

The International Gender Movement - From Concept to Action

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With the emancipation proclamation the 19th century witnessed the beginnings of a movement for equality between the races; with Mahatma Gandhi the 20th century began the movement for equality between nations; let us hope that the 21st century will commemorate the triumph of a movement for the equality between the sexes. This movement, now increasingly called the gender movement, is predicated, amongst other things, on an evolving and ever better articulated understanding of what really constitutes inequality between the genders, how it is manifest and what needs change to arrive at the objective of true equality. All persons are born equal and must therefore, be able, in principle and in fact, to partake of and benefit from all life choices and opportunities in equal manner and with prejudice to none. International and national frameworks must be instrumental in this process. They provide both a formal recognition and a more precise articulation of evolving concepts of equality as well as a standard against which progress may be and is measured.

This article will briefly outline the evolution in the concept of gender equality, list the specific international instruments governing the issue and, look more specifically at one area of gender inequality, namely domestic violence – the most common and universal violation of human rights. It is the hope of the author that such a review will serve minimally, to contextualize the reader in the gender movement at large and, at best, to generate commitment and collaboration predicated on understanding.

The recent historic context : Conceptual Evolution

In the 50's and the 60's equality was characterized essentially by the twofold phenomena of the "sexual revolution" recognizing that women, like men, have the right to control their fertility, and, like men, to be wage earners in the formal economy. Progress towards equality was understood largely in these terms of freedom from involuntary reproductive dependence and subjugation and from involuntary economic dependence and subjugation.

By the 70's, however, it became amply clear that these freedoms while representing progress in developmental terms, did not in fact result in either equal choices or equal wages. Further, studies on women in development indicated that the entry of women into the labor force did not translate into equality, or for that matter in equal burden and power sharing with men, as expected. The advancement of women's rights was in fact differently impacting men and women. It was negatively affecting women: the gains in terms of achieving greater degrees of economic independence and a more visible place in the formal structures, were in danger of being offset by their continuing struggles in terms of daily work-burdens. Women were now working a double day – informally at home and formally at work. Besides, the extraordinary strengths needed to survive what was a resistant and often hostile environment were very great and seemingly unchangeable and unsustainable. Hence, woman may have become an agent of economic change and of productivity, but not an equal beneficiary.

By the 80's, therefore, the concept within the gender movement shifted. It was understood now that woman could not be valued simply as an economic agent (which she was in the 70's), but rather, as an agent and beneficiary of change for development at large and in all its dimensions. All processes impacted both men and women but they impacted them differently; and equality in benefits could only be realized once the surrounding attitudes were understood and equally aligned – i.e., both men and women had to change. Thus, the conceptual framework guiding the movement shifted from a context limited by the parameters of women, for women and by women to a more expansive one where there was a need to consider and advocate for her person and her perspectives as an integral part of the overall sociological

context in every dimension, political, economic and social. Her centrality and contributions to life had to be publicly and politically recognized. Her perspectives and experiences, albeit different and emanating from different realities, were equally valid as men's; and, no perspective or analysis was to be considered complete without incorporation of the differential perspective of both genders. Thus, the principle of proportional representation of both genders, not only of men, in all sectors and all levels was beginning to gain acceptance in open societies. This change was semantically captured in the shift in the rhetoric from a focus solely on "women" to a focus on "gender" including women and men.

In the 90's, the United Nations Development Report took this semantic expansion even further and fully incorporated gender and development into its now well known conceptual framework defined by the term "Human Development" – gender relations at large began to be viewed within the developmental framework of the United Nations as paramount to the construction of a more humanistic society, one in which human rights, life choices and their benefits are equal for all. Gaining impetus by the 1995 Beijing United Nations Conference on Women, Peace, and Equality, gender equality began to be viewed, not only as equality but rather, as justice – a founding principle necessary for orderly functioning of all modern society. Human Development, if not engendered, will become endangered – it was said. It was also understood that no society was treating its women as well as its men, and that this somehow restricted the potential of societies at large. It was understood that a society's treatment of its women and its state of gender equality was an indicator of its developmental progress. Consequently, in the 1995 Human Development Report UNDP introduced the Gender Development index (GDI), the genderized counterpart of the Human Development Index (HDI) an integral/ conglomerate of life expectancy at birth, the adult literacy rate, the primary, secondary and tertiary enrollment ratio and GDP per capita calculated as the purchasing power parity (PPP). The GDI constituted a modification of the HDI factoring in the gender differential in each of these four variables. For no country was the GDI equal to the HDI. The GDI was invariably lower, even in the most developed countries.

It was also increasingly understood in the 90s that in this wider context of progress, there were, in fact, no such things as "women's issues". While there may be issues of concern to women and issues for which they are greater champions, all issues were everybody's issues with a bearing on both men and on women. The message and the challenge in the gender movement, hence, shifted from "collaborate with us because it helps us", to rather, "collaborate with us because it helps you, me and everybody else". Women should be seen as the champions of the causes (of maternity/paternity rights, anti-discrimination, equality, peace or whatever) but those causes and their consequences, positively affect everybody. Thus, it is not only by women, of women, for women. It might be by women but it is certainly of everybody and for everybody as well. While this may seem semantic, it is not. Semantic change in this case was a direct reflection of philosophical shifts and conceptual expansions of great significance and need. It is the idea, and its understanding, after all, that first predicates and initiates evolution.

International Instruments

Conceptual evolution is fundamental. But, how does this translate into actions, how does the movement achieve its objectives? Beginning with the 1948 Declaration of Human Rights to the 1995 Beijing platform for Action, several international instruments, developed over half a century, are available to facilitate advancement and translate concept into action. Because these instruments serve not only the human rights but also the gender movements so well, it is essential that advocates know what they are and how to use them. To this end, these instruments are briefly described in the note at the end of this article.

These perspectives raise two very fundamental points:

First, the need for statistics and data collection cannot be stressed enough; both because it is reflective of an objective need for rational analysis and because it is a cause and consequence of a state of political will. A lack of policy response is as much a consequence of a lack of data as it is of a lack of political will. In a state of sufficient awareness and concern, political will would automatically compel the production of data. Hence, reporting by governments, as required by all Human Rights Conventions, provides an already established and legitimate framework for active monitoring on the part of the national and international community. Using and insisting that the reporting requirements be met has served the gender and human rights movement relatively well. This insistence and monitoring must continue.

Second, the need for legislation for Affirmative Action. Affirmative Action is a powerful instrument, the objective of which is to publicly counter privately prevalent attitudes of discrimination. The Nordic and other experience indicates that this can not be achieved without a minimum critical mass of 30% women in all levels of decision making. This is not only because such a distribution is fully congruent with established democratic principles of proportional representation; nor is it only because ILO estimates indicate that without the use of catalysts such as affirmative action (assuming current rates of incorporation of women into decision making levels) such proportional representation will on average take more than **375** years. More importantly, it is because at numbers lower than this, the transformative agendas, largely and more intensely championed by women, do not prevail. Beyond the universal yearning and struggle for peace, these agendas consist of health, education, social security, reproductive rights, elderly care, discrimination, gender violence, basic needs – all basic rights issues that seem most to determine the individual private realities which in turn predicate the larger public reality of the State and national experience. Without individual health there will be no productivity, without individual education there will be no competitive edge, without individuals free of discrimination there can be no sustained social cohesion, and without social cohesion there can be no peace, no reconstruction, no construction and generally, no progress. Thus, women's agendas may be transformative in ways others are not – they solicit and privilege change of private realities.

Reversal of affirmative action (as seen in the US) has grave consequences for underrepresented groups/minorities. The results of its reversal within one year of the fact in California and Texas have shown to be highly detrimental to the admission of minorities in the educational system. Their proportion as a percent of all admissions to several institutions of higher learning (such as law schools) plummeted most dramatically.

Therefore, while affirmative action may seem like it is about the public empowerment of women, it is in fact about the private empowerment of all - of men, women and children. It is about better human rights for all. This is why the Beijing Platform of Action emanating from the 1995 UN Conference, sets the standard of a minimum of 30% women in all decision making positions.

An International Example – The United Nations Campaign in Latin America and the Caribbean for Women's Human Rights

The gender movement has in its practice been characterized by a series of national and international campaigns at several points in time. Given the emphasis laid on the issue of gender violence, especially on the occasion of the 1995 Beijing Conference and the 50th anniversary of the Declaration of Human Rights (1998), one such campaign comprised the United Nations Campaign for Women's Human Rights. As a start its logo " A Life free of violence, it is our right" appeared on posters, federal checks, stamps, school ribbons and government web sites throughout Latin America and the Caribbean. This section will outline the state of the issue as well as some of the lessons learnt from such campaign.

It is by now an established fact that one of the greatest single determinants of violent behavior as an adult is exposure to it as a child. Witnesses or victims of violence replicate it; they replicate its callousness of conscience and its inherent indignity and violation, transmitting it from one generation to the next, thereby destroying not only this life but those that follow. Reconstruction and sustenance of a public human rights standard requires that we recognize at least one part of its private face – violence in the home, violence between partners, violence experienced by children and, the largest component, violence against women. Let it be clear here that while it is commonly called gender violence, implying participation by and consequence to both sexes, it's more direct and greater victims are disproportionately women, and worse still, girls. An IDB study of Nicaragua shows that the children of abused women were three times more likely to require medical care and that 63% of the children who are exposed to violence in the home have had to repeat at least one grade in school. On average these children leave the school at age nine.

In all countries, statistics indicate that women are safer on the street, unprotected, than they are in their own home. While violence is violence and a victim is a victim everywhere, the victimization seems especially harsh and the violation especially grave when it occurs in the so-called safe haven – the home. There, by definition it is accompanied also by betrayal, betrayal of the bonds of trust by those who presumably are there to protect you. In this convoluted sense street crime is less violent than domestic crime.

Gender violence - some global statistics

At some moment in their lives, over half of all Latin American and Caribbean women have been subjected to an act of violence within their home. Another 33 % have been victims of sexual abuse between the ages of 16 and 49, and at least 45% have been threatened, insulted or had their personal possessions destroyed. (ISIS,1998). In some countries as many as 70% of couples report suffering from partner abuse. In Colombia records of the Instituto Nacional de Medicina Legal de Medellin indicate that one in 10 victims of sexual abuse is under the age of 4 years. Incredible but true. In Mexico the Public Defender's Office estimates that on average 82 women are raped every day. And worse still....most often by somebody she knows. A majority of rape statistics worldwide follow this pattern.

In the United States, among all female murder victims in 1991, 28% were killed by their husbands or male companions. In Alaska in 1990, this figure rises to an astounding 50%.

In some parts of Asia and the Middle East, a husband can legally murder his wife if she is found in the act of adultery. First, this is a barbaric act, which like all human rights violations, public or private, domestic or otherwise, should be criminalized. Second, the same law does not apply to men should a woman find herself in similar circumstances.

In Africa, the situation is no different. In South Africa alone one woman is killed every six days on account of domestic violence and in Rwanda atrocities with a barbaric and female face eventually led to rape being declared a war crime against humanity.

There are also hidden costs of violence.

The World Bank estimates that violence against women is as serious a cause of death and incapacity among women of reproductive age as cancer, and a greater cause of ill health than traffic accidents and malaria combined. In the USA it is estimated that family violence costs the nation up to US \$ 10 billion each year in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism and non-productivity. In one state statistics from health insurance companies show their average health care cost for victims of violence to be up to 92% higher than for non-victims. Also, an IDB study indicated that 1.5-2% of GDP is lost in Nicaragua and Chile respectively due to gender violence.

Thus, violence against women constitutes not only a moral scourge but also the most prevalent and universal violation of human rights. Under the circumstances one wonders if the word "civilization" really applies to our times - from the perspective of gender that state is still a goal, not yet a reality. True human development is far from attained. The UNDP Human Development report states that no country treats its women as well as its men. A negative differential persists and violence in general, and gender violence in particular, has much to do with it.

In 1962, led by the Dominican Republic, the Latin American and Caribbean women's movement established 25 November as a day to denounce violence against women. (They sought to commemorate the efforts of three Dominican social activists Patricia, Minerva and Maria Teresa Miraval who were killed on 25 November 1960 under the dictatorship). Seventeen years later, in 1977, the General Assembly passed the resolution recognizing formalizing this day (Nov. 25th) as the International Day to Eliminate Violence Against Women.

Nevertheless, it is not enough to recognize, advocate and legislate for gender and human rights. Individuals need to personify them, in their thoughts, in words, and in deeds. The standard of human rights is, simply speaking, the standard of dignity, of decency, and of basic justice. Individuals feel what that is – and instinctively and intuitively know when they or others violate it. The human heart, within bounds of normality, simply knows.

Genesis of the Campaign

In 1993, the World Conference on Human Rights in Vienna held a stirring series of hearings at the Global Tribunal on Violations of Women's Human Rights. There, women from 25 countries testified to a vast range of gender-based abuses - from domestic violence to political persecution and violations of economic rights, including war crimes against women and violations of women's bodily integrity. Their testimonies stemmed from situations in polities as diverse as the Netherlands and the Sudan and drew world attention to the stubborn universality of gender-based patterns of coercion.

In 1997, under the leadership of both UNIFEM and UNDP, a variety of UN bodies joined forces in a region-wide effort. Latin America and the Caribbean constituted an area ripe for a multi-thrust campaign that could bring together the different strengths of the United Nations system: the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), the Joint United Nations Programme Office of the United Nations High Commissioner for Refugees

(UNHCR), the Office of the High Commissioner for Human Rights (UNHCHR) and the UN Economic Commission for Latin America and the Caribbean (ECLAC), and UNAIDS.

This was the core of the UN Women's Human Rights Campaign in Latin America and the Caribbean, the immediate objective of which is to combat gender violence and enforce both the public and the private standard. It is a very concerted and conscious attempt to shift gender violence from a private to a public issue, from an invisible one to a visible one. It must become a public issue with a private face. One African activist said it well: "Violence persists in part because it is hidden. If governments and citizen's groups can expose its magnitude and character, then ignorance will no longer be an excuse for inaction."¹

Lessons Learned

The UN Inter-Agency Campaign ran from November 1998 to December 1999. During that period valuable lessons were learned. Some of them are described below.

The Human Development Report 1999 states, "Governance does not mean mere government. It means the framework of rules, institutions and established practices that set limits and give incentives for the behaviour of individuals, organizations and firms."² In several instances the campaign induced changes in the framework of rules in the form of legislation. More importantly, however, a behaviour and attitudinal change towards violence against women is required. This is only possible when the State works together with civil society, publicly identifying the issue, and clearly addressing the real causes and consequences of acts. A partnership between public and private governance is necessary, along the lines below, for effective change to take place.

1. The means must exist for women to break away from domestic violence. In order for this to occur, the silence must be broken in the public sphere. Formal and public messages must be repeatedly broadcast with respect to both the prevalence and the unacceptability of the behaviour. Public bastions, legitimate and constructive spaces, safe havens and enforced laws must be created, which encourage and allow women to speak out against violence at the individual and private level.
2. Reporting, as required by all Human Rights Conventions, provides an established and legitimate framework for active monitoring. Data collection takes the issue out of the speculative realm and into reality. Facts and figures are a real force to be reckoned with, as they expose reality and reveal the real human costs of gender violence. Lack of statistics justifies a lack of policy response, and a lack of policy demonstrates a lack of concern. Both are clearly unacceptable. Here reporting is very critical.

The UN Campaign committed itself to the preparation of national reports on the status of violence against women. The national reports not only contribute through the generation of data but, in addition, they provide for a tangible objective and output around which to galvanize otherwise disperse forces in a relatively unthreatening manner. The reports are not about human rights violations but are compilations of fact and description into a single source. As such they provide a relatively summarized and more user-friendly overview of the issue.

¹ Fatou Thiam, *Solidarite*, Senegal.

² United Nations Human Development Report 1999. New York: Oxford University Press, 1999, p. 8.

3. The UN name and support adds legitimacy and credibility to the message and to the national campaigns. While the power of the campaign is in its message, when this message receives support and is promoted in association with the UN name, it appears to have greater opportunity to be broadcast, heard and accepted. The prestige and impartiality of the United Nations lend an effectiveness to the delivery and acceptance of public messages; it appears to both place the message more squarely within the human rights framework, with which the UN seems to be more clearly identified, and imparts a greater dimension of political will and public significance necessary for more serious and effective delivery of the message.
4. Enthusiasm and visible demonstrations of it by leading public and private figures contribute significantly to success of the campaign. The enthusiasm seems to be a necessary component to ensure the persistence and strength needed to prevail despite resistance on several fronts. Projecting an intrinsic sincerity and power on the part of advocates contributes greatly to engaging public and private institutions and actors that would otherwise not partake of the campaign and its message. It becomes fundamental to facilitate the mobilization of civil society at large, broadening the outreach of the campaign. Also, within institutions, demonstrated managerial support on the part of a few individuals perceived to be in "powerful positions" is a significant catalyst for change.
5. Finally, education on the topic of human rights is the most innocuous entry point for advocacy and change. It is an issue toward which no government and no organization can be indifferent, especially in the growing global community. Governments are realizing their responsibility in acknowledging basic human rights, for both men and women, and understand the negative repercussions that they must bear when these rights are not upheld.

Conclusion

These considerations argue, as has the gender movement, that domestic violence is to be actively treated as a human rights violation and not as compliance with a culture. It is a violation that must be criminalized by national laws and enforced by the judicial system.

Beyond this is individual awareness and commitment. Violence in women's lives will not be eradicated until all members of society refuse to tolerate it. This must include concerted activism by women and men alike. In the end, all collective change is an integration of individual changes. Example is not one way to influence matters, it is the only way.

The significance and importance of such a campaign is not merely to spread awareness to implement tools for punishment and deterrence, but rather to foster change in perception and ideology...the ultimate goal is PREVENTION and ELIMINATION.

As statistics illustrate, this scourge is perpetuated through an evil cycle. The ultimate goal is to get to the root of the problem by implementing the necessary, if perceived small, changes throughout all the stages of the cycle and by incorporating all actors for the process of change to occur.

As Secretary General Kofi Annan has stated, "women's rights are the responsibility of all humankind; combating all forms of violence against women is the duty of all humankind; and achieving the empowerment of women is the advancement of all humankind."³

³ Excerpt from the Secretary-General's message for International Women's Day, March 8th 1998

Finally, Mahatma Gandhi, said " If Peace is our objective, and non-violence our instrument, then woman is our future". Let the gender and human rights movement have courage. Let it renew energies from even the smallest of victories. In truth no victory is small. Man reached the moon in the century in which 49% of the world was empowered: imagine what awaits human kind when the remaining 51% is as well.

Supplementary Note

International Instruments

At the international level, a series of standard setting and legal instrumentation, developed over half a century, must be invoked and legitimately used in support of the objectives of the gender movement. These are briefly listed below.

- a) The Universal Declaration of Human Rights (1948).
4 women were signatories of this charter. It was due to their intensive efforts that the term "sex" was introduced into Article 2 (in reference to discrimination regardless of sex) and the Declaration changed its name from the Rights of Man to the Universal Declaration of Human Rights. This may appear symbolic. But symbols create the consciousness that then creates the change. The Declaration has become one of the most powerful standard setting instruments in history.
- b) The Commission on the Status of Women (1946).
This inter-governmental body was established as a functional Commission of ECOSOC to prepare recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields. It raises, on an annual basis, issues of concern to women and requires that governments report on certain themes per session. Some of the subjects discussed have included the girl child, women in conflict situations, human rights and violence against women. The Commission consists of 45 members elected by the Economic and Social Council (ECOSOC) for a period of 4 years. They may be lobbied to ensure that themes of concern to women are incorporated into its formal discussions and agendas.
- c) The Convention on the Elimination of all forms of Discrimination against Women (known as CEDAW) adopted by the General Assembly (1979).
The spirit of the document is to counter and supercede the male-centered concept of human rights. It explicitly recognizes that "women remain the objects of discrimination" and that discrimination "violated the principles of equal rights and respect for human dignity ...impedes women's participation under the same conditions as men in political, social, economic and cultural life." This Convention has become the bedrock and strength in the gender movement with respect to anti-discrimination and equality concerns. It constitutes a legally binding treaty for those member states which have ratified it and mandates State parties to the Convention to report on progress in the context of its articles. As of 10 May 2001, 168 countries are party to the Convention.

In addition to the 20 original articles of CEDAW, two additions to the Convention are particularly significant. General Recommendation 19 of the Committee to CEDAW deals specifically with the issue of gender based violence. Also, on 10 November 1999 the UN General Assembly adopted article 21 to CEDAW, also known as the Optional Protocol. Much like the OAS Convention of Belen do Para it enables individuals and/or organizations, once all national remedies are exhausted, to redress their complaints of violation under an independent regime governed directly by the Committee to CEDAW. This optional protocol entered into force upon its ratification by 10 countries. On 18 December 2001, 73 countries were signatories to the Protocol.

- d) The Vienna Declaration (1993). This was approved by 160 countries. The Declaration and Plan of Action formalized the concept that women's rights were human rights, placing it on a firm and irreversible footing. For the first time it married the feminist movement with the legal human rights movement. It stated "the human rights of women and girls are an inalienable, integral and indivisible part of human rights" and that "gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice...are incompatible with the dignity and worth of the human being, and must be eliminated". Its groundbreaking contribution, however, is perhaps, that it extends state responsibility (prevention, investigation and sanction) for human rights protection to the private sphere, as well as the public sphere.

The Vienna Conference also created the Special Rapporteur on Violence against Women, whose obligation is to report on the subject matter to the UN Commission of Human Rights. Reporting and surveillance undertaken through her office are particularly impactful in generating pressures for change. The creation of this office has focused attention on the issue at both the national and international level in a very specific and particular manner.

- e) The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994), also called the Convention of Belen do Para, constitutes a one of its kind legal mechanism. With a basis in the victories of the Vienna Declaration, Latin America and the Caribbean unanimously sanctioned this convention which is ratified/signed by 29 member states of the OAS. Many argue that this Convention is an exceptionally important instrument for working not only for elimination of violence, but also for the eradication of discrimination against women. The convention puts forth "the right of every woman to be free from all forms of discrimination and the right to be valued and educated free of stereotyped patterns of behavior and cultural practices based on concepts of inferiority or subordination" (Article 6).

The Convention constitutes the first international treaty to establish legally binding (not just morally binding – like the Vienna Declaration) affirmative State responsibility not only for prevention, sanction and eradication of acts of violence against women, either directly by agents of the State, or indirectly by individuals, but also for failing to take action. Under the framework of the Convention, complaints of violations and abrogation of State responsibility may be taken by individuals or organizations directly to the Inter-American Commission of Human Rights.

The Convention's treatment of the subject matter puts on par public and private violations of human rights, irrespective of their location of occurrence. The Convention represents the formal recognition that violence against women is the most prevalent, universal and pervasive violation of human rights anywhere and constitutes one of the greatest single obstacles to the empowerment of women in equality and dignity. No country or community anywhere is free from the scourge – some worse than others.

- f) The Beijing Platform of Action (1995).

The mission statement of the Platform clearly states that the platform delineates a series of actions required for the empowerment of women. It lists 12 areas, (a) Women and poverty b) Education and training of women c) Women and health d) Violence against women e) Women and armed conflict f) Women and the economy

g) Women in power and decision-making h) Institutional mechanisms for the advancement of women i) Human rights of women j) Women and the media
 k) Women and the environment l) the girl-child) within which actions to be taken by the governments, the international community and the non-governmental sector are clearly outlined.

- g) Other Legal Instruments of relevance to the gender movement include:
- The Convention on the Prevention and Punishment of the Crime of Genocide (1951). For the first time the International Tribunal on Rwanda in the year 2000 implemented sanction classifying rape as a crime against humanity. This was attributable largely to the presence of one woman, Chief of the Tribunal, on the panel of judges.
 - The International Covenant on Economic, Social and Cultural Rights (1966)
 - The International Covenant on Civil and Political Rights (1966)
 - The International Convention on the Elimination of All Forms of Racial Discrimination (1969)
 - The Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1987)
 - The Convention on the Rights of the Child (1990)
 - The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (adopted in 1990, not yet enforced)

A LIFE FREE OF VIOLENCE: IT'S OUR RIGHT.

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