

Reflections on Human Rights, Moral Development, and the Global Campaign to Eradicate Gender-Based Violence

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Across the planet, and over the centuries, various forms of violence against women and girls have been an everyday part of humanity's social life. In the middle of the nineteenth century, however, a movement bent on eradicating gender-related abuses and uplifting the station of women burst upon the world. Among the progenitors of this movement were two women, one from the East, the other from the West.

At a time and in a country in which women were denied the most basic rights, the Persian poetess, Qurratu'l-'Ayn (also known as Táhiriḥ) openly proclaimed the equality of the sexes in a gathering of followers of the Bábí Faith. In the 1840s, in symbolic representation of one of the many new teachings she had embraced, Táhiriḥ became the first Middle-Eastern woman ever reported to have removed her veil in public. A social history of the period captures the reactions she provoked as she presented herself—"adorned and unveiled"—before a company of men at a gathering known as the Conference of Badasht:

...suddenly the figure of Táhiriḥ, adorned and unveiled, appeared before the eyes of the assembled companions. Consternation immediately seized the entire gathering. All stood aghast before this sudden and most unexpected apparition. To behold her face unveiled was to them inconceivable. Even to gaze at her shadow was a thing which they deemed improper... Quietly, silently, and with utmost dignity, Táhiriḥ stepped forward and, advancing towards Quddús, seated herself on his right-hand side. Her unruffled serenity sharply contrasted with the affrighted countenances of those who were gazing upon her face. Fear, anger, and bewilderment stirred the depths of their souls. That sudden revelation seemed to have stunned their faculties. 'Abdu'l-Kháliq-i-Isfáhání was so gravely shaken that he cut his throat with his own hands. Covered with blood and shrieking with excitement, he fled away from the face of Táhiriḥ. A few, following his example, abandoned

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their companions and forsook their Faith. A number were seen standing speechless before her, confounded with wonder.¹

In 1848, when the authorities could no longer abide either the new spiritual teachings that she championed or the remarkable social audacity she displayed, they arranged for Táhirih's execution. As the hour of her death approached, she calmly noted, "You can kill me as soon as you like, but you cannot stop the emancipation of women."² In that same year—in Seneca Falls, New York—Elizabeth Cady Stanton, joined by one man, Frederick Douglass, and a company of inspired women, initiated the women's movement in the West.

Stanton's oration at the opening of the Seneca Falls Convention was no less memorable than Táhirih's bold unveiling at the Conference of Badash. On Wednesday, 19 July 1848, Stanton arose and addressed the assembled delegates:

... Verily, the world waits the coming of some new element, some purifying power, some spirit of mercy and love. The voice of woman has been silenced in the state, the church, and the home, but man cannot fulfill his destiny alone, he cannot redeem his race unaided.... The world has never seen a truly great and virtuous nation, because in the degradation of woman the very fountains of life are poisoned at their source. It is vain to look for silver and gold from mines of copper and lead. It is the wise Mother that has the wise son. So long as your women are slaves you may throw your colleges and churches to the winds.... Truly are the sins of the fathers visited upon the children to the third and fourth generation. God, in his wisdom, has so linked the whole human family together that any violence done at one end of the chain is felt throughout its length, and here, too, is the law of restoration, as in woman all have fallen, so in her elevation shall the race be recreated.³

Although the women's movement would enjoy several impressive victories in the decades following the momentous events in Persia and in Seneca Falls, it would take more than a full century before efforts to eradicate gender-based violence would begin to capture the attention of the world. The processes contributing to the globalization of this campaign can be traced to the founding of the United Nations in June 1945; to the creation of the Commission on Human Rights in February 1946 and of the Commission on the Status of Women in June of that same year; and to the adoption of the Universal Declaration of Human Rights in December 1948. The goal of this paper is to review some of the most significant developments in human rights law designed to contribute to the advancement of women and the eradication of gender-based violence. It is suggested that while the movement to date has won many impressive victories, the global campaign to eradicate gender-based violence and to improve the overall status of women and girls is significantly impaired by the neglect of

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the characterological, moral and spiritual dimensions of the individual and of the society that must be attended to if law is to serve as a vehicle for the promotion of justice, the protection of women's rights and the creation of a culture of peace. And while it is true that in the most recent past NGOs and other institutions that are concerned with the well-being of women and girls have begun to give attention to the psycho-spiritual dimensions of discrimination and gender-based violence, overall, these aspects continue to receive far less attention than would be warranted by their importance.

The Globalization of the Effort to Eradicate Gender-Based Violence

The establishment of the United Nations' Commission on the Status of Women was among the most significant early developments in the globalization of the women's movement. At its inaugural meeting, held in February 1947, the Commission resolved to work "to raise the status of women, irrespective of nationality, race, language or religion," to establish "equality with men in all fields of human enterprise, and to eliminate all discrimination against women in the provision of statutory law, in legal maxims or rules, or in interpretations of customary law."⁴ As significant and far reaching as these goals were, no mention was made about the need to eliminate sexual and/or physical violence against women and girls. It would take several more decades before this problem would receive sustained international public attention and be adopted as a significant concern of the world body.

Nevertheless, one of the earliest and most important accomplishments of the Commission on the Status of Women—an accomplishment that would ultimately prove vital to the campaign to eradicate gender-based violence—was the Commission's influence on shaping the language of the Universal Declaration of Human Rights. Upon the Commission's insistence, the Declaration, which was adopted in Paris on 10 December 1948 by unanimous vote, was divested of its gender-insensitive language and tailored to affirm, explicitly, the equality of women and men.⁵ The Preamble to the Declaration sets the tone by affirming the UN's commitment to the equality of the sexes: "the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women."

Another significant step in advancing women's human rights was taken in 1952 when the UN General Assembly adopted the Convention on the Political Rights of Women. Entered into force in 1954, this Convention was the first instrument of international law framed specifically for the protection of the political rights of women everywhere. It provides that the women of the world,

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whatever their homeland, are entitled to vote in any election, run for any political office, exercise any public function, and hold any public position that a man may hold.

In the areas of work and education, the Commission on the Status of Women also began to gain an appreciation for the impact of inequality on women's quality of life. Near the end of the 1940s it collaborated with the International Labour Organization on women's economic rights. The fruit of that collaboration was the inclusion in the 1948 Universal Declaration of Human Rights of an article (Article 23) specifying that everyone, without discrimination, has the right to equal pay for equal work. The Commission also collaborated with UNESCO (United Nations Educational, Scientific, and Cultural Organization) in developing basic educational programs that would afford women and girls the same access to education that is provided to men and boys. Although great disparities in access to education continue in many countries, this early work brought to the United Nations a consciousness of the importance of education to women's advancement.

Since the right to nationality is the political basis for many other rights, and since many national laws require that married women automatically take their husband's nationality, international human-rights observers noted that this tradition left many women vulnerable to losing their own nationality without their consent. Divorced women, or women who chose to leave their husbands, were particularly vulnerable to becoming stateless. Recognizing this vulnerability, the Commission on the Status of Women completed a draft treaty on the nationality rights of married women and in 1955 submitted it to the UN General Assembly. The Convention on the Nationality of Married Women provided for the right of a woman to retain her nationality if she so desired, even if her nationality would be different from that of her husband. Although the Convention was approved in 1957, and the treaty came into force in 1958, the resistance of some governments to many of the treaty provisions signaled the difficulties that would attend any effort to secure nationality rights for women that were independent of that of their husbands.⁶

A second measure adopted by the United Nations relating to marriage was the Convention and Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. Adopted by the General Assembly in November 1962, and entered into force in December 1964, the convention was necessary because of the widespread practice of forced child marriage. It requires that no marriage take place without the full and free consent of both parties but leaves it to individual governments to determine the minimum age at which one may enter into a marriage. With the exception of provisions in the Declaration on the Elimination of Discrimination against Women (1967), and

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the Convention on the Elimination of All Forms of Discrimination against Women (1979), the agreements framed between 1955 and 1962 constitute all the international agreements entered into by the United Nations related to women's rights in marriage.⁷

In the 1950s the Commission on the Status of Women began to express reservations about what amounted to violence perpetrated against women in the name of customary law, religious practices, and traditional ceremonies. Such traditional practices—which include female genital circumcision, virginity tests, dowry and widow burnings, and early childhood marriages—were brought to the attention of Member States who were encouraged to “take immediately all necessary measures with a view to abolishing... all customs which violate the physical integrity of women, and which thereby violate the dignity and worth of the human person as proclaimed in the Charter and in the Universal Declaration of Human Rights.”⁸ In the General Assembly the response of Member States was mixed. Some maintained that only a gradual process of education could lead to the eradication of such practices; some suggested that the effort to abolish traditional practices was in violation of the UN Charter, which proscribes interference in the domestic affairs of Member States; others felt that traditional practices that compromise the health and well-being of women and girls should be abolished.

When the World Health Organization refused to undertake a study on the effects of genital circumcision for the Commission on the Status of Women, the question of the adverse effects of traditional practices on the well-being of women and girls was abandoned for approximately twenty years and did not become a focus of international attention again until the UN's International Women's Year in 1975.⁹ In 1979 the World Health Organization sponsored a seminar on Traditional Practices Affecting the Health of Women and Children, but strong efforts to eradicate such practices did not begin to gain momentum until the mid-1980s when a growing number of individuals and organizations, both within and outside of the human rights community, began to consider female genital circumcision a form of gender-based violence. Such practices, a growing number of voices began to insist, could no longer be justified in the name of the sanctity of culture, religion, or tradition.

During the 1960s and 1970s, as former African colonies began to seize their independence, the number and diversity of Member States at the United Nations grew dramatically. In addition, the economic and social consequences of centuries of oppression and injustice had crippled the human and material resources of many colonized nations and had begun to present acute threats to the lives of millions of people—particularly of women and girls—throughout the developing world. For this reason the survival-related concerns of women in

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developing countries began to eclipse the UN's earlier focus on securing women's legal rights.

Concurrently, the economic and health-related problems associated with the emergence of fledgling nations from colonial rule served to awaken the Commission on the Status of Women to the disproportionate impact of poverty and inequality on the lives of women and girls:

The work of the Commission on the Status of Women in the 1960s and 1970s thus began to take it beyond the negotiating tables in New York and Geneva and into the fields and rice paddies of the developing world. Such issues as women's needs in community and rural development, agricultural work, family planning and the impact of scientific and technological advances on women became increasingly prominent in the Commission's work. This was the first step in a growing perception among United Nations bodies concerned with development, that the Charter's promise to 'promote social progress and better the standards of life in larger freedom' could not be met without the full participation of women in society.¹⁰

Realizing the grass-roots needs of so many of the world's women, the Economic and Social Council, along with the General Assembly, called upon governments to turn to the United Nations for technical assistance in their development efforts. In addition, organizations within the UN system—such as the United Nations Children's Fund and the United Nations Development Programme—were asked to give special attention to the social and economic advancement of women in the developing countries.

In an effort to highlight women's vital role in national and international development, and with a view to promoting the equality of men and women in the international arena, the Commission on the Status of Women recommended that 1975 be designated International Women's Year. The General Assembly not only endorsed this recommendation but suggested that, in addition to the themes of development and equality, International Women's Year be used to heighten awareness of the importance of women in promoting world peace.

Perhaps the most significant event of International Women's Year was the first global conference on women's issues ever to be held. The conference took place in June 1975 in Mexico City. Delegations, 113 of them headed by women, from more than 133 Member States were present. According to a history of the advancement of women, the UN's Secretary-General, in his opening remarks to the assembled delegates, observed that the conference in Mexico City was "the first major step in a worldwide attempt to achieve equality between men and women and to end separation of the sexes in matters of educa-

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tion, opportunities and economic priorities.”¹¹ At the close of the conference the delegates adopted the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace. The Declaration specified a set of principles that stress the role of women in promoting and maintaining peace in all spheres of life, including the family, the community, the nation, and the international arena.

The *World Plan of Action for the Implementation of the Objectives of the International Women's Year* was also drafted at the Mexico City conference. This document specified three main objectives: to promote gender equality; to facilitate the integration of women in all development efforts; and to strengthen the contribution of women to the global movement for world peace. Although the Plan left it to each country to specify the means whereby these objectives were to be met, it also outlined minimum goals to be achieved by 1980, the midpoint of the Decade for Women, which would begin in 1976. These goals included efforts combating problems affecting female migrant workers, female prisoners, and women and girls forced into prostitution; achieving equality of access to education for women at all levels of schooling; increasing employment opportunities for women throughout the world; passing laws to ensure greater participation by women in politics and governance; and making significant improvements in women's access to adequate nutrition, housing, health care and family planning.

The United Nations declared the period between 1976 and 1985 the UN Decade for Women. During this period the women's international human-rights movement re-emerged as a major concern and began to gather renewed support and unprecedented momentum. The adoption in 1979 of the Convention on the Elimination of All Forms of Discrimination against Women, together with international women's conferences in Copenhagen, Denmark, in 1980 and in Nairobi, Kenya, in 1985, not only brought women's issues to the fore but began to strengthen the effectiveness of nongovernmental organizations (NGOs) that were moving to the forefront in the effort to promote the advancement of women. Such organizations began to link violence and discrimination against women to a variety of national and international crises, including war, homelessness, illiteracy, poverty, malnutrition, overpopulation, poor health, and high rates of infant mortality. As a result of their growing strength and effectiveness, NGOs began to transform the United Nations into a world body that is not only responsive to the needs and wishes of governments but that is also receptive to policy recommendations and guidance from the grass roots.

The Convention on the Elimination of Discrimination against Women, an important action taken during the UN Decade for Women, was adopted by the United Nations General Assembly on 18 December 1979 and entered into force

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as an international treaty on 3 September 1981. Since its adoption, more than 150 nations have agreed to be bound by its provisions.

The spirit and objectives of the Convention are animated by the same vision and goals that gave birth to the United Nations: “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.”¹² As an international treaty, the Convention accomplishes two major objectives. First, it establishes an international bill of rights for women and specifies a set of actions to be taken by the nations of the world to ensure that these rights are enjoyed. Second, it mandates the establishment of the Committee on the Elimination of Discrimination against Women (CEDAW), which is charged with ensuring that the provisions of the Convention are observed.

The notion of gender equality as defined in the Convention is not theoretical but practical. Its goal, as specified in Article 1 and elaborated in Articles 2 through 30, is to effect equality rather than provide an abstract definition of it. The Convention seeks to establish gender equality by prohibiting all forms of discrimination against women and by defining discrimination as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”¹³

Articles 2 through 30 of the Convention require signatories both to condemn all forms of discrimination against women and to “pursue by all appropriate means and without delay” such policies as would result in the elimination of existing discriminatory practices.¹⁴ Steps to be taken to fulfill the Convention include: embodying the principle of equality of men and women in all national constitutions or other appropriate legislation; adopting legislative measures that prohibit and sanction all discrimination against women; establishing legal protection of the rights of women on an equal basis with men; actively involving signatories in the elimination of discrimination against women by any person, organization, or enterprise; modifying or abolishing existing laws, regulations, customs, and practices that constitute discrimination against women; and repealing all national penal provisions that constitute discrimination against women.

Articles of the Convention also require States Parties to take appropriate measures to ensure the full development and advancement of women in all fields of endeavor; to modify those social and cultural practices that are based on the idea of the inferiority or superiority of either of the sexes or that promote stereotyped roles for women or men; and to adopt special measures

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aimed at protecting maternity, specifying that such measures “shall not be considered discriminatory.”¹⁵ The Convention proscribes all forms of prostitution, sexual exploitation, and trafficking in women and seeks to ensure that women enjoy equal rights with men in the exercise of political freedom and the freedom to participate in all forms of public life.

States Parties are urged in the Convention to grant women equal rights with men to acquire, change, or retain their nationality upon marriage or divorce. The Convention grants women equal rights with men to establish the nationality of their children. The rights of women to enjoy equal access to education and employment are affirmed, while all discriminatory practices in the field of health care are abrogated, including discriminatory access to health-care services and family planning. Particular problems faced by rural women are addressed, and signatories are mandated to ensure that rural women participate fully in, and benefit from, all development. Several Articles of the Convention require States Parties to accord women full equality with men before the law and establish that women and men shall enjoy the same rights within marriage and family life. Part 5 of the Convention, which includes Articles 17 through 30, is concerned with establishing mechanisms through which the provisions of the Convention are to be adopted, monitored, and enforced.

The adoption of the Convention on the Elimination of Discrimination against Women was a major action during the UN Decade for Women. But at the Copenhagen Conference, which took place in 1980 at the mid-point of the United Nations Decade for Women, it became clear to the delegates that the goals articulated in Mexico City could never be achieved by laws alone. Many recognized that, without a sustained measure of grass-roots social action and without a high level of political commitment, the goals were just that—goals. Following Copenhagen, at least some of the focus of the movement for the advancement of women began to be concentrated on mobilizing more effectively at the grass roots. In addition to concentrating on grass-roots efforts, one of the most important developments of the Copenhagen Conference would be little noticed: Some of the delegates began to discuss the lack of involvement of men in improving the status and role of women in society.

The third global conference on women was held in 1985 in Nairobi at the end of the UN Decade for Women. At that conference, and at the preparatory conference that took place in Vienna the preceding year, delegates agreed that the goals for the second half of the Decade for Women had not been achieved. However, the experience gained in international consultation at the two previous conferences generated a spirit of confidence and optimism that united the hearts of the delegates in ways that the previous conferences had failed to do.

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When they left Nairobi, many did so with a profound sense of sisterhood and solidarity that cut across traditional lines of race, class, and culture.

The second major accomplishment of the Nairobi Conference was the clear emergence of a consensus among the delegates that gender-based violence would have to be addressed as a human-rights issue in the international legal and political arenas. The major document coming out of that Conference—the Nairobi Forward-Looking Strategies for the Advancement of Women—noted that:

Violence against women exists in various forms in everyday life in all societies. Women are beaten, mutilated, burned, sexually abused and raped. Such violence is a major obstacle to the achievement of peace and the other objectives of the Decade and should be given special attention. Women victims of violence should be given particular attention and comprehensive assistance. To this end, legal measures should be formulated to prevent violence and to assist women victims. National machineries should be established in order to deal with the question of violence against women within the family and society. Preventive policies should be elaborated, and institutionalized forms of assistance to women provided.¹⁶

The call raised at the Nairobi conference for addressing gender-based violence began to bear fruit. In May 1990, the UN's Economic and Social Council recognized that gender-based violence in the family and society “is pervasive and cuts across lines of income, class and culture.” “Efforts to eradicate it,” the Council noted, “must be matched by urgent and effective steps...” The Council called upon governments to take immediate and decisive steps to establish appropriate penalties for violence against women, as well as to reduce its impact in the family, the workplace, and society.¹⁷

In 1992 the Committee on the Elimination of Discrimination against Women (CEDAW) moved to rectify the omission in 1979 of gender-based violence from the Convention of the same name. At its eleventh session, CEDAW resolved to include gender-based violence under the rubric of gender-based discrimination. Gender-based discrimination, according to CEDAW, is “violence which is directed against a woman because she is a woman or which affects women disproportionately. It includes acts which inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and other deprivation of liberty.” CEDAW went further to request that States Parties undertake appropriate and effective measures to end all forms of gender-based violence, whether such violence be by public or private act.¹⁸

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Joining the voices raised against gender-based violence is the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held in Vienna, Austria, in June 1993. Part I, paragraph 18, of that document, addresses violence against women:

The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community. Gender based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated.¹⁹

Part II, paragraph 38, continues:

The World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.²⁰

In 1993 the UN Declaration on the Elimination of Violence against Women—adopted by the General Assembly at its forty-eighth session on 20 December 1993—became the first international human-rights instrument designed exclusively to deal with violence against women.

Although not legally binding, the Declaration on the Elimination of Violence against Women (hereafter referred to as the Declaration) provides the first set of international standards to address the problem of violence against women and girls. The Preamble to the Declaration affirms that the root cause of gender-based violence is the “historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women...” In affirming that “violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men,” the Preamble recognizes that violence is both a result and cause of gender-related inequities.²¹

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Like the Convention on the Elimination of All Forms of Discrimination against Women, the notion of equality embodied in the Declaration is free of theoretical speculation. It seeks to ensure that women are allowed and enabled to enjoy the most fundamental of all human rights—namely, the right to physical and psychological integrity and safety. Specifically, the Declaration defines violence against women as physical and sexual violence that takes place within the family (and that consists of battering, sexual abuse of female children, dowry-related violence, marital rape, female genital circumcision, and other traditional practices that have proven to be harmful to women; nonspousal violence; and violence that attends various forms of female exploitation); violence against women in the community (which consists of rape, sexual abuse, harassment, and intimidation in the workplace and educational institutions, trafficking in women, and forced prostitution); and violence against women that is either perpetrated or condoned by the State.

Among the most significant contributions to gender equality embodied in the Declaration are the obligations imposed upon the State both to “condemn” gender-based violence and to pursue all “appropriate means” and “without delay” to ensure the elimination of violence directed against women within their national borders. Commenting on State responsibility in this regard, the UN’s Special Rapporteur on Violence against Women observed:

The problem of violence against women brings into sharp focus an issue that has been troubling the international community—State responsibility for the actions of private citizens. In the past, a strict judicial interpretation had made the State responsible only for actions for which it or its agents are directly accountable. In this case it would relate to issues such as women in custody and women in detention and perhaps the problem of women during armed conflict. The question of domestic violence, rape and sexual harassment, etc., were seen as the actions of individuals and thus beyond the “human rights” responsibility of the State.²²

By specifying a proactive role for the State in all situations in which women are more likely than men to be victims of violence, the Declaration on the Elimination of Violence against Women makes it possible to conceptualize even private acts of violence against women (for example, domestic violence) as violations of women’s human rights. Inasmuch as the equal protection of all citizens from violence on account of race, class, religion, or sex is fundamental to any functional and operational definition of equality, the Declaration provides a major advance in establishing the equality of women and men worldwide.

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The four actions taken between May 1990 and December 1993—the actions of the UN'S Economic and Social Council in 1990 and CEDAW in 1991, the Vienna Declaration in June 1993, and the UN Declaration on the Elimination of Violence against Women in December 1993—were the first concrete signs of the international community's moral and legal commitment to eradicating this global, age-old problem. They are among the most significant developments in human-rights law in the twentieth century and are the first to challenge the legal and moral foundations on which misplaced justifications for allowing gender-based violence to continue are based.

In its resolution 44/82, the UN's General Assembly designated 1994 the International Year of the Family. This act catalyzed a number of processes that resulted in clarifying the steps necessary to protect and promote the advancement of women and girls. At its thirteenth session, for example, the Committee on the Elimination of Discrimination against Women chose to mark the International Year of the Family by analyzing three articles in the Convention on the Elimination of All Forms of Discrimination against Women that have special significance for the status of women in the family: Articles 9, 15, and 16.

Article 9(1) of CEDAW disallows nationality laws that discriminate against women by limiting their nationality rights in situations in which men's rights are not so limited. In some countries, for example, women are unable to confer on foreign husbands such rights as may be conferred by men on their foreign wives (such as the right of residency or the right to become a citizen after a brief residency period). Furthermore, inasmuch as Article 9(2) provides women and men with equal rights with respect to the nationality of children, women who are now prevented from doing so may soon be able to pass citizenship onto their offspring. (At present the constitutions of several nations provide that children born outside of the country may become citizens only if their father is a citizen.) Commenting on the significance of Article 9, Marsha Freeman, the director of International Women's Rights Watch, observed:

Nationality is fundamentally related to women's exercise of personal liberty and freedom of movement. If a woman's nationality or that of her children is dependent upon her husband's nationality, her ability to make adult decisions as to residence, travel, her children's welfare, or even marriage is severely limited.²³

Article 15 of CEDAW provides for the equality of women before the law. The right of women to attain the age of majority (or legal age) at the same age as is applied to men; the right of women to undertake contractual obligations and to sell, buy, and administer property; the right of women to inherit and admin-

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ister estates; the right of women to appear before the court on their own behalf and to have their testimony given weight equal to that of men; and the right of women to choose freely where they will live or travel without male consent are all provided for under Article 15.

Article 16 covers marriage and family law and is designed to promote equality within the family and to protect women from the discriminatory effects of customary laws, traditions, and religious practices that usurp the rights of women and/or girls to choose their own spouse and to give their consent to marriage. Article 16 also provides that during marriage men and women should be equally responsible for household and family responsibilities, should have equal rights to family decision-making, should be equally responsible for children, and have equal power in discharging familial authority.

In September 1995, during the fiftieth anniversary year of the United Nations, the Fourth World Conference on Women was held in Beijing, China, with delegations from 189 countries. This gathering represented the largest United Nations Conference ever held. The Platform for Action and the Beijing Declaration emerging out of the Conference were adopted unanimously by 189 countries and are among the most comprehensive human-rights documents ever articulated on behalf of the world's women. The Platform for Action seeks to uphold the Convention on the Elimination of All Forms of Discrimination against Women (1979) and to build on the Nairobi Forward-Looking Strategies for the Advancement of Women (1985). While the Platform for Action's overall objective—empowering all women—conforms to the purposes and principles of the Charter of the United Nations, its immediate aim was to establish a basic group of priority actions to be carried out during the five-year period between 1995 and the turn of the century. The Platform for Action contained twelve areas of critical concern that were to receive special attention:

1. The persistent and increasing burden of poverty on women;
2. Inequalities and inadequacies in and unequal access to education and training;
3. Inequalities and inadequacies in and unequal access to health care and related services;
4. Violence against women;
5. The effects of armed and other kinds of conflict on women, including those living under foreign occupation;
6. Inequality in economic structures and policies, in all forms of productive activities and in access to resources;

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7. Inequality between men and women in the sharing of power and decision making at all levels;
8. Insufficient mechanisms at all levels to promote the advancement of women;
9. Lack of respect for and inadequate promotion and protection of the human rights of women;
10. Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media;
11. Gender inequalities in the management of natural resources and in the safeguarding of the environment;
12. Persistent discrimination against and violation of the rights of the girl child.²⁴

In its effort to contribute in new ways to the eradication of all forms of inequality and abuse, the Platform for Action outlines specific actions to be taken by governments to address each of the problem areas adumbrated above. In its comprehensiveness it has left almost no institution of civil society untouched. Included in the Platform are actions prescribed for national and local governments, community organizations, nongovernmental organizations, educational institutions, the public and private sectors, and the mass media as directed by the State. Thus the Platform for Action is one of the most comprehensive documents ever articulated in the interest of promoting and protecting women's human rights.

Since articulation of the Platform for Action measures have been undertaken to improve the status of women within the United Nations itself. For example, the numbers of women in professional and decision-making positions at the UN has increased and are expected to continue to increase. These changes not only facilitate the realization of the important goals outlined in the Platform for Action but also serve as greater evidence of the UN's commitment to the advancement of women in all fields of human endeavor. Beyond these steps, the United Nations has, since the Beijing Conference, sought to forge even stronger bonds with nongovernmental organizations at the grass-roots levels and has begun to work to encourage a wider spectrum of civil society to contribute to the advancement of women and their protection from human-rights abuses.

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Despite the progress made during the last half century, and notwithstanding the detailed and much-needed prescriptions for change addressed to governments and institutions of civil society, violence against women and girls continues to be a public-health scourge of global proportions. According to the UN's Special Rapporteur on Violence against Women, appointed just before the Beijing Conference in 1994, violence against human beings, and particularly against women and girls, continues to be a major factor hindering the realization of human rights goals:

War, repression, and the brutalization of public and private life have destroyed the possibility of human rights being enjoyed as a universal phenomenon. Violence against women, in particular, has inhibited women as a group from enjoying the full benefits of human rights. Women have been vulnerable to acts of violence in the family, in the community and by States. The recorded incidents of such violence have reached such unprecedented proportions that they have shocked the conscience of the world.²⁵

As is clear from the review of significant milestones over the course of the last half-century, international discourse and actions aimed at uprooting the essential causes of gender-based violence and discrimination have tended to be centered on international law and human rights and on the transformation of institutions. The underlying assumption appears to be that, when the national and international legal instruments necessary for securing gender equality and for protecting women's rights have been fashioned and applied, gender-based discrimination and abuse will find an inhospitable environment and will gradually disappear.

As vital as legal and human-rights measures are, they are insufficient to effect the magnitude of change necessary. Inasmuch as the various forms of violence perpetrated against women and girls in the privacy of the home and under the eye of the State are sustained by long-standing cultural and psychosocial conventions, legal strategies that are not accompanied by efforts to address the intra-personal dimensions of the problem are likely to prove ineffective. More specifically, as long as human beings, collectively and individually, fail to understand the essential roots of violence, as long as they remain morally, spiritually, and psychologically underdeveloped, they will tend to allow the perpetration of violence-related cultural norms and meanings regardless of the rule of law. Indeed, unless cultural norms and outworn modes of thinking receive sustained attention, legal and human-rights measures, however vital they may be, will prove to be insufficient. A global campaign to elevate the

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status of women, to promote gender equality, and to eradicate gender-based violence must be fueled and upheld not only by enforceable local and international laws but also by educational processes that address the inner terrain of human consciousness, human values, and human spiritual and moral development.

Moreover, even in countries that uphold the rule of law, as legal theorist and researcher Amede Obiora suggests, the impact of the broad legal culture on the persistence of gender-based discrimination and violence cannot be overlooked. The term “legal culture” has been described as “the network of values and attitudes which determine why, when, where and how people employ legal structures and why legal rules work or do not work.” It is, according to Obiora, “the legal culture that provides the impetus for the use, abuse, or avoidance of the law.”²⁶ If the legal culture of a nation is not oriented toward the advancement and protection of women, a proliferation of laws, however much needed, will not remedy gender-based violence and discrimination.

There are at least three dimensions to a legal culture—the outer form, or legal structure of a community; the inner form, or the philosophical principles that animate that structure; and the actors within a community who embody in their deeds the degree of commitment they have to the principles that animate their legal and/or social system. The outer aspect of a legal culture is utilitarian and has to do with mechanisms designed to facilitate applying a community’s constitution and/or body of laws. The inner aspect is abstract and has to do with metaphysical principles that the laws of a community are designed to embody, protect, and advance. Thus, more than the facilitation of order and social processes, the desire to promote such metaphysical values as justice, equality, human nobility, and truth are the implicit or explicit goals that buttress most non-totalitarian legal systems. Indeed, even in contemporary western cultures where law is presumed to be merely utilitarian or functional, the strength of the law rests, to no insignificant degree, on its ability to evoke a sense of respect, and sometimes even reverence, for the legitimacy of the social order that the law is designed to protect.

A people’s awareness of and appreciation for the underlying metaphysical values that serve as the foundation of law give a legal culture its enduring strength and render a legal system more than “a mere code of laws.”²⁷ In the absence of a concern for the metaphysical values, laws are powerless to protect against human and civil-rights abuses. Harold Berman, one of the world’s foremost legal historians, notes that, in the final analysis, what empowers law is the “deeply or passionately held conviction that law is not only an instrument of secular policy but also part of the ultimate purpose of life.”²⁸ Thus, underlying the failure of nations, communities, and families to protect and advance the

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rights of women and girls and to protect them against gender-based violence are not only legal and human-rights standards that leave women vulnerable but also maladaptive values, attitudes and patterns of behavior that require attention. It is for this reason that in the global effort to eradicate gender-based violence, exploitation and abuse, the much-neglected body of world literature concerned with moral refinement and self-mastery deserves renewed consideration.

Self-Mastery

As has been noted throughout the ages, no effort to eradicate violence and abuse within a society can be successful without giving due consideration to the challenges of moral growth and self-mastery. Notwithstanding the violence and abuse carried out in the names of the world's spiritual traditions, most of these have linked the preservation of human rights, honor, and dignity to the control and/or proper expression of aggression and desire. Islam, for example, encourages the followers of Muhammad to engage in *jihad*, or "holy war." While *jihad* is frequently invoked to justify acts of terrorism and violence, the *jihad* spoken of in the Koran may also be understood as a call to the holy war to conquer one's self. One who engages in *jihad* seeks to achieve a state of inner purity and self-control. Commenting on this fact, the Islamic Sufi mystic Bawa Muhaiyaddeen observed: "For man to raise his sword against man, for man to kill man, is not holy war. True holy war is to...cut away the enemies of truth within our own hearts. We must cast out all that is evil within us, all that opposes God. This is the war we must fight."²⁹ The Bahá'í scriptures also explain that the Cause of God "belongeth not to the material world. It cometh neither for strife nor war, nor for acts of mischief or of shame; it is neither for quarrelling with other Faiths, nor for conflicts with the nations. Its only army is the love of God, ... its only battle the expounding of the Truth; its one crusade is against the insistent self, the evil promptings of the human heart."³⁰ Similar guidance on conquering the self may be found in Judaism, Hinduism, Christianity, African spiritual beliefs, the Zoroastrian Faith, Buddhism, and so on.

Although self-mastery need bear no relationship to the self-denying, self-righteous, or puritanical spirit that often masquerades in its name, it does require that constant attention be given to developing those human qualities that may come forth through training and significant effort. For example, inasmuch as compassion is an antidote to exploitation and abuse, many spiritual traditions of the world continually exhort their followers to cultivate it. Expressing the sublime longing of the soul for the quality of compassion, the Buddhist poet-saint Shantideva pleads:

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May I be a balm to the sick, their healer and servitor until sickness come never again;

May I quench with rains of food and drink the anguish of hunger and thirst;

May I be in the famine of the age's end their drink and meat;

May I become an unfailing store for the poor, and serve them with manifold things for their need.

*My own being and my pleasures, all my righteousness in the past, present and future, I
surrender indifferently,
That all creatures may win their way to their end.³¹*

At the core of a spiritual perspective is not ideology but a heartfelt sense of self-transcendent values, an acute awareness of what is sacred in life, and the capacity to translate such an awareness into one's relationships with others. More than anything else, it is the longing to protect and cultivate that which is sacred—both within oneself and within others—that induces the desire for self-mastery. When this desire is awakened, individual behavior is conditioned, not so much by ideology, the force of law, or by the threat of punishment as by a deep appreciation of the beauty inherent in what the Buddha referred to as *right action*.

Addressing the Millennium Peace Summit of Religious and Spiritual Leaders, held at the United Nations on 28—31 August 2000, Albert Lincoln, the Secretary-General of the Bahá'í International Community, put a turn-of-the-millennium face on the results of traditional education and appealed to the assembled delegates, on behalf of the world's children, for moral and spiritual education:

Looking beyond immediate crises and conflicts, one of the greatest dangers facing mankind comes from a generation of children growing up in a moral vacuum. Our hearts go out to the child-soldiers of Africa, the child-prostitutes of Asia and the desperate scavengers of the world's countless slums and refugee camps, victims of poverty which is both spiritual and material. But we must not forget the millions of young people growing up in societies whose traditional value systems lie in ruins, or those deprived of spiritual training by generations of dogmatically materialistic education. And lest we oversimplify the causes or the remedies, let us also call to mind the young products of permissive liberalism in the West, some of whom are as well-armed and violence-prone as their age-mates in less prosperous lands. Each child is potentially the light of the world, and its darkness. Lighting the lamps of these souls is a responsibility we must collectively assume if civilization is to thrive. Children must not be deprived of the light of moral education, especially the girl

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child, who is the transmitter of values to future generations. Indeed, educated women are the most important keys to world peace.³²

Development of the “inner life and private character” has long been understood as critical to the civilizing process.³³ In *The Nicomachean Ethics* Aristotle avers: “the end of political science is the supreme good; and political science is concerned with nothing so much as with producing a certain character in the citizens or in other words with making them good, and capable of performing noble actions.”³⁴ Such notions are not limited to the Western liberal tradition. In the East the Buddha promoted a system of moral education based upon the “eightfold path.” His teachings affirm that, until right knowledge, right aspiration, right speech, right behavior, right livelihood, right effort, right mindfulness, and right absorption characterize the inner and outer life, neither the person nor the society can be well-ordered. In the *Great Learning*, a book written by the Chinese sage Confucius, the preservation and the development of the empire are both linked to the moral refinement and development of the individual:

The ancients who wished to illustrate illustrious virtue throughout the empire, first ordered well their own States. Wishing to order well their States, they first regulated their families. Wishing to regulate their families, they first cultivated their persons. Wishing to cultivate their persons, they first rectified their hearts. Wishing to rectify their hearts, they first sought to be sincere in their thoughts. Wishing to be sincere in their thoughts, they first extended to the utmost their knowledge. Such extension of knowledge lay in the investigation of things.³⁵

Likewise, Christianity, a moral and spiritual philosophy that embraces the globe, teaches that “man cannot live by bread alone” and that the refinement of human character is indispensable to the life and health of a community. We find similar assertions in all the world’s major faiths. There is thus some transcultural basis for giving consideration to the moral and spiritual dimensions of human rights abuses.

The Authenticity Group

The International Moral Education Project, also known as the “Authenticity Group,” is an international team working on the development of materials that might frame a global approach to moral and spiritual development. Founded by the Bahá'í-inspired mathematician and philosopher, William S. Hatcher, the Au-

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thenticity Group grounds its approach to moral development in the assumption that the highest values that a civilization can promote are the cultivation of human consciousness and the development of authentic human relationships. All other values, they suggest, should be evaluated in light of the extent to which they are in harmony with these overarching goals.

Moral education, according to the Authenticity Group, is concerned, first with understanding the nature of value, and second, with applying this understanding in one's relationships with others. There are two types of value: *intrinsic* value, which arises from the inherent properties and capacities of an entity; and *extrinsic* value, which is ascribed to an entity through subjective preferences and social conventions. An example of the latter is the value generally ascribed to money. Although little more than ink on paper and although highly ephemeral, money derives a great deal of value by social agreement. Its value is thus *extrinsic* to its inherent qualities and nature. Things of intrinsic value, by contrast, derive their value, not by social agreement, but from the inherent qualities and potentialities of the entity in question. The sun is of value irrespective of any individual's opinion about it. Its value is inherent in the fact that it is the primary source of light and warmth in our biosphere and is thus a *sine qua non* for life and development in the natural world.

Similarly, the human person is of inherent value. The value of the human person is inherent in the facts that persons represent the fruit and arrowhead of evolution on earth and that the maintenance and advancement of civilization—in all of its forms—depends upon the cultivation of persons. The protection and development of this value is the supreme objective of any legitimate social order. Any system of government, any set of laws, any ideology or cultural practice that unduly jeopardizes the realization of the inherent potential of a human being is in violation of that person's inalienable right to become. Such a society has betrayed its legitimate *raison d'être*.

According to the Authenticity Group, true morality consists in apprehending the inherent value of the self and others, and in living in relationship in such a way as to afford the development and expression of humanity's full potential. The creation of the capacities necessary for authentic relationships is the objective that fuels the work of the Authenticity Group.

The signs of authenticity in relationships are said to be the practice of justice and the presence of self-sacrificing love. Nonauthentic relationships, by contrast, are characterized by conflict, disharmony, manipulation, cruelty, jealousy, and so forth. "Altruistic love," the Group writes, "is not just a feeling of emotional warmth towards others, but is an objective, attractive force that operates according to certain objective laws and principles. Moral education means

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learning these laws and principles so that we become ever more subject to the force of love in our lives. Morality, then, *is the pursuit of authentic relationships* or, stated more fully, *the process of developing our innate capacity to sustain authentic relationships.*" The Authenticity Group illustrates this unique perspective with an analogy from physics:

Current physical theory has discovered four fundamental forces. The force of gravity and the strong nuclear force are purely attractive forces. The weak nuclear force, however, is a purely repulsive force: it has no (currently known) attractive form. Finally, electromagnetic force has both an attractive and a repulsive form. Now [we] affirm that altruistic love, like gravity, is a purely attractive force. True love *cannot* be the cause of conflict or estrangement between two people any more than the force of gravitational attraction between two physical bodies can push them apart.

Of course, physical bodies can be pulled apart by forces that overcome their mutual gravitational attraction. But, whenever we observe two physical bodies moving away from each other, we know that such a configuration is occurring in spite of their mutual gravitational attraction, not because of it. In the same way, whenever we see conflict and disharmony in human relationships, we know that it is due to some factor other than love.... Thus, moral education is the pursuit of relational authenticity by learning the laws that govern the action of love and then implementing that knowledge in our relationship with others. The moral person is one who has acquired the capacity for genuine love and self-sacrifice. He demonstrates this by his integrity and trustworthiness in his relations with others, by consistently treating others with genuine kindness and encouragement.... In other words, the basics of morality are stark in their simplicity: either a person has acquired the capacity for self-sacrifice, which he demonstrates through active, humble, reliable service towards others, or he has not, in which case his behavior will reflect various pathologies of inauthenticity... (such as greed, untrustworthiness, jealousy, self-centeredness, coldness, indifference, anger, cruelty).³⁶

Because the acquisition of the capacity for authentic morality requires continual, often painful self-evaluation, a number of strategies have been developed throughout history to transform basic morality into something else that can be more easily achieved. For example, although one of the overarching goals of religion is to facilitate the achievement of authentic moral relationships, this goal is frequently transmuted in such a way that religion becomes primarily an ideology. As an ideology, the doctrines of religion become the supreme value, and morality is conceived as their protection and propagation by all possible means. Although all religions present a philosophy of life and teach the belief in certain doctrines and ideas, "authentic religion conceives of belief in such doctrines, not as an end in itself, but as a means for developing the capacity for authentic relationships (both with God and with other human beings)."³⁷ Thus, the error of ideologized religion lies not in seeking to propa-

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gate and advance certain doctrines, but rather in exalting these doctrines above authentic relationships, thereby interchanging means and ends:

We will use the term *ideology* to designate any philosophy which holds that certain doctrines, ideas, or propositions are more important than human beings. Thus defined, any ideology (irrespective of what its specific doctrinal content may be) contradicts the basic assumption of authentic religion, which holds that (while God may be the Supreme Value in Existence) the human being is the supreme value in creation. Moreover, any moral system holds that lesser values may be sacrificed to obtain greater values. An ideology thus sanctions (at least implicitly) the deliberate sacrifice of human beings, or of authentic human relationships, if it is deemed necessary for the propagation of the doctrines of that ideology. In regarding its doctrines as more important than human beings, an ideology considers these doctrines as God—as the supreme value in existence. Ideology is thus idolatry. It is the worship of certain ideas.³⁸

As it is with ideology, culture-specific values and traditions are also frequently invoked in support of the continuation of practices that may be harmful to the equal participation, development, and/or well-being of subgroups such as women and girls within a culture. The continuation of such practices is inspired by the belief that cultural values are the only ultimate values and that these values are necessarily local and accidental, rather than intrinsic and universal. Inasmuch as this perspective renders all cultural values fundamentally equivalent, the argument is that each cultural group must be left free from outside interference in deciding the values that should animate community life.

Legitimate as is the concern for preserving a people's right to determine the nature and course of their own lives, the work of the Authenticity Group assumes that there are also intrinsic, universal values that derive from the universal nature and needs of all human beings—irrespective of race, culture, or historical time period. The global community is said to have a moral responsibility to safeguard these values, even when the parties concerned would prefer to operate free from external influence. To do otherwise would be to render the preservation of culture the supreme value, irrespective of the impact of culture-specific practices on the lives of human beings. The articulation of an international body of laws designed to preserve human rights is an explicit rejection of the assumption of absolute cultural relativity by the community of nations. At the same time, inasmuch as the adoption of a universal set of moral values on the local level is not likely to be realized unless large segments of the population are persuaded of their logic and need, the promotion of such values depends upon processes of education and persuasion. The Au-

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thenticity Group is in the process of developing and testing a variety of materials that might achieve these objectives.

Reflections on The Nature of Moral Education

An approach to moral education that nurtures in children and youth a hunger for moral and spiritual growth, while also developing morally relevant *capabilities* is likely to be more effective in eliminating the root cause of abuses of power in the family, the community, and the State than are approaches that focus only on transmitting moral lessons or rules. As has been suggested, what is needed is the development of an inner agent of self-control that encourages right action because of its own inherent beauty. Iraj Ayman, a scholar specializing in moral philosophy, refers to this capacity as the capacity for “spiritual discernment.”³⁹ According to educator Irene Taafaki, developing spiritual discernment requires that institutions around the world promote moral growth. The role of educators is to use a variety of processes to nurture children and youth to go beyond knowing what constitutes moral ideas to developing moral insight and practicing moral behavior, the goal being to develop moral wisdom, rather than a rote following of rules. Moral wisdom then becomes the “inner lens” through which children are both able to discern what is right and are able to do those things that enhance the well-being of their own self and others.⁴⁰

A pedagogy of moral education, notes Taafaki, would include active learning rather than the passive inculcation of moral lessons; a loving and encouraging environment wherein educators demonstrate in their own lives the qualities they wish to teach; using the arts, literature, and folklore from the various cultural and religious communities around the world; and cooperative learning exercises that enable children and young people of diverse backgrounds to work together in exploring and resolving a range of socially and morally relevant problems. The promotion of a spirit of service to humanity is an integral part of the pedagogy of moral education. Such service enables children and youth to enhance their understanding of the relevance of moral behavior for the development and solidarity of family and community, and for the cultivation of a sense of “at-oneness” with others.⁴¹

In its recent commentary, *The Prosperity of Humankind*, the Bahá'í International Community notes:

To an extent unimaginable a decade ago, the ideal of world peace is taking on form and substance. Obstacles that long seemed immovable have collapsed in humanity's path; apparently irreconcilable conflicts have begun to surrender to processes of consultation

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and resolution; a willingness to counter military aggression through unified international action is emerging. The effect has been to awaken in both the masses of humanity and many world leaders a degree of hopefulness about the future of our planet that had been nearly extinguished.⁴²

The Bahá'í International Community goes further to note that immense intellectual and spiritual energies are seeking expression throughout the world and that "[e]verywhere the signs multiply that the earth's people yearn for an end to conflict and to the suffering and ruin from which no land is any longer immune. These rising impulses for change must be seized upon and channeled into overcoming the remaining barriers that block realization of the age-old dream of global peace."⁴³ It may be reasonably argued that few barriers to peace stand so strongly as does the global problem of gender-based violence. Over the course of the foregoing century, legal and human-rights advocates have been mobilized effectively in the global campaign to eradicate it. The bevy of international laws, conventions, declarations, and resolutions articulated over the last half century in particular attest to the importance of the legal victories achieved in advancing women's human rights. What is needed now is an awakening and mobilization of humanity's hunger for moral and spiritual refinement. When these inner dimensions of human life receive the same attention that has been thus far accorded the outer legal dimensions, a context will be created in which the eradication of gender-based abuses and the advancement of women and girls in all fields of human endeavor will be finally realized.

Footnotes

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