

FROM SENECA FALLS TO THE FIFTIETH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS - GAUGING THE CAMPAIGN FOR THE HUMAN RIGHTS OF WOMEN

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This year marks the 150th anniversary of the Declaration of Sentiments, a declaration of women's rights adopted in Seneca Falls at a meeting which inaugurated the women's suffrage movement in the United States. This year is also the fiftieth anniversary of the Universal Declaration of Human Rights, a United Nations document which sets forth many of the same rights referred to in the Declaration of Sentiments - the right to education, the right to own property, the right to equality in marriage, and the right to take part in government.

Many of these rights have been recognized, not only in the United States but in countries around the world. These rights are not fully enjoyed, however, in every country in the world. So how far have we come and how quickly are we moving forward? The Declaration of Sentiments complained that the law gave men power "to deprive [women] of liberty and to administer chastisement." The law has changed in this regard, but there are still 4 million women every year suffering from domestic violence in the United States. A woman is abused every 15 seconds, and several women are killed every day by domestic violence. And while domestic violence may now be prohibited by law, it is widely tolerated by those who are charged with law enforcement.

In 1994 in the State of Maryland, Judge Cahill, on sentencing a man charged with killing his wife after finding her in bed with someone else, said sympathetically from the bench, "I seriously wonder how many married men... would have the strength to walk away without inflicting some corporal punishment, whatever that punishment might be. I shudder to think what I would do." After an outcry from the women's movement, Judge Cahill was charged with failing to act during the sentencing hearing in a manner which promoted public confidence in the impartiality of the judiciary. But in May 1996 this complaint was dismissed with a finding that the judge's comments should be read in context. Two women on the

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Commission dissented from this decision, finding that "Judge Cahill's statements created an atmosphere where members of the public might reasonably conclude that cases involving spousal violence would not be heard in a fair and impartial manner by Judge Cahill."

This case is not unique; there are countless horror stories of police non-responsiveness and judicial bias in cases of domestic violence. Internationally, the situation is more or less the same everywhere. Surveys indicate that 25% of women in Canada, 33% of women in Mexico, 21% of women in the Netherlands, 44% of women in Zambia, 22% of women in India, 54% of women in Costa Rica, 38% of women in South Korea, and 59% of women in Japan report being physically abused by male partners. Other forms of family violence against women include acid throwing, bride burning and honor killing, and in many, if not most countries where this violence takes place, the legal system does not provide effective avenues of protection or recourse.

It is progress that in almost all countries, which hold elections, women do have the right to vote. Kuwait is a notable exception, as were some parts of Switzerland until not too long ago. Again, though, what does this really mean for women? Has the vote opened the door for women to take equal part in the conduct of public affairs and ensure equality under the law? In Nepal, under the law a woman cannot inherit property unless she is unmarried and over age thirty-five. Efforts to change this law have been highly controversial, and in an effort to compromise one proposal was drafted by the Ministry of Law suggesting that the right of inheritance could attach at birth, as it does for men, but that women would forfeit the right upon marriage. In Uganda, where the recently adopted Constitution has clear and unequivocal language regarding the equality of men and women, now that the Constitution is being translated into implementing legislation, polygamy is an extremely controversial subject, and there is almost no one who advocates an outright ban on polygamy, even in the women's movement, because it is perceived as being unrealistic. One compromise offered in public debate was to limit the number of wives to two. This was rejected, and the current thinking of women's rights organizations is to ensure that women are granted a real and effective right to consent to their husbands marrying additional wives.

So that is where we are, a long distance from the goalpost of gender equality, despite many verbal reaffirmations of the principle at the national and international level. The bad news is that there is so far to go before women can enjoy the fundamental human rights set forth in the Universal Declaration of Human Rights and the Seneca Falls Declaration of Sentiments. The good news is that the international women's rights movement is growing, and it is growing quickly. Particularly since the United Nations Human Rights Conference held in Vienna in 1993, the integration of women's rights as a central objective of the broader human rights movement has begun in earnest. Issues of violence against women are now perceived as legitimate concerns of state responsibility, and the so-

called public/private distinction which was used routinely by lawyers and others to exclude these issues is finally eroding, making way for a new human rights approach to domestic violence and traditional practices such as honor killing and female genital mutilation.

I want to end by reading from the Declaration of Sentiments, a paragraph which sets forth the plan of action:

In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to affect our object. We shall employ agents, circulate tracts, petition the state and national legislatures, and endeavor to enlist the pulpit and the press in our behalf.

We still suffer in our great work from the misconception, misrepresentation and ridicule that was anticipated by our foremothers. And we are still using the same basic strategies of mobilizing public pressure for social change. But we are now growing exponentially in strength. Globalization and its high-tech support mechanisms such as e-mail have brought the international women's rights movement together and made possible a level of coordination previously unimaginable. This new strength has accelerated progress, so that perhaps even in our lifetime we will be able to realize rather than just recall and discuss the aspiration of women for gender equality.