

## THE CONTRIBUTION OF FEMINIST THEORY AND PRACTICE TO HUMAN RIGHTS

### *A CONTRIBUIÇÃO DA TEORIA E PRÁTICA FEMINISTA PARA OS DIREITOS HUMANOS*

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**Abstract:** While it was primarily been propertied, male, European thinkers who have advanced the idea of the individual subject worthy of rights, this essay argues that feminist theory and practice are the current driving force for the expansion of human rights. The article examines primary elements of feminist theory, particularly the intersectional approach and the critique of the public/private divide. It also examines feminist practices by taking the case example of the women's movements in Brazil. The author calls for the recognition of feminist theory and practice as universalizing and expanding the narrow conceptions of the 'human' inherent in the initial writings and in jurisprudence.

**Keywords:** Feminist theory and practice; Intersectionality; Public and Private spheres; Human Rights; Brazil women's movements.

**Resumo:** *Embora foram principalmente pensadores, proprietários, europeus, masculinos que tenham avançado a ideia do sujeito individual digno de direitos, este ensaio argumenta que as teorias e as práticas feministas são a força motriz atual para a expansão dos direitos humanos. O artigo examina elementos primários das teorias feministas, particularmente a abordagem interseccional e a crítica da divisão público/privado. O artigo também examina as práticas feministas, tomando o exemplo do caso dos movimentos das mulheres no Brasil. A autora reivindica o reconhecimento da teoria feminista e da prática como universalizante, expandindo as concepções estreitas do 'humano' inerente aos escritos iniciais e à jurisprudência atual.*

**Palavras-chave:** *Teoria e prática feminista; Interseccionalidade; Esferas públicas e privadas; Direitos humanos; Movimentos de mulheres brasileiras.*

**SUMMARY:** 1. Introduction. 2. Women's rights are human rights. 3. Feminist theorizing. 3.1. Feminist Collaborative Reflective Practices and Epistemology. 3.2 Intersectionality. 3.3 Critique of the Public and Private Spheres. 4. Feminist Practice. 4.1 Brazilian case – 1960-1980s. 4.2 Brazilian case- Intersectional Feminism. 4.4 Brazil Case – From Private to Transnational. Conclusion. References.

## 1 INTRODUCTION

Scholars who write on the historical development of human rights most often cite the works of well-known propertied, able-bodied, European, male thinkers as the precursors to the writers of the Universal Declaration of Human Rights. Either for reasons of wealth, time for contemplation, and access to academic life and publishing, these men had the conditions available for the work of advancing the notion of an individual subject worthy of rights. I do not intend to refute this trajectory now. Rather, I would like to call attention to the development of human rights discourses and practices after the writing of the Universal Declaration of Human Rights in 1948. If propertied, European, men were the instigators of the efforts to define, theorize and articulate human rights in the past; women are currently the driving force for the expansion in theory and practices that promote human rights today. To support this claim, I will examine some primary elements of feminist theory and practices to elucidate the extent of the current feminist promotion of human rights. The universalization of feminist theory and the implementation of feminist practice can and has led to broadening the narrow conceptions of the 'human', apparent in the initial writings of the founding fathers and current jurisprudence. Finally, by focusing briefly on the Brazilian case, I will show how women have used creative strategies from their local participation in diverse groups to expand notions of rights and question the limits of the public/private divide to their international participation in redefining the categories and boundaries of international law.

## 2 WOMEN'S RIGHTS ARE HUMAN RIGHTS

Historians of human rights often begin recounting the ideas that foreshadowed human rights theories by examining what has become the canon of human rights historical writings: the Code of Hammurabi, Plato's Republic, the Meditations of Marcus Aurelius, or the Confessions of St. Augustine and so on.<sup>1</sup> As

<sup>1</sup> See the content of the following books on Human Rights: HAYDEN, Patrick. *Philosophy of Human Rights*, (St. Paul, MN: Paragon House, 2001); SMITH, Rhona. *Textbook on International Human Rights*, 4<sup>th</sup> ed. (Oxford: Oxford University Press, 2010); ISHAY, Michele. *The History of Human Rights*, (Berkeley/Los Angeles: University of California Press, 2004).

the chronology progresses, human right's historians focus on European thinkers such as Francis Bacon, René Descartes, John Locke and Jean Jacques Rousseau. These are followed by Adam Smith, Thomas Paine, John Stuart Mill among other European enlightenment thinkers, who together formed the theoretical basis for the later development of the assertion that all human beings have universal individual rights which was eventually enshrined in the 1948 Declaration of Human Rights. Depending on the inclinations of the historian, an occasional non-European may grace the list, such as Confucius, or even a woman, of whom Mary Wollstonecraft is often a favorite (HAYDEN, 2001).

This registry of ideas is founded primarily on the historical and geographically localized claims that emerged during the development of the nation-state in Europe. These scholars disputed ideas of national sovereignty, democratic governance and equality, which led to the construction of declarations of rights and the emergence of revolutions for liberty from authoritarian rulers. Discussion on the rights of citizenship was brought to the fore with the historical event of the European Holocaust and the question of how to respond when a State choses to destroy its citizens rather than protect them. The subsequent writing of the Declaration of Human Rights resulted in an advancement in Human Rights theory and the development of practical implications to protect the rights of citizens. However, in discussions following the declaration, it became apparent that the 'human' in human rights continued to be based on the model of an autonomous, free individual that most resembled a propertied, able-bodied, European, white male who could assert his claim of human rights before a potentially authoritarian state.

Due to the contingent and historical nature of human rights development, the declaration did not contemplate all of the possible ways of being human or all of the geographic, cultural, political, social or economic conditions in which a human being may live. With the realization that the subject of human rights was narrowly defined, theorists, activists, and leaders, among others, worked to expand the subject of human rights to include and affirm the specific rights of people who were not sufficiently addressed in the first declaration. Therefore, subsequent human rights declarations, conventions, conferences and protocols have included the rights of women, minorities, children and adolescents, immigrants and refugees, indigenous peoples, people with disabilities, prisoners and so on, as they defined these rights within their particular context.<sup>2</sup> These

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<sup>2</sup> The United Nations Human Rights Office of the High Commission has organized the subsequent Declarations, Conventions, Rules and Protocols that have expanded conceptions of human rights beyond that of the original declaration. These subsequent document include but are not limited to: The Convention on the Elimination of all forms of Discrimination against Women (1979); Declara-

documents provided symbolic and theoretical justification as well as practical means for the inclusion of these other identity categories into the umbrella conception of 'human.' They also provide for the development of new ways to theorize rights based on the standpoint of women and other marginalized groups, which shed light on some of the distortions in human rights thinking up until that time.

Since the 1948 Declaration, and due, in part, to the United Nations support of women throughout the Decade of the Woman (1975-1985) and subsequent follow-up conferences, women have become a primary force in human rights developments. Their primary work has been to expand the notion of human to include women. For instance, the apparent need to include women and the girl-child as human beings can be found in the Declaration of the UN World Conference on Human Rights (Vienna 1993) which states: "The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights."<sup>3</sup> The fact that writers of this document chose to reiterate the humanness of women and the girl-child exposes the previous male-centered conception of human rights.

In addition to insisting on the inclusion of women within the category of human, women have proceeded to include women's concerns and lived experiences within the subject matter of human rights and have come up with vocabulary and theoretical concepts to discuss these issues. The Inter-American Convention to Prevent, Punish and Eradicate Violence against Women of the Organization of American States held in 1994 in Belém do Pará, Brazil defined violence against women as "whatever action or conduct based on gender that causes death, injury or physical, sexual or psychological suffering to women, within the public as well as private sphere."<sup>4</sup> This definition was followed by a

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tion on the Protection of Women and Children in Emergency and Armed Conflict (1974); Declaration on the Elimination of Violence against Women (1993); Convention on the Rights of the Child (1989); Declaration on the Rights of Persons with Disabilities (1975); Convention relating to the Status of Stateless Persons (1954); Protocol relating to the Status of Refugees (1966); International Convention on the Elimination of all Forms of Racial Discrimination (1965); United Nations Declaration on the Rights of Indigenous Peoples (2007); Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984); United Nations Standard Minimum Rules for the Treatment of Prisoners (2015); International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990); Geneva Convention relative to the Treatment of Prisoners of War (1949) The Vienna Declaration and Program of Action (1993) and so on. Access to these documents can be found at the following site: Universal Human Rights Instruments, *United Nations Office of the Higher Commission*, accessed November 6, 2017, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx>.

<sup>3</sup> Vienna Declaration and Program of Action, *United Nations Office of the Higher Commission*, accessed November 6, 2017, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

<sup>4</sup> Inter-American Convention to Prevent, Punish and Eradicate Violence against Women Belém do

list of protected rights, the responsibilities of the States, and the Inter-American mechanisms of protection. This document introduces some important concepts to the discussion of violence against women: violence against women is considered to be a *violation of human rights*; the category 'gender' is employed; the notion of the right to a life without violence is conceived; besides physical violence, sexual and psychological violence are given visibility; and both the private and public sphere (including residence, community and State) are considered to be spaces where violence against women occurs. This document affirms again the humanness of women but it also demonstrates the contribution of women to the discussion on human rights by bringing in the new theoretical language of gender, conceptualizing violence beyond physical force, and it interrogating the theoretical divisions of public and private which permeate the ideas of statehood (PIOVESAN, 1999).

The Third International Conference on Population and Development held in Cairo in 1995 resulted in a document that once again reinforces the universal 'humanness' of women and the girl child.

The Human Rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community.<sup>5</sup>

The document discusses the need to improve the situation of women in regards to the family, work, health, urbanization and migration, and education. It also discusses the particular situation of adolescents and girls, the elderly, migrants and refugees, aboriginal populations and the disabled. Therefore, it acknowledges the multiple variables in the lives of women and proposes policies in accord with these distinct contexts.

Finally, Hillary Rodham Clinton's famous speech at the United Nations Fourth World Conference on Women in Beijing reiterated what women had been saying for some time:

If there is one message that echoes forth from this conference, let it be that human rights are women's rights and women's rights are human rights once and for all (CLINTON, 1995).

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Pará (1994) *Organization of American States*, accessed November 6, 2017, <http://www.oas.org/juridico/english/treaties/a-61.html>.

<sup>5</sup> United Nations Population Fund Programme of Action (1995), *International Conference on Population and Development*. Part I Para 18. Accessed November 21, 2017, [http://www.unfpa.org/sites/default/files/pub-pdf/programme\\_of\\_action\\_Web%20ENGLISH.pdf](http://www.unfpa.org/sites/default/files/pub-pdf/programme_of_action_Web%20ENGLISH.pdf).

These few examples provide a sampling of how women have contributed to the vocabulary and conceptualization of human rights, have exposed the male-centered perspective which permeates the theory and documents, and have affirmed and centered identities and conditions that are not often contemplated within previous human rights theory and documents. In what follows I will build on this claim that women have become the propelling motor behind the implementation of practical work needed to guarantee the human rights of people as well as the theoretical basis for including all peoples within the conceptualization of 'human.' This is not intended to be a thorough revision of feminist participation in human rights work for such a project would require more space than this article can provide. However, by examining two basic areas of feminist theoretical contribution, namely, the intersectional approach and the theorization on the public/private divide, I intend to show that feminist theory provides some of the most rigorous justifications for a truly inclusive understanding of human rights. While women played a more adjoining role in the past, they are now actively participating in the production of human rights theories and practices. However, before presenting specific feminist theories, I want to take a look at the way in which feminism is understood within the context of human rights.

### 3 FEMINIST THEORIZING

Because feminist theory has often started from the standpoint of women, it has been criticized as limited to *only* women and therefore, incomplete, narrow, and provisional. However, when women's rights are universalized, they provide alternative visions of justice that are relevant not only to women but to all members of society. Feminists have argued that the so-called 'universal' standards or rights that have been developed in Europe, come from the restricted lives of privileged men. Once the parochial nature of the universal was unveiled, feminists led the way for an expanded theoretical understanding of humanness. Thus by questioning this standard, feminists have opened up the possibilities for building more inclusive concepts of rights. Women's rights have not been the prerogative of only political scientists and jurists, for feminists have made inroads to almost all fields of inquiry and have developed multi- and interdisciplinary means to broaden knowledge of the human condition. It would be difficult to find an area of study that has not been touched by feminist theory. Feminist theory and practice have contributed to the areas of the philosophy, psychology, sociology, anthropology, law, cultural studies, criminal justice, urban planning, literature, biology, medicine and so on. The outpouring

of feminist academic literature in the past 50 years has been phenomenal.<sup>6</sup> In attempting to provide theoretical explanations for women's oppression, feminists have continued to analyze existing paradigms and incorporate new sets of ideas and feminisms.<sup>7</sup> Thus feminism far from being limited, has expanded into almost all areas of inquiry.

This process has not been seamless; divisions have emerged that have not been completely resolved. Scholars have demonstrated that feminist theory has not always been as inclusive and free of oppressive thinking as the emancipatory rhetoric may imply. To be sure, women have been called out by other women for their racial, ethnic or colonial bias.<sup>8</sup> In this essay, I use the term, feminist, to refer to those who have been working against gender oppression as well as other forms of oppression and who have developed theories and practices to promote the rights of women as well as the rights of all people. As Barbara Smith points out, feminism must concern itself with the emancipation of all people to truly be authentic feminism.

Feminism is the political theory and practice that struggles to free all women: women of color, working-class women, poor women, disabled women, Jewish women, lesbians, old women—as well as white, economically privileged, heterosexual women. Anything less than this vision of total freedom is not feminism, but merely female self-aggrandizement (SMITH, 1998, p. 96).

For this reason, only an inclusive understanding of 'feminist' propels advances in human rights theory and practice; while the work and practice of individual women, may or may not. While women cannot claim to be intrinsically more democratic, non-authoritarian or open to discussions and egalitarianism, the reflective practice, built into feminist theorizing and methodology, acts as a corrective and reinforces the feminist commitment to include the struggles of all people, which, in turn, enables the continuous development and adaptation of theories and practices. Due to these continued debates and dialogues, feminist

<sup>6</sup> See for example: CODE, Lorraine. *Encyclopedia of Feminist Theory*. New York: Routledge, 2004.

<sup>7</sup> For example, the fifth edition of *Feminist Thought* by Rosemarie Tong and Tina Fernandes Botts (New York: Westview Press, 2018) divides Feminism into 10 basic categories: Liberal Feminism, Radical Feminism, Marxist and Socialist Feminisms, Women of Color Feminisms in the US, Women of Color Feminisms on the World Stage, Psychoanalytic Feminism, Care-Focused Feminism, Eco feminism, Existentialist, Poststructural and Postmodern Feminisms, Third-Wave and Queer Feminisms.

<sup>8</sup> There are numerous publications on the biases of "white" feminism. See for example: LORDE, Audre. *Age, Race, Class, and Sex: Redefining Difference*. In: ANDERSON, Margaret L; COLLINS, Patricia Hill. *Race, Class and Gender*. 2<sup>nd</sup> ed. Belmont. CA: Wadsworth, 1995.; HOOKS, Bell. *Feminist Theory: From Margin to Center*. Boston: South End Press, 1984; and MOHANTY, Chandra Talpade. *Under Western Eyes*. *Feminist Review*, n. 30, Autumn 1988, p. 61-88; ABU-LUGHOD, Lili. *Do Muslim Women Really Need Saving? American Anthropologist*, 104, n. 3, September 2007, p. 783-790.

reflective practices have made sizeable contributions to human rights theory and practice.<sup>9</sup>

### 3.1 FEMINIST COLLABORATIVE REFLECTIVE PRACTICES AND EPISTEMOLOGY

Nancy Naples argues that the collaborative reflexive process, which has become integral to feminism, encourages a reevaluation and revision of strategies to further inclusion, empowerment and deliberation (NAPLES, 2013). From the consciousness raising groups of the 1970s in the United States to the collaborative women's collectives of India, feminist practice has incorporated ideas of democratic processes, self-reflection and continual revision. Particularly standpoint theory has demonstrated how converging perspectives can create robust theoretical and practical contributions. Patricia Hill Collins argues that by collectively reflecting on their condition, women, particularly those in the margins, produce knowledge that is formulated from their lived experiences and which names the forms of oppression and power relations within their communities and broader society (COLLINS, 1991). In the same vein, Dorothy Smith identifies the ruling relations or institutional complexes which emerged from a capitalist and patriarchal processes and which coordinate and rule over the everyday lives of those who are subject to its administrative regimes (SMITH, 1987). Sandra Harding argues that starting research from the standpoint of women can actually produce a 'strong objectivity' in comparison to that begun from a so-called neutral position, since biases are impossible to remove (HARDING, 1986). This epistemological approach claims the situated nature of knowledge, gives recognition to the knowledge produced among marginal groups, which is often silenced or disregarded, and privileges this knowledge as better equipped to locate distortions within the system, since it is most often marginalized people who are most aware and who experience the effects of these distortions. Dialogue with other social actors who have generated their own situated knowledges offers a more comprehensive understanding of 'ruling relations' and combines the locally produced knowledge with a global dimension of interrelated processes. Equipped with a comprehensive analysis, these diverse actors can collectively design social actions that promote human rights.

Additionally, transnational feminist praxis has shown how local struggles connect to larger global structures and have observed the challenges of women

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<sup>9</sup> Nancy Naples makes a similar argument in respect to democratization processes and feminist praxis. See: NAPLES, Nancy. *Sustaining Democracy: Localization, Globalization, and Feminist Praxis*. *Eastern Sociological Forum*, 28, n. 4, Dec 13, 2013, p. 657- 668.



who must navigate between the struggles against local patriarchal practices and resistance to colonialist and imperialist notions. The conferences for the writing and articulation of the human rights documents offered platforms for feminists to share and articulate their concerns within an arena legitimized by larger institutions such as the United Nations and they equipped feminists with strong symbolic justifications for the implementation of policies within their own countries as well as offering the opportunity for developing networks. Reflexive dialogue among international actors has increased respect for situated knowledges while building broader networks and coalitions among actors. It is exactly this process of continual self-reflection and striving toward inclusion and non-oppressive measures that has propelled feminist theory, however imperfect and complex that process has been. Feminist theorizing, for the most part, has maintained this element of continual reflexivity and concern for egalitarianism, equity and freedom from oppression and, therefore, represents one of the most robust forms of theorizing for the advancement of human rights today.

In what follows, I will present two areas of feminist inquiry that have had substantial impact on feminism and human rights theorizing. This is not an attempt to provide an exhaustive analysis of feminist theories or even of these theories or their consequences; rather, it proposes to demonstrate the importance of feminist theory in the evolution of human rights thinking.

### 3.2 INTERSECTIONALITY

Because feminist theory focuses its analysis on women's experience and because women are represented in all oppressed groups related to race, ethnicity, nationality, religion, disability, sexuality and so on, such theorizing must necessarily concern itself with the conditions of all disempowered peoples. Consequently, feminists have advanced theory according to their multiple identities and forms of oppression: Black feminist studies, Asian feminist studies, Latina and Latin American feminist studies, Indigenous feminist studies as well as feminist post-colonial studies, feminist lesbian and queer studies, feminist labor studies, feminist disability studies, feminism and religion and spirituality or more specifically feminism and Christianity, feminism and Islam, feminism and Judaism, feminism and Indigenous religions and cultures.<sup>10</sup> The list continues. Few disciplines could

<sup>10</sup> For a short sampling of the enormous output on the differing areas of feminist inquiry see: Becky Thompson "Multiracial Feminism: Recasting the Chronology of Second Wave Feminism," *Feminist Studies* 9 no 2, (Summer 2002); Gwyn Kirk and Margo Okazawa-Rey (eds), *Women's Lives: Multicultural Perspectives*, 6<sup>th</sup> Ed, (New York: McGraw 2002); Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, (Boston:Unwin Hyman, 1990); Cherie Moraga and Gloria Anzaldúa, eds., *The Bridge Called My Back:Writings by Radical Women of Color* (New York:Kitchen Table, Women of Color Press, 1981); Chandra Talpade Mohanty, Ann Russo and

boast such a broad and rich field of inquiry. Feminist contribution to the body of knowledge has been extraordinary. Too often, these authors and perspectives are disregarded due to their so-called partial perspective, while those theories privileging male perspective are considered universal.

Just the same, it is not enough that feminists engage in varied and separate fields of study as if they were mutually exclusive; since women's experience is complex and multifaceted, so too should be the theorizing about women's lives. The intersectional approach has provided feminist theorizing with an inclusiveness and complexity to decipher the myriad ways in which human beings experience their lives and in the ways human rights can be understood.

The intersectional approach first coined by Crenshaw, but evident in the historic writings of marginalized women, identifies and emphasizes the interconnection between the various forms of oppression and privilege.<sup>11</sup> Intersectionality marks a step forward in theorizing about human rights as it argues that the theoretical separation of the axes of race and gender results in a denial of the condition of women experiencing these forms of oppression simultaneously. For instance, Crenshaw demonstrated how the law in the United States had not discriminated against Black women due to gender discrimination or race discrimination separately, but due to the confluence of both. She also shows how an intersectional analysis can expose how laws against rape have been used to protect white women but rarely Black women and that Black men have been the primary target of the laws. Thus a law which purports to protect women, is actually used to maintain racial and gender discrimination. The focus on only the most privileged members of a marginalized group obscures the claims of those who are multiply burdened. In this case, race-privileged women or gender-privileged Blacks marginalize the lives of Black women (CRENSHAW, 1989).

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Lourdes Torres, *Third World Women and the Politics of Feminism* (Bloomington: Indiana University Press, 1991); Paula Gunn Allen, *The Sacred Hoop: Recovering the Feminine in American Indian Traditions* (Boston: Beacon Press, 1986). Carol Christ and Judith Plaskow, *Women's Spirit Rising: A Feminist Reader in Religion*, (San Francisco: Harper Collins, 1992); Lila Abu-Lughod (ed), *Remaking Women: Feminism and Modernity in the Middle East*, (Princeton: Princeton University Press, 1998); Elizabeth Weed and Naomi Schor, *Feminism meets Queer Theory* (Bloomington: Indiana University Press, 1997)

<sup>11</sup> For examples of forerunners who contributed to the idea of Intersectionality see: Sojourner Truth, *Ain't I a Woman* in Howard Zinn and Anthony Arnove, *Voices of a People's History of the United States*, (New York: Seven Stories Press, 2004); Anna Julia Cooper, *A Voice from the South* Accessed on November 30, 2017, <http://docsouth.unc.edu/church/cooper/cooper.html>; Akasha Hull, Patricia Bell Scott and Barbara Smith, *But Some of Us are Brave*, (City University of New York: Feminist Press, 1982); Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, (Boston: Unwin Hyman, 1990); For the first article coining the term see: Kimberlé Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," *University of Chicago Legal Forum*: 1, Article 8. (1989), Accessed on November 30, 2017, <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>.

Although race, class and gender constitute the three major categories that feminists have focused on in the analysis of oppression, an intersectional framework allows for the analysis of other forms of oppression as they are identified by women. Some feminists have pointed out how 'woman' is most often understood only in relationship to heterosexual relationships with men<sup>12</sup> and have discussed the shifting identities women of color experience in the overlapping of sexual orientation with racial identity.<sup>13</sup> Postcolonial women have underscored the importance of discussing imperialism, colonialism and militarization.<sup>14</sup> Often postcolonial women find themselves in difficult situations due to their feminist and nationalist loyalties and until feminism is understood in its multiplicity these problems will continue to exist

While Crenshaw developed the concept of intersectionality to demonstrate discrimination in the United States, particularly against Black women, she also shows how the work against international trafficking of women needs to include an analysis of who these 'women' are, where they are from, their age and ethnicity, so that the multiple phenomena of trafficking and the particular conditions of the women who are trafficked can be better understood. She also problematizes the international discussions among women by analyzing the intersections of gender, neo-colonialism, race and class. While women from the global south may be discriminated against due to neo-colonial ideologies, they may also represent privileged groups according to race and class within their own countries (CRENSHAW, 2002).

In the analysis of these relationships it is clear that women hold differing positions of power and privilege. The tendency by some feminists to universalize women's victimization has disguised how women have contributed to the exploitation and oppression of other women by putting the blame on men only.

<sup>12</sup> See for example: Judith Butler, *Bodies that Matter: on the discursive limits of "sex"* (New York:Routledge 1993); Adrienne Rich, "Compulsory heterosexuality and lesbian existence." *Signs: Journal of Women in Culture and Society*, 5 no. 4 (1980): 631-660.

<sup>13</sup> See for example: Surina Khan, "The All-American Queer Pakistani Girl," In Gwyn Kirk and Margo Okazawa-Rey, *Women's Lives*, 6<sup>th</sup> ed. (New York:McGraw Hill, 2013); Alex Wilson, "How We Find Ourselves: Identity Development and Two Spirit People." *Harvard Educational Review* 66, No. 2, (July 1996): 303-318. Nadine Naber, "Decolonizing culture: Beyond orientalist and anti-orientalist feminisms," In R. Abdulhadi, Evelyn Alsultany, & Nadine Christine Naber, *Arab & Arab American feminism: Gender, violence, & belonging*, (Syracuse, N.Y.: Syracuse University Press, 2011): 78-90.

<sup>14</sup> See for example: Peter R. Beckman and Francine D'Amico, *Women, gender and world politics: Perspectives, policies and prospects*. (Westport:Bergin & Garvey, 1994); Sherin M. Rai, & Geraldine Lievesley (eds.), *Women and the state: International perspectives*. (Lodon/Bristol: Taylor & Francis, 1996); Gita Sen & Caren Grown, *Development, crises, and alternative visions: Third world women's perspectives*. (New York: Monthly Review, 1987); Naila Kabeer *Reversed realities: Gender, hierarchies in development thought*, ( London/New York: Verso, 1994). Carol Cohn *Women and wars*, (Cambridge, UK ; Malden, MA:Polity Press, 2013).

Others argue that claiming collective victimization for one's personal identity is to exploit the real situation of abuse by using it for one's advantage (KAPPELER, 1995).

The universalism of western feminism has been attacked by postcolonial women and women of color because of its totalitarian tendencies. The current debate on diversity has resulted in the development of theories which bring to light totalitarian tendencies within universal theories and which value the diversity of perspectives on the very definition and understanding of women. This debate has provided interesting insights to the construction of knowledge and the development of 'normative' standards and many feminists have shed notions of grandiose monocausal conceptions of oppression and diverted their attention to emphasize diversity, context and specificity.

The recognition that the protection of women's rights depends not only on protection against gender discrimination but also against a wide range of other forms of oppression was a theoretical innovation provided by the intersectional approach. It is often in the way that these forms of identity intersect that vulnerabilities are identified. There is the realization that while women are subject to gender discrimination, there are differences among women related to their social identities such as class, caste, race, color, ethnicity, religion, national origin, sexual orientation and identification. This approach makes it possible, at least theoretically, to include the discussion of all forms of oppression and privilege. The intersectional approach has resulted in interdisciplinary examination of human rights and a cross-fertilization of theories. The acknowledgment that feminist analysis could not be achieved only through the lens of gender and that it must necessarily include understanding and the theoretical integration of other forms of oppression, opened the door for the inclusion of much more nuanced and previously invisible rights claims within the feminist analysis.

Obviously, such a theoretical innovation serves not only women, but also all who hope to be included as subjects of human rights. Feminist intersectional analysis helps us understand how power and privilege interconnect with oppression and discrimination by demarginalizing oppression and decentering privilege. Such a multifaceted analysis is essential in developing ideas and practices towards human rights.

### **3.3 CRITIQUE OF THE PUBLIC AND PRIVATE SPHERES**

One of the main targets of feminist critique has been the divisions between public and private and the recognition that human rights should be extended

and understood beyond the realm of state action and litigation. Women's representation, traditions and private practices within her culture also bar women from gaining full access to human rights. If rights are considered as having validity only in the public sphere, than women who are relegated to the private sphere, who cannot enter the public sphere, have no recourse to the law (JOHNSTON, 2006). Likewise Rao explains:

Since the two spheres are distinctly gendered, and unequally weighted by definition, it is difficult to conceptualise violations of women's rights in the private sphere in a fashion that is coherent as well as consistent with the language used to describe violations in the public sphere (RAO, 1993, p. 62-81).

She argues that the privileging of the heteronormative family unity makes violations against women within the private sphere unrecognizable since their female bodies are subsumed (legally or culturally) under the husbands legal privilege. Therefore, she calls for the legitimation of the private realm as an area of human rights concern (RAO, 1993).

Feminists have generated a voluminous body of scholarship on the arbitrary demarcations of private and public. Women who denounced domestic violence or rape had to deal with attempts by the defense to disqualify the crime by questioning the women's personal, 'private' life. Women who suffered violence had to respond to accusations concerning their faithfulness as wives, their dedication to their family and home, their sexuality and their femininity. Schneider gives examples of the selective application of the law in regards to private/public spheres especially in relation to pregnant women and battering men. She cites several examples of pregnant women who were charged with criminal child abuse for drinking or drug use while they sought medical services for injuries sustained as a result of battering (SCHNEIDER, 1994). While white male domestic privacy has been most often protected, female domestic life has been held up to public scrutiny. Likewise, sexual control over women in the domestic sphere can seriously hinder their performance in the economic sphere as can men's 'private' sexual harassment of women in the workplace. Thus, as Fraser argues against Habermas, for many women the division between domestic and economic is not always so clear (FRASER, 1985).

These categories are also stratified according to class and race. Crenshaw discusses how people of color have attempted to construct their privacy as a haven from a racist society. This poses a problem for those people of color in need of police protection who must make hard choices between intervention by a racist law enforcement system or lack of protection (CRENSHAW, 1989). Historically in

the United States, people of color or low-income people have not had the same right to privacy as middle-class white men. Likewise, Eaton gives examples of how law enforcement and the legal system did not acknowledge or respect the private lives of homosexuals (EATON, 1994). Therefore, feminists have argued that we should understand the division between the private and political not as a static and rigid demarcation but rather as a line drawn according to cultural norms which curves and breaks in relation to social categories such as gender, class, race, sexual orientation and so on (SCHNEIDER, 1994).

Internationally, feminists have questioned the definition of torture as primarily a state directed practice, which disregards the private abuses that women face within the domestic sphere (MACKINNON, 1989). Other feminists have shown how development planners have ignored their needs and enacted policies that seriously hindered their access to food and water; thereby seriously compromising their role as providers of these resources. Economic policies of international capitalism, while purporting to provide 'public' benefits, adhere to the ideology of a free-market based on the 'private' decisions of a particular industry (SEN; GROWN, 1987). In these situations, industrial control of the line between public and private is more likened to a carefully choreographed dance. Feminist critique of the private/public divide has exposed the abusive power of institutions such as religious and educational institutions and practices of private business corporation who might have otherwise escaped detection by the state-focused understanding of human rights (BINION, 1995).

Feminists theorists have also interrogated the conceptualization of culture as an untouchable 'private' sphere of action and abuse and provided necessary theoretical critique with practical implications. In numerous cases, culture has been used to pardon the mutilation of women, the killing of female babies, the exclusion of women's participation in public life or blocking of her movements from place to place (BINION, 1995). Feminists have asked why these types of oppression against women are allowed a culture defense when other areas of actuation, such as corporal punishment, authoritarian regimes and apartheid were not. Mindful of the intersection with neo-colonial disregard for non-Western cultures, feminist theorists have interwoven the post-colonial critique with feminist theory and called for complex cultural dialogues, which incorporate feminist, religious, cultural critique in order to further human rights (BENHABIB, 2002).

The division between private and political is a key topic in feminist theorizing. What could be considered political and what could be considered private are not fixed notions but vary according to culture and historical period. The slogan 'the personal is political' was an attempt by feminists to contest the sexist ideology

which supported and defined these divisions and to bring issues, which were until then hidden within the private sphere such as domestic violence, birth control and child care, out into public/political discussion. Yeatman criticizes the individual/society and femininity/masculinity dichotomies, which are superimposed on the domestic/public division made within sociological theory (YEATMAN, 1986). Fraser argues that the categories 'private' and 'public' are not divided between women and men respectively since the sphere of women's activity has not always been just the private and likewise, men's just the public. Feminists, rather than attempting to destroy these spheres have shown the political and ideological character of these categories and how through sexual hierarchy these divisions give more power to men than to women. For example, Eschtain critiques the feasibility of the slogan 'the private is political' and the conceptualization of the private within radical feminist discourse. Eschtain argues that feminism should not be about converging the public into the private or vice versa but rather reconstructing the spheres based on ethical imperatives of dignity, equal participation and aesthetic standards (ESCHTAIN, 1981).

There has been abundant discussion on how feminists should conceptualize the private. Schneider argues that rather than perceive privacy as protection from interference it would be more fruitful to construe it in terms of the affirmative concept of liberty towards autonomy, self-expression and development; of freedom to choose in regards to the basic decisions of one's life; as freedom from intrusion or restraint; and freedom to care for and express oneself. Under this understanding of privacy, reproductive choice is conceived as allowing women to become full persons and to participate fully in society. In terms of battered women, this notion of privacy could be used to articulate the needs of battered women who seek autonomy, freedom of choice, self-expression, self-determination and freedom from battering and coercion.

The strong reaffirmation at the Vienna Convention of 1993 of the universality of the economic and social dimensions (often relegated to the private sphere) as well as the political (public) dimensions to human rights was due to the undeniable influence of women who understood the interconnections among these different dimensions and the power of oppression that each could exert (BINION, 1995). Based on this critique of the private/public chasm, feminist participants in the Fourth World Conference on Women in Beijing in 1995, supported a three-prong understanding of state responsibility. These three prongs identifies the state's failure to respond to human rights violations as (1) the failure to respect human rights which would include state sponsored violations; (2) the failure to protect human rights in the event that non-state actors are violating human rights, such as in domestic abuse; and (3) the failure to assist and fulfill human right to

ensure minimum standards for the achievement of well being which may have accumulated causes, such as the case of the feminization and racialization of poverty (BYRNES; CONNORS, 1996).

Defining an activity as private or public often times depends more on the gender, race or marginalized status of an actor rather than on a neutral evaluation of the nature of the activity itself. This recognition by feminists of rights beyond the individuals relation with the state and within the 'private' sphere and the exposure of the arbitrary nature of this private/public demarcation have provided numerous groups with theoretical foundations for the recognition of the rights and the expansion of the understanding of human rights itself.

## **4 FEMINIST PRACTICE**

It would be impossible to describe and analyze the numerous and diverse practices and strategies that feminists have used to promote human rights in the past 50 years. Therefore I would like to focus on the one particular case of Brazil. This is not to argue that the Brazilian case can be universalized (although similarities can be found with many other regions), but rather it is an attempt to show an example of the influence and extent of feminist practice. Brazilian feminists have developed creative and meaningful practices to question the public/private divide, promote human rights in an intersectional manner and at the local, state, national and international level. This case exemplifies the work and the reach of feminist practice from the grassroots to the international level. I will begin by examining the history of women's organizing in Brazil and the later feminist strategic developments which arose from these early initiatives to later uphold the impact of feminist practices within human rights struggles.

### **4.1 BRAZILIAN CASE - 1960-1980S**

It is interesting to note that one of the strongest movements that emerged from the military dictatorship in Brazil (1964-1984) was the women's movement.<sup>15</sup> Within the military regimes, women were isolated from politics and were educated within a system that supported repressive sexual stereotypes while feminism was interpreted as a 'foreign import' that deteriorated the morals of women (SAFIOTTI, 1976). A significant number of women active in social

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<sup>15</sup> For more detailed analysis of the women's movement see: Margaret Griesse, *The Brazilian Women's Movement against Violence: Discourses and Violence within an Intercultural Framework of Communication and Learning*. (2002) Diss. Johann Wolfgang Goethe-Universität Frankfurt am Main, Deutsche Nationalbibliothek, deposit.d-nb.de



movements were arrested, tortured, raped and killed, children were taken from them and their male partners, husbands, fathers and sons suffered torture and death. Politically inclined women became active in various forms of resistance to the military dictatorship: guerrilla movements, student movements, political parties, and academic groups (TELES, 1993; VIEZZER, 1989). Thus, women organized against the generic violence of military repression and institutionalized violence while gender-directed violence was an issue only in regards to rape and other forms of sexual violence carried out by repressive State forces against women (TELES, 1993).

The increasing level of poverty brought on by the policies of the military regime produced situations where women became active in social movements in order to fight for their economic survival. Within a military regime, most institutional channels for political participation were cut off. This led to the development of groups organized at the community level where ties of family, kinship and friendship provided protection and solidarity from oppressive practices. The grassroots organizations that emerged were not initially oppositional in character but rather functioned as means to make demands based on the needs of a particular community without proposing a critique of the larger political system (ALVAREZ, 1990; CARDOSO, 1987; CARDOSO, 1983; JACOBI, 1987).

These movements were unique in that the overwhelming majority of the participants were women. Women scholars lament that most analyses of urban movements have not taken into account this empirical fact, and consequently offer little analysis of the role of gender or sex within the so-called 'popular' movements (ALVAREZ, 1990; CALDEIRA, 1987). Generic categories such as 'inhabitants of the peripheral areas,' the 'popular classes,' 'the people,' 'the poor' used to denote the participants of grassroots community-based movements have effectively obscured the participation of women at the political level (CALDEIRA, 1987). Therefore, the gender-blind discourses used to describe and analyze these women's organizations failed to see or describe completely the significance of these groups. By employing the paradigm of 'class struggle' to the exclusion of 'gender politics' the changes in the interpersonal relationships between men and women within the private sphere and the relationship of women to the political were occurring unheeded by most political scientists or activists. Only in the late 1980s and early 1990s, when discussions on gender were in vogue, did women theorists begin to take note of the gender-specific qualities of the new social movements.

Viezzler's interviews indicate that by becoming politically active in movements for gender-specific needs, women were also beginning to question male authority at home, the hierarchical structures within the Church, and social

norms regarding women's roles and the arbitrary nature of the public/private spheres. Such changes in attitude are cultural and remain even after political or community groups disband (VIEZZER, 1989).

Thus, there were multiple variations in the degree to which women entered the public sphere. Women, who were politically active, organized around general issues such as the high cost of living, amnesty for political exiles, or the need for day-cares. These women's movements gathered a large number of women from differing class and political affiliations and captured the attention of the public. The generalized issue of 'women' became a legitimate area of public discourse such that other political groups were also noting the importance of women's participation and beginning to entice women into their campaigns by including at least some reference to women's needs or rights.

Because the discourses relating to the class struggle were so strong within progressive academic circles, most female intellectuals felt the need to deal with economic aspects of oppression. Feminists, therefore, included in their discourses the issues of inequalities between men and women within the working class, the lack of attention given to women within the labor market, the double workload of women, and so on (SAFFIOTI, 1976). By perceiving the discriminatory practices in regards to job opportunities and pay, women formed feminist and liberation movements in the mid-1970s to struggle for sexual equality in the workplace, equal pay for equal work, reproductive freedom, and against violence against women. They concentrated on publishing newspapers, magazines and pamphlets and making them available to working class women and women living in the periphery; they collaborated with neighborhood organizations and human rights movements; and organized women's congresses (STERNBACK *et al*, 1992).

The 1975 International Year of the Women provided symbolic impetus that gave justification for a surge in feminist thinking and activity within the Brazilian context. The international non-governmental conferences sponsored by the United Nations during the Decade of the Woman provided forums by which women could share information and develop networks and thus, allowed Brazilian women the opportunity to clarify their ideas before other women and gain exposure to the international context. As a result, women from Latin America and the Caribbean organized five encounters that were held in different cities throughout Latin America during the 1980s. Although the conferences grew in size and scope over the decade, conflicts between historical feminists and popular movements mirrored the Brazilian context.<sup>16</sup> International feminist discourse while infiltrating the Brazilian arena was also shaped and molded by

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<sup>16</sup>See Sternback et al 1992 for more detailed information about these conferences.

differing groups in accord with their own objectives. Returning exiles brought ideas of autonomous feminist organizing in Europe and provided women with new vocabulary and paradigms (ALVAREZ, 1990).

However, of primary importance during this period was that the State was experiencing major modifications through a process of redemocratization in which the military government gradually transferred its power to a civilian democratic government, commonly called *abertura* (opening). Due to the reorganization of the State, the line between political and private, the role of the economic and domestic and the understanding of ethnic and gender roles also entered into a process of redefinition. The *abertura* process created a space by which certain concerns could be developed into public policy in a more direct and forthright manner than under 'normal' stable conditions. Thus, feminists were able to bring up issues affecting women exactly at the time when shifting relations of power allowed for direct interaction with State structures.

Feminists working within the political parties armed with the discourse of the mounting women's movements were able to push through some major initiatives, one of which was the creation of the municipal and state Councils on the Feminine Condition and the National Council on Women's Rights. Although the exact duties and powers given to each council vary from state to state, the initial vision was to create an organism that would consolidate the concerns of women and articulate feminist demands to the other branches of the government, acting within the power of consultant rather than as a ministry with deliberative power (SILVA, 1992). In 1985 the *Conselho Nacional dos Direitos da Mulher* (National Council of Women's Rights) was installed under President Sarney who fulfilled the promise of the late president Tancredo Neves. The National council focused its attention on education, health, violence and work and promoted research and publications of material in these areas.

In 1983 feminists succeeded in launching the *Programa de Assistência Integral à Saúde da Mulher* (Program of Integral Assistance to Women's Health - PAISM) which installed an integrated program of health for women from infancy to old age (OSIS, 1998). Of the initiatives created by the councils, the most successful and pioneering was the Women's Police Stations. Within a context of historical abuses by the police and overtly discriminatory attitudes particularly in relationship to women, the council in Sao Paulo supported by the national council working closely with the secretary of public safety was able to push through a project which resulted in state recognition of this gender-specific aspect of crime, the *Delegacias Especializadas de Atendimento às Mulheres (DEAMs)* (Police Stations Specialized in Assisting Women.) or also commonly known as *As Delegacias de*

*Polícia em Defesa da Mulher* (Police Stations in Defense of Women). The expansion of women's police stations nationwide dedicated to recognizing crimes of violence against women supported the feminist stand that violence against women in the private sphere should be considered a social/criminal issue that warrants police action. The importance of the *delegacias* is that they represent, at least on the symbolic level, State recognition of the criminality of gender-specific violence. The installation of the *delegacias* was strategically a very significant move because it suddenly turned a repressive arm of the State into a potential ally of the feminist movement. In one swift move, feminists were able to provide police services to women within an atmosphere that encouraged them to report the crimes; obligate the State to acknowledge violence against women as criminal activity; provide easily accessible data on violence against women; change the internal organization of the precinct structure, in which violence against women would become a specialized area of police surveillance; gather public support for the movement against violence against women (GRIESSE, 2002).

Between 1986 and 1988 new feminist groups, women's organizations and other popular movements became active in the writing of the new Brazilian constitution. The discourse continued to be that of human rights and many encounters and conferences were held to develop proposals and discuss the constitution. Of the list of recommendations drafted for the National Assembly, women secured the following items: promotion of the welfare of all without prejudice to origin, race, sex, color, age or other forms of discrimination (Art 3 – IV); equal rights and responsibilities with men (Art. 5 – I); maternity as well as paternity leave (Art 7 XVIII; XIX); improved prison conditions (Art. 5 – L); incentives to protect the work market for women (Art. 7 – XX); work benefits for domestic workers (Art 7 XXXIV); prohibition of work discrimination or salary differences on the bases of sex, age, color or civil status (Art. 7 – XXX); the right to family planning and prohibition of coercive anti-reproductive methods (Art. 226 paragraph 5); severe punishment for the abuse, violence against and sexual exploitation of children and adolescents (Art. 227 paragraph 4); and finally the inclusion within the constitution that the State should create mechanisms to hinder violence within the family (Art 226 paragraph 226).

After over 10 years of working on and discussing gender issues, women were prepared to articulate numerous claims and justifications. They had gained visibility and organizing experience and were represented at several levels: within the unions, within the neighborhood movements, as autonomous groups; within the academy; and within the State and National councils. Violence against women had become a principal organizing issue and topic of public debate that had passed through a metamorphosis of definitions, which identified a number of

contexts, inside and outside the private sphere. Thus, issues such as the working status of domestic workers, rural conditions, abortion, prison conditions, sterilization, sex tourism and racism were enveloped in the concept of violence against women and articles were included within the constitution which made reference to these types of violence.

Within a relatively short period of time, Brazilian activists succeeded in establishing federal, state and municipal feminine councils on women's rights; in changing the police precinct structure to include women's police stations, staffed only by police women and serving women and children; of modifying the constitution to protect women's rights not the least of which is an amendment which requires the state to prevent domestic violence; and of establishing women's centers in a number of cities. Given the chance to make changes within the restructuring process of the State, Brazilian women were able to come up with creative initiatives that, although influenced by international initiatives, were based on logic particular to the needs of the Brazilian context.

#### 4.2 BRAZILIAN CASE- INTERSECTIONAL FEMINISM

Due to Brazil's multicultural make-up and the asymmetrical relations between these cultures, the concept of women's rights was broadened to include the experiences of women suffering other forms of oppression. Women's anti-racist and anti-sexist Afro-descendant groups emerged, as well as women's health groups, rural and indigenous women's groups. Thus, the intersectional nature of rights was made evident within women's organizing in Brazil. Between 1984 and 1994, fifty new women's organizations were founded that focused on the issue of race (OLIVEIRA *et al*, 1995). The Black Feminist *Coletivo de Mulheres Negras da Baixada Santista* (Black Women's Collective of Baixada Santista) and *Geledés - Instituto da Mulher Negra* (Black Women's Institute) are two examples of these groups. The groups had the effect of expanding the concept of violence to include: the use of 'good appearance' as a requisite for employment; the negative portrayal of black women in the media and in educational books; mass sterilization of black women, primarily in the north and northeastern regions of Brazil; and domestic and sexual violence against women (OLIVEIRA *et al*, 1995). Afro-Brazilian women were perhaps the first to question the paradigm of 'male aggressor versus female victim' employed to explain the phenomena of violence against women by arguing that such a paradigm could not incorporate all of the numerous forms of violence Afro-Brazilian women experienced (OLIVEIRA *et al*, 1995).

The inclusion of two Afro-Brazilian women in the State Council on the Feminine Condition in São Paulo gave the needed effect of promoting debates

regarding racial oppression and how these concerns could be integrated into the actions of the council. The organization of the Commission on Black Women of the Council in São Paulo focused on producing studies that focused on the conditions of Afro-Brazilian women. Later, the formation of the National Council on Women's Rights made possible the structuring of the National Coordination of the Program on Black Women in 1988. During the Constitutional Assembly, black women's organizations lobbied for amendments that would respond to the needs of Afro-Brazilian women, such as labor rights for domestic workers, the prohibition of discriminatory practices based on race or sex, and the prohibition of coercive forms of sterilization (OLIVEIRA *et al*, 1995).

Women took up issues that had previously be relegated to the private sphere and silenced as personal, individual, 'female,' matters and held them up as part of a political platform. For instance, within the health movement, women took up issues in regards to the illegality of abortions, the problem of forced sterilization, lack of contraceptive information, lack of health services, the introduction of contraceptive vaccines and the indiscriminant use of Norplant.<sup>17</sup> These issues where prejudicial to women's health and had not previously been considered within a neutral model of an autonomous subject. By removing the male bias within this subject, issues regarding the body of a woman as also a subject of rights was eventually articulated as forms of human rights.

In Brazil, the positioning of domestic servants (maids, cleaning women, cooks, nannies) within the Brazilian class society has put mostly Afro-descendant women in vulnerable and sometimes sexually abusive situations within the 'domestic' sphere. By claiming official status as workers with signed documentation, domestic workers could also claim health and holiday benefits and have more legal recourse if abuses occurred. While conservative groups opposed proposals for labor benefits for domestic servants arguing that this would impose upon the affectionate and private relations between family members and domestic servants, domestic workers sought to protect themselves from exploitive labor and sexual abuses by naming their sphere of actuation as economic and public rather than domestic and private.

The National Council on Women's Rights demonstrated that, although the majority of registered crimes against rural workers has been directed against men, women, due to their particular gender-defined sphere of activities, have been submitted to types of violence that are gender-specific and particular

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<sup>17</sup>The feminist organization, Sempreviva Organização Feminista (SOF) published a monthly bulletin with educational information about women's health. Regarding the above content see specifically: Mulher e Saúde (Boletim do SOF na luta pela saúde das mulheres) n. 3 (Nov.1993).

to the rural context: the destruction of their gardens cultivated for domestic consumption; limits imposed on the free access to water; the mounting of illegal fences which invade their domestic living space; the robbery of domestic items and the destruction of housing; physical and sexual abuses by police; abuse of their children by police; insults and numerous types of pressuring tactics to force them into giving out information regarding the workers' union, the whereabouts of union leaders or their husbands; the murder of family members; and finally, death (CNDM, 1987).

Within the category of 'rural workers' the document also includes the situation of Amerindian women whose land has been invaded for the purpose of 'clearing the area' for development and who have been submitted to the same types of violent strategies listed above. Within this context, the principal aggressor is identified as the State, which supports or is controlled by private interests and the repressive forces of the State utilized to maintain this control. 'Domestic' violence is construed in terms of State invasion of privacy, control of domestic practices and destructive, physical and sexual abuses within the private sphere by outside repressive forces (CNDM, 1987).

Thus the intersectional understanding of violence against women, includes not only domestic violence by a partner, but dangerous and illegal health practices, exploitation of domestic workers, invasion of land and destruction of property, control of one's water, police abuse within one's property or house, abuse of children and murder by authorities. By interrogating the definition of 'women,' the Brazilian women's movements could expand their understanding of violence based on the positioning of women along race, ethnic, and class lines.

### **4.3 BRAZIL CASE – FROM PRIVATE TO TRANSNATIONAL**

During the 1990s Brazilian women participated with women of other countries to draft documents that would demand that the needs of women be incorporated into the laws, policies and practices of governments throughout the world. These documents have been systematically cited by Brazilian women as justification for changes in legislation and or the installation of programs for women. Thus, Brazilian women used the World Conferences as justification to organize women prior to the conference, draft meaningful documents during the conference and use their leverage to fight for change back in Brazil.

Before the conferences, Brazilian women activists used the general atmosphere of anticipation for the conference to hold preparatory encounters, seminars and meetings, publish articles and utilize media coverage to present

their set of concerns from the Brazilian context.<sup>18</sup> After the conference, women again used the media to present their perspectives on the conference and place demands on governmental policies.<sup>19</sup> The State Council of the Feminine Condition in São Paulo, for example, promoted the writing of a São Paulo State Convention on the Elimination of all Forms of Discrimination against Women in 1992 based on the Inter-American conference (CECF, 1992). And finally, women pressured the government to change legislation, approve funding, and develop policies based on the documents. For example, from the Beijing conference emphasis on empowerment and women's participation within the government, women presented and achieved approval of a legislative proposal that states that 20% of the candidates from each political party be women (SUPLICY, 1996).

Brazilian activists have also participated in regional international conferences and developed networks with women and groups from other countries. The Brazilian experience of Women's Police Stations has been articulated and installed in other countries following the Brazilian lead and Brazilian women have drafted legislation based on existing laws in other countries (PAVEZ, 1997). Thus, women within Brazil have incorporated the language of international conference documents based on notions of human rights and empowerment to make their case before the State and before the population.

The Inter-American Convention to Prevent, Punish and Eradicate Violence against Women of the Organization of American States was held on June 6, 1994 in Belém do Pará, Brazil. For example, on November 1996, women from the *União de Mulheres de São Paulo* (Union of São Paulo Women) and CLADEM – *Comitê Latino-Americano e do Caribe para a Defesa dos Direitos das Mulheres* (Latin-American and Caribbean Committee for the Defense of Women's Rights) presented to the Inter-American Commission of Human Rights based in Washington D.C. the first two international denunciations of the rights of women based on the Convention of Belém do Pará. The cases involved the dramatic unpunished murder of two Brazilian women. According to the two organizations that presented the denunciation, although the Brazilian government did not recognize the court, the act of presenting these violations to the international community imposed political and moral condemnation on the Brazilian State for not securing the rights of women.<sup>20</sup>

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<sup>18</sup> A União Brasileira das Mulheres (Brazilian Union of Women) published the journal *Presença da Mulher* to provide women with information concerning the women's movement. On the preparation for the encounters see the March 1995 issue.

<sup>19</sup> For reporting after the conference see: *Presença da Mulher* (November 1995).

<sup>20</sup> In 1996 the Brazilian government had not recognized the Inter-American Court of Human Rights installed in 1969 by the American Convention of Human Rights (also known as the Pact of San José)



Eventually with the recognition by the Brazilian government of the Inter-American court, Brazilian women were able to try a case which resulted in ground-breaking legislation against violence against women. In 2001, Brazilian feminists brought the severe violence against Maria de Penha to the Inter-American Commission on Human Rights, which for the first time in its history agreed to hear a domestic violence case as a crime against human rights. The commission found the Brazilian government guilty for negligence and omission in protecting Maria da Penha Maia Fernandes from the violence of her partner. This resulted in Brazilian legislation against domestic violence, or the law, commonly known as Maria da Penha (SPIELER, 2011). This is a pioneering case in which women instrumentalized the international court system to make legislative changes on a case of domestic (private) violence. Brazilian women have utilized the international accords that they themselves helped to formulate to pressure their government to introduce laws and policies which support women's rights. Conversely, Brazilian women were able to demonstrate in international court, the legitimacy of the private sphere as a space for International Human rights.

## CONCLUSION

With this brief history of feminist practice against oppression in Brazil, demonstrates the intersectional nature of their work and the contextual lines of private and public which they worked to subvert within the national as well as the transnational context. It demonstrates how feminists have been able to organize despite a repressive and patriarchal regime and how they have been able to take advantage of the blurred lines between public and private within the reorganization of the state. However, this brief summary of the feminist movements in Brazil has not included the nuanced tensions among women or disagreements and disappointment with male colleagues. It has given only an overview of the self-reflective and critical nature of these movements without detailing the discussions and arguments over priorities and strategies. Nor does it include the current setbacks that face the feminist and other social movements in Brazil currently. The multifaceted, thorny, dense and intricate work of universalizing human rights cannot be contained in an essay. However, it is part and parcel of the continuous project toward universal human rights among Brazilian feminists as it is among feminists around the globe.

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that would judge violations against the convention. Since that time various human rights groups mobilized a national campaign for Brazil to recognize the court. The court was recognized on Dec. 3 1998 by the Brazilian government (Piovesan 1999).

The case is not an isolated example, but rather part of the intricate complex set of global relations. Feminists around the world have recorded the practices of women working through their local customs, their state apparatuses and with international bodies to promote human rights. The number of feminist organization is as numerous as it is diverse. For instance, women in Cameroon, Nigeria, Uganda and Kenya have organized collective naked protests to shame male authorities, disputed oil companies, and claimed land. The *Madres de Plaza de Mayo* of Argentina have taken up their disappeared children's cause for human rights and social justice. Pakistani women organized under the Women's Action Forum or as Purple Women work to stop domestic violence and early-aged/forced marriages. The 'feministindia' online portal provides a virtual space for debate, knowledge sharing and information for Indian women. Young Feminist Activism (YFA) members in China call attention to women's oppression through creative public actions while, in Poland, feminists, gays and lesbian activists build coalitions with other leftist groups. The Center for Social Labor Rights in Moscow has litigated domestic and international courts regarding cases of labor discrimination. The Black Lives Matter (BLM) in the United States was founded by three Black women to protest violence perpetrated by law enforcement against Black women and men. Women in Tunisia work within the League of Tunisian Women Voters to empower rural and marginalized women to challenge political systems in their regions while Iranian women organized the "One Million Signature Campaign to Change Discriminatory Law."<sup>21</sup> When the existing human rights discourse fail to respond to women's needs and realities, feminists have sought to reconceptualize and reconstruct the discourse of human rights to include women in all their various contexts and, in so doing, have also included other marginalized groups. That feminists groups have not yet managed to universalize women's rights says more about the entrenchment of patriarchy and repressive regimes than the creativity, sophistication and persistence of feminist practice.

*What other approach or identity group has offered such comprehensive and inclusive theories and so many local, regional and international practices in the promotion of human rights?*

Even so, the issue of gender or work related to women continues to be understood as a particular discourse and adjacent to other seemingly more generic themes. In this brief essay, I hope to have drawn attention to the advancements feminists have made in promoting human rights in the last 50 years

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<sup>21</sup> For a compilation of articles on women's global movements see: Amrita Basu (ed), *Women's Movements in the Global Era: the Power of local Feminisms* (Boulder, CO: Westview Press, 2017)

and advocating for the recognition of feminist theory and practice as a primary promoter of human rights today. The universalization of feminist theory and practice broadens the scope of the 'human' beyond the ideals and perspectives of propertied, able-bodied European men, exposes the oppressive mechanisms within our ideas of private and public, releases the energy and imagination of those who have been marginalized, and provides one of the most creative and robust approaches for an inclusive and diverse understanding of humanity.

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