

## 2. Problem and research questions

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### 2.1 A gender-biased understanding of human rights

The public and the private spheres have a history of being defined as highly gendered spaces. Democratic states reserved citizenship exclusively for men until the beginning of the 20th century.<sup>1</sup> In most countries, women had to wait until the end of the Second World War to be recognized as equal citizens of their states (or until 1971 in Switzerland). As Binion highlights, feminist historians and legal scholars see the dichotomy between the public and the private spheres as a product of “classical Western liberal thought,”<sup>2</sup> which challenged kings’ divine rights to govern but did not question “patriarchal family structures.”<sup>3</sup> Influential liberal philosophers such as John Locke embraced a vision of the role of individuals in society that entailed that gender roles in the private and the public civic sphere were clearly defined, rendering women invisible in the public sphere. The liberal ideals of the Enlightenment reflected a model of “male hegemony over public life,”<sup>4</sup> entailed a vision of women being subordinated to men, and did not consider women beneficiaries of these basic rights.<sup>5</sup> For example, in his theory of justice, which profoundly influenced traditional liberal ideas of the 18<sup>th</sup> century, Kant defined men as active citizens having the rights to freedom of expression, freedom of action, and legal equality vis-à-vis the state.<sup>6</sup> At the same time, Kant only

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1 Binion 2006; Romany 1995.

2 Binion 2006, p.76; Chinkin 1999.

3 Binion 2006, p.76.

4 O’Hare 1999, p.367.

5 Callamard 2000.

6 Reilly 2009, p.24.

regarded women as passive citizens.<sup>7</sup> This vision entailed women's "exclusion from the exercise of public power."<sup>8</sup>

The human and civil rights declarations of the end of the 18<sup>th</sup> century, including the 1789 French Declaration of the Rights of Man and of the Citizen and the 1791 United States Bill of Rights, defined a set of universal individual and collective rights for all men vis-à-vis the state. These declarations inspired the 1948 UDHR, which can be considered the foundation of the 20<sup>th</sup>-century understanding of human rights. In contrast to its predecessors, this particular declaration defined human rights broadly, guaranteeing rights and freedoms without distinction of any kind.<sup>9</sup> As Reilly points out, the UDHR even "pushed the boundaries of traditional liberalism,"<sup>10</sup> which prioritized the public over the private, and condoned women's "exclusion from the exercise of public power"<sup>11</sup> insofar as it recognized the indivisibility of economic, social, and cultural rights from civil and political rights. Bunch explains that reading the declaration "from the perspective of women's lives, many violations of women's rights such as rape and battering can readily be interpreted as forbidden."<sup>12</sup> However, the post WWII human rights discourse (dominated by the West) reflected the political dynamics of the Cold War and almost exclusively focused on civil and political rights, while marginalizing economic, social, and cultural rights. As Kelly (2005) highlights, "for much of the twentieth century, human rights discourse has been state centered, reflecting liberal theories of the social contract, and has focused on how to prevent incursions of the state against private actors."<sup>13</sup>

The establishment of two separate legally binding human rights treaties - the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights - shows the international community's difficulty in finding a common understanding of human rights and considering them as indivisible. While the UDHR overcomes the gender bias inherent to the 18<sup>th</sup>-century classical Western liberal conception of human rights by calling for a holistic approach to human rights, the subsequent

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7 Reilly 2009, p.24.

8 Reilly 2009, p.24.

9 Bunch 1995.

10 Reilly 2009, p.25.

11 Reilly 2009, p.24.

12 Bunch 1995, p.13.

13 Kelly 2005, p.477.

interpretation and legally binding codifications rearticulated the public-private divide. Whereas at first glance, the priority on civil and political rights seems to be unproblematic, a careful analysis from a feminist point of view reveals its inherent gender bias.<sup>14</sup> For feminist human rights researchers “this binary [between the public and the private sphere] is deeply gendered insofar as it defines human rights priorities according to the criterion of ‘what men fear will happen to them’ in their relationship with the state, society and other men.”<sup>15</sup> Thus, feminist legal scholars considered the traditional human rights paradigm as gender biased.<sup>16</sup> The gender bias becomes especially evident in cases of VAW, such as rape. Bunch explains that considering women’s rights uniquely in the civil and political rights paradigm is limited, as “it defines rape as a human rights abuse only when it occurs in state custody but not on the streets or in the home.”<sup>17</sup>

The global political context of the Cold War can be seen as an important element in the making of the mainstream understanding of human rights in the second half of the 20<sup>th</sup> century and explains the focus on the international Covenant on Civil and Political Rights. Nevertheless, the absence of women from the highest ranks of the UN and other important international and regional organizations<sup>18</sup> and the fact that human rights organizations had been dominated and run by men for many years<sup>19</sup> perpetuated and even enhanced the gender bias of the traditional human rights discourse. Indeed, feminist scholars show that the gender bias is mainly a consequence of the non-existent integration of women’s experiences into the practical elaboration of human rights laws, which has focused on human rights violations typically witnessed by men.<sup>20</sup> Alternatively, “the process by which human rights were conceptualized and defined did not involve significant participation by women.”<sup>21</sup> Charlesworth and Watson argue that the “long-term male domination”<sup>22</sup> of “the Secretariat of the UN and its specialized agencies, for example, the Economic, Social, and Cultural Rights Committee, the Human Rights

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14 Reilly 2009; Charlesworth and Chinkin 1993.

15 Reilly 2009, p.32-33.

16 Charlesworth and Chinkin 1993.

17 Bunch 2006, p.65.

18 Ehrenreich Brooks 2002.

19 Hosken 1981.

20 Hausammann 2002; Charlesworth 1994; Watson 1997; Johnstone 2006.

21 Gallagher 1997, p.3.

22 Charlesworth 1995, p.104.

Committee, and the Committee Against Torture [...] means that issues traditionally of concern to men are seen as *general* human concerns; 'women's concerns', by contrast, are regarded as a distinct and limited category."<sup>23</sup> Consequently, by focusing on the state's responsibility to respect the citizens' civil and political rights, the traditional human rights understanding ignored and condoned the gendered public-private divide and has maintained and masked the subordination of women characterizing large parts of human societies.<sup>24</sup>

This gender bias becomes evident in the UN human rights machinery as well as in the work of important international human rights NGOs. In fact, the difference in the allocation of resources and the statute of the Commission of the Status of Women (CSW), established in 1946, compared to that of the United Nation Commission on Human Rights (UNCHR) has reflected the relegation of women's rights in the international human rights regime. As explained by Reilly, "the administration of the CSW was isolated and underfunded in Vienna, while the rest of the human rights machinery developed in the key UN cities of Geneva and New York."<sup>25</sup> At the same time, the consideration of violations of women rights as separate concerns vis-à-vis human rights is reflected in the prevailing parallel existence of two international human rights regimes: one treating issues on the violations of human rights in general, the UNCHR, and the Committee on the Elimination of Discrimination against Women, which monitors the implementation of the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). Furthermore, many international human rights NGOs (most of them were and still are based in the global North) focused their activities on the respect of civil and political rights, and they rarely considered women's rights a priority. Rather, they treated those rights as special interests.<sup>26</sup>

Human rights organizations were not the only institutions that prioritized the Covenant on Civil and Political Rights. Organizations such as Human Rights Watch (HRW) and AI also applied a narrow reading of the broad language of the Covenant. Kenneth Roth, the Executive Director of HRW, emphasized the Covenant's potential ability to combat VAW in the home referring to Article 6 (1) that declares: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived

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23 Charlesworth 1995, p.104; Watson 1997.

24 Chinkin 1999.

25 Reilly 2009, p.28.

26 Bunch 1995, p.12; Quataert 2006.

of his life,” to Article 7, which posits that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment,” and to the principle that “Everyone has the rights to...security of person” codified in Article 9 (1). Despite these requirements’ potential applicability to the issue of VAW in the private life, these organizations interpreted them, especially in their early years, as if they only concerned the victims of politically motivated abuse.<sup>27</sup> Thus, Byrnes justifiably concludes that, “[m]any human rights NGOs were simply not interested in exploring the gender dimensions of human rights violations.”<sup>28</sup>

While its own statute gave AI the mandate “to promote awareness of and adherence to the Universal Declaration of Human Rights and other internationally recognized human rights instruments, the values enshrined in them, and the indivisibility and interdependence of all human rights and freedoms,”<sup>29</sup> the organization declared that it only opposed a limited number of civil and political rights, such as the detention of prisoners of conscience, unfair trials for political prisoners, torture, and the death penalty, as well as “disappearances” and extra-judicial executions.<sup>30</sup> Like other human rights NGOs founded in the post-WWII period, “activist friends of human rights, such as Amnesty International, slow to view women as victims of denials of human rights, have held firm in their view that government must be seen as the perpetrator of violations in order for their organization to act.”<sup>31</sup> Thus, AI’s mandate was gender biased. It promoted awareness of and adherence to the UDHR and, in doing so, proclaimed “the equal entitlements of women and men to the rights contained in it.”<sup>32</sup> Nevertheless, it largely ignored the public-private divide and abuses of human rights that overwhelmingly victimized women by representing a narrow understanding of the Covenant on Civil and Political Rights. As I highlight later, AI finally gave its concentration on civil and political rights up in 2001 when it decided to abandon this mandate and adopt a mission engaging with the respect of all human rights, as defined in the UDHR. The focus of AI’s mandate was informed by the global political situation of the post-WWII period. The long-lasting

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27 Roth 1994, p.327.

28 Byrnes 1988, p.9.

29 Amnesty International: *Statute of Amnesty International as amended by the 22nd International Council, meeting in Ljubljana, Slovenia, 12-20 August 1995*, 1995.

30 Amnesty International: *Statute of Amnesty International as amended by the 22nd International Council, meeting in Ljubljana, Slovenia, 12-20 August 1995*, 1995.

31 Binion 2006, p.78.

32 United Nations Human Rights Office of the High Commissioner 2014, p.3.

male dominance in the organization's management, however, contributed to maintaining this narrow working focus, thereby perpetuating the inherent gender bias in AI's activities.

The rationale developed above has demonstrated that the mainstream understanding of human rights that took root after WWII can be considered gender biased because it focused on the respect of individuals' civil and political rights vis-à-vis the state, thereby prioritizing the public over the private. I have argued that in addition to the prevailing global political context of the Cold War, the absence of women in the UN, in other international and regional organizations, and in key positions of human rights NGOs has contributed to a narrow perception of human rights that mainly protects individuals from state power. The underrepresentation of women in these bodies perpetuated the gender bias. As a typical Western human rights organization dominated by men, AI's working focus, like that of many human rights NGOs, reflected the inherent gender bias of the traditional understanding of human rights. This gender-biased perception of human rights dominated the human rights discourse until the last two decades of the 20<sup>th</sup> century. As I will illustrate later, women's rights activists' continuous transnational mobilization finally led to the inclusion of women's rights into the mainstream discourse on human rights in the 1990s.

## 2.2 Contestation of the traditional understanding of human rights

Some feminist historians date the idea of women's human rights back to the publication of *Le livre de la Cité des Dames* (the book of the City of Ladies) by Christine de Pizan in the early fifteenth century.<sup>33</sup> Others view women's quest for equal rights as going back to the time of the French Revolution. In her Declaration of the Rights of Women and the Female Citizen, published in 1791 in response to the Declaration of the Rights of Man and of the Citizen, the French playwright and political activist Olympe de Gouge complained about the existing inequalities between women and men and demanded that women be recognized as citizens equal to men.<sup>34</sup> In England, Mary Wollstonecraft

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33 Fraser 1999.

34 Olympe de Gouge was shamed and treated as hysterical and irrational. She was guillotined on 3 November 1793 (Callamard 2000).

similarly demanded women's equality in her book *Vindication of the Rights of Women*, published in 1792.<sup>35</sup>

The battle for equal rights and non-discrimination continued 150 years later. In the first half of the 20<sup>th</sup> century, women of the so-called “first wave” of the (Western) feminist movement mobilized for equal suffrage. By the end of WWII, most countries had granted suffrage rights to both men and women. As a result of the direct pressure of UN women delegates and the NGOs supporting them, the UN established the CSW in 1946 as the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women.<sup>36</sup> In the 1960s/1970s, the “second wave” of the feminist movement (in the West) began to organize around issues, such as equality and gender-based discrimination in academia and other professions. Western feminist groups called for women's equal access to education and women's self-determination on issues related to birth control and abortion.<sup>37</sup>

In contrast, feminists in the “South” deplored imperialism and called underdevelopment out for obstructing women's advancement.<sup>38</sup> The first signs of change in the mainstream understanding of human rights appeared during the UN women's decade (1975 to 1985), when women's rights activists launched a discussion mainly focused on the issues of education, employment, and health.<sup>39</sup> The women's decade also saw an explosive growth in the number of women's organizations until the 1995 Beijing conference.<sup>40</sup> As True and Mintrom point out, “the momentum and organizational buildup to these conferences were the result of efforts by women's advocates worldwide rather than solely the agenda setting of the UN.”<sup>41</sup> The female delegates at the UN and NGOs supported the successful lobbying of the CSW that led to the adoption of CEDAW in 1979.<sup>42</sup> The Women's Convention contributed to broadening the traditional concept of human rights as it covered both civil and political rights and economic, social, and cultural rights. It also claimed that “not only public institutions and practices needed to be changed to ensure women's

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35 Fraser 1999.

36 UN Women; Fraser 1999; Reilly 2009.

37 Fraser 1999, p.893.

38 Moghadam 2000, p.61.

39 Friedman 1995; Fraser 1999.

40 Fraser 1999, p.896; True and Mintrom 2001; Moghadam 2000.

41 True and Mintrom 2001, p.39.

42 Fraser 1999.

rights; private or family practices also needed to be addressed, and addressed by states.”<sup>43</sup>

Whereas the traditional human rights discourse neglected economic, social, and cultural rights, these issues were of great concern to the international conferences on women in Mexico in 1975, in Copenhagen in 1980, and in Nairobi in 1985. In fact, education was seen as a priority for development and for the achievement of women's equal statute. The final document of the UN women's conference in Nairobi called education “the basic tool that should be given to women in order to fulfill their role as full members of society.”<sup>44</sup>

However, none of the human rights norms codified in the International Covenant on Economic, Social and Cultural Rights managed to mobilize women transnationally. Neither did they have the necessary power to reshape the traditional understanding of human rights so as to include the violations of human rights that predominantly concerned women. As Keck and Sikkink point out, the issues of equality and discrimination were important in framing the “second wave” of the women's movement in the North and in the UN system.<sup>45</sup> At the same time, activists in other regions of the world organized around different issues. In the context of dictatorial regimes in Latin America, the example of the Madres de la Plaza de Mayo showcases women's strong opposition to civil and political rights abuses. The struggle of women's organizations in the South also prioritized the rights to development, food, shelter, and work.

In contrast, the issue of VAW and especially domestic violence concerning women regardless of their socio-economic situation united women across the globe. “The issue transcended race, class and cultures, and united women worldwide in a common cause”<sup>46</sup> and therefore had the power to clearly illustrate “women's subordinated position as no other issue had.”<sup>47</sup> Because of this, VAW in the private sphere reshaped the mainstream conception of human rights and led to the recognition of women's rights as human rights in the 1990s. In fact, by framing VAW as a human rights issue, the international women's movement managed to put women's rights on the inter-

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43 Brown Thomson 2002, p.105.

44 United Nations 1986, Paragraph 163.

45 Keck and Sikkink 1998, p.168.

46 Fraser 1999, p.903.

47 Fraser 1999, p.902.

national human rights agenda in the early 1990s.<sup>48</sup> Even though they were absent from the agenda of the World Conference on Human Rights in Vienna when the UN decided to convene the gathering in 1991, women's rights "became one of the most discussed topics in the international human rights community"<sup>49</sup> between 1991 and the end of the World Conference on Human Rights. By framing VAW as a human rights issue, women's rights organizations and the Center for Women's Global Leadership guaranteed the inclusion of VAW in the conference agenda.<sup>50</sup> Concretely, the Vienna conference can be seen as the moment of convergence of the human rights movement and the women's rights movement. Because of the successful pressuring of women organized in Transnational Feminist Networks,<sup>51</sup> participants there formulated specific demands for a new human rights paradigm that would engage with women's rights for the first-time. The *Women's Rights are Human Rights* campaign, launched by women's organizations as part of the World Conference on Human Rights in 1993, was indicative of the re-thinking of human rights at the international and the national levels.<sup>52</sup>

The shift in the human rights paradigm can be observed at a discursive level in the final document of the Conference - the Vienna Declaration and Program of Action. A significant text that formally recognized VAW as a human rights issue, it declared that "[t]he human rights of women and of the girl-child are an inalienable, integral, and indivisible part of universal human rights."<sup>53</sup> Furthermore, the declaration claimed "that women's human rights should form an integral part of the UN human rights activities."<sup>54</sup> The networking, pressuring and lobbying of women's rights activists that culminated in Vienna encouraged the UN to adopt new international human rights standards and mechanisms, such as the Declaration on the Elimination of Violence against Women. The latter was adopted by the UN in December 1993 and, for the first, time provided a definition of VAW. Subsequently, all UN member states agreed to work on eliminating such violence.<sup>55</sup> The Declaration indicated the human rights community's shift towards recognizing the

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48 Keck and Sikkink 1998.

49 Reilly 2009, p.73.

50 Joachim 1999, p. 155; O'Hare 1999.

51 Moghadam 2010, p.294.

52 West 1999, p.184.

53 UNHCR 1993, p.4; O'Hare 1999.

54 UNHCR 1993, p.13.

55 Reilly 2009, p.80; Sullivan 1995.

importance of addressing the link between women's subordinated positions in public and private life and the prevalence of VAW.<sup>56</sup> Focusing on the issue of violence against women, which is mostly committed by men, feminist activists demonstrated the role that male violence played in creating and preserving female subordination.<sup>57</sup>

The women's rights movement's pressure to extend the understanding of human rights to the private sphere finally succeeded at the fourth WCW in 1995. VAW was the "centerpiece of the platform" there and had become a "common advocacy position" of both the women's and the human rights movements.<sup>58</sup> Feminist scholars explained that Beijing served to make the new global women's rights discourse more concrete and that it embodied the shift of women's rights away from the margin to the center.<sup>59</sup> With the unprecedented number of participants coming from both the North and the South and the organization of prior preparatory meetings and parallel regional NGO forums, the Beijing conference became an environment especially conducive to the re-conceptualization of women's rights as human rights.<sup>60</sup> According to Bunch, the Beijing "platform is one that affirms the human rights of women in all areas - the rights of women to education, to health care, to a life without violence, and to fundamental political participation and to first class citizenship in all countries of the world."<sup>61</sup> In fact, the final document of the WCW was progressive, as it defined VAW as "any act of gender-based violence...whether occurring in public or private life." Furthermore, the document considers VAW "violence perpetrated or condoned by the State, wherever it occurs."<sup>62</sup> Feminist scholars argue that the success of the Vienna and the Beijing conferences in the realm of women's rights is largely attributable to the continuing pressure of transnationally organized women's rights organizations.<sup>63</sup>

Violence against women, especially forms of it that occurred in the private sphere, had been central to the women's rights movement's demands to see women's rights as human rights. The women's movement successfully

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56 Sullivan 1995, p.132; O'Hare 1999.

57 Goldfarb 2000.

58 Keck and Sikkink 1998, p.166.

59 Brown Thomson 2002; Parisi 2000; Bunch and Fried 1996.

60 Brown Thomson 2002, p.109-110.

61 Bunch 1997, p.7.

62 UN Women 1995, section 113.

63 Kelly 2005; Coomaraswamy 1997; West 1999.

used VAW to illustrate that the traditional human rights paradigm did not protect women's lives due to its inability to cope with violence in the private sphere.<sup>64</sup> In the process of reconceptualizing human rights around the issue of VAW, the scope of the state's responsibility to prevent and punish abuses of human rights was thus essential. In the traditional human rights discourse, states were uniquely responsible for acts that had been directly imputable to them or to their agents but not for abuses of human rights committed by private individuals. By framing VAW as a human rights issue, the women's rights movement thereby broadened the area of states' accountability for acts perpetuated by individuals and for states' failure to prevent and punish violations of human rights in the private sphere. Thus, "the responsibility of the state for acts committed by individuals [...] is in the center of the integration of women's rights"<sup>65</sup> into the traditional understanding of human rights. At the level of the nation state, this transformation signified that governments had to "transcend the division between what used to be considered public and private life."<sup>66</sup>

In summary, the shift in the traditional human rights paradigm that led to considering women's rights human rights, which occurred through the recognition of VAW in the private sphere as a violation of human rights, was a long process. The issue was absent from the UN's international political agenda and ignored by human rights groups as well as by the women's movement (in the West) until the mid-1980s. It became a central concern of women's rights groups and a subject of the UN's international political agenda and of the entire human rights movement in the 1990s. The recognition of VAW in the private sphere as a human rights violation was mainly accepted due to continuing international women's activism and networking at the local, the national, and the global levels, which put pressure on the UN and national governments. Women's rights activists entered the global political space opened by the UN in order to make their voices heard. They actively participated in the international UN conferences in the 1990s (World Conference on Human Rights in Vienna 1993, International Conference on Population and Development in Cairo 1994, Fourth World Conference on Women 1995) and successfully used these places to network and exchange strategies to make

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64 Baer 1994; Bunch 1995; Bunch et al. 2000.

65 Benninger-Budel and Lacroix 1999, p.36.

66 Kaplan 2001, p.303.

their concern visible.<sup>67</sup> Within a decade, the issue of VAW shifted from being considered “an exclusively domestic and cultural issue”<sup>68</sup> to being recognized a central human rights issue by the international community.

### 2.3 Response of human rights NGOs

This shift in the discourse on human rights did not only become manifest at international conferences and the declarations issued at their end. As actors of the international human rights regime, human rights NGOs, such as HRW and AI, absorbed these changes and actively contributed to the rearticulation of human rights. In fact, many international human rights organizations established their first important contacts with the women's rights movement at the World Conference on Human Rights in Vienna, were actively involved in the preparation of the fourth WCW, and participated in the related NGO Forum. Not only did women's rights activists strategizing in Transnational Feminist Networks<sup>69</sup> push the UN to recognize VAW in the private sphere as a human rights violation, they also challenged mainstream human rights organizations to expand their mandate to include women's rights issues.<sup>70</sup> Ultimately, the shift within the human rights paradigm also affected mainstream human rights NGOs. These groups, which had long essentially focused on governments' abuses of citizens' human rights, “began to accept the fact that violations of rights by citizens against each other were equally valid human rights abrogations.”<sup>71</sup> Internal discussions on the integration of women's rights into their activities started in the 1980s.<sup>72</sup> Later, in the 1990s and the 2000s, these NGOs recognized VAW in the private sphere as a human rights violation with varying degrees of resistance.<sup>73</sup> As Fraser accurately points out, finally “the private and public spheres began to merge in human rights theory and practice.”<sup>74</sup>

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67 Friedman 1995, p.19-23; Joachim 1999.

68 Joachim 1999, p.142.

69 Moghadam 2010, p.294.

70 Schmid-Häuer 1998.

71 Fraser 1999, p.903-904.

72 Brown Thomson 2002, p.104; Byrnes 1988.

73 See: Dolgopol 1994; Women in the Law Project 1994; Human Rights Watch 1992, 1994b; Lasco 2002; Human Rights Watch 1994a.

74 Fraser 1999, p.904.

VAW had been largely absent from AI's working focus until the beginning of the 1990s. The organization published its first report on violations of women's rights, *Women in the Front Line: Human Rights Violations against Women*, in 1991. Even though the publication was significant for its introduction of VAW in state custody and for emphasizing women human rights defenders and the risks that they faced, it clearly respected the mandate's boundary as it essentially focused on the violations of women's civil and political rights committed by state agents. Around the 1995 WCW, AI launched its first major international campaign on women's rights called *Human Rights are Women's Rights*. The campaign focused on torture, state violence and abuses committed during armed conflicts, and disappearances as they affected women. While AI slowly broadened its working perspective under the mandate - one example of this was its work on abuses committed by non-governmental entities in 1991<sup>75</sup> - the following statement illustrates that the primacy of civil and political rights in the organization's work remained unchanged: "The 1991 formulation did not deny the past evolution. The mandate, before and after 1991, could be summarized as protecting certain basic rights of people against grave abuses of political power (whether by governmental or non-governmental entities)."<sup>76</sup>

Reflecting its restricted mandate, the campaign did not address VAW in the private sphere. Moreover, it was criticized for reflecting a traditional vision of gender roles, the relation between the public and private sphere, and between the state and the family.<sup>77</sup> Only nine years later, in 2004, AI seemed to have completely endorsed VAW in the private sphere as a human rights violation. In fact, with the first global thematic long-term campaign (the SVAW campaign) that took place between 2004 and 2010, AI called for action against human rights violation in the private sphere for the first time in its existence.

In light of the traditional predominance of civil and political rights on AI's agenda and the fact that women had largely been absent from AI's decision-making positions for a long time, it is rather puzzling that AI choose VAW, and especially VAW in the private sphere, as the theme of its first global

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75 The inclusion of non-state actors into AI's mandate can be seen as a consequence of the end of the Cold War and the simultaneous increase of domestic conflicts with unprecedented human rights abuses committed by non-state actors.

76 Amnesty International, International Secretariat: *Minutes of the fifth meeting of the standing committee on the mandate (SCM)*, 16.11.1994, p.3.

77 Bahar 1996.

thematic campaign. In fact, the opening of AI's working focus to economic, social, and cultural rights in 2001 was accompanied by major changes in the organization's working methods. From then on, the organization planned to work for the respect of the UDHR in long-term global thematic campaigns, and the first of such campaigns was meant to introduce this new way of working. Given the above-mentioned rationale, AI could have chosen another norm codified in the UN Covenant on Economic, Social, and Cultural Rights as the focus of its first global thematic campaign. In fact, as archive materials reveal, VAW was one of several potential topics that AI discussed. The IEC and different Standing Committees to the International Council Meeting (ICM), AI's decision-making body, generated a list of issues, such as the death penalty, children's rights, holding economic actors accountable for human rights abuses, and the protection of refugee rights.<sup>78</sup> In addition, the IEC mentioned the right to medication, indigenous people, land rights, and poverty as possible campaign topics within the new mission in meetings prior to the 2001 ICM. Finally, "the IEC decided that VAW should be the topic for the theme campaign"<sup>79</sup> and the delegates endorsed the proposition at the 2001 ICM.<sup>80</sup>

Scholars have identified external and internal factors that help account for AI's growing interest in women's rights issues.<sup>81</sup> As previously mentioned, the changing global political environment (marked by the end of the Cold War) changed the nature of human rights violations and made AI rethink its state-focused mandate.<sup>82</sup> According to Michel (2009), the extension of AI's mandate to social, cultural, and economic rights in 2001 and the integration of non-state actors into its mandate explain why AI gave its gender blindness up.<sup>83</sup> The growing international awareness of gender equality stemming from

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78 Amnesty International, International Secretariat: *25th International Council Meeting Circular 23 All Human Rights for All: An Integrated Approach to Action, Mandate and Organization*, May 2001, p.26.

79 Amnesty International, International Executive Committee: *IEC Information Bulletin* 37, July 2001, p.13.

80 Amnesty International, International Executive Committee: *IEC Information Bulletin* 37, July 2001, p.13; Amnesty International, International Secretariat: *Action Planning Bulletin November 2001*, November 2001.

81 Michel 2009; Kelleher and Bhattacharjya 2013; Friedman 1995; Bahar 1996; Watson 1997; Sidhu and Chatterjee 1995.

82 Thakur 1994; Pack 1999.

83 Michel 2009, p.81.

the UN Decade for Women 1975-1985 and the related WCWs, which culminated in the fourth WCW in Beijing, did not leave AI unaffected.<sup>84</sup> At the same time, the women's rights movement also contributed to making AI reexamine its traditional working focus.<sup>85</sup> Thus, the literature commonly acknowledges that the external political environment and, specifically, the women's rights movement influenced AI's work with respect to women's rights. As Freitas highlights, however, the changes in the international environment "do not fully account for specific policy choices."<sup>86</sup> Whereas Kelleher and Bhattacharjya (2013) acknowledge the role of the staff, most especially that of the former SG Pierre Sané, and activists' lobbying the organization to work more seriously on women's rights,<sup>87</sup> little is known about other factors. First among them is the role that activists and officials at the IS, within sections, and in local groups played in this transformation process. Second, we lack a comprehensive vision of how VAW in the private sphere became integrated into AI's activities and how AI's policy has changed since the beginning of AI's interest in issues of VAW in the late 1980s and until the end of the SVAW campaign.

## 2.4 Research questions

Because AI's work had long been characterized by a gender bias prior to the opening of its mandate to economic, social, and cultural rights, AI could have chosen another right codified in the UN Covenant on Economic, Social, and Cultural Rights to be the focus of its first long-term global thematic campaign. This poses the following research question:

1. *Why did AI decide to focus its first global thematic campaign on the issue of violence against women and especially on forms of violence in the private sphere?*

The rationale developed in chapter 2.3 traces the evolving understanding of VAW as a human rights violation in theory and practice. While the mainstream notion of human rights mostly ignored VAW in the private sphere,

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84 Bunch 2001.

85 Watson 1997.

86 Freitas 2004, p.133.

87 Kelleher and Bhattacharjya 2013.

feminist pressuring led to an expansion of the human rights discourse to encompass violations in both the public and the private sphere by the mid-1990s. AI's approach to VAW mirrored this process, albeit with a delay. As the preceding discussion has demonstrated, the organization started to work on issues of VAW in the public sphere in the 1990s. The interest in VAW in the private sphere, which became manifest in the SVAW campaign, was thus preceded by a condemnation of VAW in the public sphere. Because of the connection between the two human rights approaches, it is pivotal to clarify why and how AI dealt with the issue of VAW before and after adopting a comprehensive approach to human rights in 2001. I thus formulate the following research questions:

2. *Why has AI integrated VAW into its activities?*
3. *How has AI integrated VAW into its activities, how has AI's human rights policy changed, and how has this transformation been assimilated and integrated by AI's officials and activists?*

Aware of the gendered nature of AI's work and of the role women's rights activists played in the recognition of women's rights at the international level in the 1990s, the study is particularly interested in understanding the role that women activists and officials played within the organization, at the international as well as the national levels. Given the long-lasting gender-biased notion of human rights, the marginalization of women in cases adopted by AI, and the long-lasting underrepresentation of women in AI's leadership positions, I assume that AI's work on VAW in general, and particularly in the private sphere, generated some negative reactions among the members and activists of the organization. It would thus be interesting to examine if this was the case. If such resistance existed, it remains pivotal to explore who articulated it and how they did so. It is therefore key to pose the following sub-questions:

- *What was the role of female activists and officials in the integration process?*
- *Has there been any resistance from activists and/or from officials and if so, what kind of resistance?*

Given the preceding rationale, AI's approach to VAW can be differentiated into two periods: one starting in the late 1980s, when the organization started to

discuss the issue of women's rights at the international level, and ending in 2001, and another lasting from 2002 to 2010, marking the end of the SVAW campaign. Consequently, 2001 is the central point in time from which my study looks back and forth.<sup>88</sup> This differentiation is also reflected in the structure of the analysis (chapters 7 and 8).

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88 In the progress of this research, I became aware of the importance of the 2001 ICM for AI's work on VAW. At the beginning of the research project, I formulated three general research questions on the issue of AI and women's rights. These questions guided the initial stages of the research process and were redefined during the course of the project. GT research strategy indicates that concurrent data collection and analysis helps to narrow down the research questions. Thus, over the course of the research process, based on the concurrent collection and analysis of the data material (written and oral) by means of theoretical sampling, I modified the original research questions and formulated sub questions that are more precise. These more detailed research questions reflect some initial analytical thoughts and, following a GT logic, constitute results in themselves.

