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## New Directions in Feminism and Human Rights

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# *New Directions in Feminism and Human Rights*

## AN INTRODUCTION

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### Abstract

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On the sixtieth anniversary of the Universal Declaration of Human Rights, feminists are at a critical juncture to re-envision and re-engage in a politics of human rights that underscores the creative displays of grassroots resistance by women globally and affirms transnational feminist solidarity. In highlighting feminisms and human rights that are antiracist and social justice oriented, this issue highlights new research that reveals the transformative potential of a feminist human rights praxis that embraces collective justice. In this introduction, we discuss dominant critiques of human rights frameworks and explore critical human rights activism 'from below' in order to establish the context for this special issue on new directions in feminism and human rights.

### Keywords

Human rights, feminism, transnationalism, social justice, globalization, activism, gender, antiracism

## OUR VISION

The relations *between* feminist political struggles worldwide and the hegemonic projects, institutions and discourses associated with human rights appear to be fraught with both peril and promise. One peril, in particular, gripped our hearts as we prepared this narrative. On 27 April 2010, state-supported paramilitaries assassinated Alberta Beatriz 'Bety' Cariño Trujillo, who was taking part in a human rights caravan to support the besieged, autonomous

Triqui community of San Juan Copala in México. A victim of a bullet to the head in a targeted strike, Bety was a widely known and loved leader within indigenous-led human rights struggles in Southern México. Bety was a personal *compañera* to one of us (Molly): she opened her home and shared her time, words and various journeys with me when I visited Huajuapán de León, Oaxaca as an activist-researcher. Bety organized savings circles among poor women of the Mixteca region of Oaxaca (an area with the country's highest emigration rates); she was the director of the Center for Community Support Working Together (CACTUS) and she was centrally active in a number of campaigns and organizations, which address a wide range of issues, from transnational corporate mining exploitation of indigenous and rural lands to the forced sterilization of indigenous women. She paid particular attention to the lives of women and youth, while embracing a culturally grounded and inclusive vision of human rights and justice.

To say that Bety's courage and clarity are deeply humbling to us is no act of romanticization. Having survived multiple death threats and office invasions, Bety was highly aware that her own life was in jeopardy. Yet she refused to separate her own right to security and well-being from others in her community, nation and beyond. Her persistent articulation of a vision and praxis of human rights derived from her lived experience as an indigenous woman, a mother and the daughter of landless, Mixtec sharecroppers – and, in her own words, derived from the experiences of 'those below who suffer and struggle' – also signals the promise that we hope this issue, and the explorations presented herein, helps to further cultivate.

We are a collective of feminist scholar-activists who developed this project because we seek to understand the contradictions that emanate from, on the one hand, the institutionalization of human rights among imperial nation-states and global governmental bodies and, on the other, the growing embrace of human rights logics and languages by activists like Bety Cariño who are struggling for justice across the world. More precisely, we ask: How can critical engagements with these contradictions – by scholars, activists, journalists and artists – help us to create new vocabularies and strategies for achieving antiracist, feminist justice on an international scale?

The conditions and struggles of the world's women – the majority of whom are women of color, of the Global South, non-elite and faced with an appalling range of daily lived injustices – might easily lead to the conclusion that the objective of safeguarding women's human rights is far from being actualized. As a result of the divergent cultures, histories and dire economic conditions that shape and regulate the lives of women, a singular model of 'women's human rights' is difficult to sustain. However, the feminist lessons we have learned through our own research portray a complex reality with regard to the grassroots inter-relationship between feminism and human rights that we wanted to explore further. We now turn to our diverse, yet interconnected research, which laid the groundwork for this collaborative project.

## FOUR TALES OF FEMINISM AND HUMAN RIGHTS

### Sylvanna Falcón: A Tale of Liberal Limitations

In my research on antiracist feminist activism from the Americas, I asked interviewees who had participated in the 2001 UN World Conference Against Racism in Durban, South Africa, to talk about how they contextualized the 11 September 2001 attacks in the US given the contentiousness of the Durban conference, which had just ended a few days prior to the attacks. 'Mira, tú eres Americana pues...' ('Look, you're an American so...') said my interviewee from Perú. I replied 'No se preocupe. No me ofenderás' ('Don't worry about it. You won't offend me'). As we laughed about our brief exchange, she laid out a very precise and analytical critique of US imperialism and US foreign policies while simultaneously denouncing terrorism. Clearly empathetic to any recipients of violence given Perú's own history with terrorism, she hoped that people living in the US would not only gain compassion for the world's people who experience acts of terror daily, but that we would, in a display of solidarity with the Global South, begin to challenge our government in the same way the majority of the people in the world challenge their own governments.

The racialized and gendered issues of poverty, labor and economics were of significant concern to the women I spoke to in México and Perú, issues that have a relationship to US foreign policies or international economic policies, which have robust US support. For them, antiracist struggle must re-situate the economic, social and cultural aspects of human rights towards a feminist human rights engagement that is anticapitalist and anti-imperialist: their approach moves political struggle beyond notions of liberalism and requires sustained critiques of US foreign policies and capitalism.

### Molly Talcott: A Tale of Human Rights after Postcolonialism

During much of my graduate education and life as a feminist activist, 'human rights' barely figured in my consciousness: a focus on 'human rights' seemed to obscure gendered, racialized and neocolonial forms of oppression and to evade a specific commitment to women and feminism. As a tool often wielded by international institutions dominated by imperial powers, 'human rights' seemed especially troubling in relation to the work of grassroots, anticapitalist movements for racial and gender justice. Having been influenced by key critiques of 'Western' cultural imperialism within feminism (Mohanty 1991; Amos and Parmar 2001), I found Hillary Clinton's public proclamation in Beijing in 1995 that 'women's rights are human rights' to exemplify the complicity of universalist 'human rights' frameworks with imperial feminism. Moreover, I came of age during the production of important critiques of 'master narratives' by poststructuralist academic feminists, and 'human

rights' resembled just such a case of epistemic and political violence shrouded in benevolent universalism.

It was only when I began living and talking with Southern Mexican activists (2005–7) – indigenous, rural and largely cash-poor women who have arguably less connection to 'Western' ways than I – that I began to understand the real importance of 'human rights' as a tactic and a metaphor for multiple incarnations of justice. I began to explore the 'social life of rights' (Speed and Collier 2000): the ways in which women activists draw upon but also reshape human rights discourses in accordance with their own visions, lived experiences and, in the words of Bety Cariño, their own attempts 'to resist in distinct ways, you know? To not assume for yourself other people's models of living' (Talcott 2008: 230).

Women like Bety Cariño are leveraging the growing moral and political power of human rights and remolding this amorphous idea in pursuit of what I have called 'radical, redistributive and pluralist' (Talcott 2008) ends. Like the many human rights activists from whom I have learned so much, and whose praxes embody culturally distinct, indigenous and gendered struggles for justice, I have come to the position that human rights, in the words of Barbara Schulman (2004: 104), can be a 'radical model in liberal clothing'. Anna Tsing (1997: 254) has written that, '[I]nstead of debating Western-defined universals, we can debate the politics of their strategic and rhetorical use around the globe', and it is this latter activity that is growing across the world as subaltern communities of women and men recreate discourses and conditions of dignity, rights and justice in ways that often invoke the metaphor (and mechanisms) of human rights.

### Sharmila Lodhia: A Tale of Law, Advocacy and Human Rights

Prior to pursuing a graduate degree in Women's Studies, I worked as a civil rights attorney for women in Los Angeles. While conducting legal advocacy in the area of women's health, I found myself becoming increasingly aware of the varying levels of access that women have to the legal system, particularly those who experience intersectional subordination on the basis of their gender, race, class or immigrant status. In many ways my initial idealism about the transformative potential of the law became eroded by the sense that abstract legal provisions, even under the best of circumstances, could furnish only band-aid level relief for women.

Since that time, I have examined more closely the meaningfulness of existing legal protections for Indian women experiencing domestic violence. Studying law and advocacy responses to gendered violence through a transnational lens has enabled me to examine issues like the widespread backlash against Section 498A, India's anti-cruelty law (Lodhia 2009), the ways in which raced and gendered notions of citizenship continue to erode the meaningfulness of legal protections for battered Indian immigrant women living in

the US (Lodhia 2010a) and the growing number of individuals traversing these jurisdictional boundaries to obtain legal advantage over an abused spouse (Lodhia 2010). I find myself once again torn between the inadequacies of the legal system and the transformative potential of the law in an increasingly globalized world. International conventions have, in some instances, laid the groundwork for furnishing legal protections where none existed. To see this we can look to the landmark case of *Vishaka vs. State of Rajasthan*<sup>1</sup> where the Indian Supreme court drew on provisions of the Indian Constitution and the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), to establish guidelines on sexual harassment against women in the workplace, in the absence of a legislative framework for addressing the issue. In addition, new and reformulated versions of anti-violence laws enacted at the national level such as the US's *2005 Reauthorization of the Violence Against Women Act (VAWA)*<sup>2</sup> and India's pioneering *Protection of Women from Domestic Violence Act of 2005*,<sup>3</sup> indicate some level of progress. Law has produced substantive, albeit incomplete relief for women in many critical areas of concern.

#### Dana Collins: A Tale of the Militarized State and Human Rights

I had unanticipated encounters with state militarism when conducting research on gay-led gentrification and hospitality work in Manila, the Philippines (Collins 2005, 2007, 2009), which resulted in my questioning what militarism, human rights and 'gay' rights have to do with one another. When interviewing Filipino gay activists about their articulation of 'gay' rights, I repeatedly encountered a vision of gay rights that was embedded in larger social justice struggles against state militarism. The Philippine state is waging a war against 'terrorism' in the Southern Philippines and committing human rights abuses against civilians and activists. Connected to this state militarism is the passing of the Visiting Forces Agreement in 1999,<sup>4</sup> which opens the Philippines to US-led military exercises. Gay rights activists work in tandem with farmers, fishermen, Filipino feminists (Gabriela Philippines) and squatters' movements to protest this emerging militarized climate, which frames military training and intervention as a 'necessity' to fight a rise in Islamic 'fundamentalism', kidnappings, violence, bombings and attacks on transnationals. This framing however covers how a militarized South allows for the strategic positioning of the US to monitor 'terrorist activities' (and increasingly so post-9/11), the suppression of Left resistance to neoliberal development and the cover of the state-directed dirty war against activists speaking out against privatization and human rights abuses throughout the Philippines (Chua, this issue). Gay activists argue that state militarism and US imperialism radically shape the lives of *most* Filipinos; hence, a 'gay issue', I was told, is the state's support of US military presence, which creates sex districts, is implicated in violence against both Filipino

women and transgendered sex workers, is part of the transmission of HIV and is a sign of the continuing dependence of the Philippines on the US military industrial complex. Hence 'gay' rights *as* human rights is a visionary lens, which solidifies gay men's ties to a range of human rights struggles – those of women, sex workers, farmers, fishers, squatters, activists and Muslims – by calling for a focus on and *collective* denunciation of state military power. Such solidarity struggles offer both a cautionary tale about the antithesis between 'human rights' and state-sponsored military projects and the need for human rights frameworks to operate from an intersectional lens, which show how an anti-militarism struggle is collective, as it reaches across many groups engaging in a range of interrelated human rights struggles from below.

Together, these concurrent experiences and narratives have led to the interdisciplinary feminist conversations taking place within our scholar-activist writing collective, challenging and enriching each of our approaches to feminist human rights studies. Falcón's research places feminist activists from Latin America in conversation with their Global North peers, revealing that antiracist feminist human rights work often has to integrate an anticapitalist and anti-imperialist critique for solidarity to transpire. Her work urges those of us who reside in the United States to vigorously challenge the complicity of US foreign policies and capitalism with racial injustice and the violation of human rights, particularly in the Global South. Talcott's narrative speaks to another limitation – that of the reification of human rights as a Western political imposition on the Global South. Feminist engagements with human rights can bring to light how the 'social life of rights' (Speed and Collier 2000) unfolds through complex negotiations; the negotiations occur between the global discourses of human rights and the many creative, inventive and local engagements with them grounded in specific, lived struggles. Lodhia's research sheds light on both the advocacy constraints in the anti-violence movement for Indian women as well as the limitations of legal interventions conceived within the narrow boundaries of the nation-state. Her vignette is a reminder that while human rights paradigms should not rest solely on legal precedents and protocols, supportive laws guided by transnational feminist human rights imperatives are often vitally important for immigrant women, whose lives are increasingly shaped by transnational processes. Finally, Collins's story provides a cautionary tale about how feminist human rights struggles face serious challenges when the militarized state amasses power on a transnational scale. Her case signals that growing militarism and imperialism represent a central challenge *and* opportunity for re-envisioning feminist human rights political projects, which must remain intersectional in orientation to harness the solidarity struggles already taking shape from below.

We seek to advance these conversations by way of the scholarly and activist contributions that comprise this collection. Our hope is to move beyond a wholesale dismissal of human rights so that we may begin new dialogues about contemporary uses of human rights that envision transnational,

gender and antiracist social justice approaches. At the same time we are mindful of mainstream human rights critiques and the dangers of human rights fundamentalism (Smith 2008), which tend to lose site of strategic discourse. Human rights fundamentalism refers to an over-emphasis of human rights as the primary organizing strategy, often motivated by funders' priorities and agendas, that then marginalizes other important political organizing strategies. In short, the scholarship in this issue demonstrates innovations in human rights discourse and political practice. These praxis-oriented perspectives beckon our theoretical reconceptualization of human rights frameworks, particularly as we reflect at this critical moment in human rights history.

## HUMAN RIGHTS: UNDERSTANDINGS, CRITIQUES AND TRANSNATIONAL FEMINIST INNOVATIONS

The invocation of human rights occurs on three key levels: legal, political and social. Yet the critiques of human rights are typically directed at legal interpretations of human rights (i.e. human rights law). These legalistic manifestations of human rights receive the most visibility in the public realm. Just as feminisms are not static, neither are human rights, even in the legal realm because 'the interpretation of human rights law can and does happen *whenever* new constituencies – battered women, the homeless, women of color with HIV/AIDS, genocide survivors – appropriate and inhabit the texts of human rights' (Roskos 2004: 130). When human rights are exercised in a manner which privileges the West, the individual and the state, then human rights discourse can effectively place the so-called 'Third World' in the category of human rights violators and elevate the so-called 'First World' as a sanctuary from human rights abuses (Newdick 2005).

Developing as it did in a post-World War II context of Western hegemony and the rise of postcolonial movements throughout the Third World, the dominant framework of human rights and its assumption of a universal human nature largely reflected the specific experiences, needs and values of affluent white Western men (Brems 2003). The nation-state's subject, whose 'rights' were to be protected, implicitly reflected the experience and subjectivity of a masculine, rational, individual, who was not rooted in a significant way to community or social structure. Hence human rights laws were designed to protect those subjects who fit neatly into such legalistic categories and at the same time silence those subjects whose human rights were being violated along the lines of gender, 'race'/ethnicity and sexual identity. If an abuse falls outside of the contract between the individual and the nation-state then such abuses will not be regarded as an abuse of human rights.

It is within this political and discursive terrain that early research on women's rights *as* human rights began to identify linkages between international law and women's movements, using diverse theoretical perspectives



and drawing on a wide range of case studies from around the world (Kerr 1993; Cook 1994; Peters and Wolper 1994; Keck and Sikkink 1998). Feminist human rights inquiry has centered around issues such as the conceptualization of rights, the application of human rights conventions for advancing gender equality and the impact of local and national cultures on applying so-called universal norms of gender equality (Agosin 2001; Knop 2004; Walby 2005). Feminist legal scholars have also wrestled with the question of whether women as a group are, in fact, considered 'human' within the hegemonic framework of international human rights law (MacKinnon 2006).

As we discuss the five primary critiques of human rights found in scholarship – human rights as Western-centric, imperial, state-centric, race/gender-neutral (or universal) and individualistic – we aim to show that these analyses and theories tend to be disconnected from the communities and 'new constituencies' that are asserting their rights as citizens (as opposed to as 'victims') to demand justice from the state (Roskos 2004: 130; Richards 2005). A radically progressive human rights project can emerge when marginalized communities from around the world demand that the state be accountable to them. These constituencies are not *asking* the state to legitimize their citizenship; rather, they, along with their allies, are *demanding* that the state respond to their needs.

### Human Rights as Western and Imperial

Both the state and transnational military actors have used human rights violations as a justification for 'humanitarian' military interventions, with so-called peacekeeping forces often engaging in their own human rights abuses (Enloe 2007; Bhattacharyya 2008). Consequently, the idea of invoking human rights as a justification for military interventions has been critiqued for advancing imperialist ends. The war in Afghanistan is a classic example. Seeking retaliation for the attacks of 11 September 2001, the US government targeted Afghanistan, a deeply impoverished country that has endured incessant military conflicts since 1979 with the Soviet invasion. The Bush Administration said repeatedly that the pending military invasion in Central Asia was not about Afghanistan per se, but about the Taliban. In an effort to further galvanize US public support, which was already at an all-time high after 9/11, the Bush Administration successfully crafted a media campaign with Laura Bush as its newly minted feminist spokesperson. The media campaign rationalized the military invasion as a moral 'war of necessity', given the human rights abuses committed against Afghani women and girls by the Taliban.

Of significant concern, however, is the manner in which mainstream US women's organizations heeded the Bush Administration's call for support (McNamara 2002: E1; Fernandes 2005). Organizations such as the Feminist Majority and the National Organization for Women (NOW) aligned themselves

with the Bush Administration in their endorsement of this allegedly 'humanitarian' military invasion and war. Both of these feminist organizations have on-going campaigns for Afghani women and girls stating that it is incumbent upon US women to fight for the 'liberation' of Afghani women, especially because, as stated on NOW's website, '[i]f there is a hell on earth for women and girls, it surely must be found in Afghanistan'.<sup>5</sup> Currently, NOW and other mainstream feminist groups are urging the support of Senator Barbara Boxer's Bill, subsequently entitled the *Afghan Women Empowerment Act 2009*, which 'will fully commit the US government in helping advance the rights and well-being of Afghan women'.<sup>6</sup> The language of the bill<sup>7</sup> and NOW's campaign to support it results in a rationale for Western militarized imperialism and Western feminism shrouded in the language of human rights.

The analysis advanced by US mainstream women's organizations regarding Afghanistan is deeply problematic to transnational feminists whose frameworks critique the epistemic violence of Western feminisms and expose postcolonial linkages between women who face the brunt of wartime violence (Enloe 2007; Redhead 2007; Bhattacharyya 2008; Chew 2008; Riley et al. 2008). Transnational feminists, unlike some nationalist and international feminists, oppose imperialist wars, including those clothed in 'humanitarian' rhetoric (Bacchetta et al. 2002). For example, transnational feminists argue that the onus is not on 'Western' women to 'liberate' Afghani women and girls, but rather to work in solidarity, not in isolation, with women's groups in Afghanistan such as the Revolutionary Association of the Women in Afghanistan (RAWA). RAWA opposes war and imperialism, a dual opposition that seems foreign to many people in the Global North and 'West'. As Sonali Kolhatkar notes (this volume), Western feminists have much to learn from the sophisticated and deeply democratic structures that the women of RAWA have developed.

The 'rescue narrative' found in many US and European laws and public policies falls under the rubric of human rights as well and is deeply entrenched in the problematic binary of 'First World freedoms' and 'Third World oppression'. The US refugee policy is an example of this binary, as it requires applicants to explicitly declare, under oath, that their safety and freedom can only be guaranteed if they can stay in 'white, freedom-giving America' (Grewal 1998). Refugee applicants must demonize their native countries to such an extent that it would be inhumane for the US government to reject their asylum cases (Kapur 2002; Visweswaran 2004; Davidson 2006). France entertains a similar binary. Last year in 2009, President Sarkozy branded the burqa as 'a symbol of subservience that suppresses women's identities and turns them into "prisoners behind a screen"' of which France did not approve (Keaten 2009). Current proposals are pending in France and Belgium to forbid Muslim women from wearing burqas in all public places.<sup>8</sup> Framed as a positive step in 'liberating' Muslim women, the proposed laws are an attempt to legally ratify a state-sponsored method to force Muslim women to abide by Euro-patriarchal notions of femininity and dress. The ethnocentric logics

behind the proposed French and Belgian burqa laws and US refugee policy compellingly corroborate the critiques of human rights language and discourse as Western-centric and imperial (for additional research on the Western-centrism of human rights practices see Manderson 2004).

## State-Centricity and Universalism

The structure of the United Nations privileges nation-state forms of governance, and given the historical origins of the Universal Declaration of Human Rights (UDHR), human rights laws and discourses emanating from the United Nations link human rights to the state. Further, the United Nations advances (at least in rhetoric) an internationalism that also allows it to represent ‘the imaginary “family of nations” or “global community of nations”’ (Grewal 1998: 510). Despite the rhetoric of internationalism, and as a result of the dispersal of geo-political power and corporate globalization, UN policies and mandates have disproportionately favored the First World at a heavy cost to the Third World.

It seems nonsensical to expect states which repeatedly violate human rights to then abide by human rights obligations. Even though the state is the central figure in the UN model of human rights accountability, the majority of women and communities throughout the world do not function within this UN model. Instead, the language and discourse of human rights proves more useful to women and marginalized communities as an organizing tool, in lieu of entrusting the state to abide by the human rights standards adopted by the international community. Activists who remain wedded to a state–UN dualism can also find human rights engagement extremely limiting (Falcón 2009). Yet at the same time, the state should not be absolved of its repressive treatment of people.

Clearly human beings may have different needs and experiences of the social world. Asserting that human rights ‘remain Eurocentric in many of [their] assumptions and goals’, Inderpal Grewal (1998: 505) contends that ‘as a formation conceived by liberal democratic states, the claim to human rights has been a means to assert the rights of the individual as a private, autonomous being’. Thus to ‘qualify’ for inclusion in that constellation of protections labeled ‘human rights’, one’s social positionality, experience and desire for justice must fall within very particular boundaries of the polity and likewise, these goals and objectives must be the same for all. Such an approach ignores key differences in culture, class, experience and visions of a just society. Critiques of universalism also lend themselves to endorse nationalist and cultural relativist orientations to human rights, which many feminists have argued rarely benefit women (Corrêa et al. 2008). In place of the paralysis of relativism, Mohanty and Alexander (1997: xix) have suggested that: ‘local feminist praxis is necessary, but we also need to understand the local in relation to larger, cross-national processes. In place of relativism,

this critical application of feminist praxis ... would substitute responsibility, accountability, engagement, and solidarity’.

Due in large part to the lessons we have learned from grassroots antiracist feminist and gender activists around the world, we argue that the state-centrism of dominant discourses and practices of human rights need not lead feminists to simply turn away from ‘human rights’ altogether. As feminist scholars, activists and artists engage with the state-centrism of the global human rights establishment, we are mindful of Elizabeth Philipose’s (2008: 114) assertion that:

[T]hrough and through, international legal systems are imperial and racialized and supremacist. To not take on the task of decolonizing these systems that govern and regulate international behaviour is to reproduce ... the violence ... against those whom we aim to protect. It is not a question of working within the parameters of the existing systems, but of revolutionizing those systems through our advocacy and activism, and creating analytics that refuse to be complicit in recolonizing the world.

As feminists of the Global South have pointed out, the false universalisms and cultural essentialisms of dominant human rights debates ignore the diverse experiences of women’s oppression, especially those who are indigenous, Third World, women of color, poor, rural, disabled and queer (Mohanty 1991; Amos and Parmar 2001; Ong 2001). Feminist human rights research critically explores the applicability of international human rights guarantees, while remaining attentive to the particular local social contexts from which human rights issues and potential solutions arise (Grewal 1999; Manderson 2004; Merry 2006). Thus transnational feminist inquiry both brings to light, and works alongside, the longstanding tension between the universal and the particular in human rights debates by ‘re-engaging the local’ (Coomaraswamy 2002) and by attending to the cultural and representational politics of human rights deployments (Hesford and Kozol 2005; Newdick 2005).

### Individual Rights versus Collective Justice

Intimately connected to the human rights critiques already discussed is the question of whether human rights are geared towards the autonomous individual or to a collective group. Faulted as being based in liberal-individual logic, human rights are often constructed as such when notions of civil and political rights prevail in governing a dispute. As a way to placate the US and the Soviet Union in the early stages of drafting human rights treaties to ratify the principles of the UDHR during the Cold War, the UN opted to divide and group human rights as civil and political to appease the US and as social, economic and cultural to satisfy the Soviet Union (Anderson 2003; Pubantz 2005). Thus, when human rights references civil and political rights, it privileges the

individual; when it centers social, economic and cultural rights, it favors the collective (Carozzo 2003).

However, communities have found ways to merge these divisions. Individual and collective rights are not mutually exclusive because, for example, women of indigenous communities and African descendants of slaves have appealed to human rights on the basis of collective justice. A holistic theoretical approach to human rights requires positioning individual and collective rights as complex and intertwined, or as bridgeable (Holder and Cornassel 2002). While discussions of women's rights have often overemphasized an 'individual *versus* collective' binary opposition of human rights (Baehr et al. 1990), we contend that when we center the lives of global women who identify as women of color, indigenous and queer, this binary largely dissolves. Indeed, even within the hyper-individualistic US context, the equation of 'women's rights' with 'individual rights' reflects less a natural relationship than a privileging of hegemonic feminism led by white middle class women within second wave feminist genealogy. When multiracial, antiracist, anti-imperialist feminist organizing, theory and literature are included in the genealogy of US feminism, the relationship between feminism and struggles for collective rights becomes readily apparent, even inextricable (Thompson 2002).

Moreover, as indigenous and rural communities from Latin America to the African continent organize against global extractive industries, seizures and exploitation of their lands and face state and paramilitary repression, the organic interdependence of both 'negative', individual human rights (e.g. to freedom from state repression of individual bodies, freedom of open political expression) and 'positive', collective rights (e.g. land rights, natural resource rights, reproductive rights for indigenous women *as a group*) becomes most visible. Indeed, as grassroots and locally-based, engaged movements invoke human rights globally (Bob 2009), such actors expose the artificiality of the split between 'individual' and 'collective' human rights. Such compartmentalization, while convenient for neoliberal capitalist governance agendas, makes little sense in other contexts (Blau and Monçada 2005; Frezzo and Araghi 2009).

Central to the gendered theorization of human rights (Kelly 2005), has been an intersectional approach to 'race', class, gender, sexuality and nation, as they coalesce in the 'lived' experiences of rights (Diallo 2004; Corrêa et al. 2008). As such, no one right can be easily broken down into a singular issue, as rights are always already constituted through the social structural relations of multiple positionalities. Thus, in the tradition of feminists who have been at the center of critiquing human rights paradigms for their implicit masculinist bias, transnational feminists seek to produce innovative engagements to alter thinking and practice around human rights issues. Transnational feminists address the complexities that emerge when invoking human rights at the international level and when accounting for the intersections of 'race', racism, class, gender, sexuality and nation.

Human rights is not a set of foregone conclusions exclusively drawn in legal documents and doctrines; rather, human rights should also be understood as a terrain of social, cultural and legal struggle – often engaged by feminists – over gender equality, resource (re)distribution, cultural expression, mobility and so on. Feminist research that engages the legal and the transnational as well as the local and the cultural is of increasing importance to women's movements that are redefining the limits and possibilities of human rights, justice and liberation for women in the contemporary period. At the intersections of this wide-ranging feminist scholarship lie the most promising sites for re-theorization and transformation.

## INTRODUCING THE COLLECTION

The pieces in this collection offer new perspectives on feminism and human rights. We have included research, conversations and reviews of scholarship that capture the invocation of human rights strategies and discourses by feminist researchers, advocates, activists and grassroots movements, for politically radical ends. The contributions offer theoretical innovations, empirically rich investigations and creative interventions that forefront how grounded, progressive and feminist visions of human rights in a global context reinvigorate the very collective spirit in which contemporary 'human rights' were first articulated over six decades ago. Both embracing and moving beyond the realm of critique, these materials highlight vital linkages between feminist advocacy and the mobilization of human rights in transnational struggles for justice.

Part I includes writings that analyze gendered resistance in multiple forms. Each piece contains a richly contextualized study of human rights activism at a regional level that engages with the question of how women's lives are differently shaped by legacies of colonialism, the presence of armed conflict and globalization. In the aftermath of violent events and the histories from which they spring, layered as they are with logics of racial, sexual and colonial domination, how might feminists develop praxes that will lead to truly decolonial and intercultural advances in women's human rights?

Pascha Bueno-Hansen's essay, 'Finding Each Other's Hearts: Intercultural Relations and the Drive to Prosecute Sexual Violence during the Internal Armed Conflict in Perú', attends to this very challenge in her exploration of how one urban feminist non-governmental organization (NGO) is partnering with women of the Quechua community of Manta, Huancavelica, in an attempt to address the systematic perpetration of sexual violence during Perú's internal conflict (1980–2000). For evidence, Bueno-Hansen draws on a critical reading of the 2001–3 Peruvian Truth and Reconciliation Commission hearings. While acknowledging the victory represented by the shift in international attention to the issue of sexual violence during internal armed conflicts, Bueno-Hansen addresses, in her words, 'the vexing manifestations

of colonial legacies in post-conflict contexts'. She describes how feminist NGO workers from Lima try to simultaneously confront the violent remnants of colonialism, which subtly inform their own approaches and practices, to create long-term, trust-building, intercultural dialogues. Bueno-Hansen finds that while the path forward is not simple or seamless, it is possible for women – urban, educated *Limeñas* and Quechua *campesinas* – to create a dialogue across cultural and power differences, with an eye toward a reconceptualization of justice.

In a similar vein, Paporí Bora's, 'Between the Human, the Citizen and the Tribal: Reading Feminist Politics in India's Northeast', draws attention to the deep linkages between a colonial past and a militarized present. Bora's work provides a rare glimpse into the gendered and racialized parameters of state violence in Northeastern India via a postcolonial analysis of a feminist protest against the actions of the Indian military. Relying on a critical reading of a nude protest by a group of women in Manipur and the banner they displayed containing the words 'Indian army rape us', Bora calls for a more layered examination of the significance of women's resistance in a region with a distinct politicized relationship to the Indian nation-state. Bora presents insightful challenges to dominant readings of the protest, which are embedded in a universalist language of law and human rights and thereby fail to account for the particular legacies of colonialism and nationalism that would emerge from a more nuanced understanding of how the Northeast is constituted. The result is a study of how strategic assertions of citizenship and human rights produce a considerable challenge to embedded power relations.

The final case study in this section examines women's resistance via the gendered politics of food within a neo-colonial context. Drawing on her ethnographic data, Michelle Jacob's piece 'Claiming Health and Culture as Human Rights: Yakama Feminism in Daily Practice', examines a burgeoning movement led by women to protect and preserve health and culture on the Yakama Reservation, located in the US state of Washington. Jacob's work unearths powerful linkages between gender, globalization, neocolonialism and their relationship to food access. She asserts that the women from the Yakama reservation are continuing a rich human rights tradition of global struggles for health led by indigenous peoples worldwide. Jacob ultimately concludes that women are strategically positioned to reject over-processed foods and drinks found aplenty on Native American reservations, from fast food restaurants like McDonald's to soda pop from the Pepsi Corporation, because women are primarily responsible for the food supply. Yakama indigenous women can therefore empower their families and loved ones to adopt lifestyles compatible with traditional cultural practices to ensure a healthier generation of Native youth.

In Part II, our focus turns from regionally based engagements with gender and human rights methodologies to a more explicit investigation of the salience of human rights on an issue-based level – specifically, work which

grappling with the functionality of human rights law for addressing gendered violence. Reflecting on the perils and the possibilities of human rights law, each author's contribution considers the ways in which human rights discourse legitimates a very narrow category of gendered subjectivity, which is often highly reductive and essentialist. What particular narratives of rescue are most legible and thereby most consumable by dominant governments and legal systems? What are the costs of accepting assistance from 'First World nations' within the context of this colonizing and racialized gaze? And lastly, to what extent are female claimants, be they trafficked women or asylum seekers, subject to additional violence by the very act of appealing to human rights on these limited terms?

The section begins with Jennifer Lynne Musto's exploration of a region of the world that is not often associated with forced labor situations – the Netherlands. Musto's piece, 'Carceral Protectionism and Multi-Professional Anti-Trafficking Human Rights Work in the Netherlands', furnishes a feminist analysis of trafficked people in the Netherlands, that homes in on efforts spearheaded by the government and NGOs, which rely heavily on professional fundraising-centered logics and criminal justice enforcement practices. Musto argues that increasingly professionalized NGOs and the Dutch criminal justice system should not provide the only tools to stop trafficking. Indeed, she demonstrates how NGOs' creation and use of the 'suffering sex slave' trope enables them to obtain more funding within the nonprofit industrial complex and that this is accomplished by positioning trafficked women in opposition to both voluntary sex workers and undocumented migrants. Musto is thus able to demonstrate how enacting 'protection' for the trafficked – often racialized women of Third World origins – precludes their empowerment.

The next two contributions wrestle with the inherent limitations of human rights law through representational studies of race, gender and sexuality. Julietta Hua and Holly Nigorizawa in 'US Sex Trafficking, Women's Rights and the Politics of Representation', provide valuable insights into the discursive production of a specific type of victim-subject that emerges out of US legal responses to sex trafficking. Exploring the paradoxical nature of universality attendant in human rights discourses around violence, the authors suggest that certain narratives of victimization are more readily embraced by law enforcement and governmental officials who engage in specific orientaling and gendering practices when evaluating trafficking claims. Hua and Nigorizawa reveal the cultural and political lines that are drawn between sex trafficking practices in the 'second world' and in 'the third world' and the unique ideological functions this distinction performs. In both scenarios, the authors argue, the US emerges as the rescuer *and* exemplary haven for women experiencing abuses abroad, purposefully obscuring the neoliberal rationales attendant in such interventions. Hua and Nigorizawa ultimately conclude that analyses which are attentive to the privileging of certain narratives of victimization – and which integrate women's own unfiltered speech – offer critical insight into the practical limitations of human rights responses to sex trafficking.



In 'The Cultural Politics of Lesbian Asylum: Angelina Maccarone's *Unveiled* (2005) and the Case of the Lesbian Asylum-Seeker', Rachel Lewis builds on these critiques of human rights policies as they intervene in matters involving gendered violence. Her research explores how filmic discourses articulate new spaces and possibilities for addressing the struggles around lesbian asylum, offering insight into a unique gender-sexuality human rights issue. Following how rigidly 'Western' preoccupations with sexual identity and cohabitation serve as the litmus test for granting asylum, Lewis asserts that same-sex desiring women are 'disappeared' in homonormative discourses of asylum adjudicators because the focus of these discourses is on normalized notions of 'gay' lifestyle. Her reading of *Unveiled* then seeks to elaborate the effects of such disappearance, for example, by highlighting the physical and psychological violence of exile and of state surveillance of exiled bodies, as the experience of the lesbian asylum seeker is one who must take on another subjectivity – and in the case of *Unveiled*, another gendered body – to be viewed by the state as 'authentically' lesbian and therefore 'worthy' of asylum. Analyses such as Lewis's highlight the limitations of Western frameworks of subjectivity and neocolonialism, as they work as legitimating/delegitimizing discourses of inclusion/exclusion in the framing of human rights.

In Part III, the remaining two studies offer examples of strategic engagements with human rights advocacy. They demonstrate how certain social and political shifts provide conceptual openings for human rights advocacy. That is, how can groups capitalize on the circumstances present in a given socio-political moment in order to advance the cause of gender equality or what Yvonne A. Braun and Michael C. Dreiling refer to as the 'amplification of women's rights'? In this final section, the creative displays of feminist organizing derived from two distinct locations – Iran and Lesotho – show how women negotiate human rights, requiring compromises on the one hand, and introducing new difficulties and challenges on the other.

Western imperial secular liberal hegemony and the Third World religious nationalisms that arise in response to it, make it difficult for feminists who must negotiate multiple political terrains – religious, local, global and imperial – in order to build strategic campaigns and alliances. How do feminist activists meet this challenge and under what types of constraints? Catherine Sameh's contribution, 'Discourses of Equality, Rights and Islam in the One Million Signatures Campaign in Iran', outlines one such case of creative feminist organizing in Iran, where women have created a grassroots campaign that draws upon both secular and non-secular liberal discourses and synthesizes them into a discourse of 'Islamic human rights'. Sameh's study focuses on the 'everyday understandings of ordinary women and men who have learned to negotiate within a hybrid discourse that positions them as modern Muslim citizens'. Through her analysis of the *Change for Equality* website (the communication portal for the One Million Signatures Campaign), Sameh finds that Iranian feminists work to frame, with varying

degrees of success, the campaign as non-elitist and as distinctly Iranian and attempt to harmonize Iranian culture, which values women as equal members of society, and Iranian law, which lags behind its own people's culture.

Finally, Yvonne A. Braun and Michael C. Dreiling, in 'From Developmentalism to the HIV/AIDS Crisis: The Amplification of Women's Rights in Lesotho', take us to Lesotho to examine the mobilization of 'women's rights as human rights' through the passage of a series of legal changes in the 2000s. Braun and Dreiling juxtapose support for women's rights claims during two key historical junctures in Lesotho – the HIV/AIDS crisis and the neoliberal and nationalist development projects. They found that support for women's rights to health resonated during the HIV/AIDS crisis because of the involvement of international actors, which provided an added level of legitimacy regarding assertions of gender inequality. The collaboration between Lesotho women's groups and international supporters ushered in important changes in 2003 and 2006 to protect women's human right to health. While many gender advocates praised these legal changes in 2003 and 2006, the authors also argue the laws reinforced a heteronormative patriarchal image of which women merit protection – married heterosexual women.

These eight groundbreaking contributions provide evidence of the persistent challenges and the attendant possibilities inherent in feminist human rights activism. Feminist conversations about human rights will continue to be relevant to women around the world, as well as to communities facing erosions and attacks on their livelihoods and well-being. But when such conversations are re-conceptualized to integrate the types of narratives, research and perspectives contained within this volume, we believe that we will be able to achieve more significant changes and advances in both feminism and human rights.

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## Notes

- 1 *Vishaka v. State of Rajasthan and Others*, AIR 1997 Supreme Court 3011.
- 2 (2005) *Violence Against Women and Department of Justice Reauthorization Act of 2005*, 42 U.S.C. 13701.
- 3 (2005) *The Protection of Women from Domestic Violence Act*, Act No. 43 of 2005.
- 4 (1999) *The RP-US Visiting Forces Agreement 1*, Ratified by the Philippine Senate May 27 of 1999.
- 5 'Afghan Women and Girls Need Our Help', NOW website. Available at: [http://salsa.wiredforchange.com/o/5996/p/dia/action/public/?action\\_KEY=829](http://salsa.wiredforchange.com/o/5996/p/dia/action/public/?action_KEY=829) (accessed 21 April 2010).
- 6 'Afghan Women and Girls Need Our Help', NOW website. Available at: [http://salsa.wiredforchange.com/o/5996/p/dia/action/public/?action\\_KEY=829#action](http://salsa.wiredforchange.com/o/5996/p/dia/action/public/?action_KEY=829#action) (accessed 21 April 2010).
- 7 *Afghan Women Empowerment Act of 2009*. Available at <http://www.opencongress.org/bill/111-s229/show> (accessed 5 May 2010).
- 8 Indeed, at the time of this writing, Italian police stopped a woman outside the post office and fined her €500 for wearing a burqa. On this issue, calls are mounting in Germany to follow Belgium and France's lead. Silvana Koch-Mehrin, the European parliament vice-president and a member of Germany's Free Democrats (FDP) stated, 'I wish that Germany – and all of Europe – would also outlaw the wearing of the burqa in all its forms . . . The burqa is a massive attack on women's rights, it is a mobile prison'. See: <http://news.brisbanetimes.com.au/breaking-news-world/woman-fined-for-wearing-burqa-in-italy-20100504-u7cf.html> (accessed 6 May 2010).

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