of Women

	Page
49. Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social De- velopment (March 12, 1995)	457
50. Beijing Declaration and Platform for Action of the United Nations Fourth World Conference on Women (October 17, 1995)	474
LIST OF ABBREVIATIONS	593
SELECTED INTERNET BIBLIOGRAPHY	595
INDEX	596
ABOUT THE EDITORS	608

*This book is dedicated to the millions of women and men who have fought
for women's rights.*

EDITORS' FOREWORD

This book was conceived during a discussion of how the American Bar Association (ABA) should follow up on the United Nations Fourth World Conference on Women (Beijing Conference), which was held in Beijing, China, in September 1995. After years of contentious preparations and debate, the Beijing Conference produced two important internationally agreed-upon instruments—the Beijing Declaration and Platform for Action (reproduced herein as document 50). Among other things, the Beijing Declaration and Platform for Action contain provisions recognizing the existence and breadth of women's human rights—including that “[w]omen's rights are human rights”—and specifying actions needed to implement those rights fully. The proposition that women's rights are human rights may seem straightforward and obvious to many people now, but it had not been explicitly recognized by the international community before the Beijing Conference. As is recounted in the introductory chapter by Felice Gaer below, that recognition was achieved only after a long process of education and negotiation to overcome centuries of contrary or unhelpful cultural attitudes and legal precedent.

A high-level ABA delegation² participated actively in the non-governmental organization (NGO) Forum held at Huairou, outside Beijing, in conjunction with the Beijing Conference. ABA delegation members presented three workshops at the NGO Forum, “Monitoring and Enforcement of International Human Rights,” “Getting Common Law Courts to Recognize International Human Rights Norms,” and “Developing Domestic Violence Legislation—Comparing Country Experiences,” and took part in other workshops. The ABA delegation also participated in the Beijing Conference itself by way of interaction with members of official governmental delegations regarding various issues. The most significant examples of the ABA involvement in the course of the debates are the ABA's written statement of concern about the primacy of human rights and its suggestion of proposed language that eventually helped resolve the difficult debate regarding paragraph 9 of the Beijing Platform for Action, which deals with human rights (see Felice Gaer's

1. Beijing Declaration, U.N. Doc. A/CONF.177/20 (1995) ¶14; see also Beijing Platform for Action, U.N. Doc. A/CONF.177/20 (1995) ¶2.

2. The ABA delegation was headed by Roberta Cooper Ramo, then-President of the ABA. In 1995, the ABA House of Delegates adopted a resolution endorsing women's human rights and ABA participation in the Beijing Conference. See 30 INT'L LAW. 209, 210 (1996). After the Beijing Conference, the House of Delegates adopted three additional resolutions regarding women's human rights. See 30 INT'L LAW. 867, 868 (1996).

231
Editors Foreword ♀

chapter, text accompanying note³ (below). The issue facing the ABA and other groups after the Beijing Conference was how to effectuate the bold words and ideas contained in the final Conference documents.

Among the concerns identified by the Beijing Conference is the lack of legal literacy, that is, an absence of knowledge by women of their legal rights. For example, the Beijing Platform for Action includes provisions for governments to ensure access to low-cost legal services, including those to increase legal literacy, and to initiate programs and media strategies with the goal of educating women and empowering them to assert their rights.³

This book is designed to increase legal literacy with respect to women's human rights by compiling the most important international instruments on women's human rights, up to and including the Beijing Conference's recognition of the full dimensions of women's rights and its declaration that women's rights are human rights. Each of the instruments is preceded by a brief introductory note intended to provide the reader with some background and place the instrument in historical perspective. Space limitations have necessitated excerpting some instruments; in those instances, we concentrated on retaining the portions dealing with women's human rights, even though other aspects of the instruments may also be extremely important and influential. The book also includes an introductory chapter that describes the historical development of women's human rights, with particular emphasis on the global and regional conferences held during the two decades immediately preceding the Beijing Conference, as well as the essential role that NGOs and other members of the public played in achieving the outcome at Beijing.

We wish to emphasize that, in focusing on the role of NGOs and the public in the introductory chapter, we do not mean to downplay the critical role played by government employees (both career civil servants and political appointees) on various country delegations and by officials and staff of international organizations. Many of these people devoted extraordinary effort and took significant professional risks to further women's human rights. A few such individuals are identified in the introductory chapter, but it is essential to bear in mind that innumerable others also played critically important roles and that even the most effective individual efforts would have been in vain without the larger effort to which so many contributed. In a struggle such as this, there is bound to be any number of unsung advocates—but that is as it should be, because it emphasizes the universality of the fight. The important thing is not the individuals but the collection of individuals—whether from governments, NGOs, or the general public—who contributed. These are the people who fought for women's rights. Although their struggle has often been unheralded and unnoticed by the larger society, ultimately, all people—from both genders, all races, all religions, all economic strata, and all parts of the world—will benefit from the work of these dedicated and courageous people.

Carol Elizabeth Lockwood
Daniel Barstow Magraw
Margaret Faith Spring
S.I. Strong

3. See Beijing Platform for Action, *supra* note 1, ¶158(p), 227.

ACKNOWLEDGMENTS

Many persons contributed to the production of this volume, and we would like to express our deepest appreciation to all of them. We begin by acknowledging the contributions of those who drafted introductory material for each of the documents. Their names are given in connection with those introductions, so we will not reproduce them here. It is necessary, however, to express specific appreciation to Adelaide Ferguson, Assistant Dean for International and Graduate Legal Studies at Temple University School of Law. As Coordinator and Editor of Document Introductions, Adelaide organized the production of the introductory materials; her work was prodigious and efficient and always done with the utmost grace and humor. She was greatly assisted by Lawrence J. Reilly, Reference Librarian at Temple University School of Law, as well as the following law students at Temple University: Robert Adriaansen, Deborah L. Canty, Ayodele Gansallo, Adam Gunnerson, Linda Hee, Christine A. Millan, Richard Ostriak, Scott Portner, Lakshmi Sarma, Mary Hauser Senoo, Jaime Sepulveda, and Christopher Josef Andrew Williams.

The editors would also like to express their deep appreciation for the contributions of the following individuals, each of whom provided invaluable insight and counsel: Lucinda Low, Louis Sohn, D. Lea Browning, James E. Dorsey, Dinah Shelton, Jamison Borek, Rebecca Cook, Taaka Awori, Ursula Odiaga Iannone, Suzanne Bernard, Mary Joyce Carlson, Mary Vogelsson, Lane Porter, Sharyle Patton, Amy Thompson, Anne Trebilcock, Natsu Jenga, Robert Reinstein, Roberta Cooper Ramo, Kim Magraw, and James Yaffe. The editors would also like to acknowledge the generous contribution and support of the law firms of Miller & Chevalier; Sidley & Austin; Weil, Gotshal & Manges LLP; and Bryan Cave LLP. Individuals at these firms who deserve special mention for their work on the book include: Pia Vining, Jeff Walker, and Mary Jane Ayers (Miller & Chevalier, Washington, D.C.); Erin Ackerman, Shira Kaplan, Linda Cohen, Aaron Bates, Dwayne Houston, Susan Rudolph, Karina Eileraas, Niki Kopsidas, Siew Peng Wong, Krisha Chachra, John Wilson, Ann Kane, and Jeff Bosh (Sidley & Austin, Washington, D.C. and Chicago, Illinois); Ann Hartmann and Ann Wagner (Weil, Gotshal & Manges LLP, New York, New York); and Cindy Kolodner and Eileen Weiss (Bryan Cave LLP, Washington, D.C.). We also appreciate the assistance provided by John Quentin Heywood, Librarian at the Washington College of Law at American University, Dr. Karen Brewer of the Commonwealth Magistrates' and Judges' Association, and Professor Linda K. Kerber of the University of Iowa.

The staff of the ABA Section of International Law and Practice (SILP) deserves special mention for their contribution. Bill Bryan and the others currently on the staff provided invaluable assistance, as did Susan Frenselli-Williams, Steve Pazdan,

Acknowledgements ♀

and Alaire Rieffel previously. The SILP often steps in to fill a critical role in making projects such as this one come to fruition, and this is just another example of their dedication and enthusiasm.

Finally, we wish to express our deepest appreciation to our families and loved ones, who too often suffered our absence while we worked on this volume.

FOREWORD

I am delighted to be a part of this important project to document the progress our world has made in strengthening the rights of women and their families. The publication of this book presents all of us with the opportunity to listen to the voices of the past, to reflect on the principles that guide us today and to recognize the tasks that still lay before us.

Today, women contribute to our society in more places and in more ways than ever before: in the home, on the job, in their communities, as mothers, wives, sisters, daughters, teachers, workers, citizens and leaders. Women remain the primary caretakers of the world's children and elderly. Their families rely on them for emotional support and increasingly for outside income. Yet, in many places throughout the world, women continue to be denied basic human rights and opportunities to fulfill their God-given potentials.

We all have a stake in ensuring that women around the globe are given the chance to thrive—that they have access to education, credit, and health care, that they lead lives free from violence, that they are allowed to participate fully in the political lives of their countries and to influence the decisions that affect their lives. The fortunes of nations are inextricably tied to the fortunes of women. It is this simple: where women flourish, their families flourish. And where families flourish, communities and nations flourish. Issues affecting women and their families are not “soft” issues to be relegated to the sidelines of serious debate; rather, they are among the hardest and most important issues we face.

If we are to meet the great challenge of giving voice to women everywhere—especially to women whose contributions still go unnoticed and whose ideas often go unheard—then we must learn from those who came before us. This collection of international declarations and conventions chronicles the development of women's international human rights over the past three centuries. It is a testament to the will of women to rise above obstacles, to challenge the status quo, and to enrich and further the rights of their contemporaries and their descendants.

It is my hope that this volume will inspire, enlighten, and assist all students, teachers, grassroots human rights activists, and non-governmental organizations working to chart a just and humane course for the future.

Hillary Rodham Clinton

***AND NEVER THE TWAIN SHALL
MEET? THE STRUGGLE TO
ESTABLISH WOMEN'S RIGHTS
AS INTERNATIONAL
HUMAN RIGHTS***

BY FELICE D. GAER*

* Director, Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee, New York. The author was a public member of the United States delegations to both the World Conference on Human Rights (Vienna, 1993) and the Fourth World Conference on Women (Beijing, 1995). The views expressed here are her own and not necessarily those of any organization.

TABLE OF CONTENTS

	Page
I. INTRODUCTION	4
II. WOMEN'S RIGHTS: THE BEGINNINGS	5
A. Women's Rights, International Law, and International Institutions Prior to 1945	5
B. Women's Rights During the Early Years at the U.N.	7
1. Women's Rights and Human Rights: Separate and Equal?	8
2. The Scope of Women's Human Rights: Setting the Standards for Protection	9
3. Implementation of Rights: the Shift of U.N. Women's Programs Towards Development	11
III. EARLY WORLD CONFERENCES ADDRESSING WOMEN'S HUMAN RIGHTS	11
A. The Teheran World Conference on Human Rights: the Predecessor Conference	12
B. The U.N. Decade for Women	13
1. Mexico City	13
2. Copenhagen	13
3. Nairobi	14
C. NGOs Use Law To Advance the Status Of Women in the Decade and Beyond	14
IV. PRACTICALITIES: IMPLEMENTING THE HUMAN RIGHTS OF WOMEN	16
A. The Individual Complaints Mechanism	16
B. Improving CSW's Communications Procedure	17
V. AFTER THE U.N. DECADE FOR WOMEN: ADVANCING WOMEN'S HUMAN RIGHTS IN THE LATE EIGHTIES	19
A. Utilizing International Human Rights Concepts	19
B. Obstacles Facing Women's Human Rights	20
C. Strategies and Structures	22
1. Expanding the Normative Framework: Violence as the Focus	23
2. A New Instrument on Violence Against Women	23
3. Bolstering the General Recommendations of the CEDAW Committee	24
VI. PUTTING WOMEN'S HUMAN RIGHTS ON THE AGENDA: THE VIENNA WORLD CONFERENCE ON HUMAN RIGHTS	25
A. Organizing for the World Conference	25
B. NGOs Prepare for the Prepcoms	25
C. The Preparatory Meetings	26
1. The Regional Prepcoms	27
2. The Geneva Prepcom	30
D. The Vienna World Conference on Human Rights:	33

	Page
Making Women's Rights Visible as Human Rights	
1. The NGO forum	34
2. The Women's Caucus	35
3. Participation in the Official World Conference	35
E. The Vienna Declaration and Program of Action:	36
A Victory for Visibility	
VII. AFTER VIENNA: FROM NEEDS TO RIGHTS	37
A. The Special Rapporteur on Violence Against Women	37
B. The International Conference on Population and Development at Cairo	38
C. The World Summit for Social Development in Copenhagen	40
VIII. THE ROAD TO BEIJING	41
A. The Five Regional Prepcoms	41
B. The New York Global Prepcom	44
C. Attempts to Limit NGO Participation	45
D. Gender on the Agenda	45
E. Blocking Backsliding and Assuring Advances in Women's Human Rights	47
F. Shaping the Negotiating Teams	48
G. Forging Consensus at the Informals	50
1. Information to the Rescue	50
2. Universality and Equality Under Attack	51
3. Progress at the Informals	53
IX. THE BEIJING CONFERENCE	54
A. The NGO Forum	54
B. The Intergovernmental Conference Begins	55
C. The Final Negotiations	56
D. Specific Human Rights Aspects of the Beijing Platform for Action	57
1. Universality of Human Rights	57
2. Freedom of Religion and Belief	59
3. Equality	60
4. Violence Against Women	62
5. Treatment of Rape	64
6. Refugees and Internally Displaced Persons	64
7. Sexual and Reproductive Health	65
8. Children's Rights and Parental Rights	67
9. Role of Non-Governmental Organizations	67
10. Race and Ethnicity	68
11. Economic and Social Rights	68
12. Institutional Arrangements:	69
Gender Mainstreaming	
E. The Beijing Declaration	70
X. CONCLUSION	72

BACK COVER ENDORSEMENTS:

Women around the world play a pivotal role in development of societies, not only as caretakers of children, families and local communities, but in the productivity and progress of nations. Still, the human rights of women are violated to a greater extent than those of men in most societies. The fight for human rights needs to have a woman's face. The International Human Rights of Women: Instruments of Change is a powerful tool that inspires that goal.

Gro Harlem Brundtland, Director General, World Health Organization

Instruments of Change, one of the first compilations of international documentary sources of women's human rights, will be an invaluable resource for scholars and advocates for women's rights in all regions of the world, and should be mandatory reading for all who strive for the improvement of women's and human rights around the world.

Radhika Coomaraswamy, United Nations Special Rapporteur on Violence Against Women

Like the documents it contains, Instruments of Change will prove to be a vehicle for change. Access to these documents begets knowledge that can lead to change.

Alda Facio, Director, Women's Caucus for Gender Justice (Costa Rica)

Instruments of Change is an invaluable resource that will greatly facilitate the protection and promotion of the international human rights of women.

Rebecca Cook, Professor, Faculty of Law and Director of the International Human Rights Project, University of Toronto

This exceptional and timely book brings to your fingertips the most important source documents for the international protection of women's human rights, many of which are very difficult to obtain. Instruments of Change will enable these key legal sources to be used when and where they are most needed, and will doubtless empower many of us to be true instruments of change for women everywhere.

Wangari Maathai, Coordinator, The Greenbelt Movement (Kenya)

This is a book that should be translated into every language and put on the shelf in every school and public library around the world. What better way to enable women and girls to make the words "women's rights are human rights" come true in their lives!

Susan Roosevelt Weld, U.S. Delegate to the Fourth World Conference on Women

Instruments of Change will permit scholars and activists alike to start their research where the editors left off. Now workers in the field of human rights can focus more of their energies on advocacy to the benefit of all concerned.

Geraldine A. Ferraro, Former Ambassador to the United Nations Commission on Human Rights

• MELANNE VERVEER •

file
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A REPORT ON
THE STATUS OF
WOMEN IN
THE LEGAL
PROFESSION
DECEMBER 1995

UNFIN- ISHED BUSINESS

Overcoming the
Sisyphus
Factor



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BASIC FACTS

from Women in the Law:
A Look at
the Numbers

December 1995



American Bar Association Commission on Women in the Profession



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August 3, 1993

Hillary Rodham Clinton
Office of the First Lady
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mrs. Clinton:

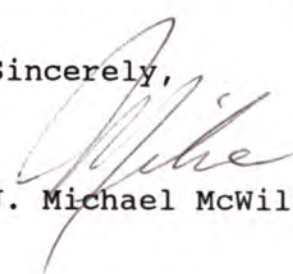
On behalf of the American Bar Association, I am very pleased today to present to you the report, "America's Children at Risk: A National Agenda For Legal Action." It is a special honor for me to do so because of your longstanding commitment to improving the lives of our nation's children and because of the leadership you have exerted on behalf of poor children.

The American Bar Association is committed to making the promise of the pledge "Justice for All" a reality for America's children and families. Far too many of America's children and families are in real trouble. Poverty, violence, failures of our institutions and government--all have contributed to the crisis we face. As ministers of our system of justice, the nation's lawyers and the organized bar have a special duty to develop the ABA's agenda for children and families.

Last December, Judge A. Leon Higginbotham, Jr. accepted the ambitious challenge to develop the ABA's agenda for children and families, and to provide us with an action plan for the future. This report is the culmination of that effort. It consolidates years of thoughtful work into one document, and provides us with a map to follow. I am especially grateful to the extraordinary efforts of Judge Higginbotham, Vice Chair Catherine J. Ross, the members of the Working Group and to ABA staff who contributed to this Report.

With the support of lawyers and nonlawyers alike, and the efforts of national leaders such as yourself and those in Congress, we can take significant steps toward improving the quality of life for America's children and their families.

Sincerely,


J. Michael McWilliams

Justice for
all
for Justice