

## **Violence Against Women and Girls as Human Rights Violation: Creating a Common Language Against Gender-Neutral Concepts of Abuse**

**Gabriela Mesquita Borges**

Violence against women and girls (VAWG) is any act of gender-based violence that results in harm, suffering or indignity to women. In a very important sense, violence is gender-based when it is directed against a woman because she is a woman, in acts such as rape and sexual abuse, forced pregnancy, bride-burning, dowry-related abuses, and female infanticide, or when it affects women disproportionately which is the case of domestic violence (Akoensi et al., 2013; Alsaba & Kapilashrami, 2016). In this way, VAWG is perpetuated by deeply entrenched and unyielding structures of power within society. Simply put, human rights are the rights that one has because she or he is a human being (Goldberg & Moore, 2012). Therefore, human rights should apply to everyone equally ‘*without distinction of any kind, such as race, color, sex, language or other status*’ (Declaration of Human Rights, article 2). With this in mind, human rights should be understood as inherently applying to women, but the combination between rooted prejudices and social, economic and political interests led women’s rights to be omitted, for a long time, within the definition of *general* human rights (Barbarett, 2014).

The big shift in this perspective happened in the 1990s, ‘*gendering the agenda*’ of the global conferences of the time. In December 1993, the UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted, setting out the mandate for addressing violence against women as a human rights issue (Corrêa et al., 2008). Although CEDAW did not have an enforcement mechanism, the committee conclusions gained a kind of moral force, providing a basis for

later activism and lobbying at the international level (MacKinnon, 2006). Following this, at the Beijing Conference in 1995 another concept emerged, the idea of ‘gender mainstreaming’, aiming at calling into question gender neutral visions which inherently tend to conceal and mask abuse against women (Caglar, 2013).

At this point, overcoming the public/private divide is a crucial aspect, given that the division between which is considered a public or a private matter entails a number of negative consequences for women. By situating the private sphere (and especially the family) outside the reach of the state and exempting it from governmental scrutiny, gender neutral visions of human rights leave uncovered much of the areas where women and girls move, making easy for VAWG to happen and remain unpunished (Kelly, 2005). This not only gives stimulus to male power and dominance over women, in several implicit and explicit ways, but it specially encourages male supremacy in the canonical situations of domestic violence, marital rape, and incest, giving practical immunity to the perpetrators, as abuse against women and girls is concealed under the false holiness of privacy and home (Kabeer, 2014).

In this context, the defining characteristics of human rights – universality, inalienability and indivisibility – provide the necessary conceptual tools to frame VAWG as violation of human rights (Thomas & Beasley, 1993; Forsythe, 2000; Dekoven, 2001; Rehman, Kelly & Siddiqui, 2013). Thus, universality means that all people have equal rights, implying that human rights apply to everyone equally (Steiner et al., 2008; Rehman, Kelly & Siddiqui, 2013), so that women have demanded that their humanity must be acknowledged to include women and gender perspectives in the definition of all concepts and institutions committed to the promotion and protection of human rights (Dekoven, 2001; Donnelly, 2003). In turn, the idea that human rights are universal questions received ideas that impose restricted cultural roles for women in society (Steiner et al., 2008). With these parallels in mind, inalienability signifies that no human being can be forced to abdicate her/his rights, and also that no person or group can deprive another individual of rights which are an inherent part of the person as a person. And in respect to indivisibility, human rights are interrelated with human identity in such a way that cannot be separated or arranged in a hierarchy of importance. This is very important to women because female civil and political rights have historically been undermined by economic status, social and cultural limitations placed on women’s activities, and by persistent obstacles, when not threats, to female participation in public and political life (Agosin, 2002; Steiner et al., 2008; Kabeer, 2014). At any rate, this kind of conceptualization is particularly

instrumental to establishing governmental accountability for protecting and promoting the human rights of women.

In the field of theory, the development of this approach dates back to the feminist thought of the 1980s, with, for example, Liz Kelly (1988) who authored the concept of a continuum of violence against women, defying visions that extreme cases of violence against women and girls are mostly episodic and abnormal incidents, at the margin of the norms of acceptability and decency in a 'respectable society'. Instead of a scale of severity or gravity in respect to abuse and women, the aberrant forms of VAWG must be put in the context of a wide range of socially sanctioned male aggression, axioms of male entitlement, and entrenched patriarchal standards. Behaviors such as sexist jokes, sexual harassment, and coercive sex with dates or partners are part of a widespread culture of abuse and permissivity (Manjoo, 2012). Contrary to the tendency to see scenarios of gender violence, such as domestic violence, rape, or child abuse in different 'bins', it is critical to recognize interconnectivity and overlap, in a continuum of behavior, experience, impact, and implications (Rehman, Kelly & Siddiqui, 2013), as these processes operate to control and limit the condition, movement, integrity, opportunities and women's sense of self-capacity, boosting and sanctioning the inequality between women and men.

This amounts to saying that framing VAWG as a human rights issue has created a common language, combining new cultural perspectives with international standards and legal practices (Manjoo, 2012). What is revealed in this is the central goal of the activism and advocacy against VAWG: to end the naturalization of the oppression and suppression of the feminine, bringing perpetrators to justice, and holding governments accountable, when countries fail to meet those obligations.

## **CONCLUSION: THE REWARD OF MAKING A DIFFERENCE**

The struggle for the recognition of women's rights as human rights, taking in consideration, in particular, the last twenty five years, has been long and full of obstacles, specially to overcome the false split between abuse in the public sphere and abuse in the private and domestic arenas. Ultimately what is at stake is the recognition that human rights are never gender-neutral, gathering three interdependent aspects. 1) Women's identity must be a constitutive part in the categorization of human rights and human rights violations. 2) A new political awareness regarding the

concept of VAWG. 3) The increasing partnership and coordination between women's movements around the world (Hellum & Aasen, 2013). The role of men is equally a significant component of this transformative process, because men are not only the perpetrators of violence, but a culture of abuse also heavily affects males personally and publicly. The ultimate reason for this road of change, since the 1990s, was simply, so to speak, to make the human rights of women visible. In this way, it is a priority to increase women's actual participation in the human rights mechanisms, and to make sure that this integration has a lasting effect on the ways that human rights are worked upon, both in theory and practice. This necessarily continues to imply the development of legal instruments against gender stereotyping. Instead of focusing the analysis on generic subjects ('the human') and generic objects or fields (such as civil, political, economic and social issues), what is in question is to recognize that violence frequently affects women differently just because they are women. It turns out that states are also responsible for such abuse, raising questions about how to hold governments accountable for indifference, when not connivance in such situations, and very importantly, what kind of mechanisms are needed to expedite the repair process.

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## Resumo / Abstract

### **Violence Against Women and Girls as Human Rights Violation: Creating a Common Language Against Gender-Neutral Concepts of Abuse**

Violence against women of all ages is a global, systematic and generalized problem, with different layers of gender-based discrimination and male aggression. The recognition of this field of violence as human rights violation demands that women and men are seen as equals and inherently deserving protection, in accordance with the law. The significant transformation is that this necessarily means to call in question gender-neutral ideas of violence which tend to universalize the category 'human' and remove the specific reality of abuse directed against women, combining oppression, suppression and silencing of the feminine. Taking this perspective into account, this article provides an overview of the developments, since the 1990s, that have brought the issue of violence against women as a human rights issue to the international arena.

**Keywords:** Violence against women and girls, human rights, gender-neutral concepts of violence, international law, women's movements.

### **Violência Contra Mulheres Adultas, Adolescentes e Crianças como Violação de Direitos Humanos: Criando uma Linguagem Comum Contra Visões do Abuso Neutras em Termos de Gênero**

A violência contra mulheres de todas as idades é um problema global, sistemático e generalizado, com diferentes níveis de discriminação baseada no gênero e agressão masculina. O reconhecimento deste campo de violência como violação de direitos humanos exige que mulheres e homens sejam vistos como iguais e merecendo inerentemente proteção, em acordo com a lei. A transformação significativa é que isto necessariamente significa colocar em questão ideias de violência neutras, com respeito ao gênero, que tendem a universalizar a categoria 'humano' e remover a realidade específica do abuso dirigido contra as mulheres, combinando opressão, supressão e silenciamento do feminino. Tendo em atenção esta perspectiva, este artigo fornece uma visão geral dos desenvolvimentos que, desde os anos 1990, trouxeram a questão da violência contra a mulher, como uma questão de direitos humanos, para a arena internacional.

**Palavras-chave:** Violência contra mulheres adultas, adolescentes e crianças, direitos humanos, conceitos de violência neutros em termos de gênero, lei internacional, movimentos femininos.