Human Rights Watch World Report 2001

This report reviews human rights practices in seventy countries and describes events from November 1999 through October 2000.

Online version is available at: http://www.hrw.org/wr2k1/

Copyright © 2001 Human Rights Watch

Women’s Rights

The year 2000 marked the fifth anniversary of the U.N.’s Fourth World Conference on Women in Beijing, China, an event that heralded respect for women’s human rights as a central part of any and all efforts to improve women’s status around the globe. Five years later, what gains did women see in government efforts to protect their rights? Activists welcomed important signs of progress, including greater awareness of abuses of women’s human rights; stronger international standards for prosecuting violence against women, particularly in conflict situations; and some initial efforts by governments and international actors to implement programs to support women’s rights. Still, these steps forward seemed few and far between, especially when contrasted with the scale and scope of ongoing violations of women’s most fundamental human rights.

One of the most striking developments in the past year—evident in June 2000 in the negotiations at the special sessions of the U.N. General Assembly for the Beijing + 5 Review (Beijing + 5) to assess progress in improving women’s status—was how actively some governments were willing to work to thwart recent gains in protecting women’s human rights. They set out to master the language of women’s human rights while they at the same time sought to undermine the power of the idea and the movement. Perhaps a sign that they had started taking women’s rights activists seriously, governments’ resistance to further progress on women’s human rights took several forms, although most of the obstructionist tactics at the U.N. meeting and elsewhere relied on the age-old strategy of divide and conquer.

First, and perhaps most threatening, was the refusal of governments to accept that for women to truly enjoy their human rights, they must be treated with dignity in all aspects of their lives. Instead, government actions reflected the belief that women are not entitled to full enjoyment of their human rights. Hence, while governments condemned some forms of violence against women, they readily excused others and defended laws that denied women their legal rights. In Morocco, for example, a reformist government pledged to pursue programs to measure and respond to violence against women, but allowed proposed reforms to the country’s family code—which continues to subject female decision-making to male authority—to languish. In other countries, laws that recognized men as the legal heads of households remained in place, denying women’s rights to decide for themselves, freely, whether and whom to marry, whether to work outside the home, or even when to seek medical attention. Laws requiring female obedience or subservience were often key to making women dependent on men and tied to abusive relationships.

Some governments failed to attack not only certain forms of violence, but also the many laws and practices that either rendered women vulnerable to attacks or made it difficult for them to escape or redress abuse. A government survey in Japan showed that 15.4 percent of women polled had been physically assaulted at least once by their husbands, but police remained reluctant to intervene in such cases and some women reported that police tried to dissuade them from pursuing their claims. In Khartoum, Sudan, a senior government official tried to enforce women’s dependency by banning them from jobs in restaurants, gas
stations, and similar institutions. When women demonstrated in protest, police set upon them, using tear gas and batons, and arresting over twenty of the demonstrators.

Certain governments also acted to deny rights that might protect women’s autonomy in their sexual and reproductive decision-making. In the negotiations at Beijing + 5, some governments argued that women do not—and should not—enjoy rights in this fundamentally personal part of their lives, the right, for example, to make decisions about whether and with whom to have intimate relations free from discrimination, coercion, and violence. They further claimed that such rights were not universal, and defended practices such as those that discriminated against single women or resulted in forced marriage for reasons of culture or tradition. Rather than tackling those problems as violations of women’s human rights, some governments asserted that concern with women’s reproductive and sexual autonomy represented the “radical” agenda of “Western” activists and did not merit further attention. They preferred instead to limit the debate to addressing women’s reproductive and sexual health needs, and to avoid discussion of government obligations to respect women’s rights. Even those governments that claimed the mantle of leadership in promoting women’s rights—Canada, the United States, and some European countries—failed to challenge this onslaught at Beijing + 5.

By suggesting that some of women’s human rights are not universal, some governments raised the prospect that certain violations could be excused as culturally specific practices and, indeed, that situations of profound inequality could be found acceptable internationally. This was particularly the case with regard to women’s enjoyment of their rights in the context of the family. Thus, many governments in South Asia, the Middle East, and Africa, appeared content to leave unchallenged the assumption that men have the right to discipline their wives as they see fit. In Pakistan, for example, women accused by their husbands of “inappropriate” or “immoral” behavior could be assaulted, maimed, or killed with effective impunity in the name of family honor. Activists maintained that such violence—over eight hundred women died in 1999 in such attacks—would persist so long as the country’s laws enshrine male superiority. Activists in India, where on average reportedly fourteen women are murdered each day by their husbands’ relatives, also called for a stronger government response to violence against women in the family.

Governments often used the cultural-specificity argument to justify using a separate standard to evaluate their performance in promoting the human rights of women. For example, in Saudi Arabia, press reports in April 2000 indicated that the Interior Minister refused to even discuss lifting a discriminatory ban on women’s driving until “after society accepts the idea.”

The wide-ranging resistance to protecting women’s human rights could be attributed in part to a desire to curb women’s effectiveness in joining forces across national borders and turning the attention of the human rights system to abuses of women’s human rights and government obligations to prevent and remedy such problems. Despite obstacles, women’s human rights activists set new international standards for how women should be treated, and sometimes changed the situation in their local communities. In Jordan, for example, local activists successfully pushed their governments to introduce legislation to improve women’s rights. In Russia, crisis centers mounted a national campaign against domestic violence and helped women bring cases to court. In Tanzania, the office of the U.N. High Commissioner for Refugees (UNHCR) implemented programs to protect women from sexual and domestic violence. In two cases brought in U.S. courts, fugitive former Bosnian Serb leader Radovan Karadzic was ordered to pay billions of dollars for atrocities, including
rape and other sexual violence, committed by his soldiers. And, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was set to enter into force in December 2000, after Italy became the tenth country to ratify the instrument, thus creating a new mechanism for enforcing women’s human rights.

The following section provides an overview of key developments, positive and negative, for women’s human rights in 2000. Our investigations and monitoring throughout the year showed that violence and discrimination against women as committed and tolerated by states remained the norm in the countries in which we worked. Reports from activists and the news media in other countries confirmed the pattern of abuse of women’s rights and underscored the need for urgent attention to the problem.

**Human Rights Developments**

In 2000, governments further mastered the rhetoric of respect for women’s human rights. Often, however this rhetoric was unmatched by meaningful action. When they took steps to support women’s rights, those steps were often cursory and uncoordinated. Although governments committed themselves to protecting women’s human rights, in practice they were generally unwilling to protect *all women’s human rights in all spheres of women’s lives.* (Emphasis added.) Thus, the South African government, for example, could proudly declare its commitment to women’s rights at Beijing + 5, yet thousands of South African women farmworkers had no ability to establish work contracts independently of their husbands. Similarly, the government of Peru condemned violence against women, while obliging domestic violence victims to undergo mandatory conciliation sessions with their abusers; the Uzbekistan government maintained constitutional guarantees of women’s equality but women wishing to divorce their husbands faced major, gender-specific obstacles; the Taliban administration in Afghanistan shrouded its denial of women’s rights in the rhetoric of protection but its forces raped ethnic Hazara and Tajik women with impunity; and Japan’s government treated trafficked women not as victims of abuse but as criminals.

As the cases below illustrate, in most cases governments committed themselves to protecting only some rights, in only some instances, and only when funds were readily available to do so, and, most important, only when minimal political or social capital would be expended. The stark consequence of this for millions of women was that they lived with daily violence and discrimination from infancy to old age. The universality of women’s rights, and the indivisibility of those rights, for all practical purposes, was for most women little more than a dream.

**Violence against Women**

In September 2000, the United Nations Population Fund (UNFPA) reported that across the world, one in three women had been physically assaulted or abused in some way, typically by someone she knew, such as her husband or another male member of her family. In response, governments publicly condemned violence against women and committed to show political will and provide financial resources for its eradication, but their performance, in practice, failed miserably to meet women’s needs. Whether in Peru or Jordan, the U.S. or South Africa, or other states, men who beat or raped women in their homes or in state custody, or who murdered female family members to restore “family honor,” or sexually assaulted female students, all too often were able to do so with impunity. Too often, states’ response to this violence was
perfunctory and short-sighted. At times officials did not bother to respond at all.

Governments’ commitment to stopping violence against women was tested and failed in the area of violence against women in the family. Pakistan was a case in point. There, successive civilian and military-led governments alike have treated violence against women as a low priority. Under the former civilian government, the officially-appointed Commission of Inquiry for Women reported in 1997 that domestic violence was one of the country’s most pervasive human rights problems. Yet, the government totally ignored the commission’s findings and recommendations. Pakistan’s military leaders also performed poorly. After seizing power in October 1999, the new military government condemned violence against women and identified it as a national problem. In March 2000, Pakistan’s Human Rights Commission reported that, on average, at least two women were burned every day in domestic violence incidents. However, rather than explicitly criminalize all forms of family violence against women or provide clear guidelines for police intervention and protection in such cases, in August 2000, Pakistan’s military government formed yet another commission to make yet more recommendations. Moreover, like the civilian administration before it, the military government resisted removing violence against women in the family from its perch of impunity. At Beijing +5, Pakistan, along with several other obstructionist countries, lobbied successfully to delete language that identified customary laws and practices—such as early marriages, polygamy, female genital mutilation (FGM), and honor killings as violations of women’s human rights—from the final conference document that outlined future initiatives and actions to implement the Beijing Declaration and the Platform for Action.

As with Pakistan, the Jordanian government’s commitment to fighting violence against women stopped at women’s front doors. From January to late-October, at least thirteen women were killed in Jordan in the name of “family honor.” Nevertheless, for a second time (the first vote was in November 1999) in January 2000, the lower house of parliament, with a sweeping majority, refused to pass legislation to revoke article 340 of the Jordanian Penal Code, which effectively prescribes minimal punishment for males who kill female family members if they can demonstrate that their motivation was to uphold or restore family honor. Lower house parliamentarians sought to justify their veto of the proposed reform by asserting that they were protecting Jordan’s traditional and moral values against Western influences. However, as it had previously done in October 1999, in February 2000 the parliament’s upper house voted to approve the repeal of article 340, and a joint session of the two houses was awaited to finally decide the issue. Despite such setbacks on the parliamentary front, Jordanian civil society activists continued their nation-wide campaign to amend article 340. Between August and November 1999, the Jordanian National Committee to Eliminate the So-Called Crimes of Honor gathered over 15,000 signatures for a petition that called for abolition of laws that protect perpetrators of so-called honor crimes, and presented the petition to the speaker of the lower house of the parliament in November 1999. In 2000, the committee and other women’s human rights activists continued to gather signatures, raise awareness on the issue, and make honor crimes a national concern.

In 1999, Russian police reported that, as of 1997, they had registered over four million men as potential abusers of members of their families. Their figures were based on recorded reports of prior abuse or threats. This startlingly high number of reports was received despite the existence of significant barriers which deterred women from reporting domestic violence. The Women’s Alliance, a women’s crisis center in Siberia, for example, reported that eighteen of the thirty-five women who called its hotline between May
1999 and May 2000 to report instances of violence against them, told counselors that police officers had refused to take a statement about their abuse. In six other cases, police had refused to respond to emergency calls from women being subjected to domestic violence. Official indifference to both domestic violence and sexual violence left women throughout Russia at risk and without recourse.

Yet, Russia did not pass legislation specifically criminalizing domestic violence and did not provide federal funding for crisis centers to assist their work. Despite the lack of such support, however, the Russian Association of Crisis Centers for Women, a nationwide alliance of nongovernmental crisis centers, pressed ahead to implement a public education campaign on violence against women. Television commercials and radio spots spread the anti-violence message throughout the country. Meanwhile, with a congressional mandate to do so, the U.S. government provided some aid to the crisis centers, making available U.S. $500,000.

Even in countries where domestic violence was explicitly illegal, women’s lives remained in jeopardy. In Peru, one local women’s rights group, DEMUS, estimated that nine out of ten Peruvian women were subjected to some kind of abuse in their intimate relationships. Nonetheless, the Peruvian Congress failed to reform its family violence legislation in a way that would afford women the greatest level of protection. Following a consultative process that some local nongovernmental organizations (NGOs) characterized as more promotional than productive, Congress modified the Law for the Prevention of Family Violence in July 2000. The amended law has a significantly improved definition of domestic violence, which includes sexual violence, provides a more complete definition of psychological violence, and broadens the scope of the law’s application to include intimate partners not living together at the time of the violence. However, in a move that activists warned could severely undermine the gains of the amended law, Congress left standing the requirement that women who report domestic violence undergo a mandatory conciliation session with their alleged abusers. In a memorandum to members of the congressional Commission on Women in March 2000, Human Rights Watch challenged this and other shortcomings of the law, arguing that conciliation sessions imposed inappropriate obligations on the victims, obstructed women’s access to justice, and endangered women’s lives.

In South Africa, women confronted violence in the street and in school. South African women’s rights activists reported that the country suffered from one of the highest levels of violence against women in the world. Not even schools provided safe havens from violence. Human Rights Watch research in April 2000 found that male students and teachers sexually assaulted female students on a regular basis, but abusers were seldom apprehended and punished. There existed only few and inadequate mechanisms to refer these cases out of the school system for investigation and prosecution. Instead, school officials preferred to resolve such cases internally, with the result that girls who were assaulted had no access to justice and found themselves continuing to attend school with those who had raped or abused them, and who remained at liberty to inflict similar abuse on others.

Governments frequently did not afford women protection against violence and were reluctant to investigate and punish those responsible, even when their own agents were the alleged perpetrators. In some cases, they even sought to limit prisoners’ right to seek redress for abuse. For example, in the United States, a major government study released in December 1999 found that the substantiation rate for allegations of sexual abuse and misconduct by corrections officers averaged about 18 percent in the federal prison system.
and in the California and Texas state systems. However, in Michigan state, a law went into effect in March 2000 that excluded prisoners from the protections provided under the state civil rights act, which prohibits discrimination based on race and gender. Through this legislation, Michigan effectively eliminated the possibility that women prisoners could seek redress for sexual abuse in prison through lawsuits against the corrections department.

The same U.S. government study reported that the number of women incarcerated in state and federal prisons had climbed to approximately 85,000 by the start of 1999, an increase of more than 500 percent over 1980. The steady rise in the population of women prisoners, and NGO monitoring and reporting on violence against women in custody, sparked greater public awareness about custodial sexual violence and misconduct, and underscored the need to implement reforms to prevent and effectively respond to these abuses. However, adoption of laws was not enough, as California demonstrated. Human Rights Watch research showed that, although a California law went into effect in January 2000 that increased the criminal penalties for sexual misconduct against women in custody, California nevertheless failed to ensure that women could safely report these violations without risking retaliation. During an investigation in 2000, Human Rights Watch found that retaliation by prison guards was perhaps the most critical factor in women’s reluctance to report abuse. Corrections personnel exercised enormous power over prisoners and had wide scope for retaliation. Women prisoners told Human Rights Watch that their cells were ransacked and personal items were damaged or taken after they reported abuse. Others reported being held in “protective” custody pending investigation of their allegation. Increased surveillance of inmates also meant that women had less privacy and were more likely to be the victims of prurient viewing by corrections officers, male and female, while they showered, undressed, or used the toilet.

**Women in Conflict and Refugees**

Soldiers, militia, and their sympathizers continued to sexually assault women with impunity in armed conflicts around the globe, including in Sierra Leone, Chechnya, East Timor, the Democratic Republic of Congo, Afghanistan, Indonesia, Kosovo, Bosnia, and Angola. Despite international recognition of rape and other sexual assault in armed conflict as crimes, governments and the international community rarely responded vigorously to investigate and punish such violence. In fact, they typically went no further than rhetorical condemnation. In addition, women faced rampant violence and discrimination in their post-conflict lives. Women refugees, in their countries of refuge, continued to be sexually and otherwise physically attacked by armed groups and civilians. Women returning to their communities post-conflict found negligible protection from domestic violence or state-tolerated sex discrimination.

For example, in Sierra Leone, under the guise of bringing an end to the human suffering caused by the conflict, the fragile July 1999 Lomé peace accord granted a blanket amnesty to Revolutionary United Front (RUF) rebels for their atrocities, including sexual violence. From the signing of the peace accord to its collapse in May 2000, RUF rebels never stopped raping women. A hellish cycle of rape, sexual assault, and mutilation continued, perpetrated by all sides, including the Westside Boys rebel faction and pro-government Civil Defense Force militia. Sexual violence often took the form of individual and gang rape; sexual assault with objects such as firewood, umbrellas, and sticks; and sexual slavery. Despite egregious attacks on women, the Sierra Leonean police and the U.N. Mission in Sierra Leone (UNAMSIL) did very little to protect
women from further attacks and investigate cases to ensure that perpetrators were captured and punished.

Similarly, Russian soldiers raped women with impunity in Chechnya. Testimonies collected by human rights activists showed that women, men, and girls detained by Russian authorities were tortured, beaten, and raped. Witnesses spoke of brutal rapes in Russian-controlled areas of Chechnya, such as the villages of Alkhan-Yurt and Shali. Despite compelling and overwhelming evidence that Russian soldiers raped women during the Chechen conflict, Russian authorities managed to arrest only one alleged perpetrator, a colonel, on March 29, 2000. Charged with the sexual assault and murder of a Chechen woman, as of late October, the colonel was eligible for amnesty.

In Algeria, armed Islamist groups continued to target women in a conflict that has ebbed and flowed since 1992, when the government suspended elections Islamists were expected to win. Although threatening and assaulting women was part of their basic mode of operation of many of these groups well before the suspension of the 1992 elections, armed Islamist groups adopted violence against women as a more overt strategy between 1993 and 1998. Between 1993 and 1994, they killed women for expressing their opinions and for working in certain professions, such as hairdressers and writers. They also forcibly took women as wives in “temporary marriages.” From 1995 to 1998, they treated women who lived in villages that opposed their rule as spoils of war, raping, abducting, and killing them. Disputing official government figures of two thousand six hundred, Algerian women’s rights activists estimated that these groups raped five thousand women between 1995 and 1998. They criticized as severely deficient government programs and assistance to victims of sexual violence.

In Afghanistan, as the twenty-year civil war continued, the Taliban, which controlled 90 percent of the country, continued to violate women’s rights with unabated severity. In addition to severe restrictions on women’s access to paid work, health care, and secondary and higher education, the U.N.’s rapporteur for Afghanistan reported that Taliban members had abducted and raped ethnic Hazara and Tajik women with impunity. Such sexual violence by the Taliban undermined its leaders’ claim that their policies toward women were intended to protect them from violence and abuse.

Violence against women continued to be a constant feature in the complex conflict in the eastern Democratic Republic of Congo. In March 2000, Human Rights Watch documented dozens of cases of rape and other human rights violations in areas controlled by the Goma-based Congolese Rally for Democracy (Rassamement Congolais pour la Democratie, RCD) and its Rwandan allies. The RCD raped and otherwise attacked civilians to deter them from supporting its opponents. In one particularly gruesome incident, RCD soldiers beat, stripped, and raped five women who had been detained, reportedly because a RCD soldier’s wife accused them of sorcery. The soldiers then put hot peppers in the women’s vaginas, put them in a pit, and buried them alive. Despite its claim to be the legitimate local authority, the RCD failed to prevent or punish rape and other violence committed by its soldiers or civilians.

Similarly, in East Timor, pro-Indonesian militia and some Indonesian soldiers raped many women during the weeks of violence surrounding the referendum on East Timor’s status in August 1999. At this writing, over 100,000 refugees remain under militia control in West Timor, where violence, including sexual violence, by militia continued. The Indonesian government’s failure to disarm and disband the militia undermined its claim that it would bring perpetrators of violence to justice. However, the attorney general’s office, in cooperation with U.N. civilian police, conducted an investigation into the violence and in September 2000
published a list of nineteen suspects whom they plan to charge with various crimes, including rape.

The ranks of refugees, internally displaced persons (IDPs), and asylum seekers continued to swell in 2000, as large numbers of people fled conflict and persecution at home and sought refuge elsewhere. The UNHCR reported that, in 2000, twenty-two million refugees and displaced persons were under their protection or receiving assistance from them. Women who fled their homes in search of sanctuary from violence too often found themselves confronting yet more sexual and physical violence as refugees. For example, numerous Sierra Leonean and Liberian refugees living in Guinea were physically and sexually attacked by police, military, and civilians, following an inflammatory address by President Lansana Conte of Guinea. On September 6, 2000, the president accused the refugees of supporting rebels responsible for cross-border attacks on Guinea’s territory. Thousands of refugees in the capital, Conakry, were then rounded up and many women and adolescent girls as young as fourteen years old were sexually abused, often by multiple attackers. As of late-October, the Guinean authorities had neither acknowledged nor investigated the attacks on refugees.

Even in post-conflict periods, women’s human rights were not protected. Kosovar women confronted discrimination and a steep rise in domestic violence, rape, trafficking, and abductions following the war. The government ignored blatant discrimination against women. Women widowed by war feared the loss of their children due to an Albanian custom requiring the children to be handed over to the deceased father’s family. Women’s rights activists throughout the province fought to draw attention to discrimination against women in the postwar environment and sought political representation in the interim government. Women’s efforts did yield a U.N. regulation mandating that at least 30 percent of each political party’s top fifteen candidates must be women. But most activists felt that little had been done to combat discriminatory practices that relegated women to the traditional homemaker role.

**Labor Rights**

Women contended with discriminatory laws and practices in the labor force in 2000 that obstructed and conditioned their participation and denied them their human rights. For example, even though across the globe women were entering the formal workforce in record numbers, in Sudan women’s very right to work was under fierce attack. On September 3, 2000, the Governor of the State of Khartoum, citing Islamic law, imposed a ban on women working in public places. Only days later, on September 9, 2000, however, amid international and local outrage, the Sudanese Constitutional Court suspended the ban, pending review of an appeal lodged by three women’s rights groups.

In addition to statutory discrimination, women faced practical discrimination. Even as the International Labor Organization (ILO) adopted a new international Convention on Maternity Protection in May 2000 and estimated that 50 percent of the labor force was female, in some countries women’s participation in the workforce was determined by their reproductive status. Not only were women’s reproductive functions perceived to be in the way at work, but their bodies were also at risk at work. Women workers faced sexual harassment and violence on the job, with little hope of redress. Employers often considered women’s reproductive and productive roles to be incompatible, and governments did little to challenge them. In Mexico, Guatemala, and South Africa, for example, governments failed to enforce international and national laws to protect women from discrimination and violence during the hiring process and on the job.
In 2000, women’s right to exercise reproductive autonomy in the workforce continued to be under attack in Mexico. Thousands of women working in maquiladoras (export-processing factories) faced frequent discrimination based on their reproductive status. Many transnational corporations regularly required women to undergo pre-employment pregnancy testing, with the aim of denying pregnant women work. Other corporations went even further, creating unbearable work conditions for pregnant workers to provoke their resignation. Activists complained that, although some corporations had renounced such discriminatory practices, others continued them without sanction by the Mexican government.

As in past years, in 2000 the Mexican government continued to undertake merely cosmetic action and to use North American Free Trade Agreement (NAFTA) fora to spread misinformation about its policies. The Mexican government actively used these meetings to undermine women’s rights to reproductive autonomy, equality, and privacy in the work sphere by disseminating information—especially designed for and targeted at female workers—that represented an arbitrary government policy with no basis in the labor code as law. In one such example, government pamphlets stated that women workers had an obligation to inform their employers of their pregnancy status. The Mexican government also used the latest NAFTA-related outlet (a meeting in Puebla, Mexico, on May 30, 2000) to contend that the labor code allowed for postemployment pregnancy testing of working women when that testing was intended to protect the well-being of the woman worker or her fetus.

Working women in neighboring Guatemala suffered similar rights violations, in which their participation and equal rights in the labor force were limited by statutory discrimination and government inaction. In an investigation conducted in 2000, Human Rights Watch found that discrimination on the basis of reproductive status was an inescapable fact for both maquiladora line operators and domestic workers in Guatemala. This discrimination took the form of questions about pregnancy status and pregnancy testing as a condition for employment in maquiladoras, post-hire penalization of pregnant workers in factories and private households, and failure to comply with maternity protections in both sectors. Live-in domestic workers, many of whom were young indigenous women who migrated to the capital from rural villages, were subjected to special regulations in the labor code that excluded all domestic workers from key labor rights protections, such as the eight-hour workday. Often isolated in private households, domestic workers were particularly vulnerable to sexual harassment. Government response to gender-specific labor rights violations was negligent at best. While government officials recognized discrimination on the basis of reproductive status as illegal, they did not take any proactive steps to combat it. Despite being lobbied by women’s rights groups and community associations, as of late October the government had not adopted legislation on sexual harassment, nor had it revised provisions in the labor code that accorded domestic workers lesser rights than other workers.

In the agricultural sector, women were likely to fare equally poorly. Human Rights Watch research in 2000 found that women farmworkers in South Africa were discriminated against and sexually and otherwise physically abused by their coworkers and employers. Some discrimination was based on marital status. Married women farmworkers, for example, were denied employment contracts in their own names, such that their jobs were dependent on those of their husbands. Often, women farmworkers’ access to housing was also determined by their relationship to a man. Because the majority of farmowners offered housing only to permanent male employees, single women farmworkers were generally not able to live on the farm. In addition, women were also paid less than their male counterparts for the same type of work or work of equal
value. By denying women’s agency and reinforcing their economic dependency on men, these discriminatory practices made women more vulnerable to violence in their homes and the workplace on farms.

Despite laws prohibiting sex discrimination in the workplace, the South African government did little to protect women’s rights in the agricultural sector. In a landmark April 1999 ruling, the Land Claims Court held that a woman farmworker could not be evicted from the farm where she worked following the dismissal of her husband and that the right to family life afforded the female farmworker the right to allow her husband to continue living in her home on the farm. Yet, in 2000 the government took no active steps to ensure that this important precedent was enforced. Many women continued to face unfair evictions because their husbands had been dismissed, and few knew about their rights or how to enforce them.

**Trafficking**

Around the world, governments continued to allow trafficking of women and girls for forced labor and servitude to flourish with near impunity. Lured with fraudulent promises of lucrative opportunities, women migrated within and across borders for work. A U.S. Department of State trafficking report released in 2000 found that crime rings and loosely connected criminal networks trafficked between 45,000 and 50,000 women and children into the U.S. annually. Trafficking did not occur in a vacuum. Violations of women’s human rights in countries of origin—including state-tolerated sex discrimination, domestic violence, and rampant sexual violence—contributed to women’s vulnerability to abuse. Whether the women traveled voluntarily, found themselves tricked into migrating, or were sold into the sex industry or sweatshops, trafficking victims suffered horribly similar human rights violations. Stripped of their passports, often unable to speak the local language, sold as chattel, and terrified of local law enforcement authorities and their traffickers, many women and girls struggled to pay off the enormously inflated debts owed to traffickers; others attempted to escape. In the countries of destination, women encountered violence, state complicity, detention, and deportation.

For example, Nigerian women’s rights organizations reported that hundreds of Nigerian women and girls hoping to escape poverty and discrimination at home voluntarily migrated to Europe in response to job offers as domestic workers or waitresses. Upon arrival, many found themselves trapped in forced prostitution, saddled with exorbitant debts, and forced to work under brutal conditions. Like other trafficked women around the world, Nigerian women struggled to pay off their “debt.” Forbidden to refuse any customer, women who dared to resist encountered harsh punishment from their employers, including physical assault. Some clients also sexually and physically attacked the women; other clients robbed them. Their status as “illegal migrants” made the women particularly vulnerable to attacks by customers and traffickers alike. The Women’s Consortium of Nigeria (WACON), a Nigeria-based advocacy group that provides support for victims of trafficking, reported that some employers denounced trafficked women to immigration officials as “illegal aliens.” The result was deportation for the victims, often under inhumane conditions. In May 2000, WACON used the trafficking cases it documented to advocate within Nigeria for, among other things, repatriation procedures guaranteeing victims safety and respect for their human rights, as well as health care and counseling services. Activists reported that the Nigerian government had arrested several men in connection with the sale of girls to Europe and the trafficking of them to West Africa.

The Israeli government also failed to take even minimal steps to protect trafficked women trapped in that country. In July, after the publication of a blistering report on trafficking by Amnesty International, and after
years of lobbying by Israeli women’s organizations, the Knesset amended the criminal code to make the buying and selling of human beings for prostitution a criminal offense. The law had little impact, however, on the lives of dozens of women still detained in prison in Israel and awaiting deportation. Despite the new legislation, the Israeli government continued to treat trafficked women not as victims, but as criminals and “illegal aliens,” housing women in prisons and making them particularly vulnerable to human rights abuses. Nor was the law particularly dissuasive to traffickers, who continued to bring hundreds of women and girls from the countries of the former Soviet Union and Eastern Europe into Israel for forced labor in the sex industry. Although Israel yielded to international pressure and began prosecuting a small number of traffickers, its efforts were undermined by its failure to provide minimal guarantees for victims of trafficking, including witness protection, legal assistance, relief from deportation, or third-country resettlement.

Danger also plagued undocumented Thai women working in the Japanese sex industry. As in Israel, Japanese government authorities failed to consider the coercive and deceptive circumstances of trafficked women’s arrival and employment in Japan. Instead, they treated the women as criminals or undocumented workers.

Although high-ranking Japanese and Thai officials publicly condemned trafficking in women and exhibited some understanding of the slavery-like nature of the abuses involved, women in these countries still lacked any meaningful legal redress. Japanese officials failed to enforce even the minimal available legal protections. For example, the Japanese government identified an amendment to the Law on Control and Improvement of Amusement Businesses as its primary effort to address trafficking. But the narrowly-written law proved wholly inadequate to provide relief for trafficking victims. Most glaringly, the law lacked criminal penalties: revocation of an establishment’s license stands as the only punishment for violations. In March 2000, the police admitted that the new amended provision had not yet been used. Furthermore, labor officials told Human Rights Watch that officials in the Employment Security Office, as local offices charged with monitoring enforcement of the labor code are called, failed to understand the laws that could be used to prosecute traffickers, and thus rarely enforced them.

Likewise, in Bosnia and Herzegovina, traffickers continued to abuse and exploit women from the former Soviet Union and Eastern Europe with impunity. In 1999, Human Rights Watch uncovered brothels filled with women trafficked from Ukraine, Moldova, Bulgaria, Belarus, and Romania scattered throughout Bosnia. In interviews with Human Rights Watch, women in the brothels reported that they had been sold from brothel owner to brothel owner, placed in debt bondage, threatened, and beaten. Trafficking showed no signs of abating. One year after Human Rights Watch completed its research, a United Nations report on trafficking into Bosnia confirmed the widespread abuses. The May 2000 report documented significant local police, international police, and some Stabilisation Force (SFOR) complicity. Between March 1999 and March 2000, the U.N. intervened in forty cases involving one hundred and eighty-two women, five of whom were under the age of eighteen. In fourteen of those cases, the U.N. found compelling evidence of complicity by SFOR, local, or international police. In one case, an SFOR civilian paid seven thousand Deutsche Marks (U.S.$3057) to purchase two women from a brothel owner. NATO declined to waive the SFOR member’s diplomatic immunity; he left Bosnia and Herzegovina without legal repercussions. With growing awareness of the surge in trafficking, U.N. officials initiated a “trafficking project” in Bosnia in 1999 in cooperation with local nongovernmental organizations and the International Organization on Migration to provide shelter,
legal aid, and protection for women who sought to escape their traffickers. After one year in operation, the program appeared to provide women trafficked into Bosnia with some concrete support. However, the Bosnian government and international community made little progress on prosecuting those responsible for the abuses.

**Women’s Status in the Family**

The family remained one of the most contested sites for progress on women’s rights. During Beijing + 5 at the U.N. in June, governments congratulated themselves on their efforts to ensure equality for women in all spheres of life. Some governments did, in fact, change national legislation to guarantee women’s equality in the family. For example, according to a September 2000 United Nations Population Fund (UNFPA) report, both the Czech Republic and Cape Verde enacted new family codes that guaranteed women equality. Nevertheless, many other governments were unyielding in their resistance to reform personal status laws that discriminated against women. Governments justified their inaction as preserving their societies’ morals, unity, religion, culture, and tradition. Countries like Morocco, Rwanda, Algeria, Israel, and Egypt maintained laws and practices that blatantly discriminated against women in marriage, access to divorce, child custody, and inheritance, among other issues. These laws and practices relegated women to a subordinate status in the family and restricted their autonomy to make decisions about their lives.

In Morocco, the Family Code granted different rights to women and men and consistently rendered women’s autonomy subject to male guardianship and authority. The introduction by Prime Minister El-Yousoufi of a national plan for the integration of women in development in March 1999 raised hopes that women’s status would improve in critical areas. However, by late 2000, the government had made negligible progress toward implementing the plan, as a result of resistance by conservative and Islamist factions to the plan’s section on reforming the Family Code. The section on the reform of the personal status code calls for, among other things, raising the age of marriage for girls and women from fifteen to eighteen, canceling the guardianship requirement for adult women, outlawing polygamy except in certain cases, giving women the right to half of their husbands’ property after a divorce, and allowing divorced women to maintain custody of their children if they remarry. In March 2000, conservative and Islamist factions organized a march in Casablanca in opposition to the plan, while progressive factions organized a march in Rabat in support of it. In May 2000, in response to the intense public debate around the proposed legal reforms, the prime minister appointed a committee of scholars and religious authorities to consider the controversial aspects of the plan and make recommendations to King Mohamed VI. As of late October 2000, this committee had not met. Moroccan women’s rights activists argued that, since the plan addresses only a minimum of their demands, a self-described progressive government should have no problem meeting them.

In Israel, an amendment to the Equal Rights for Women Law was passed in March 2000. The amendment deals with, inter alia, equal social rights for women in all spheres of life: the right of women over their bodies, protection against violence and trafficking, and representation for women in the public sector. The equality proposed by this law extended to all spheres of life except family life. Issues of marriage and divorce continued to be exclusively within the jurisdiction of the religious courts, be they Jewish, Christian, Muslim, or Druze. These courts controlled women’s lives and their right to administer their lives. For example, under these religious courts, women did not have equal access to divorce. According to the Israel
Women’s Network, thousands of Jewish women continued to be a gunot, “chained” women whose husbands refused to divorce them. Mevoi Satum (Impasse), an Israeli organization dedicated to helping a gunot, estimated that over 97 percent of men who deny their wives a divorce were physically abusive.

In January 2000, the Egyptian parliament passed a new law on divorce. The Khole’ law opened the possibility for the first time for women unilaterally to request divorce on grounds of incompatibility, while requiring women to forgo alimony and to repay their husbands any dowry. Many women’s rights activists acknowledged that the new law facilitated women’s access to divorce, but noted that it is too early to assess its full impact.

In Uzbekistan, despite the constitutional guarantee of full legal equality between men and women, in practice, women continued to face discrimination in their access to divorce and to marital property. Privileging “protection of the family,” over women’s equality and autonomy, the Uzbek government erected legal and administrative barriers to divorce. Courts refused to grant women divorce without permission from local authorities. Also, a husband’s refusal to divorce barred his wife’s legal claim to marital property, although he, relying on the lax enforcement of laws against bigamy, could re-marry at will.

On a positive note, the Rwandan Supreme Court, which by law must approve all new legislation before it becomes binding and enforceable, finally approved the inheritance bill adopted by parliament in June 1999. The new inheritance law became applicable to all Rwandans in November 1999, reversing decades of inequality women faced in the area of inheritance. Women had encountered barriers in reclaiming their property after the 1994 genocide, mainly due to discriminatory customary law. By law, Rwandan women can now inherit property from their parents or husbands. The law enables widows whose deceased husbands’ male relatives had already inherited their property to reclaim it. Rwandan women’s rights activists cautioned, however, that without a nation-wide campaign to educate women and society at large about the new law, the daily reality of discriminatory land inheritance practices would continue to dominate most women’s lives.

**The Role of the International Community**

Although women’s human rights received much attention from the international community in the year 2000, states and intergovernmental organizations failed to take the substantive actions necessary to prevent and redress violations of women’s human rights. In a variety of fora, states tried repeatedly to abdicate responsibility for ending violence against women and other violations. Some states disclaimed responsibility for violations in the so-called private sphere. Some states argued that they were responsible for redressing only gender-based violence, not gender-based discrimination. And finally, some states tried to attack women’s human rights activists in ways designed to divide the movement. Although women’s rights activists were able to withstand most of these attacks, the progress that many had hoped for, especially within the Beijing + 5 review process, simply did not happen.

**United Nations**

In June 2000, the United Nations General Assembly held a special session, “Women 2000: Gender Equality, Development and Peace in the 21st Century,” to review the Beijing Platform for Action. Delegates from more than 180 states were charged with reviewing the progress made during the previous five years in implementing the Beijing Platform, which was drafted and signed by 189 governments at the U.N. Fourth
World Conference on Women held in Beijing, China, in 1995. What should have been a moment for states to reflect on progress made in advancing the status of women, to identify obstacles to their advancement, and to renew their commitment to ensuring that women enjoy their human rights and fundamental freedoms quickly deteriorated into a struggle to prevent states’ backtracking. A small group of obstructionist governments, including Algeria, Nicaragua, Syria, Pakistan, and the Holy See, used Beijing + 5 to attack the very principles of equality underlying the Platform for Action. Unfortunately for women, the majority of states, while not participating in the attack, failed to mount a vigorous defense of the commitments made in Beijing. For example, governments such as the U.S., Canada, Australia, and member states of the European Union could have taken the initiative by immediately and publicly condemning efforts to downplay abuses of women’s rights. They could have countered with proposals to strengthen the language of the Platform for Action and called for concrete measures and benchmarks to assess progress. Instead, these so-called leaders kept a low public profile and allowed much of the debate to be set by the reactionary minority. As the special session drew near to an end, with the outcome document still unfinished, there were widespread fears among NGOs that this session would be remembered as “Beijing - 5.” States finally adopted an outcome document that reaffirmed the Platform for Action and included some advances, but largely failed to call for concrete actions which would move states beyond rhetoric to action.

The strategies and arguments used by the obstructionist minority at Beijing +5 were familiar to those who had been involved in the Cairo +5 review in 1999 and the ongoing negotiations on the International Criminal Court (ICC). First, some representatives claimed that states do not commit human rights abuses against women; they argued that gender-specific and gender-based forms of violence against women are perpetrated solely by individuals, not state actors. This argument failed to take into account the experiences of women who face persecution by the state because of their political opinions or because they fail to conform to gender-based stereotypes, or, in some cases, such as under the Taliban in Afghanistan, simply because they are women. This argument also failed to address the well-documented obstacles women encounter when seeking redress after experiencing violence. Not only are women denied redress through the criminal justice system, but in some countries, like Pakistan, women risk being attacked by the police if they dare to file a complaint.

Another strategy used in the attack on the Platform for Action involved attempting to separate the issue of violence against women from other violations. Many countries were willing to condemn violence against women but were insistent that the violence was unconnected to violations of other rights. Many delegates spoke about the need to end domestic violence, but avoided agreeing to specific actions such as ensuring that their criminal codes prohibit violence by an intimate partner; requiring that police, forensic medical personnel, prosecutors and judges be trained to handle effectively domestic violence cases; and implementing effective protection for victims of domestic violence. In Jordan, for example, the government has condemned so-called honor killings, but its only means of offering protection to women threatened with murder is to incarcerate them, in violation of their rights to liberty and freedom of movement.

More generally, these states ignored how women’s vulnerability to violence is connected to a wide range of violations of civil, cultural, economic, political and social rights. For example, even as delegates condemned domestic violence, the concern was too often presented without context. In particular, governments failed to recognize that in many countries women are denied access to public life, to paid work,
to education, to credit, to custody of their children, and to inherit land and property. These human rights violations make women particularly vulnerable to domestic violence by making it almost impossible for them to leave abusive relationships.

This strategy of refusing to recognize more than a few rights was evident in the fight at Beijing + 5 over whether human rights protect individual autonomy when it comes to decision-making about sex. Women’s rights advocates pressed governments to recognize sexual rights in the outcomes document, but states refused, opting instead to call for attention to women’s sexual health. States repeatedly refused to recognize that when women cannot negotiate, on equal terms, if, when and with whom to have intimate relationships, they are more vulnerable to sexual and other forms of violence. In the effort to exclude the language of sexual rights from the document, states also resorted to attacks aimed at driving a wedge between women’s rights activists by insisting that only “Western” women want sexual rights.

Even as the highly-politicized Beijing +5 review process was taking place, numerous U.N. programs and agencies released their own reports highlighting the pervasiveness of violence against women, the extent to which women suffer from discrimination in many contexts, and the correlations between poverty and gender. The United Nations Development Fund for Women (UNIFEM) reported that 70 percent of the world’s 1.3 billion people living in poverty are women. And, despite the pledges made by governments at Beijing, the situation for women is getting worse in certain areas. For example, the number of rural women living in absolute poverty, i.e. life-threatening poverty, has risen by 50 percent over the last two decades as opposed to 30 percent for men. UNIFEM further reported that although women work two-thirds of all hours worked, they earn one-tenth of all income and own less than one-tenth of the world’s property. In April, at the World Education Forum in Dakar, Senegal, Secretary-General Kofi Annan noted that two-thirds of the 110 million children who are not receiving an education are girls.

The UNIFEM report and a UNICEF report on domestic violence reinforced the argument that human rights are indivisible and, specifically that for women to truly enjoy the right to freedom from violence, they must be able to enjoy their rights in other spheres as well. First the UNIFEM report showed that women remain economically disadvantaged in most countries, and that their second class status makes them both vulnerable to violence and unable to escape violence. The UNICEF report addressed not only the pervasiveness of domestic violence against women and girls, but also the social, economic and health costs both to individuals who suffer the violence and to society. This correlation between gender and poverty is a problem for developed countries as well as developing countries. For example, in the U.S., women represent 57.2 percent of people living in poverty.

The search of women’s human rights activists for an end to impunity for gender-based violence was not limited to the domestic sphere. At meetings held at the U.N. in New York in March and June 2000, states wrapped up their negotiations on the elements of crimes, and rules of evidence and procedures for the International Criminal Court (ICC). Women’s ability to seek redress for sexual violence through the ICC came under fire when a small group of states proposed that all the crimes of sexual violence enumerated in the ICC treaty be exempted if they were committed by a family member or pursuant to religious or cultural practices. The proposal was ultimately rejected, but not before it was used to undermine the reach of the court by raising the threshold required to establish crimes against humanity.

At the International Criminal Tribunal for Rwanda (ICTR), Alfred Musema, director of the Tea Factory
in Gisovu, was found guilty of genocide, extermination, and one count of rape. He was found not guilty of other inhumane acts, including the allegations that he repeatedly incited others “to have fun” with Tutsi women by raping them and, in one case, ordered a woman to be raped and have her breast cut off and fed to her son. In a separate opinion, Judge Navanethem Pillay dissented. She did not agree with the factual findings of her fellow judges that Witness M was credible in all of his accounts except for his testimony that Musema ordered rapes. Pillay argued that there was no basis on which to find that Witness M was not also credible on this one specific issue. The case raised concerns that investigators for the ICTR may not have conducted sufficiently thorough investigations to compile evidence of the widespread use of rape and other forms of sexual violence during the genocide. Women’s rights activists in Rwanda cited lack of information and trust that the court will actually take the measures necessary to protect them from being publicly identified as two significant reasons that victims of sexual violence have not come forward to speak with investigators about their experiences. The ICTR opened an outreach center in Kigali in September 2000 to facilitate communication and cooperation between the court and Rwandans.

At the International Criminal Tribunal for the former Yugoslavia (ICTY), victims of sexual violence came under attack when an expert witness for the defense in the case of The Prosecutor of the Tribunal against Dragan Gagovic, Gojko Jankovic, Janko Janjic, Radomir Kovac, Zoran Vukovic, Dragan Zelenovic, Dragoljub Kunarac, and Radovan Stankovic (or Foca case) argued that in the absence of corroborating medical evidence, “it is as if the rape did not happen.” This testimony highlighted two significant issues for the ad hoc tribunals. First, in cases of sexual violence, the difficulties of obtaining convictions using the high evidentiary standards required by the tribunal, such as corroborating medical evidence. Second, the tribunals need to assist survivors of sexual violence in getting medical attention. In situations of armed conflict, it is unlikely that women will have timely access to medical attention, including the possibility of collecting medically-relevant evidence for a rape investigation. But, as with other survivors of torture, women should get medical attention as soon as possible and a well-trained medical professional may be able to document other evidence of sexual violence.

These issues must be addressed immediately, as credible reports of sexual violence perpetrated against women in conflict poured in throughout the year from Chechnya, Sierra Leone, Guinea, East and West Timor, Afghanistan, and elsewhere. In this regard, the U.N. failed again to learn from its past mistakes and to ensure that investigators hired by U.N. civilian police to investigate war crimes and crimes against humanity were experienced in documenting and investigating crimes of sexual violence. The United Nations Transitional Administration for East Timor (UNTAET) initially not only failed to include investigators with expertise in investigating crimes of sexual violence, but in several cases, when they did attempt to interview women in East Timor, failed to conduct the investigations in a confidential manner to protect the women’s identity. Where the alleged perpetrators remained at large, women’s rights groups who had collected this evidence refused further cooperation with UNTAET until an effective witness protection program was put in place. These problems, however, appeared to have been partly rectified by September 2000.

U.N. High Commissioner for Human Rights Mary Robinson visited East Timor and met with many women survivors. However, human rights activists were disappointed that, in her January 2000 report on the situation in East Timor, she failed to press for immediate action to improve the situation of women victims, for example, by calling for the rapid deployment of women civilian police with expertise in
investigating cases of sexual violence, for the active investigation of leads in specific cases, and for increased
efforts to get suspects detained and returned to East Timor.

UNHCR faced the ongoing challenge of meeting the protection and humanitarian needs of refugees in
increasingly hostile environments. In Tanzania and Guinea, politicians accused refugees of causing economic
hardship and instability in their countries. As a result, refugees were threatened with violence in Tanzania
and attacked by police, soldiers, and civilians in Guinea. These attacks included rape of women. The
deliberate targeting and murder of UNHCR workers in West Timor and Guinea raised the specter of people
charged with protecting refugees being left unprotected and exposed to attack, in part because of a lack of
political will by the international community to ensure their safety and that of the refugees that they seek to
protect.

The pilot program in the Tanzanian camps funded by the U.N. Foundation continued to address sexual
and domestic violence within the camps. The program received generally favorable reviews for tackling
domestic violence, a problem that had been largely unaddressed in the camps, although there remained
problems with consistent monitoring and follow up of individual cases. Similar programs were introduced
in camps in Kenya, Liberia, Guinea and Sierra Leone. However, all these programs were at risk of being shut
down because of the lack of financial support from donor governments.

UNHCR revised its guidelines on women refugees to reflect the understanding that its protection duties
include preventing and addressing both sexual and domestic violence against refugees in and around the
camps. The revised guidelines were scheduled to be submitted to the NGO community for comments in early
2001. UNHCR also continued its work to elaborate the Executive Committee’s position on gender-related
persecution by examining both procedural and substantive elements of how to determine asylum claims by
women. UNHCR finally filled the long-vacant position of Senior Coordinator for Refugee Women.

For the women of Afghanistan, the U.N. was a desperately needed ally in their struggle to survive and
enjoy some semblance of their most fundamental human rights, but here the U.N. sent mixed messages. On
the one hand, the U.N. played an important role in protesting a Taliban edict closing down female-run
bakeries in the summer, and two human rights rapporteurs strongly condemned the Taliban’s treatment of
women. On the other hand, UNHCR continued repatriation efforts, often to areas where women’s rights were
severely restricted and where their physical well-being was at risk. This raised questions about whether
refugees choosing to repatriate were fully informed by UNHCR of the security issues women face in
Afghanistan and who in the household was making the decision.

At regular intervals since January 1999, 102 countries have met at the United Nations in Vienna to draft
a new Convention Against Transnational Organized Crime. The purpose of the convention is to define areas
of law enforcement cooperation, legal procedures, and other measures between States relating to all forms
of transnational crime. Three “Additional Protocols” were also being drafted including one to address
Trafficking in Persons, Especially Women and Children. A major concern was to ensure that the treaties
recognize that victims of trafficking have suffered a variety of human rights abuses and that they have access
to redress.

At the annual session of the U.N. Commission on Human Rights, the U.N. special rapporteur on violence
against women, Radhika Coomaraswamy, whose mandate was extended for another three years, issued a
timely report on trafficking against women that explored the complexity of the issue, but strongly called on
states to recognize that women who were trafficked are neither criminal nor illegal migrants and should be given the opportunity to seek redress for violations they experienced in the course of being trafficked. Her report was aimed, in part, at states negotiating a U.N. protocol on trafficking in Vienna.

The commission also adopted, for the first time, a resolution on “Women’s Equal Ownership of, Access to and Control over Land and the Equal Right to Own Property and to Adequate Housing.” The commission also appointed a special rapporteur on the right to food and the right to housing, signifying increased attention by the commission to violations of economic rights. If the special rapporteur successfully integrates a gender-based analysis into the work, this could be a substantial step toward recognition of the relationship between gender-based discrimination and gender-based violence.

The Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) raised concerns about the caste system during its February review of India’s initial report under CEDAW. CEDAW expressed concern over extreme forms of physical and sexual violence against women belonging to particular castes or ethnic or religious groups, and over customary practices such as dowry, sati, and the devadasi system, all of which contribute to a higher incidence of gender-based violence in the country.

**United States**

Given its self-proclaimed role as a vigorous defender of women’s human rights around the world, the U.S. missed several opportunities in 2000 to live up to this claim. Although 166 countries, including all industrialized nations, had ratified CEDAW, the U.S. still had not. Despite pressure from women’s rights groups, constituents, and colleagues, Senator Jesse Helms continued to resist demands that CEDAW be put to a vote by the Senate Foreign Relations Committee, which he chaired. On International Women’s Day, Senator Helms redoubled his efforts against CEDAW ratification and publicly vowed never to allow a Senate vote on CEDAW; instead, he promised to leave it in the “dust-bin” for several more “decades.” In May, Senator Helms introduced a resolution calling for the Senate to reject CEDAW.

The U.S. government also missed an opportunity to demonstrate its commitment to women’s human rights at home when it again failed to take action to prevent sexual abuse of women incarcerated in state and federal prisons. Legislative and remedial measures were either stalled or failing. For example, in late 1999, Delegate Eleanor Holmes Norton introduced a bill in the House of Representatives to withhold federal funds from states that failed to implement five specific safeguards to prevent sexual abuse. Although the bill was sent to a judiciary subcommittee in November 1999, as of mid-October 2000 the bill was buried, apparently due to lack of support.

It was not just the legislative branch that failed women in U.S. prisons. After the Department of Justice settled its case against the Michigan Department of Corrections (MDOC) alleging widespread sexual abuse, retaliation, and privacy violations, the federal judge presiding over the federal and parallel state cases allowed the state case to continue, expressing his concern that the settlement was not strong enough to protect the women. The Justice Department failed to monitor its agreement, and even basic provisions such as counseling for women victims of sexual abuse were never provided. A settlement between the private litigants and MDOC was agreed in September. Michigan agreed to pay several million dollars in damages and to provide significant injunctive relief.

Nonetheless, leadership on women’s human rights did emerge elsewhere. In 2000, the U.S. Senate
passed landmark legislation to protect trafficked victims’ rights in the U.S. and abroad. The new legislation, among other things, acknowledged that people are trafficked around the world for all types of work; dedicated resources to prosecuting and preventing trafficking in the U.S. and elsewhere; and established a visa that allows trafficked victims to remain in the U.S. to pursue civil or criminal claims against their traffickers.

In June, Congressman Jerrold Nadler presented a resolution condemning “honor killings” and urging, among other things, that the Department of State, in its yearly report on human rights, should include information on incidences of honor crimes and on what steps the respective governments are taking to address this problem. U.S. women’s rights groups welcomed this effort as a consciousness raising device, but warned that it was insufficient on its own and called for greater commitment by the U.S. government to raising concerns about violence against women in its bi- and multilateral meetings with other governments.

While the U.S. Congress was starting to remove violence against women from the cloaked secrecy of the family, at the special session of the U.N. General Assembly for the Beijing + 5 review, the U.S. failed to take a leadership role and rally opposition when several governments sought to exempt violence to which women were exposed in the context of the family, or under the guise of religious or cultural practices, from being considered a human rights abuse. In a further failure of its purported leadership on women’s rights, at Beijing + 5 the U.S. vigorously opposed and had removed from the final document reference to the rights of incarcerated women, arguing that this subject was not in the 1995 Beijing Platform for Action.

Nor did the U.S. play a strong leadership role on women’s human rights in some key bilateral fora. For example, the U.S. government maintained only a nominal commitment to holding Mexico accountable for failing to enforce its labor code with regard to protecting women from sex discrimination based on their reproductive status. In 2000, the U.S. government was content to let the NAFTA review process proceed without intervening in any meaningful way to influence or direct it. As in past years, the U.S. government missed critical opportunities to strengthen the NAFTA review process. The U.S. failed to register an official complaint when Mexico used a National Agreement on Labor Cooperation (NAALC) meeting in Puebla, Mexico, to disseminate misinformation about employers having the right to test women workers for pregnancy if such testing is to protect the well-being of the woman or her fetus. The U.S. also failed to initiate any in-country monitoring to determine the veracity of Mexico’s claims, and failed to ensure that concerned NGOs were kept informed in a timely manner about basic developments, such as the holding of public meetings to discuss women workers rights in Mexico. The final U.S. National Administrative Office report was more than a year overdue as of late October 2000.

**European Union**

The European Union evidenced some commitment to women’s human rights, launching a U.S. $29.2 million community “action program” to combat violence against women and children. The grant program, a continuation of the DAPHNE program initiated in 1997, provided assistance to public institutions and NGOs fighting trafficking, domestic violence, and violence against minority groups and migrants. Open to states applying for membership in the community as well as member states, the mechanism provided funding to dozens of organizations working for women’s human rights, including one group created to prevent violence against lesbians.
Council of Europe
The Council of Europe continued its efforts to combat the trafficking of women and children with Recommendation No. R. (2000) 11, adopted by the Committee of Ministers in May 2000. The recommendation encouraged Council of Europe member states to, inter alia, allow victims of trafficking to press charges with the benefit of witness protection, compensate victims with perpetrators’ assets, grant temporary residence status with access to medical and social assistance, and support the creation of an NGO anti-trafficking network. Regrettably, the document focused only on trafficking into the sex industry, ignoring the phenomenon of trafficking for other forms of forced labor.

Organization for Security and Cooperation in Europe (OSCE)
Critics questioned the OSCE’s commitment to women’s human rights as the institution abruptly downgraded the position of gender adviser from the Office of the Secretary General to the personnel office. Several member states spearheaded an effort in 1997 to create a permanent position of gender adviser to monitor OSCE policies on women’s human rights and combat gender discrimination within the institution. The arbitrary decision to remove the gender adviser from a policy-making role undermined the Vienna-based gender adviser’s ability to press for progress on issues ranging from sexual harassment to improved monitoring of women’s human rights violations in the field. The much-vaunted internal sexual harassment policy, created in 1999, met with skepticism from staff members, who doubted the organization’s commitment to the correct handling of complaints and feared negative consequences for using the mechanism. And for the third year in a row, the OSCE leadership refused to make public statistics on women’s representation inside the OSCE’s institutions, thwarting calls for transparency. While the OSCE adopted a substantive and ambitious gender action plan, the political will to implement the policy appeared to be sadly lacking.

The OSCE’s backsliding on women’s human rights internally contrasted with the new programs it initiated to combat trafficking and to train women political leaders in the field. The OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) funded a range of anti-trafficking projects in the Balkans, Central Asia, Central and Eastern Europe, and the former Soviet Union—many carried out in coordination with local NGOs with special expertise on trafficking. In addition, the Austrian government, acting as the OSCE chair in 2000, seconded its former minister for women’s affairs, Dr. Helga Konrad, to ODIHR to chair the Stability Pact Task Force on Trafficking in Human Beings. OSCE offices in Central Asian countries provided training programs on human rights documentation and leadership skills to women human rights activists.

Relevant Human Rights Watch Reports:
Democratic Republic of the Congo: Eastern Congo Ravaged: Killing Civilians and Silencing Protest, 5/00
Japan: Owed Justice: Thai Women Trafficked into Debt Bondage in Japan, 9/00
Kuwait: Promises Betrayed: Denial of Rights of Bidun, Women, and Freedom of Expression, 10/00
Russian/Chechnya: “No Happiness Remains:” Civilian Killings, Pillage, & Rape in Alkhan-Yurt, 4/00
Tanzania: Seeking Protection; Addressing Sexual and Domestic Violence in Tanzania’s Refugee Camps,
10/00

Federal Republic of Yugoslavia: Kosovo: Rape As a Weapon of “Ethnic Cleansing.”
3/00