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SYMPOSIUM ON UNFINISHED FEMINIST BUSINESS: Analyzing Women's Use of the Internet Through the Rights Debate

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BIO:

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LEXISNEXIS SUMMARY:

... On October 29-30, 1999, representatives of women's human rights organizations, lawyers, law professors, law librarians, and information technology specialists joined the Women's Human Rights Resources group at the University of Toronto for a strategy workshop. ... For the purposes of narrowing the discussion, the focus on this debate is in the context of international human rights law and the evolving norms of violence against women. ... It concludes that both rights claims and the Internet represent appropriate feminist tools for effecting social change. ... New technologies have readapted and reinforced systems for capturing the voices at the margins so smoothly that the systems have escaped notice along with the voices In the history of the oppression of women, gays, slaves, colonies, and any other group on the margins of society, the instruments of the "master"--language, tools, and concepts--have consolidated different types of subordination, but also forced the creating of zones of resistance Resistance does not mean rejection of access to the new technologies of communication, as this would be suicidal. ... Thus, the Internet enables them to shed an important perspective on the likely effects of a proposed human rights strategy and argument. ... The Women's Human Rights Resources web site seeks to make international women's human rights law available and accessible to researchers and advocates around the world. ...

TEXT:

[*869] INTRODUCTION

On October 29-30, 1999, representatives of women's human rights organizations, lawyers, law

professors, law librarians, and information technology specialists joined the Women's Human Rights Resources group at the University of Toronto for a strategy workshop. The goal was to discuss how to make the Women's Human Rights Resources web site more useful and accessible to teachers, advocates and decision-makers around the world. Day one of the workshop started with a discussion of the role of the Internet in human rights advocacy. It was clear that many of the participants considered lack of accessibility to the Internet to be a serious impediment to exploiting its full potential for human rights work. Many countries lack the infrastructure to make full Internet access possible. Even where the infrastructure exists, the high cost of computer equipment and on-line time prevents many individuals from using the Internet. This is true even in countries like Canada and the United States where connectivity is high. The fact that English is the dominant language exasperated the accessibility issues and alienated some at the workshop. Yet, the workshop participants overwhelmingly emerged with a sense of confidence that the Internet had enhanced women's rights advocacy within the last decade.

I attended the workshop as a member of the Women's Human Rights Resources team. My background is legal rather than technological. Although I am relatively new to the Internet, the concerns expressed at the workshop sounded very familiar: they echoed concerns about law and its potential to effect meaningful and desirable change for the marginalized and disempowered. I attended law school with the intention of working on social justice causes. Now, I work on an Internet-based project. Am I deluding myself on [*870] both fronts? Are both law and the Internet the exclusive reserve of privilege? Was the confidence in the Internet's potential that we felt as a group unfounded?

Women's use of the Internet has received very little attention from feminist legal commentators. While they increasingly turn to it as a source of information and as an advocacy tool, feminist legal scholars and advocates have failed to analyze the Internet in terms of its significance to women. Feminists must be concerned that accessibility to the Internet is limited. Yet, we can harness the Internet in the promotion of women's rights and recognize it as an important feminist medium as long as we understand its strengths and take its shortcomings into consideration. The strengths and shortcomings of the Internet parallel to a large extent those identified by feminists in the rights debate; and the rights debate provides an established framework for assessing the Internet's efficacy--in particular its role in the feminist agenda of promoting dignity and equality for women. We can thus begin our analysis of the Internet on the familiar terrain laid out by the feminist debate over rights claims.

This Essay is divided into three parts. Part I briefly sets out the debate over rights. For the purposes of narrowing the discussion, the focus on this debate is in the context of international human rights law and the evolving norms of violence against women. Part II turns to the Internet and seeks to draw parallels between the rights debate and the issues that arise in evaluating the Internet's efficacy in advancing women's rights. It concludes that both rights claims and the Internet represent appropriate feminist tools for effecting social change. Simply stated, both rights and the Internet can empower and promote dialogue between women while giving public voice to women's

interests. But, both must be understood and implemented in a way that recognizes them as paradoxical instruments. While rights can be both elitist and inadequate, they can also give voice to the marginalized and expression to power, while seeking to undo it. Similarly, my interest in the Internet lies partially in its potential to give meaning to the paradoxes inherent within feminist legal theory and practice. These paradoxes include deriving theory from practice, seeking coalition in differences, and using the instruments of power against the powerful. Part III discusses the need to employ vigilance and to constantly evaluate our use of the Internet to ensure that we are using it to promote women's rights rather than subverting them. It also identifies strategies that can help make the Internet more [*871] accessible to women and women's groups around the world.

I. THE RIGHTS DEBATE

A. *Rights*

1. Skepticism About Rights

Some writers and activists urge those working for social justice to stop seeking solutions to the dehumanizing violence and discrimination directed at women by creating more or better international human rights law. These writers and activists contend that the "campaigns for women's legal rights are at best a waste of energy and at worst positively detrimental to women,"ⁿ¹ and that "human rights law has been a miserable failure in protecting peoples from oppression."ⁿ² They stress that women's rights activists working at the international level should redirect their efforts on political strategies aimed at educating the public and pressuring authorities through "grassroots" measures such as sit-ins and public demonstrations.ⁿ³ The skepticism around international human rights law's inability to protect women echoes the more general debate over the efficacy of rights as legitimate and effective mechanisms for social change that benefit women.ⁿ⁴

Indeed, one does not need to analyze the protections afforded to women against violence under international law for long to conclude that the regime does not adequately protect women's interests or aspirations. A few commentators have advanced sophisticated analyses of international law's shortcomings. Agreeing that international law offers woefully inadequate protections for women against violence, some feminists regard the international legal system as a "source of subordination rather than liberation" for women.ⁿ⁵ [*872] The criticism directed at international human rights law takes several forms. International law's detractors start from the observation that while international human rights law purports to be universal and professes to recognize the equal dignity and worth of all,ⁿ⁶ it in fact is not neutral in its result and reflects the interests and needs of men over those of women. They stress that states create and control international human rights law to a large extent, and that states are run overwhelmingly by men. "Only men, not women or children, have been imagined capable of the sort of public decisiveness international politics is presumed to require."ⁿ⁷ The fundamental question "Where are the women?"ⁿ⁸ remains not only relevant but central. It should perhaps come as no surprise, therefore, that international human rights law purports to recognize the equal dignity and worth of all individuals but it in fact reflects the needs

and interests of the powerful (who tend to be men) rather than the marginalized (who tend to be women). International human rights law is created by the powerful and it largely reflects their aspirations. ⁿ⁹

2. Privileging Some, Silencing Others

As Joan FitzPatrick observes there are "an array of sources of international [human rights] norms" but "none of these norms is sufficiently broad or focused [enough] to have more than a minimal impact in controlling or eradicating violence against women." ⁿ¹⁰ Some analysts blame the "public-private" distinction. ⁿ¹¹ They argue that international human rights law privileges the needs of men over women, by seeking only to eliminate violence that takes place outside [*873] the home in the so-called "public sphere" and by focusing on violence perpetrated by state actors. These protections, though valuable, do little for women who tend to experience violence in the private sphere of the home at the hands of nonstate actors, usually partners. Significantly, the Convention on the Elimination of All Forms of Discrimination Against Women (the "Women's Convention") does not explicitly protect women against violence. Even the Declaration on the Elimination of Violence Against Women ("DEVAW") reflects a refusal to address violence perpetuated in the home or so called "private" sphere. This refusal to legislate with reference to what takes place in the home extends to circumstances where the home is the place of employment. For example, the Migrant Worker's Convention does not directly address the violence directed at foreign household workers, often at the hands of their employers. ⁿ¹²

Other critics of rights claims emphasize that supposedly neutral rules operate differently with respect to women and men. They point out, for example, that international law exhibits a reluctance to address the kind of violence directed at women even when that violence takes place in the so-called "public" sphere. For example, international humanitarian law has only recently come to recognize the kinds of violence and sex-related crimes that are visited upon women and girls during wartime. As Kelly Askin observes,

International humanitarian law instruments regulate everything from the minimum number of cards or letters a prisoner of war can receive each month, to provisions requiring opportunities for internees to participate in outdoor sports, playgrounds for children, and to the maximum number of warships a belligerent may have at any one time in the port of a neutral power. Because many regulations protecting either combatants or civilians are often described in minute and exhausting detail, it is simultaneously shocking and disturbing, and yet consistent with the standard treatment of women and the silence surrounding women's issues, that very little mention is made either specifically or even generally of war crimes regularly committed against half the population, most particularly crimes of rape, sexual slavery, and other forms of sexual violence. ⁿ¹³

[*874] 3. Rights Are Wrong by Nature

Other analysts take an even more skeptical stance toward international human rights law. The problem is not simply that rights lack the appropriate content. The problem is more fundamental: rights are wrong by their very nature. In the opinion of some, rights are too individualistic and confrontational. ⁿ¹⁴ "Rights language is fundamentally adversarial and negative: it emphasizes those things that ought not to be taken from someone. It is also a property concept. Feminists seek a framework that emphasizes positive values such as helping, cooperating, and acting out of love, friendship, or relatedness, as well as fairness." ⁿ¹⁵ The point is that, if we adopt a rights framework, we are entrenching the very values that we need to overcome before justice and dignity for all can become a reality.

Still others eschew rights claims because they do not leave room for local analysis but rather require that the agenda be set by actors who operate at an international level and are thus out of touch with grassroots needs and sentiments. The claim here is that rights necessarily require the articulation of generally applicable standards that are built on a monolithic, essentialist view of women and cannot take cultural values into consideration. ⁿ¹⁶ Yet another group of critics charge that rights strategies provide only a chimera of progress and turn attention away from the vital need for more drastic political and social restructuring. ⁿ¹⁷ "Rights discourse, like any language, may mislead, seduce, falsely console or wrongly inflame." ⁿ¹⁸

4. The Institutional Context Exacerbates the Problem with Rights

Rights claims operate in an institutional context that serves to exacerbate the shortcomings of a rights-based strategy for women who suffer violence. The international regime reflects state interests, [*875] and women are not sufficiently valued by states. Although the Women's Convention was ratified by an overwhelming majority of states, it is also subject to a disproportionately high number of reservations which serve to dilute a given states' legal obligations to women living within their jurisdiction. ⁿ¹⁹

Second, the United Nation's system puts women's issues in a ghetto while failing to give women positions of influence in bodies that contribute to international standard setting. The Women's Convention is now considered by some feminists to be largely responsible for the marginalization of women's human rights in international law. They point out that mainstream human rights bodies ignore or downplay the human rights of women by referring "women's issues" to the Women's Convention. ⁿ²⁰ These critics also stress that institutions created to draft and monitor women's rights continue to be notoriously underfunded. In addition, the implementation procedures and obligations in the Women's Convention are much weaker than those in other human rights instruments. ⁿ²¹

Finally, the enforcement mechanisms available at the international level are often even more removed than the domestic protections. The general requirement that one must exhaust domestic remedies before seeking solutions at the international level requires women's rights advocates to dedicate resources at the national level and then extra time, effort and resources to restate the claim

at the international level. Hence, the international system in some instances is less accessible than the domestic system. Moreover, failed attempts to have a claim vindicated at the international level, even rhetorically, often serve to legitimize forms of violence, particularly those perpetrated by official sources. ⁿ²²

[*876] *B. Why Rights Claims Are Necessary for Women*

1. Using the Language of the Powerful

Without a doubt, rights strategies are limited and their efficacy might vary depending on the circumstance. ⁿ²³ Yet, we cannot abandon rights claims. Rights claims can be effective because they facilitate a challenge to power using the language of the powerful.

I worry about criticizing rights and legal language just when they have become available to people who had previously lacked access to them. I worry about those who have, telling those who do not, "you do not need it, you should not want it." But, rather than trash rights, I join in the efforts to reclaim and reinvent them. Whether and how to use words to constrain power are questions that should be answered by those who lack it. For this task, rights rhetoric is remarkably well-suited. It enables a devastating, if rhetorical, exposure of and challenge to hierarchy of power. ⁿ²⁴

Admittedly, the language of the powerful can sometimes distort the claims made by equality-seeking groups. ⁿ²⁵ Yet, using the language of the powerful also heightens the possibility of being understood. ⁿ²⁶ As Hilary Charlesworth put it, "rights discourse offers a recognized vocabulary" and affirms a community dedicated to invigorating words with a power to restrain, so that even the powerless can appeal to those words. ⁿ²⁷

2. Rights Claims Are Empowering

Rights claims can be empowering for two reasons. First, rights claims are really claims to respect and recognition on the part of the claimant. In Patricia Williams' words, people using the language of rights implies respect and "elevates one's status from human body to social being." ⁿ²⁸ Rights claims can also be empowering because, by their very nature, they can help break the public/private distinction: by articulating wants, needs, desires, wishes, urges, aspirations and interests as "rights," women's individual needs are brought out of a private space into the public realm. Once private wishes, wants and **[*877]** needs are articulated in the public realm, they can help rally women to a common cause. ⁿ²⁹ Lynn Freedman's fascinating paper that explores the growing role of human rights in the field of women's health. ⁿ³⁰ Drawing on a study conducted at a large public hospital in Chicago, she illustrates how the injection of human rights into the public health system's response to violence against women would take that violence out of the private realm and into the public realm. The following paragraph is produced verbatim from a patient's chart, and is representative of other patients' charts.

NURSE TRIAGE NOTE: Was hit on upper lip. Teeth loose and [with] dislocation. Happened last night.

MD RECORD: Patient 25 y/o BF c/o [complained of] swelling and pain on the mouth after was hit by fist about 5 hours ago. No LOC [loss of consciousness] no visual symptoms, no vomiting, no nausea.

PHYSICAL EXAM: Afebrile, hydrated, conscious, oriented x3 [time, place, person]. HEENT [head, eyes, nose, throat]; has swelling in the upper lip and loose teeth. No evidence of Fx [fracture]

DISCHARGE DIAGNOSIS: Blunt Trauma Face

DISPOSITION: Ice Packs. Oral Surgery Clinic, appt. Motrin. ⁿ³¹

Freedman notes that it is what the nurse and doctor's notes fail to record that speaks the loudest.

What is missing? The nurse's note does not mention who hit her, what her relationship with this person was, what the circumstances of the attack were, or why she waited five hours to seek medical help. We also see that there is no subject in this statement and that the woman is already out of the picture--only her lip and teeth are there. ⁿ³²

Freedman concludes that "human rights begins here . . . it is about the right to be seen, to be heard, to be listened to." ⁿ³³ In other words, human rights claims are rooted in the right to be *recognized* as someone with a *public* claim to dignity and respect.

3. The Content of Rights Is Not Frozen

While it is true that international norms are not sufficiently [*878] attuned to women's needs for protection against violence, norms can evolve. As Rebecca Cook observed with respect to the Women's Convention, "treaty interpretation is not exclusively limited to treaty terms . . . even if they were not imagined when the treaty was drafted." ⁿ³⁴ The same is true for other sources of international human rights law.

A number of feminist scholars have argued for a broader interpretation of international norms concerning violence against women. For example, Ursula O'Hare argues that DEVAW offers a broad definition of violence that covers state, family, and community. ⁿ³⁵ Commentators point to developments that have pushed forward the campaign to end violence against women. These developments include decisions by human rights tribunals like the Inter-American Court, which "pierced the privacy veil" in finding that a state can be liable for the conduct of nonstate actors. ⁿ³⁶ The Committee on the Elimination of Discrimination Against Women's General Comment No. 19 is also significant because it injects violence against women into the Women's Convention by recognizing that women who suffer violence cannot enjoy the rights contained within the Women's

Convention. ⁿ³⁷ Thus, the committee makes the elimination of violence against women a necessary precondition of giving effect to covenant rights.

I am not suggesting that rights will necessarily or naturally evolve to afford greater protection for women. Rather, I want to say that gains will be made in the campaign to end violence against women through conscious efforts of dedicated scholars and activists who incorporate international human rights law in their work. ⁿ³⁸ Their ongoing efforts need to be nurtured and supported. Of course, quests for justice through rights must be inextricably linked to political [*879] means of seeking change. Such political means might include sit-ins, lobbying of government, public education and the articulation of resolutions or "platforms for action" at international conferences. But these activities do not take place in isolation of rights campaigns. Rather, they invariably appeal to an understanding of rights or seek to expand the meaning of a particular right. For example, it was ultimately political pressure from nongovernmental organizations that ensured that the 1993 World Conference on Human Rights in Vienna included violence against women as part of the agenda. ⁿ³⁹ This helped bring the issue out of the private sphere and into a more public space. Such extra-legal activity then helped reinforce a reading of the Women's Convention as requiring states to protect women from violence, even though the Women's Convention does not explicitly mention violence against women as an issue.

4. The Changing Institutional Context

While it is true that women have yet to achieve parity at the international level, there are signs that women's rights are moving from the margins to the mainstream. Women are slowly acquiring greater influence at the international level, and they are using their position to get greater acknowledgment of the injustices facing women in all parts of the world. ⁿ⁴⁰ Second, there is a growing acceptance that international instruments cannot be read in isolation of each other. ⁿ⁴¹ Thus, "women's issues" are not the exclusive concern of the Women's Convention. Finally, there is a growing recognition that the Women's Convention needs to have stronger implementation mechanisms. The development of an Optional Protocol will create additional avenues for those seeking to vindicate their Women's Convention rights. Ultimately, the claim that "women's rights are indeed human rights" is no longer controversial.

[*880] 5. Rights as Dialogue

A common assertion among feminists is that, while rights claims cannot be abandoned, they must be reconceived. Some argue that rights must be reconceived as dialogue. ⁿ⁴² Such insistence has several motivations. First, it eschews claims that rights are natural, necessary, or that they can be arrived at in the abstract. Rights are created, and if they are to be meaningful to women, they must be rooted in women's lived experiences. That is, they must start from an understanding of the forces, events and individuals that subjugate women and then seek to liberate women from those forces, events and individuals. Finally, the notion of rights as dialogue reflects the aspiration of the feminist movement to seek justice for women through united action while remaining cognizant of

the perspectives and experiences of women across a range of divides. The concept of rights as dialogue creates the possibility that different perspectives can come to the table to help give content to rights claims. The point here is to guard against essentialism or the positing of a single notion of woman as the quintessential norm.

The delicate task is to avoid homogenizing universalism on the one hand and the paralysis of cultural relativism on the other. An inevitable tension within feminist theory comes from the understanding that diversity is the norm and there are no monolithic categories, and the recognition of the need to work in solidarity with common causes, commitments, and approaches. ⁿ⁴³

Even those analysts that are most skeptical of possibilities for effecting change through the united action of women at the international level remain committed to the possibility of strategic alliances in the appropriate circumstance. For example, Aihwa Ong directs a scathing critique at Western feminists, whom she regards as generally unwilling to envision accommodation with Islam or non-Western moral ethos. Yet, she recognizes both the necessity and the desirability of developing strategic alliances that transcend cultural, religious and other divides.

Globalization thus produces not a single international sisterhood (dominated by Western feminist ideals and agents) but many possible, negotiable, and partial collaborations between feminists in different countries. Feminist sisterhoods are strategic when they can create a transnational public that does not exclude the variety of alternative visions of female citizenship framed within [*881] alternative political moralities. ⁿ⁴⁴

Yet, feminists working in the legal regime have failed to adequately articulate--if at all--how this dialogue and possibility for strategic alliances between women across divides is to take place. I want to suggest that the Internet, with all of its shortcomings, offers feminists another means to push forward the women's rights agenda. However, we must consciously structure our use of the Internet in a way that invites an exchange of views from different backgrounds and experiences.

II. THE INTERNET AS A FEMINIST MEDIUM

A. Introduction to the Debate

The Internet consists of two components: the World Wide Web and e-mail. In its most basic terms, the Internet links computers around the world. By using the Internet, individuals living in different countries can connect through their computers almost instantaneously. Initially community organizations and academics used the Internet to campaign for greater democracy, social equality and protection of the environment; however, the Internet is becoming more commercialized. ⁿ⁴⁵ The Internet offers an extremely quick and relatively inexpensive mode of communication--provided that one has the proper software and computer equipment, and provided that one lives in a relatively affluent country that can provide the appropriate infrastructure like

telephone lines and electricity, which one requires for computer to computer contact. Of course, this is not the reality in the vast majority of the world. It costs around twenty dollars per month for a low volume Internet account in North America--and up to around \$ 100 per month for a similar account in Africa. ⁿ⁴⁶ Accessibility is limited by several factors including poverty, the lack of infrastructure at the national level, and the fact that English dominates as the language of the Internet. Political restrictions are also common in some countries. ⁿ⁴⁷

Just as some denounce rights claims as the source of alienation, elitism, and futility, detractors of the Internet stress its individualistic, elitist, exclusionary, and deceptive nature. Manuel Castells, for [*882] example, laments the fact that the Internet disempowers those who think and act purely at a local level. ⁿ⁴⁸ He stresses that the Internet trumps the cosmopolitan over the local and is thus an instrument of elites. "Elites are cosmopolitan, people are local." ⁿ⁴⁹ Others point out that the Internet allows individuals to pretend that they are doing good works by participating in on-line discussions about human rights or responding to on-line urgent action campaigns. The Internet permits us the illusion of promoting human rights while we still treat our neighbors, family and friends badly. ⁿ⁵⁰

Sohail Inayatullah and Ivana Milojevic argue that the Internet gives only a "mirage of connection and community," ⁿ⁵¹ observing that the Internet results in selves that "lose reflective space, jumping from one object to another, one web site to another, one e-mail to another." Inayatullah and Milojevic conclude that "it is not a communicative world that will transpire but a world of selves downloading their emotional confusion onto each other." ⁿ⁵² Zia Sardar observes that, "far from creating a community based on consensus, the information technologies could easily create states of alienated and atomized individuals, glued to their computer terminals, terrorizing and being terrorized by all those whose values conflict with their own." ⁿ⁵³ Critics of the Internet have turned to Martin Heidegger, Marshal MacLuhan and Michel Foucault for inspiration when they warn about the fragmentation of self, community and culture. They argue that the fragmentation will come from individuals seeking to communicate through a machine in virtual space rather than face to face in the physical space of schools, townhalls, on the streets or in the marketplace. ⁿ⁵⁴

Others see the Internet as a source of salvation. I recently attended a workshop where a group of women discussed the role of the Internet in promoting women's rights. One of the participants in the discussion asked what should be done if women in a village valued water over the Internet. What should the priorities be? The response from some of the workshop participants was that the Internet had to [*883] be valued over water because the Internet is a tool that would eventually lead women to get water for their village. This same overwhelming faith and unbridled passion for the Internet also pervades the work of some analysts. Some commentators argue that "cyberspace has the potential to be egalitarian, to bring everyone into a network arrangement. It has the capacity to create community; to provide untold opportunities for communication, exchange and keeping in touch." ⁿ⁵⁵ The kinds of communities that are envisioned are safe communities where women can come together and boldly declare those things that they dare only whisper, if they dare at all, in their

own physical communities. ⁿ⁵⁶ According to some observers, the Internet has brought us to "a new age of discovery by women about women." ⁿ⁵⁷

B. The Internet as an Instrument of Paradox

Both detractors and proponents of the Internet speak some truth. Collapsing distance and transcending borders does not automatically lead to the creation of nearness, intimacy, or community, but distance can certainly inhibit intimacy and community. The Internet can result in fragmentation but it also offers a powerful potential to unite. It thrives on paradox. It allows me to transcend my physical space while simultaneously emphasizing it. "I" can move across borders in very little time. "I" can have a dialogue with a woman in Uganda that I have never met before and who knows as little about me as I know about her. We quickly enter into philosophical discussions about the nature of human rights, share ideas and experiences about mothering and discuss the weather--all in one message. The Internet allows the opportunity of intimacy with strangers. It permits instant communication. Yet, it also creates the potential for instant confusion.

When I send an e-mail, I write the words but they travel disembodied through space to somewhere I have never seen and do not know. The "I" that is traveling across space and time is not fully mine. The reader does not have the advantage of hearing my voice or seeing my face, she must discern my meaning in the absence of bodily clues that often serve to clarify and enhance words. This combination [***884**] of travel/fixedness, intimate/foreign, communication/confusion, "I"/not "I" and here/there serves to simultaneously take me out of my here-and-now while reinforcing my existence within it. I cannot assume (if I ever could) that the person with whom I am conversing shares my personal, political, cultural and other assumptions. Participating in a universal dialogue with someone whom I have never met makes me conscious of the contingencies of my own assumptions. It separates me from my physical space and carries my words across borders at dizzying speed but, in the process, my present reality is emphasized and reaffirmed.

Similarly, my here and now is emphasized and laid bare as I jump from web site to web site. One second I am in South Africa, the next in Peru, and the next in Sweden. Traveling across cyberspace, visiting the sites of women's organizations around the world reinforces for me the vast range of issues, experiences and perspectives that exist in the world.

As a feminist medium, the Internet has the potential to force dichotomies out into the open, and does not insist that one side of the equation be privileged over the other. Indeed, it suggests that both parts of the equation are necessary for either to be understood on its own. The Internet forces me to "turn the gaze back on myself" at the same time that I am seeking to look at another. ⁿ⁵⁸ In this way, the Internet reinforces that "the knowing self is partial in all its guises, never finished, whole, simply there and original; it is always constructed and stitched together imperfectly, and therefore able to join with another, to see together without claiming to be another." ⁿ⁵⁹ Once I recognize that my being is always "constructed and stitched together," once I see that my values are the product of a certain time and place, then I can start to engage in authentic and fruitful

conversations with others through the Internet.

The ends of this conversation can be manifold: the Internet can be the means where the content of international human rights law is discussed and developed; it can create possibilities for strategic sistering; it can empower women by making vital information accessible to them; and, it can ultimately help ensure that the quest to [*885] secure equality and dignity for women across the globe is not dominated by Western agendas and perspectives. ⁿ⁶⁰ There is a need for vigilance, however. The Internet creates the potential for empowerment, alliance and expanded dialogue, but it does not guarantee such a result. The next Section of this Essay provides an overview of the Internet's potential with reference to the issues and ideas set forth in the rights debate. The final Section discusses the need for vigilance to help ensure that women's different voices are liberated rather than ensnared by the Internet. It also sets out some strategies for increasing women's access to the Internet.

C. Using the Instruments of Power Against the Powerful

Like rights, the Internet is clearly an instrument of the powerful. Yet, like rights, it can also be deployed against the powerful. Indeed, the marginalized have already harnessed the Internet in their quest to gain recognition, empathy and support from the world at large. For example, I ran a search on the World Wide Web using the term "East Timor" and generated about 76,900 results. ⁿ⁶¹ While not all might be directly relevant to human rights in East Timor, at least the first 270 were relevant. For example, result number 268 provided a link to Noam Chomsky's lectures on East Timor.

New technologies have readapted and reinforced systems for capturing the voices at the margins so smoothly that the systems have escaped notice along with the voices In the history of the oppression of women, gays, slaves, colonies, and any other group on the margins of society, the instruments of the "master"--language, tools, and concepts--have consolidated different types of subordination, but also forced the creating of zones of resistance Resistance does not mean rejection of access to the new technologies of communication, as this would be suicidal. ⁿ⁶²

Women's advocates seeking to expand the meaning of violence against women at the international level have harnessed the Internet to promote their cause. ⁿ⁶³ For example, UNIFEM coordinated a [*886] televideo conference on March 8, 1999, which linked the United Nations General Assembly in New York with a global audience, including sites in Nairobi, New Delhi, Mexico City and the European Parliament in Strousberg. The conference highlighted success stories and innovative strategies and identified barriers to eliminating violence against women. It was preceded by an on-line discussion involving more than a 1000 women and men around the world who shared similar stories, experiences and strategies. ⁿ⁶⁴

D. Opportunities for Expanded Dialogue

Like rights, the Internet creates opportunities for dialogue. It builds upon the "well-established

women's and feminist emphasis on the radical potential of communication." ⁿ⁶⁵ The fact that communication through the Internet takes place in virtual space rather than the physical space allows actors that might not otherwise meet to come together. For example, the Women's Human Rights Resources web site receives requests for research and advocacy assistance from women's groups around the world. The groups who request the information often do not have access to law libraries, and for various reasons cannot seek the advice or assistance of lawyers or other legal advocates. Sometimes they are prevented from seeking legal advice because they lack the funds; sometimes they are prevented from seeking legal advice because they do not want members of their community to know that they have requested such advice; and sometimes they are prevented from seeking legal advice because the legal expertise in international human rights law does not exist in their geographic area. Members of the Women's Human Rights Resources group undertake to provide as much research assistance and analysis as possible. The results are mutually beneficial. Researchers feel their work is worthwhile because it is aimed at a specific cause. They are also exposed to the issues and perspectives of women working and living thousands of miles away. The women and women's groups receive key legal materials in exchange, which they can incorporate into their struggles as they [*887] deem appropriate. ⁿ⁶⁶

The Internet helps to break down not only geographic borders, but also the divide between international and local, city and town, academic and activist, law and politics, and North and South. ⁿ⁶⁷ "[The] new era of cyberfeminisms is where the priority in collective knowledge building among women is to undertake it first and foremost on a cross-boundary basis, whether we are thinking of geographical, national, social, cultural or racial boundaries." ⁿ⁶⁸ In short, the Internet creates the possibility for an expanded dialogue between women. An expanded dialogue means that more perspectives can be heard and can potentially influence the ongoing normative development of international human rights law. ⁿ⁶⁹ If, as Celina Romany concludes, rights are defined by those who talk about them, ⁿ⁷⁰ then the Internet has the potential to give a larger audience the power to influence law and legal norms. ⁿ⁷¹ Indeed, an impressive global network of women and women's rights advocates is emerging. ⁿ⁷²

The expanded dialogue made possible by the Internet should not aim "to report on miseries so that some others--who are considered less miserable--can feel better about being in a more favorable position, but rather to initiate a process or begin a journey that acknowledges the interconnectedness of it all." ⁿ⁷³ The quest to secure [*888] women's rights across the globe has sometimes been tainted by arrogance, largely that of the West telling women in other countries what is wrong with their lives and how to go about fixing it. ⁿ⁷⁴ The Internet offers feminist scholars and activists the opportunity to discuss their positions and develop solutions to the injustices facing women by canvassing the opinions of those who are closer to the facts on the ground. Thus, the Internet enables them to shed an important perspective on the likely effects of a proposed human rights strategy and argument. In this way, the Internet can bring a local analysis to bear on international solutions.

The Internet also makes the words and thoughts of feminists in the South more readily

accessible to those in the North. ⁿ⁷⁵ In the end, the Internet can result in a "scattering of feminist legal theory and practice." ⁿ⁷⁶ It can help break the control and perceived control that Western women have over the norms of international human rights law. It offers a means whereby feminism can be "displaced from its North American moorings" by giving women in the South the possibility of expressing themselves using the language and tools of Northern women. ⁿ⁷⁷ For example, residents of Palestinian refugee camps are turning to the Internet as a means of sharing their experiences and presenting their stories, unmediated by news reporters and editors or political censors. The information is available on a web site called *Across Borders*. As the main page of the site explains:

The Across Borders Project was initiated in January 1999 by the Birzeit University Information Technology Unit. It aims to bring Internet technology into Palestinian refugee camps across the Middle East and will see the creation of bilingual (English/Arabic) camp web sites, including on-line news, oral history and stories from Palestinian refugees. The Across Borders Project also aims to facilitate the connection of refugees with each other. The pilot phase of the project was launched in Deheishe Camp, near Bethlehem at the Ibdaa Centre. A fully-equipped computer lab [*889] was opened in Deheishe on Saturday 24 July, [1999] and 10 camp residents have completed a 36-hour training course at Birzeit University. Courses in basic computer use and Internet training have been launched. By utilizing the latest in Internet technology Palestinian refugees living in camps will be able to directly communicate with the world on an unprecedented scale. Importantly, this communication will be coming directly from refugees themselves, not mediated by other interests. The camp web sites will revolutionize the ability of refugees to portray their situation to the international community. They promise to increase the advocacy efforts of refugees and their representative bodies through raising their voice on an international stage. More than a third of all Palestinians live in refugee camps throughout the Middle East. Travel between camps is difficult, so they are bridging the distances by using the Internet to share their personal and political stories. ⁿ⁷⁸

While women's use of the Internet is concentrated in the North, there are an increasing number of sites that are being produced by women in the South. ⁿ⁷⁹ Using the tools of privilege has its risks. But, it also has its advantages. It is important, of course, to acknowledge that women in the South and other marginalized women have been expressing themselves on a regular basis. But, women of relative privilege have not always agreed to listen. The Internet cannot create a willingness to listen. ⁿ⁸⁰ It can only create an expanded opportunity to learn. Effective communication across divides requires more than a fast modem. "Women who are different in class, race, sexuality, nationality, age, physical ability and religious affiliation need to be represented inside the languages that cyberspace is producing. Cyberspace needs to be transformed into cyberculture, into an infinite number of ways of representing diversity." ⁿ⁸¹

E. The Internet as Empowerment

Like rights, the Internet can be a source of empowerment. One of the main ways in which the Internet can empower women is by providing them with access to information about their rights. Political advocates and social justice organizations in different parts of the world have turned to the Internet as the only medium that is not yet effectively controlled and censored by governments. Groups in [*890] Malaysia, for example, take information off the Internet and distribute it at factories and in shops as an alternative to government controlled newspapers and television. ⁿ⁸² The Women's Human Rights Resources web site seeks to make international women's human rights law available and accessible to researchers and advocates around the world. ⁿ⁸³ We have received communications from a diverse group of women and women's organizations advising us that the Internet gives them quick and easy access to information that would not otherwise be available to them given the lack of law libraries and documentation centers in their areas. Amnesty International has had similar experiences. "For example, during Amnesty International's campaign on human rights violations in Indonesia, the report *Power and Impunity* was swiftly downloaded from the Internet, translated into Bahasa Indonesia and reposted." ⁿ⁸⁴ Again, as a tool of empowerment, the Internet can be creatively combined with more accessible and traditional forms of communication to bring the benefits of new communication technology to women. ⁿ⁸⁵ For example, the Federation of Women Lawyers in Kenya has taken information off the Internet and worked with women in various villages around Kenya to translate that information into a song and dance. The song and dance is then used to communicate to others women's needs, rights and interests. ⁿ⁸⁶ Thinking of the Internet as part of a larger communication package coincides with "one of the outstanding features of women's communication and media, then and now, has been the weaving together of many different media forms and working styles." ⁿ⁸⁷

The Internet can also be empowering because it creates a public [*891] space for women's interests. "The issue of space has always been central for women. The freedom to have access to spaces other than the bedroom and the kitchen, and to fully and safely be able to act in other public spaces is key to women's full participation in the world's future." ⁿ⁸⁸ The number of sites dedicated to women's human rights is difficult to ignore. Several organizations have set up Internet projects around the world to help researchers and advocates use the Internet to promote women's human rights. For example, South Africa has "Sangonet," which "is a regional electronic information and communications network for development and human rights workers." ⁿ⁸⁹ It also has "Women'sNet," which is a "networking support program designed to enable South African women to use the Internet to find the people, issues, resources and tools needed for women's social action" ⁿ⁹⁰ In Asia, the Asian Women's Resource Exchange "aspires to contribute to global efforts to address gender disparity on the Internet. It is geared towards building sustainability, as well as promoting Net literacy and enhancing social activism among individual women and women's organizations." ⁿ⁹¹ There is also a burgeoning number of electronic listservs and discussion groups. Scholars and activists are working to ensure that the information available on these sites, and through the listservs and discussion groups, are brought to the attention of the mainstream. ⁿ⁹² If the international community is slow to respond to women's global disadvantage largely because of the exclusion of women's voices from the public world, then the Internet is helping to bring women's voices into public space. Women's lobbying is becoming an increasingly "powerful force in

international policy, and women are using Internet networking, especially e-mail, to move forward their agendas at the global level." ⁿ⁹³

[*892] Finally, the Internet can empower women because, like rights, the Internet creates the possibility of united action grounded in the lived reality of women. It can be a medium through which women are rallied to a common cause, and it creates the possibility of "strategic sistering"--a process whereby local women can define their needs and seek support for their cause at the international level. A member of the group Women's Solidarity in Indonesia reports that women living in conflict zones sometimes have a special need for Internet communication. She explains that "in the conflict areas such as Aceh and Maluku, network information is like a big giant hand that connects them with people outside and also allows people from the outside to give their hearts and words to them." ⁿ⁹⁴ The Internet also creates opportunities for "strategic sistering" between researchers and advocates who can communicate with each other directly through e-mail or visit different web sites with the aim of developing arguments and strategies that promote women's liberation. Women who cannot afford the luxury of buying books, or attending prestigious universities and who cannot travel to international conferences can have access to important key documents at lower rates. ⁿ⁹⁵ Researchers who do have access to these luxuries also benefit from the Internet. They can connect or remain connected with advocacy groups in other countries through e-mail, or they can learn something about the issues facing women in different regions of the world through visiting a web site.

III. VIGILANCE AND ACCESS

A. The Need for Vigilance

Women must embrace the Internet's potential but they must do so with caution. We must celebrate and nurture its potential while recognizing its limits. The Internet, at least for the time being, is dominated by Western users. English predominates over other languages. Moreover, the Internet has the potential to homogenize, and it can result in the imposition of agendas by the powerful over those with less influence. It is increasingly becoming commercialized, often in a way that perpetuates stereotypes and violence against women. These features are not exclusive to the Internet, but they [*893] highlight the fact that we need to learn from our history and our mistakes. Perhaps one notably new feature of the Internet is its potential to dominate, homogenize, impose and perpetuate with a force and speed hitherto unimagined. But, it also has the potential to liberate, diversify, create and empower. We need to understand that it operates as an instrument of power at the same time that we use it against power. We need to be careful of how we use it.

The information era will further magnify our assumptions of self-innocence and other-as-guilty unless we begin to reveal our complicity in soliloquy posing as conversation. If information can be transformed to communication, then perhaps the Web can participate in the historical decolonization process, giving power to communities and individuals in the overall context of global human, economic,

environmental and culturally negotiated universals. ⁿ⁹⁶

Human rights activists must also ensure that the Internet does not become the only source for women to communicate and listen to each other for the simple reason that the vast majority of the world's women do not have Internet access. We need to continue to meet and discuss in physical space so as to avoid the creation of "knowledge haves and have nots." It would, for example, be a disaster if the Special Rapporteur on Violence Against Women were simply to solicit stories over the Internet rather than also seek face to face meetings with women at the local level. If the Special Rapporteur relied on the Internet as her only point of contact with the world, then her perception of the problem would undoubtedly be biased in favor of Northern concerns and strategies.

We should not ignore that, although the Internet creates an opportunity for expanded dialogue between women, it also creates the possibility for deception. I tell my on-line friend that I am from Canada. She tells me about children's rights in Uganda. I give her some information about child poverty in Canada. But, how can she confirm that I am telling her the truth? At the most basic level, how does she even know for certain that I am from Canada? ⁿ⁹⁷ These questions serve to reinforce that, although the Internet is an absolutely crucial source of information, a convenient medium for communication, and an important advocacy tool, it should not be the only source of information, communication or advocacy. We also [*894] need to witness, discuss and strategize in physical space.

Finally, care is needed to ensure that activities in cyberspace do not become ends unto themselves but should serve to promote action and build the capacity of those who seek to respond to women's global disadvantage through both legal and nonlegal means. All that connectivity should incite our lust for "barely possible worlds" just outside the explicit logic of any network. ⁿ⁹⁸

B. Strategies for Expanding Internet Access to More Women

The Internet can be a powerful medium that has the potential to unite women, notwithstanding the fact that access to the Internet, like access to legal systems, is often limited to the wealthier and more privileged sectors of society. Yet, there are strategies that can be employed to overcome some of the barriers to Internet access for those with less relative resources or privilege. Access to the Internet consists of two components: the ability to get one's information or viewpoint on the Internet and the ability to obtain information on-line. Several human rights organizations provide on-line "hosting" services. These organizations offer to put up the materials of other organizations on their own web site with appropriate credit, or they create a web page for organizations that would not otherwise be able to afford their own. For example, Human Rights Internet ("HRI") in Canada designs, creates and maintains web sites for human rights organizations and groups worldwide. These sites are housed on the HRI server in such a way that organizations can directly access their own homepage and advertise as having their own web site. ⁿ⁹⁹

Web site design can affect accessibility. Those who produce web sites in the North should be aware that their design decisions can create accessibility barriers. Flashy sites with fancy graphics

and frames often make it difficult or expensive for those using relatively slow computers or for those living in countries with less sophisticated infrastructure to visit a site or download information from it. Thus, even more affluent organizations and institutions that can afford to produce fancy web site designs might consider adopting policies that favor low technical solutions over high technical options. ⁿ¹⁰⁰

[*895] In addition, those who maintain web site pages for the purposes of disseminating information might consider making the information available by e-mail and not simply through the World Wide Web. This can be done by developing e-mail listservs that send information to a group of subscribers. Or, it can be accomplished by promoting the use of mail to web browsers. A web-to-e-mail server is simply a means whereby those with e-mail access only can search and retrieve information from any public web site anywhere in the world. ⁿ¹⁰¹ E-mail is more accessible because it is more widely available, less expensive and requires less technical capabilities than other Internet services. ⁿ¹⁰²

The server location can also make a difference. For example, the University of Minnesota Human Rights Library developed mirror sites in both Europe, at the Graduate Institute of International Studies, and Africa, at the University of Witwatersrand in Johannesburg. ⁿ¹⁰³ A mirror site is basically a duplicate site housed in one or more locations. The advantage of a mirror site is that it helps reduce the cost of being on the Internet for some users because it reduces the stress or amount of traffic on the server that holds the information that the user seeks to access.

"Internet cafes" or "telecenters" also offer a way to increase Internet access. Individuals can pay for use of the Internet at these cafes without having to invest in the full cost of a computer or requiring them to purchase the infrastructure. Users pay for the opportunity to send or receive e-mail. They can also use the World Wide Web. These cafes often develop as commercial business ventures, ⁿ¹⁰⁴ and the services they provide are still largely aimed at **[*896]** wealthier individuals in society. Other initiatives aim at making the Internet available to disadvantaged communities. For example, the Acacia program of the International Development Research Center aims to "discover and demonstrate how disadvantaged sub-Saharan African communities, especially their women and youth, can use information and communication in solving local development problems." ⁿ¹⁰⁵ As part of its program objectives, Acacia aims to develop various "telecenters" or physical sites that will aim in part to give remote communities access to Internet technology.

Cooperation between those with Internet access and those without it is perhaps one of the most important ways to increase accessibility. Those with Internet access can work in cooperation with those who do not have access to help ensure that more voices are heard and more experiences are shared through the Internet. For example, political and human rights activists in Malaysia regularly print information from the Internet, copy it and distribute it at shops and factories much in the same way that newspapers are distributed. Newspapers, however, are subject to political censorship in a way that information is not. ⁿ¹⁰⁶ Women's Solidary in Indonesia uses e-mail to organize its members who live in different regions. As a member of the Women's Solidarity network explained:

Some of the members live in suburb areas and they don't have any trouble getting on-line, but some of them live in the country and they don't have access to get online. But then it turned out to be very interesting to see that the people who don't have online access can still get up-to-date information or send information. In this network, people that can get online will download the information into a floppy disk and circulate the information to other members who don't have access to the online network. They use the network not just for regular discussions and sharing internal discussion, but they also use it for campaigns on violence against women, advocacy on Indonesian women migrant workers cases, and to give solidarity support for peoples in conflict areas. ⁿ¹⁰⁷

CONCLUSION

The Internet should become yet another venue that invites the question "Where are the women?" It is imperative that women's [*897] rights information be made available on the Internet for individuals and groups that seek to secure women's rights. However, the information must be gathered and presented in a particular way so as to promote the creation of authentic communities that liberate rather than homogenize women's voices in cyberspace. We need to consciously listen and create opportunities for participation of excluded others in the development of strategies and knowledge. We also need to connect those strategies and forms of knowledge to change in real time and local or physical spaces. In the end, a modem may be necessary but it is not sufficient to ensure that an authentic community of differently oriented individuals comes together across cultural, religious, institutional, class and other divides to develop strategic alliances aimed at the realization of women's rights as human rights. A conscious and constant checking and re-checking is required to ensure that, in the quest to harness new information and communication technologies in the campaign to secure women's rights, we do not become complicit in passing off "soliloquy as conversation."

Legal Topics:

For related research and practice materials, see the following legal topics:
 Computer & Internet Law
 General Overview
 International Law
 Sovereign States &
 Individuals
 Human Rights
 Slavery
 International Trade Law
 Trade Agreements
 Intellectual Property
 Provisions

FOOTNOTES:

ⁿ¹ For a discussion, see Hilary Charlesworth, *What Are Women's International Human Rights?*, in *HUMAN RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES* 58, 60 (Rebecca J. Cook ed., 1994). Charlesworth herself does not advocate this view.

n2 Gayle Binion, *Human Rights: A Feminist Perspective*, 17 HUM. RTS. Q. 509, 514 (1995).

n3 See Margareth Etienne, *Addressing Gender-Based Violence in an International Context*, 18 HARV. WOMEN'S L.J. 139, 139 (1995). In particular, see Part III where she suggests specific extra-legal strategies. *Id.* at 159.

n4 See, for example, Judy Fudge, *The Effect of Entrenching a Bill of Rights upon Political Discourse: Feminist Demands and Sexual Violence in Canada*, 17 INT'L J. SOC. & L. 445, 445 (1989); Lisa Gotell, *Litigating Feminist "Truth": An Antifoundational Critique*, 4 SOC. LEGAL STUD. 99, 99 (1995); and Elizabeth M. Schneider, *The Dialectic of Rights and Politics: Perspectives from the Women's Movement*, 61 N.Y.U. L. REV. 589, 589 (1986), for a countervailing view.

n5 Joan Fitzpatrick & Katrina Kelly, *Gendered Aspects of Migration: Law and the Female Migrant*, 22 HASTINGS INT'L & COMP. L. REV. 47, 112 (1998).

n6 See, e.g., UNITED NATIONS, *The Universal Declaration of Human Rights*, in INTERNATIONAL HUMAN RIGHTS INSTRUMENTS OF THE UNITED NATIONS: 1948-1982, at 5, 5 (1983).

n7 CYNTHIA ENLOE, *MAKING FEMINIST SENSE OF INTERNATIONAL POLITICS: BANANAS, BEACHES AND BASES* 4 (University of Cal. Press 1990) (1989). For a discussion, see *id.* at 1-18.

n8 Gillian Youngs, *Virtual Voices: Real Lives*, in *WOMEN @ INTERNET: CREATING NEW CULTURES IN CYBERSPACE* 55, 57 (Wendy Harcourt ed., 1999).

n9 We need to acknowledge that oppression is often defined by context, that it is a relational concept, and that other factors such as race and class are relevant. I find Kimberle Crenshaw's work on intersectionality compelling. See Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics and Violence Against Women of Color*, 43 *STAN. L. REV.* 1241 (1991). But, it is also true that no society in the world treats its women as well as it treats its men.

n10 Joan Fitzpatrick, *The Use of International Human Rights Norms to Combat Violence Against Women*, in *HUMAN RIGHTS OF WOMEN*, *supra* note 1, at 532, 532; see also Charlesworth, *supra* note 1, at 60.

n11 See Charlesworth, *supra* note 1, at 58, for a brief discussion.

N12 This convention is not yet in force. See FitzPatrick & Kelly, *supra* note 5, at 87-88. Such examples led some commentators to conclude that the real problem is not the refusal to legislate in the private sphere but the unwillingness to protect women.

n13 Kelly D. Askin, *Women and International Humanitarian Law*, in *WOMEN AND INTERNATIONAL HUMAN RIGHTS LAW* 42, 45-46 (Kelly D. Askin & Dorean M. Koenig eds., 1999) (noting that international humanitarian law has evolved and now provides better, but not yet adequate, protection for women).

n14 See Etienne, *supra* note 3, at 162.

n15 Helen Bequaert Holmes & Susan Rae Peterson, *Rights over One's Own Body: A Woman-Affirming Health Care Policy*, 32 HUM. RTS. Q. 71, 73 (1981) (for an overview and critique of this position).

n16 For a general discussion, see Nancy Kim, *Toward a Feminist Theory of Human Rights: Straddling the Fence Between Western Imperialism and Uncritical Absolutism*, 25 COLUM. HUM. RTS. L. REV. 49 (1993); see also Aihwa Ong, *Strategic Sisterhood or Sisters in Solidarity? Questions of Communitarianism and Citizenship in Asia*, 4 GLOBAL LEGAL STUD. J. 107 (1996).

n17 See Hilary Charlesworth, *Feminist Methods in International Law*, 93 AM. J. INT'L L. 379, 393 n.93.

n18 Martha Minow, *Interpreting Rights: An Essay for Robert Cover*, 96 YALE L.J. 1860, 1910 (1987). Minow does not adopt this position herself. She outlines the position and provides a critical assessment.

n19 See Rebecca J. Cook, *Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women*, 30 VA. J. INT'L L. 643 (1990); Etienne, *supra* note 3, at 148-49.

n20 See Ursula A. O'Hare, *Realizing Human Rights for Women*, 21 HUM. RTS. Q. 364, 368 (1999).

n21 See Kathleen Mahoney, *Theoretical Perspectives on Women's Human Rights and Strategies for Their Implementation*, 21 BROOK. J. INT'L L. 799, 841 (1996).

n22 See Minow, *supra* note 18, at 1893-906, for a discussion of Robert Cover. Thus, for example, sanctions against Iraq are seen as legitimate because they are the result of Security Council resolutions even though the sanctions have subjected the Iraqi people, particularly women and children, to various egregious forms of physical and psychological violence, while having little or no effect on Iraqi officials. See generally Christine Chinkin, *A Gendered Perspective to the International Use of Force*, 12 AUSTL. Y.B. INT'L L. 279 (1992).

n23 In some cases, culture can make a rights claim more or less effective. See Rebecca J. Cook, *Introduction: The Way Forward*, in HUMAN RIGHTS OF WOMEN, *supra* note 1, at 7, 7-9.

n24 Minow, *supra* note 18, at 1910.

n25 See John Borrows, *Frozen Rights in Canada: Constitutional Interpretation and the Trickster*, 22 AM. INDIAN L. REV. 37, 39 (1997), for an analysis of how rights strategy has served to distort the claims of indigenous people in Canada.

n26 Ursula O'Hare discusses this idea in relation to DEVAW. See O'Hare, *supra* note 20, at 379.

n27 Charlesworth, *supra* note 1, at 61.

n28 Minow, *supra* note 18, at 1910.

n29 *See* Schneider, *supra* note 4.

n30 Lynn P. Freedman, *Human Rights and Women's Health*, in *WOMEN AND HEALTH* 428-38 (Marlene Goldman & Maureen Hatch eds., 2000).

n31 *Id.* at 434 (citing C. Warshaw, *Limitations of the Medical Model in the Care of Battered Women*, 3 *GENDER SOC.* 506, 512 (1989)).

n32 *Id.*

n33 *Id.*

n34 Cook, *supra* note 23, at 10.

n35 O'Hare, *supra* note 20, at 374.

n36 *See* Valequez Rodriguez v. Hond., Judgment of July 29, 1988, Inter-American Court of Human Rights, OAS/ser.L./V./III.19 doc. 13 (1988).

n37 Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 19* (visited Nov. 11, 1999)
<<http://www.un.org/womenwatch/daw/cedaw/recomm.htm>>.

n38 *See, e.g.*, International Centre for Human Rights and Democratic Development, *Amicus Brief: Respecting Amendment of the Indictment and Supplementation of the Evidence to Ensure the Prosecution of Rape and Other Sexual Violence Within the Competence of the Tribunal* (visited Nov. 11, 1999)
<<http://www.ichrdd.ca/111/english/commdoc/publications/amiceng.html>>; Women's Human Rights Law Clinic of the City University of New York & the Center for Constitutional Rights, *Amicus Brief: Respecting the Violence Against Women Act (VAWA) in the United States* (visited Nov. 11, 1999)
<<http://www.law-lib.utoronto.ca/diana/violence/documents.html>>.

n39 *See* O'Hare, *supra* note 20, at 373.

n40 For example, Mary Robinson is the United Nations High Commissioner for Human Rights, and Cecilia Medina was recently appointed as Chair of the United Nations Human Rights Committee. *See* United Nations, *United Nations High Commissioner for Human Rights* (last modified Apr. 28, 2000) <<http://www.unhchr.ch>>.

n41 For example, the United Nations Human Rights Committee recently took an important step in this regard in its concluding observations with respect to Canada on the occasion of Canada's fourth periodic review under the International Covenant on Civil and Political Rights. *See* United Nations High Commissioner for Human Rights, *Concluding Observations*

of the Human Rights Committee: Canada 07/04/99 CCPR/C/79/Add.105 (last modified Apr. 28, 2000) <<http://www.unhchr.ch>>.

n42 *See, e.g.*, Charlesworth, *supra* note 17, at 379. Others make a similar point but use the term "dialectic." *See* Schneider, *supra* note 4.

n43 Mahoney, *supra* note 21, at 854.

n44 Ong, *supra* note 16, at 108.

n45 *See* Duncan Pruett & James Deane, *Panos Briefing No. 28, The Internet and Poverty* (visited Nov. 11, 1999) <<http://www.oneworld.org/panos/briefing/interpov.htm>>.

n46 *See id.*

n47 *See id.*

n48 MANUEL CASTELLS, *THE RISE OF THE NETWORK SOCIETY* (1996).

n49 *Id.* at 415.

n50 See Sohail Inayatullah & Milojevic, *Exclusion and Communication in the Information Era: From Silences to Global Conversations*, in *WOMEN @ INTERNET*, *supra* note 8, at 76, 78.

n51 *Id.* at 77.

n52 *Id.* at 78.

n53 Ziauddin Sardar, *The Future of Democracy and Human Rights*, 28 *FUTURES* 839, 847 (1996).

n54 See Inayatullah & Milojevic, *supra* note 50, at 78.

n55 DALE SPENDER, *NATTERING ON THE NET: WOMEN, POWER AND CYBERSPACE* (1995) (*quoted* in Carmel Shute, *Women with Byte*, *AUSTL. WOMEN'S BOOK REV.*, Oct. 1996, at 9, 9).

n56 See Youngs, *supra* note 8, at 67.

n57 *Id.* at 65.

n58 These ideas came out of a reading by Brenda Cossman, *Turning the Gaze Back on Itself: Comparative Law, Feminist Legal Studies, and the Postcolonial Project*, 2 UTAH L. REV. 525, 528 (1997). Cossman uses the concept of "turning the gaze back on itself" in part to stress that comparative legal analysis can reveal something about both the observer and the observed.

n59 Donna Haraway, *Cyborgs at Large: Interview with Donna Haraway*, in TECHNOCULTURE 22, 22 (Constance Penley & Andrew Ross eds., 1991).

n60 See Women's Human Rights Resources Strategy Workshop, Listserv Discussion and Rapporteur Notes of Strategy Workshop (Oct. 29-30, 1999) (on file with author) [hereinafter Strategy Workshop].

n61 Search conducted Feb. 3, 2000, using Google Search Engine.

n62 Marisa Belausteguigoitia Rius, *Crossing Borders: From Crystal Slippers to Tennis Shoes*, in WOMEN@INTERNET, *supra* note 8, at 23, 23.

n63 For example, the Women's Caucus for Gender Justice at the International Criminal Court has an Internet site that aims in part at ensuring that the statute creating the court recognizes crimes of sexual violence. For another example of how the Gender Caucus has used the Internet, see UNIFEM, WOMEN AT WORK TO END VIOLENCE: VOICES IN CYBERSPACE 13 (1999). See also the discussion about the Association of Progressive Communicators and its efforts to organize women on-line prior the Fourth World Conference on Women in Beijing. "Women who met on-line found an immediate network in Beijing." Alice Mastrangelo Gittler, *Mapping Women's Global Communications and Networking*, in

WOMEN@INTERNET, *supra* note 8, at 91, 95.

n64 See UNIFEM, *supra* note 63, at 4; see also United Nations, *Womenwatch* (visited Nov. 11, 1999) <<http://www.un.org/womenwatch>>.

n65 Youngs, *supra* note 8, at 63.

n66 Citations omitted because the women's groups requested confidentiality.

n67 The experience of Asian nongovernmental organizations demonstrates some of the opportunities for collaboration between human rights scholars, professionals, and grassroots activists as well as some of the challenges. See Sharon K. Hom, *Commentary: Re-Positioning Human Rights Discourse on "Asian" Perspectives*, 3 BUFF. J. INT'L L. 225 (1996).

n68 Youngs, *supra* note 8, at 58.

n69 For a discussion of how multicultural dialogue and a shared search for strategies can enhance international human rights, see Julie Dimauro, *Toward a More Effective Guarantee of Women's Human Rights: A Multicultural Dialogue in International Law*, 17 WOMEN'S RTS. L. REP. 333 (1996). For a brief discussion of the problems of essentialism in feminist theory and international law, see Charlesworth, *supra* note 1, at 62-63.

n70 See Celina Romany, *State Responsibility Goes Private: A Feminist Critique of the*

Public/Private Distinction in International Human Rights Law, in HUMAN RIGHTS OF WOMEN, *supra* note 1, at 85, 85-115.

n71 For example, a number of United Nation's agencies dedicated to women's rights have started a number of on-line discussion groups with the intent of bringing the information shared by women's groups around the world to the United Nations at large and to the General Assembly in some instances. *See* United Nations, *supra* note 64. This has the potential to help break down state control over the international system. For a feminist discussion of the need to break down state control, see generally Karen Knop, *Why Rethinking the Sovereign State Is Important for Women's International Human Rights Law*, in HUMAN RIGHTS OF WOMEN, *supra* note 1, at 153, 153.

n72 *See*, for example, ROYAL TROPICAL INST., WOMEN'S INFORMATION SERVICES AND NETWORKS: A GLOBAL RESOURCE BOOK (1999), for a list of women's groups that are now on-line and using the Internet to disseminate information.

n73 Farideh Farhi, *Information and Communication Technologies and Identity Politics in Iran*, in WOMEN@INTERNET, *supra* note 8, at 206, 213.

n74 *See, e.g.*, Isabelle R. Gunning, *Arrogant Perception, World Travelling and Multicultural Feminism: The Case of Female Genital Surgeries*, 23 COLUM. HUM. RTS. L. REV. 189 (1992).

n75 For example, the Women's Human Rights Resources web site invites and actively seeks information from institutions and organizations in the South on an ongoing basis. Women's Human Rights Resources Group, *Women's Human Rights Resources* (visited Nov. 11, 1999) <<http://www.law-lib.utoronto.ca/diana>>.

n76 I was introduced to the notion of "scattering feminism" in Cossman, *supra* note 58, at 528.

n77 Again, the idea of using crosscultural and transnational work to help displace feminism from its North American moorings comes from Cossman. *Id.*

n78 Across Borders Group, *Across Borders Project* (visited Nov. 11, 1999) <<http://www.acrossborders.org/>>.

n79 *See generally*, ROYAL TROPICAL INST., *supra* note 72.

n80 It is not unusual for on-line groups to be dominated by individuals from the North. For a discussion, see Farhi, *supra* note 73, at 212.

n81 Inayatullah & Milojevic, *supra* note 50, at 76.

n82 *See* Strategy Workshop, *supra* note 60.

n83 *See* Women's Human Rights Resources Group, *Women's Human Rights Resources* (visited Nov. 11, 1999) <<http://www.law-lib.utoronto.ca/diana/>>. The Women's Human Rights Resources group recognizes that language is a barrier to many women who want to use the

site. The group is working on strategies to lessen the barriers. *See id.* One of its primary goals is to facilitate the flow of information from South to North and not simply from North to South. *See id.* Strategies are also being developed to promote this end. *See* Global Reproductive Health Forum, *Harvard South Asia Forum* (visited Nov. 11, 1999) <<http://www.hsph.harvard.edu/Organizations/healthnet/SAsia/index.html>>.

n84 Amnesty International, *Amnesty International Uses the Internet in the Fight for Human Rights (China, May 24, 1996)* (visited Nov. 11, 1999) <<http://www.amnesty.org/news/1996/31702496.htm>>.

n85 See, for example, Laura Agustin, *They Speak, But Who Listens*, in WOMEN@INTERNET, *supra* note 8, at 149, 154, who suggests that an educator might seek out the marginalized and carry information to them using nonconventional methods like traveling to their places of work rather than seeking to bring them to the classroom.

n86 *See* Strategy Workshop, *supra* note 60.

n87 Gittler, *supra* note 63, at 100.

n88 Pruett & Deane, *supra* note 45.

n89 Southern Africa's Nonprofit Internet Service Provider, *Sangonet* (visited Nov. 11, 1999) <<http://www.sn.apc.org>>.

n90 Women'sNet Group, *Women'sNet Front Door* (visited Nov. 11, 1999) <<http://www.womensnet.org.za>>.

n91 Asian Women's Resource Group, *AWORC* (visited Nov. 11, 1999) <<http://www.jca.apc.org/aworc/index.html>>.

n92 See Amnesty International's campaign to expose violence against women incarcerated in prisons, especially women in the United States. Amnesty International, *Amnesty International On-line* (visited Nov. 11, 1999) <<http://.amnesty.org/ailib/intcam/women/index.html>>.

n93 Sophia Huyer, *Shifting Agendas at GK97: Women and International Policy on Information and Communication Technologies*, in *WOMEN@INTERNET*, *supra* note 8, at 114, 116.

n94 E-mail communication from a member of the Women's Solidarity group in Indonesia, to UNIFEM's end-violence working group (Feb. 7, 2000).

n95 See Andurdha Vittachi, *Shaping the Internet for Global Justice*, 32 *AGENDA* (1997) (visited Nov. 11, 1999) <<http://www.oneworld.org/agenda/index.htm>>.

n96 Inayatullah & Milojevic, *supra* note 50, at 86.

n97 Although users can often identify what country their e-mail is coming from, this is not

always the case. For example, I recently received an e-mail from a woman in Indonesia who was using a hotmail account. There is no geographic indicator in her e-mail address. By contrast, my e-mail address ends with ".ca," which indicates that my account is held in Canada.

n98 Donna J. Haraway,
MODEST_WITNESS@SECOND_MILLENNIUM.FEMALEMAN_MEETS_ONCOMOUSE
127 (1997).

n99 See Human Rights Internet Group, *Human Rights Internet* (visited Nov. 11, 1999)
<<http://www.hri.ca>>.

n100 Susan Barker, the Technical Coordinator of the Women's Human Rights Resources group, advises that files should be kept small for quick loading; graphics should be simple in GIF format and under 60K; animated graphics can interfere with printing, which is important in countries where paper is scarce; graphics and buttons should always be accompanied with an <alt> tage for those using text only browsers or web-to-email technology; frames cannot be read by readers for the visually impaired; simple HTML coding should be used that can be read by lower end browsers; full text should be provided in HTML format, which is easier to load, as well as PDF format so that users can view the original document to verify its integrity. E-mail communication from Susan Barker, Technical Coordinator of the Women's Human Rights Resources Group, to Reem Bahdi (Nov. 1, 1999) (on file with author).

n101 See Bellanet, *Web-to-Email* (visited Nov. 11, 1999)
<<http://www.bellanet.org/email.htm>>, for an example of a Web-to-Email server and a discussion of how it works.

n102 For a discussion of the benefits of e-mail, see Sophia Huyer, *Supporting Women's Use*

of Information Technologies for Sustainable Development (Feb. 18, 1997) (visited Nov. 11, 1999) <<http://www.wigsat.org/it/womenicts.html>>.

n103 *See* E-mail communication from a member of the Women's Solidarity group in Indonesia, *supra* note 94.

n104 For example, the CyberWorld Cafe in Kampala, Uganda, offers e-mail services and Internet "surfing." *See CyberWorld Cafe* (visited Nov. 11, 1999) <<http://www.info@cyberworld.co.ug>>.

n105 Acacia, *Communities and the Information Society in Africa: Program Overview* (visited Nov. 11, 1999) <<http://www.idrc.ca/acacia>>.

n106 *See* Strategy Workshop, *supra* note 60.

n107 *See* E-mail communication from a member of the Women's Solidarity group in Indonesia, *supra* note 94.

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