

## ‘WHY ARE WE STILL WAITING?’

The struggle for women’s human rights

### WHY THE STRUGGLE GOES ON

“A pregnant woman detainee is punched in the stomach by police officers. An elderly woman is raped in front of her family by armed guards. A young girl is detained and sexually humiliated by government agents. A wife is tortured by interrogators to force her husband to ‘confess’. A mother is shot dead by soldiers simply because her son is suspected of political activities. A daughter is threatened with death by government agents because she asks after her ‘disappeared’ father.

“The list of such gross human rights violations against women is endless. Many are targeted because they are strong — because they are political activists, community organizers, or persist in demanding that their rights or those of their relatives are respected. Others are targeted because they are seen as vulnerable — young women who can easily be sexually abused or humiliated, frightened mothers who will do anything to protect their children, pregnant women fearful for their unborn babies, women who can be used to get at men, or refugee women who are isolated and vulnerable in unfamiliar surroundings.”

... from Women in the frontline, Amnesty International’s first major report on human rights violations against women. **The struggle to end such violations continues.** The report was published in March 1991 (AI Index: ACT 77/01/91).

### HOPE AND ANGER

Women have started a revolution that has taken them into the halls of power in government and at the UN. Traditional assumptions about women’s status and human rights are being constantly challenged by initiatives led by women themselves. The international community has been forced to respond, and governments have promised to enhance the protection of women’s rights. Yet women all over the world are still waiting for the promises to be realized.

The struggle for women’s human rights is spurred on by hope stimulated by the gains made, and by anger caused by the slow pace of progress as measured against the intensity of women’s needs and expectations. So much still needs to be done to ensure that women’s human rights are universally recognized, promoted and protected.

The 50th anniversary of the Universal Declaration of Human Rights (UDHR) in 1998 offers a golden opportunity to remind the world of the Declaration’s commitment to the equal rights of women and men. This commitment has been repeated time and again by the world’s governments — first in 1945 in the UN Charter, and subsequently in four key international human rights treaties deriving from the UDHR. Yet the truth is that until recently, the noble sentiment was neglected or forgotten. Only in 1993, at the UN World Conference on Human Rights in Vienna, after much lobbying by women’s and human rights organizations, did the UN substantiate its commitment to women’s rights. It affirmed that the human rights of women are “an inalienable, integral and indivisible part of universal human rights” and urged “the full and equal enjoyment by women of all human rights and that this be a priority for Governments and the United Nations”. Two years later, the Fourth UN World Conference on Women in Beijing adopted strong and detailed recommendations for the promotion and protection of women’s human rights.

These pledges provide a platform for action. The UN and all governments now need to turn the rhetoric into a reality for women. They should integrate a gender-sensitive perspective into the analysis and application of all existing and forthcoming human rights standards and mechanisms. They should also work systematically to implement the promises they have made. It is up to us to make sure that they do.

“Women are in double jeopardy. Discriminated against as women, they are also as likely as men, if not more so, to become victims of human rights violations. Few countries treat their women as well as their men. Despite moves to introduce equality for women on the legislative and political front, discrimination on grounds of gender remains an international reality. An Inter-Parliamentary Union Survey of 96 national parliaments, published in 1991, found that just 11 per cent of their members were women. While women are under-represented in national and international decision-making structures, they are over-represented among the victims of human rights abuse.”

Human Rights are Women’s Right, Amnesty International, March 1995  
(AI Index: ACT 77/01/95)

#### WHY HUMAN RIGHTS HAVE NOT BEEN WOMEN’S RIGHT

In theory, women have never been excluded from the UN’s concept of human rights. The 1945 UN Charter recognizes the equal rights of men and women and this principle has been maintained in the UN’s formulations of human rights ever since. However, several factors have prevented women from enjoying the promises made to them.

Human rights are often described as the rights that everyone has equally by virtue of their humanity. This assumes that all humanity shares a common experience and common needs. It therefore excludes women’s needs for specific rights, or the specific application of human rights, to take account of their biological difference and the discrimination they may face in their society.

For example, in the many armed conflicts raging around the world, women are particularly vulnerable to abuse, death, maiming and displacement. It is estimated that more than 80 per cent of war casualties are now civilians, many of them women, and the overwhelming majority of refugees and displaced people are women and children. There is little “common experience” between armed male soldiers and the millions of women who have been massacred, wounded or raped in Afghanistan, Angola, Colombia, Democratic Republic of Congo, Myanmar, Rwanda, Sri Lanka, Turkey and elsewhere in recent years.

The history of international treaties shows that some progress has been made in recognizing the full range of women’s rights. The first international standards specific to women, such as the Convention on the Nationality of Married Women (1957) and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962), were important steps forward, but they concentrated on women’s rights in their traditional roles in society. Subsequent standards broadened the issues covered. Treaties such as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both adopted by the UN General Assembly in 1966, include articles ensuring the equal enjoyment by men and women of the rights they set out.

Thirteen years later the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (the Women's Convention), which addressed a wide range of issues specifically affecting women.

The Optional Protocol to the Women's Convention, which was proposed at the Beijing Conference, will create a mechanism whereby the experts monitoring implementation of the Women's Convention will be empowered to receive complaints from individuals that their government has violated their rights under the Convention and carry out inquiries into systematic or serious violations of the Convention.

Another factor that has impeded the full integration of women's human rights into international human rights law is the premise that the law should mediate between the "governing" and the "governed". However, the "governing" traditionally occupy the public sphere of society — the political, legal, social, economic, military, security and police institutions — which is populated largely by men, while women are traditionally enclosed within the private sphere of the home and the family. Doctrines of privacy and protection of the family, in international as well as national law, have reinforced this public/private demarcation. The demarcation means that resources traditionally needed by women in their role as child-bearers and organizers of the household are accessible primarily in the public sphere (dominated by men), while women's activities are centred on the private sphere of the home and family.

Such ideas have meant that the UN bodies responsible for human rights and for women, particularly the Commission on Human Rights and the Commission on the Status of Women, have for most of their existence failed to address adequately the human rights of women. Since their establishment in 1946 and 1947 respectively, they have worked in isolation from the other, evolving different practices and priorities. They are both accountable to the same UN hierarchy, yet that hierarchy has done little to integrate their work. It is clear that if the UN's work on women's human rights is to be effective, its human rights institutions must address women's issues, and its women's institutions must address human rights issues.

A further impediment to effective work on women's human rights is the UN's well-entrenched belief that states are not uniquely responsible for the provision of social and economic rights, but are obliged only to work for their gradual implementation. This denies women a claim on the state through one of the major areas of work of the Commission on the Status of Women. The prevailing view that the lot of women is deeply rooted in cultural and social traditions also diverts attention away from state accountability.

#### UNIVERSALITY AND INDIVISIBILITY OF ALL HUMAN RIGHTS

All human rights should be enjoyed by all people, at all times, and no one set of rights should be enjoyed at the expense of others. This view was proclaimed in the UDHR and has been reaffirmed countless times by the international community, including at the UN conferences in Vienna and Beijing. Yet arguments are still being raised to challenge this core principle of human rights. Detractors claim that where local traditions or values are at odds with internationally accepted human rights, local traditions should take precedence. This view fails to recognize that cultural practices are sometimes both the context of human rights violations and the justification for them. Moreover, what is frequently termed "culture" or "tradition" often shapes and circumscribes women's lives in a way that subordinates women and discriminates against them.

The rejection of the universality of all human rights can thus become a justification for systematically denying women's civil, cultural, economic, political and social rights — in the name of cultural values premised on unequal power relations between men and women.

It is important to remember that the universality of all human rights does not deny diversity. Rather, it is dependent on and strengthened by diversity. The contribution of different cultures, at the local or the global level, enriches our understanding of human rights. If the rights set out in the UDHR and other international standards are to become a reality, they must reflect all our experiences and all our needs for human dignity and justice. If we are to achieve a world where, in the words of the UDHR, “human beings shall enjoy freedom of speech and belief and freedom from fear and want”, human rights must be firmly established in all our cultures.

Arguments around the universality of human rights are widely known, particularly as they relate to women's human rights. In contrast, the question of the indivisibility of all human rights has been neglected. Increasingly, however, the debate on human rights is turning towards the relationship between human rights and development, and the relative priority of economic, social and cultural rights. In this age of globalization, which has resulted in major divisions in wealth both within and between states, it is clear that discrimination against women contributes to and perpetuates the denial of women's economic and social rights.

This was recognized in the Beijing Declaration and Platform for Action, which stated: “Women's poverty is directly related to the absence of economic opportunity and autonomy, lack of access to economic resources, including credit, land ownership and inheritance, lack of access to education and support services and their minimal participation in the decision-making process. Poverty can also force women into situations in which they are vulnerable to sexual exploitation.”

Women's right to reproductive health is another area of concern. Article 10(2) of the International Covenant on Economic, Social and Cultural Rights calls for “special protection” of mothers before and after childbirth. Yet the World Health Organization estimated that in 1990 there were some 585,000 maternal deaths. It also says that worldwide about 20 million unsafe abortions take place each year, causing around 80,000 deaths.

Reproduction is the one aspect of the so-called private sphere where the state often intervenes. Many states are particularly sensitive to demands that women's right to reproductive health is defended. This was reflected at the Fourth UN World Conference on Women in Beijing. A statement by the conference that “[t]he human rights of women include their right to have control over and decide freely on their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence” attracted the highest number of reservations from governments, all justified on the grounds of national culture and religion.

It is true that UN human rights standards and the machinery to implement them have neglected the development of economic, social and cultural rights in favour of civil and political rights. Continuing grave and persistent violations of civil and political rights rightly attract much attention. However, the relative neglect of other rights cannot be justified, particularly when they have such far-reaching effects on women's enjoyment of their human rights. Despite complex arguments around the issue of state accountability for economic and social rights, the denial or neglect of these rights undermines the indivisibility of all human rights and, combined with pervasive discrimination against women, has grievous consequences for the human rights of women.

*“...most countries are today strongly defending their own cultures. And there is more respect and mutual understanding of the value of other cultures than ever before.*

*“But the point is a different one: there are limits to the practices that countries can expect the international community to accept, or condone, even when the practices have deep cultural roots. This is where human rights enter the picture.*

*“Violence against women, also domestic violence, can be said to be part of a ‘cultural pattern’ in most societies, including my own.”*

Gro Harlem Bruntland, Prime Minister of Norway, in her closing address to the Fourth UN World Conference on Women, 15 September 1995.

## VIOLENCE AGAINST WOMEN

Gender-based violence is a form of abuse which prevents women enjoying rights and freedoms equally with men. Certain traditions, customs and practices, whereby women are regarded as subordinate or having stereotyped roles, perpetuate practices such as violence, coercion and discrimination. Such beliefs may be used to justify gender-based violence as a form of protection or control of women.

The denial of gender-based violence as a human rights question highlights the effect of the public/private distinction on the universality and indivisibility of all human rights. Violence against women by state agents has been viewed as torture, while domestic violence or abuses committed by non-state agents are considered as private or domestic matters. A state that permits its own agents to use violence against women is sending a message to everyone in that society — women, men and children — that violence against women is condoned. The three types of violence against women identified in the Declaration on the Elimination of Violence against Women — physical, psychological or sexual violence occurring in the family, the community or perpetrated or condoned by the state — are closely interlinked. Strategies for their elimination must tackle all three.

Violence against women has been identified by the international community as a barrier to women’s full enjoyment of their human rights in every single country of the world. It is a feature of many human rights violations against women, and spans women’s experiences in the family, the community and society. As a result, violence against women is now the subject of multiple commitments for its eradication by governments and the UN.

## SUMMARY OF RECOMMENDATIONS

Amnesty International has produced detailed recommendations to the international community on the measures needed to ensure the full recognition and protection of women’s human rights.<sup>(1)</sup> It will be campaigning together with others for effective action at the national and international level. Amnesty International’s recommendations can be summarized as:

1. Governments and the UN must demonstrate that they give a real priority to promoting and protecting women's human rights. The relevant international human rights treaties should be ratified and implemented by all governments, without limiting reservations. Attention must be given to discrimination against women in the social and economic spheres. Governments should support the adoption of an Optional Protocol to the Women's Convention which will establish effective complaints and investigation procedures.<sup>(2)</sup>
2. Governments must act to protect women from gender-based violence, whether occurring in public or private life, including taking effective steps to uphold the provisions of the UN Declaration on the Elimination of Violence against Women. Measures required to deal with the particular demands of investigating, prosecuting and judging crimes against women should be established. The statute of the proposed International Criminal Court should include clear provisions for the effective investigation of sexual crimes.
3. Recruitment, training and accountability of all police, prison and armed forces personnel should ensure effective protection of women's human rights.
4. The protection and promotion of the human rights of women and girls should be given high priority in bilateral and multilateral development assistance projects.
5. The UN must prioritize and integrate fully its work on women's rights and human rights. All members of UN human rights bodies must have a sound knowledge of international human rights standards and must be able to apply them with a gender perspective. A gender balance needs to be quickly established on expert human rights bodies. Gender inclusive language should become standard within the UN.

1 1998: A wonderful year for women's human rights? The United Nations, governments and the human rights of women (AI Index: IOR 40/12/97)

2 See The Optional Protocol to the Women's Convention: Enabling women to claim their rights at the international level (AI Index: IOR 51/04/97)

## APPEAL CASES

### CROATIA

#### Ill-treatment and rape of women during eviction

Lyubov Zuzija (formerly Milyk), a Ukrainian woman, was in the Zagreb flat of her fiancé, a Croatian national, with two women friends, also Ukrainian, who had come to visit her. At around 4pm on 21 July 1995 at least six members of the Croatian armed forces suddenly burst into the flat in an attempt to evict them. Two of the women were reportedly brutally ill-treated and one of them, "Irena" (a pseudonym), was raped.

According to witnesses, one of the soldiers held Lyubov Zuzija while another hit her on the shoulders and the back of the head. A pistol was pointed at her head. Two soldiers dragged her into a bedroom and attempted to rape her, but she managed to escape. Several civilian police officers then arrived, having been called by a neighbour. Lyubov Zuzija begged them to help her, but they ignored her appeals. One officer remained passive as he watched a soldier hitting her as she tried to run away.

In fact, the police officers took no action at all against the soldiers. Instead, they checked the passports of the women and did not intervene when the soldiers demanded all their money. The police officers then allowed “Irena” to be taken by some of the soldiers to another room. She emerged later wearing only her underwear. She was dishevelled and trembling with fear. Medical examinations conducted later at a gynaecological clinic indicated that she had been raped.

In the meantime, three military police officers had arrived and one wrote a statement saying that the women had allowed the soldiers into the apartment and that the women were voluntarily giving up their right to residence in the apartment. The women initially refused to sign the statement, but after Lyubov Zuzija was hit on the head several times, they eventually signed.

The three women were then taken to Remetinec police station in Zagreb, where Lyubov Zuzija was told that she should leave the country despite her valid visa. Her request to make a complaint about the ill-treatment was refused. She was allowed to go back to the apartment where plainclothes police officers, apparently from another police station, were investigating the scene and taking photographs. Lyubov Zuzija told them what had happened and showed them the rooms where the incidents had taken place.

Lyubov Zuzija returned to the police station where she and her friends pursued their complaint of ill-treatment and rape. Lyubov Zuzija was allowed to go but the other women were reportedly held in detention until 25 July and were eventually deported. To Amnesty International’s knowledge the Croatian authorities have not investigated these serious human rights violations and brought those responsible to justice.

The Zuzija apartment is one of the 38,000 apartments in Croatia which formerly belonged to the Yugoslav National Army (JNA). The apartments had passed into the ownership of the Croatian Ministry of Defence following Croatia’s independence in 1991. Most were inhabited by Croatian citizens who had some connection with the JNA, either as family members or as former employees. Many inhabitants were pensioners or single mothers of Serbian or other non-Croatian background. Even though most of these people were legally entitled to retain their tenancy, many were evicted by Croatian soldiers, often violently and with the apparent complicity of the civilian and military police.

Amnesty International takes no position on the legality of these evictions, but it has expressed concern about the degree of intimidation and violence that has been associated with them. The organization also expressed concern about the reported ill-treatment and rape which took place in the Zuzija apartment and the lack of protection offered to the women by military and civilian police officers. Amnesty International called for an investigation into the incident. However, responses from the Croatian authorities to date have not answered Amnesty

International's concerns and no information has been received about any investigation into the ill-treatment and rape allegations. The departure of "Irena" from the country cannot be used as an excuse by the Croatian authorities not to address the human rights violations she suffered.

### **Women in Croatia**

Croatia has been a state party to the UN Convention on the Elimination of All Forms of Discrimination Against Women since 1992, by secession from the former Yugoslavia. However, the human rights situation of women in the country is far from ideal. In 1991, during the armed conflict in large parts of Croatia, women were victims of serious human rights violations, in particular rape and sexual abuse. Many women, as well as men and children, were forcibly expelled from their homes and remain as refugees in other parts of the country. A small number of women "disappeared", in particular after the fall of Vukovar to the Yugoslavia Army in November 1991. Most were believed to have been killed.

One of the long-term side-effects of the armed conflict has been the reported substantial increase in domestic violence. Official Interior Ministry statistics reveal that 8,650 women were victims of such violence in Croatia between January and September 1997. The large number of evictions from flats since 1993 has also disproportionately affected women, who often suffer physical violence as well as economic hardship as a result of becoming homeless. Women who have organized themselves in human rights and anti-war groups have frequently been attacked by the state-controlled media as anti-Croatian and "Yugonostalgics".

### **Please write to the authorities in Croatia:**

\* Expressing your concern that although Amnesty International has been asking the Croatian authorities for an investigation into the ill-treatment of Lyubov Zuzija and the rape of "Irena" since August 1995, it has never received an adequate response. Urge the authorities to inform Amnesty International whether an investigation has been undertaken and with what results.

\* Reminding the authorities that Amnesty International has expressed concern about the failure of the civilian and military police officers to protect women against human rights violations and that its appeals to investigate this failure have been left unanswered.

Address your appeals to:  
 President of the Republic of Croatia  
 Dr Franjo Tudjman  
 Predsjednik Republike Hrvatske  
 Pantovcak 241  
 10000 Zagreb, Croatia  
 Salutation: Dear President  
 Fax: +385 1 4565 256 or 4565 299  
 e-mail: ured@predsjednik.hr

Premier-President of the Croatian  
 Government  
 Zlatko Mateša  
 Predsjednik vlade Republike Hrvatske



Trg Stjepana Radica 7  
10000 Zagreb, Croatia  
Salutation: Dear Prime Minister  
Fax: +385 1 277 082

## INDIA

### Women's rights defenders at risk

Lyubov Zuzija (formerly Milyk), a Ukrainian woman, was in the Zagreb flat of her fiancé, a Croatian national, with two women friends, also Ukrainian, who had come to visit her. At around 4pm on 21 July 1995 at least six members of the Croatian armed forces suddenly burst into the flat in an attempt to evict them. Two of the women were reportedly brutally ill-treated and one of them, "Irena" (a pseudonym), was raped.

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#### Women in Croatia

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Pantovcak 241

10000 Zagreb, Croatia

Salutation: Dear President

Fax: +385 1 4565 256 or 4565 299

e-mail: ured@predsjednik.hr  
 Premier-President of the Croatian  
 Government  
 Zlatko Mateša  
 Predsjednik vlade Republike Hrvatske  
 Trg Stjepana Radica 7  
 10000 Zagreb, Croatia  
 Salutation: Dear Prime Minister  
 Fax: +385 1 277 082

## INDIA

### Women's rights defenders at risk

Between 40 and 50 women gathered together peacefully on 25 June 1997 in Ghantaghar, Saharanpur, Uttar Pradesh, to protest against the treatment by police of Zeenat Naaz, President of the Deoband Municipal Board and representative of several local women's organizations. Suddenly, around 200 police charged into the protesters, according to reports. Several of the women were beaten on their chests and legs with lathis (wooden sticks) and rifle butts. They were kicked and thrown inside police jeeps, where they were again beaten. Several lost consciousness. Some of the women said that police had beaten them on their genitals.

At least 10 of the protesters were taken to hospital where they were kept under heavy police guard and placed under arrest on several charges, including "rioting", "assault" and "criminal intimidation". The women still face trial on these charges. Those arrested alleged that police forced them to provide thumb-prints before releasing them on bail.

Investigative teams from the National Commission for Women and the All India Democratic Women's Association found that the police action had been "deplorable" and unjustified and demanded action against those responsible. Amnesty International believes that no such action has been taken.

### **Women's rights in India**

Women activists have played a major role in campaigning for all human rights in India. As a result, they have often been targeted for attack by the state. Women protesters are often singled out for harassment and ill-treatment by law enforcement agents in the context of protests. Forms of sexual torture, including rape, persist. Women protesters are regularly beaten on their genitals, partly to prevent visible bruising.

The barriers facing women who seek legal redress illustrate the continuing vulnerability of women within the criminal justice system and in their dealings with the predominantly male law enforcement personnel.

The Indian Government has formally recognized the particular vulnerabilities of women. For example, India ratified the UN Convention on the Elimination of All Forms of Discrimination

Against Women on 9 July 1993 and there is an official National Commission for Women. However, the government's failure to implement existing legislative and other safeguards at a number of levels contradicts this public commitment to protecting women's rights.

**Please urge the authorities in India to:**

- \* make true its commitments to promote and protect the human rights of women;
- \* ensure the right of all women to peacefully protest without fear of arrest or ill-treatment, including sexual assault by law enforcement agents;
- \* initiate independent and thorough investigations of all reports of women activists being tortured or ill-treated and bring to justice those found responsible.

**Address your appeals to:**

Department of Women and Child Welfare  
 Ministry of Human Resource Development  
 C-Wing  
 Shastri Bhawan  
 New Delhi 110 001  
 India

MEXICO

Repression of community activists

*"We are not tired of our struggle, but we are in despair."*

Leticia Moctezuma Vargas

Leticia Moctezuma Vargas, a teacher, lives in fear for her life. She has been attacked and threatened together with many other members of the Tepoztlán community in the Mexican state of Morelos for campaigning peacefully to stop a government-sponsored project that would damage the community's environment.

The project is a multi-million dollar golf course and tourist complex being built on common land regarded by the inhabitants of Tepoztlán as sacred. It is backed by a major development company, the state governor and the government. In opposition are the indigenous people of Tepoztlán, human rights activists and grassroots organizations working to protect the rights of the poor.

Peaceful protests by the Tepoztlán community have been brutally repressed by the police. In April 1996, for example, Leticia Moctezuma Vargas and her daughters were beaten up when a rally they joined was violently broken up by police. They witnessed three policemen dragging Marcos Olmedo Gutiérrez, an elderly member of the community, into a police vehicle. A few days later he was found dead with a bullet hole in the back of the head.

On 1 July 1996 Leticia Moctezuma Vargas received two threatening telephone calls. During one, a man said: "You should take it easy with your politics or we will kill you". The following day, she had another threatening call at the nursery where she worked.

Such incidents are not rare. Human rights activists, especially those belonging to grassroots organizations working to protect the rights of the poor, constantly face violent repression by state officials.

### **Women human rights activists**

Many women activists in Mexico are targeted by government agents because of their political activism, particularly those involved in community organizations, indigenous people's struggles and peasant unions. Young and indigenous women who do not speak Spanish are most vulnerable.

Many women suffer from gender-specific abuses, such as rape committed by government agents or with their acquiescence. Women detainees are frequently raped. The victims rarely lodge a criminal complaint or even make their abuse public for fear of reprisals against themselves or their loved ones. Since 1996, however, Amnesty International has been receiving increasing numbers of reports of human rights violations against women, which may indicate that women and the organizations that work with them are overcoming such fears and are determined to make sure that the perpetrators are brought to justice.

Mexico is a state party to the UN Convention on the Elimination of All Forms of Discrimination Against Women. It is committed without reservations to the implementation of the Declaration and Platform for Action of the Fourth UN World Conference on Women adopted in Beijing on 15 September 1995.

Only a firm political commitment from the Mexican Government to eliminate impunity in all its pervasive forms will eradicate human rights violations against women in Mexico and ensure the full protection of the human rights of everyone in the country.

### **Please urge the authorities in Mexico to:**

- \* promptly and thoroughly investigate the attacks and threats against Leticia Moctezuma Vargas and others in her community, and bring to justice those responsible;
- \* guarantee that women activists and members of community and other local organizations working peacefully for their rights can carry out their activities without risk of intimidation, harassment or physical attack;
- \* ensure that commitments made by Mexico at the international level to protect and promote women's human rights are matched by the same commitments at the national level.

### **Address your appeals to:**

The Minister of the Interior  
 Lic. Emilio Chuayffet Chemor  
 Secretario de la Gobernación  
 Secretaría de la Gobernación  
 Bucareli 99, 1er piso, Col. Juárez  
 06699 México DF, Mexico

PAKISTAN

Harrasment of a women's rights activist

***“They have done everything to intimidate me... They have even turned on my two young daughters... I have had to send them out of the country. Sometimes you have to pay such an unbearable price for what you believe in.”***

Asma Jahangir

Asma Jahangir is a human rights lawyer of international repute and chairperson of the non-governmental Human Rights Commission of Pakistan. She is also an active member of the Women's Action Forum and runs one of the highly prestigious legal aid centres in the country. As a result of her work for human and women's rights, she has persistently faced harassment and threats.

With great courage, she defended freedom of expression by taking up a case that challenged abuse of the blasphemy law in Pakistan. She also defended the celebrated case of Saima Waheed, whose father wanted the courts to declare her marriage illegal because she had chosen her husband. Previously, the High Court in Lahore had ruled that an adult Muslim woman could not get married without the consent of her male guardian. A marriage contracted without such consent could be declared void, leaving the woman vulnerable to a charge of zina (extramarital sexual intercourse) under the Zina Ordinance. In an historic decision, Asma Jahangir won the case when the Lahore High Court reversed its previous decision and ruled that an adult woman was free to marry whom she chose. Saima Waheed continues to face threats of reprisals from her male relatives and remains in hiding in a women's refuge.

Both Asma Jahangir and her sister Hina, also a human rights lawyer, were previously imprisoned for sedition when they supported the rights of women to give evidence in court. During another case, Asma Jahangir was abused in court by Islamists for criticizing the blasphemy law and defending people charged with violating the law. The accused were eventually acquitted. Shortly after, a gang of armed men forced their way into the house of Asma's brother looking for her, but she escaped.

### **Women in Pakistan**

Pakistan ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women in March 1996. Yet there is no sign that the authorities in Pakistan are taking serious measures to safeguard and protect the human rights of women.

No steps have been taken to end explicit discrimination in law against women. Women continue to suffer arbitrary detention, often resulting in rape, which police and other security personnel commit with virtual impunity. Bonded labour, domestic violence and a tribal system of retribution, all of which result in women suffering cruel treatment and even death, have not been stopped because of complicity, acquiescence and indifference by state officials.

Pakistan ratified the Convention with the reservation that any provision that conflicted with the Constitution of Pakistan would not be adopted. This contravenes the international obligation that UN member states must amend or repeal domestic laws which breach the Convention.

There is a wide gulf between the Pakistan Government's commitments to human rights and the reality on the ground. The government continues to uphold the Zina Ordinance, which violates both the Pakistan Constitution's guarantee of equality before the law and the provisions of the Women's Convention. The Ordinance effectively provides for the imprisonment of women solely on grounds of gender. It prescribes cruel, inhuman and degrading punishments for women. It can result in women who have been raped being imprisoned on charges of zina. The law also underpins the impunity with which the rape of women in custody is committed. Women aware of the discriminatory nature of the Zina Ordinance are justifiably afraid of lodging complaints against police officers.

**Please appeal to the authorities in Pakistan to:**

- \* guarantee the protection and safety of women's rights defenders and other human rights activists such as Asma Jahangir;
- \* end the human rights violations and discriminatory laws and practices which affect women and girls in Pakistan;
- \* fully and speedily implement all the provisions of the Women's Convention and other relevant international standards on women's rights in accordance with the UN Declaration on Violence against Women.

**Send your appeals to:**

Prime Minister Nawaz Sharif  
Office of the Prime Minister  
Islamabad, Pakistan

Khalid Anwar  
Minister of Law, Justice and Human Rights  
Ministry of Law, Justice and Human Rights  
Pak Secretariat, Islamabad, Pakistan

Minister of State for Women's Affairs  
Tahmina Daultana  
Ministry for Women's Affairs & Social  
Welfare  
Pak Secretariat, Islamabad, Pakistan

**SAUDI ARABIA**

Systematic discrimination against women

Women in Saudi Arabia suffer an array of human rights violations solely because of their gender. Some of the violations are based on explicitly discriminatory laws. Others are perpetuated by discriminatory attitudes and practices. These laws and practices clearly violate the principle of equality of rights and respect for human dignity enshrined in the Universal Declaration of Human Rights and codified in international human rights standards to which Saudi Arabia, as a member of the United Nations, is expected to adhere.

Among the gender-based restrictions is the prohibition against women driving. A protest against what was a customary law was staged by a group of women in November 1990, who drove a convoy of cars in Riyadh. The women were immediately arrested and detained for hours. They were released only after their male relatives signed undertakings that the women would not violate the ban. The women were dismissed from their jobs and had no opportunity to challenge the arresting authorities or the government over the ban. The government subsequently made the ban an explicitly written rule, so any woman who violates it is committing a criminal offence.

Other laws which are enforced in a discriminatory manner include khilwa (being alone with a man who is not an immediate relative). The offence is punishable for both men and women, but it appears to be more frequently enforced against women. The ban on women drivers puts women at extra risk of prosecution for khilwa. While the driving ban forces them to travel with a male driver, they can be charged with khilwa for being in a car driven by a man.

In 1992 three Irish nurses were driven home from dinner at a friend's house by an elderly man. The car was blocked at traffic lights by two mutawa'een (religious police) vans and all were taken to the mutawa'een headquarters. The nurses were detained for two days, during which they were harassed. The driver was detained too, but was allowed to make telephone calls and was released within hours.

Women are also at risk of being detained and accused of immoral behaviour merely for walking alone or for not wearing a headscarf. Migrant workers are particularly prone to prosecution because of their unfamiliarity with Saudi Arabia's legal and customary laws. In 1993 Margaret Madil, a Canadian nurse, and a woman friend got into a taxi after a shopping trip in Riyadh. A mutawae suddenly jumped into the front seat and instructed the driver to go to the mutawa'een headquarters. There, the two women were locked in the taxi and abandoned for up to six hours in the extreme heat, causing them to scream out in pain at the unbearable temperature. They were then beaten. The women were accused of indecent dress and public intoxication and were held for two days in the women's section of Malaz Prison.

Gender-based violations against women in Saudi Arabia occur in the context of widespread and gross violations of human rights across the country. People living in Saudi Arabia, whether local or foreign nationals, are denied their most basic rights. The criminal justice system is designed to serve primarily the interests of the state, with total disregard for anyone's basic right to fair trial. Amnesty International believes that the fate of most victims of human rights violations in Saudi Arabia, including those who suffer gender-based abuses, would be very different if the right to fair trial was respected.

Amnesty International welcomes Saudi Arabia's accession to the UN Convention on the Rights of the Child (albeit with a sweeping reservation), the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (with reservations), and the International Convention on the Elimination of All Forms of Racial Discrimination. However, the organization believes that these measures by themselves are not sufficient to redress the situation, and that many other steps are required to ensure that human rights are respected, especially those of women.



**Please urge the authorities of Saudi Arabia to:**

- \* end discriminatory laws and practices which facilitate human rights violations against women and members of other vulnerable groups;
- \* ratify or accede to the UN Convention on the Elimination of All Forms of Discrimination Against Women without reservations;
- \* take immediate steps to bring arrest and trial procedures in line with international standards.

**Address your appeals to:**

The Custodian of the Two Holy Shrines  
 His Majesty King Fahd bin ‘Abdul’-Aziz  
 Office of H.M. The King  
 Riyadh, Kingdom of Saudi Arabia

His Excellency  
 Dr Abdullah bin Muhammad bin Ibrahim  
 Al-Sheikh  
 Ministry of Justice  
 Riyadh, Kingdom of Saudi Arabia

**ZIMBABWE**

Threats to homosexual rights activists

**“I don’t believe they [lesbians and homosexuals] have any rights at all.”**

President Robert Mugabe, 2 August 1995

Tsitsi Tiripano (a pseudonym) has been threatened with violence because of her sexuality and her activities as a member of Gays and Lesbians of Zimbabwe (GALZ), an organization that campaigns for the rights of gays and lesbians.

In 1996 she was working as a volunteer at a stand organized by GALZ at the Zimbabwe International Book Fair in Harare. The stand displayed educational material on human rights issues, such as what homosexuality is and why gay rights are human rights; the legal position of gays and lesbians in Zimbabwe; and information about a GALZ-sponsored counselling service. On the last day of the book fair, a group of people belonging to an anti-gay pressure group attacked the stand, burning literature and threatening violence against lesbians and gays. Tsitsi Tiripano and other GALZ volunteers were forced to flee. Despite requests from GALZ and the book fair organizers for police protection, the authorities took no action. Law enforcement officers allegedly said that gays and lesbians had no right to police help if attacked.

Photographs of Tsitsi Tiripano, taken at the book fair, were published in the press, along with anti-gay and lesbian articles. When she returned to her rural hometown, she faced protests, hostility and discrimination as a result of the hysteria whipped up by the press and by anti-gay and lesbian statements from prominent figures, including President Mugabe.

### **Homosexual rights in Zimbabwe**

Lesbians in Zimbabwe face extra oppression because of their sexuality as well as their gender. In the words of one woman, *“How can we expect our black lesbian sisters to find their voice in our society when they cannot even speak for themselves within their own families? ... Gay liberation is integral to the fight against racism and gender oppression. As long as women are not free, then lesbians are not free.”*

Homosexual acts are criminalized in Zimbabwe under common law concerning sodomy and unnatural offences. Anti-lesbian and gay verbal attacks by President Mugabe have compounded the discrimination and injected new antagonism towards a minority group that is working for equality under the law and to dispel the myths and hatred against homosexuals in Zimbabwean society.

Opening the international book fair in 1995, President Mugabe said that it was “extremely outrageous and repugnant” that homosexuals “should have any advocates in our midst and even elsewhere in the world”. His comments have encouraged police to target and intimidate lesbian and gay people with impunity. Such incitement of violence by a head of state towards a minority group has been denounced around the world.

Zimbabwe is a state party to the UN Convention on the Elimination of All Forms of Discrimination Against Women, which calls on states parties to take all appropriate measures to *“modify social and cultural patterns of conduct... with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or the superiority of either of the sexes or stereotyped roles for men and women”*.

Amnesty International believes that the persecution of people for their homosexuality is a violation of their fundamental human rights. The persecution of lesbians and gays in Zimbabwe breaches the UDHR in relation to freedom of expression and association, the right not to suffer discrimination, the right to equal protection of the law and the right to participate in the cultural life of ones community. Paragraph 96 of the 1995 Beijing Declaration and Platform for Action, which was agreed by all governments at the Fourth UN World Conference on Women, affirmed that *“the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health”*. This underlined women’s right to define their sexual orientation.

### **Please appeal to the authorities in Zimbabwe to:**

- \* ensure that the rights of GALZ members, such as Tsitsi Tiripano, are respected and their safety and protection guaranteed;
- \* ensure that commitments made by Zimbabwe at the international level to allow women the right to decide freely and responsibly on matters related to their sexuality are matched by

commitments at the national level to allow freedom of expression and association for all members of Zimbabwean society, including lesbians and gays.

**Address your appeals to:**

President Robert Mugabe  
The President's Office  
P Bag 7700, Causeway  
Harare, Zimbabwe

**captions**

Women's march on Mother's Day, 1995, Port au Prince, Haiti  
© Sean Sprague/Panos Pictures

Women grieving after a missile landed on their home killing two relatives during the long conflict in Afghanistan © Jenny Matthews

A village women's meeting in Ferlo region, Senegal  
© Jeremy Hartley/Panos Pictures

Women in Guatemala protesting against "disappearances" © Jenny Matthews

Women in Eritrea celebrating their country's independence © Jenny Matthews

**Appeal cases captions**

A demonstration for peace in Croatia, August 1991 © Filip Horvat/SABA-REA

Police beating peaceful women protesters

"Tsitsi Tiripano"

Amnesy International  
International Secretariat  
1 Easton Street  
London WC1X 8DJ  
United Kingdom

AI Index: ACT 30/04/98

For more information and access to AI's documents on

women's rights, please visit the following websites:

<http://www.amnesty.org> (for general topics)

<http://www.amnesty.excite.com> (for women and the 50th anniversary of the UDHR) or contact your local Amnesty International office.

Front cover photograph: Woman protester in East Timor © Penny Tweedie/Panos Pictures

## POSTCARD TEXT

Two Ukrainian women were terrorized and violently abused by Croatian soldiers who were trying to evict the women from a flat in Zagreb on 21 July 1995. Lyubov Zuzija (formerly Milyk) was beaten and suffered an attempted rape. Medical evidence indicates that the other woman was raped. Police called to the scene did not protect the women from these abuses. Such evictions associated with extreme intimidation appear to happen frequently in Croatia, as does violence against women.

### **I respectfully urge you to:**

- \* respond to Amnesty International's call for these reported human rights violations to be thoroughly investigated, to inform the organization of the outcome of such an investigation, and to bring those responsible to justice;
- \* investigate the apparent complicity of civilian and military police officers in human rights violations perpetrated by the Croatian soldiers who carried out the eviction, and their failure to protect the women from abuses.

Name: .....

Address: .....

President of the Republic of Croatia  
Dr Franjo Tudjman  
Predsjednik Republike Hrvatske  
Pantovcak 241  
10000 Zagreb, Croatia

Between 40 and 50 women who were peacefully protesting on 25 July 1997 in Ghantaghar, Saharanpur, Uttar Pradesh, were attacked without provocation and sexually assaulted by police. No action has apparently been taken to bring those police personnel responsible to justice. Women activists in India are frequently singled out for harassment and ill-treatment by law enforcement personnel, and are often subjected to sexual torture, including rape, and beatings on their genitals.

### **I respectfully urge you to:**

- \* ensure that the Indian Government makes true its commitments to promote and protect the human rights of women;
- \* ensure the right of all women to peacefully protest without fear of arrest or ill-treatment, including sexual assault by law enforcement agents;

\* initiate independent and thorough investigations of all reports of women activists being tortured or ill-treated and bring to justice those found responsible.

Signed: .....

Address: .....

.....

.Address:.....

Department of Women and Child Welfare  
Ministry of Human Resource Development  
C-Wing  
Shastri Bhawan  
New Delhi 110 001  
India

Leticia Moctezuma Vargas, a teacher, has been attacked and threatened by government agents because she has campaigned peacefully to stop a government-sponsored project on common land in the Mexican state of Morelos which she and other members of the Tepoztlán community consider as sacred. There are frequent reports of human rights violations suffered by community, peasant and human rights activists, and a high incidence of rape and other sexual abuses perpetrated on women by the police in Mexico.

**I respectfully urge you to:**

- promptly and thoroughly investigate the attacks and threats against Leticia Moctezuma Vargas and others in her community, and bring to justice those responsible;
- guarantee that women activists and members of community and other organizations working peacefully for their rights can carry out their activities without risk of intimidation, harassment or physical attack;
- ensure that commitments made by Mexico at the international level to protect and promote women's human rights are matched by the same commitments at the national level.

Signed.....

Address.....

The Minister of the Interior,  
Lic. Emilio Chuayffet Chemor,  
Secretario de la Gobernación,  
Secretaría de la Gobernación,  
Bucareli 99, 1er piso, Col. Juárez,  
06699 México DF, Mexico.

Asma Jahangir and other activists in Pakistan face threats and prosecution for their brave work in defending human rights that the world has declared should be universally promoted and protected. There are also persistent violations of women’s human rights in Pakistan, both as a result of discriminatory laws such as the Zina Ordinance, and because state officials can commit rape and other abuses with impunity.

**I respectfully urge you to:**

- guarantee the protection and safety of women’s rights defenders and other human rights activists such as Asma Jahangir;
- end the human rights violations and discriminatory laws and practices which affect women and girls in Pakistan;
- fully and speedily implement all the provisions of the Women’s Convention and other relevant international standards on women’s rights in accordance with the UN Declaration on Violence against Women.

Signed.....

Address.....

Prime Minister Nawaz Sharif  
Office of the Prime Minister  
Islamabad, Pakistan

A wide range of human rights violations are suffered by women in Saudi Arabia on account of their gender. Some violations arise out of explicitly discriminatory laws, such as the ban on women drivers. Others result from discriminatory practices, such as the unequal treatment of women and men prosecuted for the offence of khilwa. Many other gross violations are suffered by both women and men because of the widespread official contempt for fundamental human rights in Saudi Arabia, including the right to fair trial.

**I respectfully urge you to:**

- \* end discriminatory laws and practices which facilitate human rights violations against women and members of other vulnerable groups;
- ratify the UN Convention on the Elimination of All Forms of Discrimination Against Women without reservations;
- take immediate steps to bring arrest and trial procedures in line with international standards.

Signed.....

Address.....

[address]

His Excellency  
Dr Abdullah bin Muhammad bin Ibrahim Al-Sheikh  
Ministry of Justice  
Riyadh, Kingdom of Saudi Arabia

Dear President,

A woman has been threatened with violence because of her sexuality and her membership of Gays and Lesbians of Zimbabwe. Your hostile comments about gays and lesbians have increased discrimination against a minority group who are defending basic human rights, and have encouraged police to intimidate lesbian and gay people with impunity.

**I respectfully urge you to:**

- ensure that members of the Gays and Lesbians of Zimbabwe are respected and their safety and protection guaranteed;
- ensure that commitments made by Zimbabwe at the international level to allow women the right to decide freely and responsibly on matters related to their sexuality are matched by commitments at the national level to allow freedom of expression and association for all members of Zimbabwean society, including lesbians and gays.

Signed.....

Address.....

President Robert Mugabe  
The President's Office  
P Bag 7700, Causeway  
Harare, Zimbabwe

