Creating Law and Policy with Women’s Voices; Feminism in Action

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Many different international organizations, politicians, and lawyers have tried to address the oppression that women face by promoting the rule of law through creating policies and drafting legislative reforms. Yet, until recently, most of the people drafting conventions and legislation to promote women’s rights were powerful, educated, and politically-connected men. In the last few decades the United Nations and its member nations have increased their focus on women’s rights. With the Beijing women’s conference and the conferences following it, women are starting to have more influence on the international policies and laws that are applied to them, laws and policies often drafted by others to “protect” women. After years of struggle, women’s leadership and participation led to the creation and reauthorization of the Violence Against Women Act (VAWA) in the United States.

The rise of women’s participation in the drafting of declarations and conventions addressing discrimination against women has begun to address the power imbalance in the history of who creates legal instruments and what those legal instruments do. Such participation is the first step in applying an empowerment/sustainable development model to the creation of rule of law instruments that promote women’s human rights. This is a model adapted both from principles used in crisis lines to work with survivors of gender based violence and from the concept of ‘sustainable development’ when applied to the creation of laws and policies promoting women’s rights.

Who sits at the table when problems in a society are evaluated? Who decides which laws or policy initiatives will effectively respond to the problems that have been identified? How are those instruments or programs developed? What is the goal of those instruments? Are they based on protection or empowerment? Who has the ability to enforce the laws, treaties, or policies responding to societal problems?

Having women’s human rights addressed in legal instruments and policies has been a huge step forward. Now that there is a growing acknowledgement in international law of the need to address women’s rights in any system of laws, we must evaluate how those laws work, and who decides what those laws should be. If we want to create laws and legal systems that promote equality and also redress past oppression and violence, we have to ask the same questions of communities that we ask of individual survivors of domestic violence and sexual assault: what would you like to happen, and how would you like what you propose to become reality?

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