

**Progressing Counter-hegemonies of Women's Human Rights in Ireland:
Feminist Activists' Vernacularisation Practices**

by

Iris Elizabeth Elliott

Student ID 08231683

A dissertation submitted to NUI Galway, Global Women's Studies Centre,
School of Political Science and Sociology
in fulfilment of the requirements for the degree of
Doctor of Sociology
October, 2014

Professor Chris Curtin, School of Political Science and Sociology
Dr Niamh Reilly, Global Women's Studies Programme
Supervisor: Dr Niamh Reilly

Table of Contents

Declaration	i
Acknowledgements	iii
Abbreviations.....	iv
Chapter 1: Introduction	1
Chapter 2: Methodology.....	12
Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation’s potential contribution to the Irish Women’s Movement	30
Chapter 4: The Women’s Human Rights Alliance	64
Chapter 5: Counter-hegemonic Development: Exploring the Tensions between Quasi-Legal-Technocratic and Community-Developed Approaches.....	88
Chapter 6: Counter-hegemonic Development: Exploring the Tensions between Implicit and Explicit Feminist Discourses	111
Chapter 7: Conclusions	131
Bibliography	139
Appendices	146
Appendix 1	Conversation Questions
Appendix 2	Observation Pro Forma
Appendix 3	Observation Participant Information Sheet
Appendix 4	Observation Consent Form
Appendix 5	Interviews: Participant Information Sheet
Appendix 6	Interviews: Consent Form
Appendix 7	Interview Sampling Criteria
Appendix 8	Participating Organisations [Interviews]
Appendix 9	First Interview Topics
Appendix 10	Second Interview Topics
Appendix 11	Documentary Analysis Documents List
Appendix 12	Example of Vernacularisation: ‘What Do Traveller Women Want?’
Appendix 13	Primer for WHRA Consultations, WHRA
Appendix 14	Primer for WHRA Consultations, Aki Dwa
Appendix 15	Women’s Human Rights Alliance ‘Women’s Right to Health’ Workshop

Declaration

I, the **Candidate**, certify that the thesis is all my own work and that I have not obtained a degree in this University or elsewhere on the basis of any of this work.

Signed:

Date:

Abstract

The realisation of second-wave feminist activists' vision to progress women's rights through their framing as human rights has been limited in Ireland due to constitutive, systemic and movement factors. These factors include

- the predominant legal hegemony within human rights;
- the challenges of gendering UN human rights systems;
- the tensions between quasi-legal-technocratic and community-developed approaches; and
- the retreat from explicit feminism during the institutionalised turn of the Irish Women's Movement.

The Women's Human Rights Alliance (WHRA), an explicitly feminist entity, is the instrumental case study for this qualitative investigation, which deploys observation, interview and documentary data in order to answer the Central Research Question: 'In what ways do and could feminist human rights activists in Ireland develop counter-hegemonies of women's human rights?'

The WHRA grew out of the framing of women's rights as human rights in Ireland as part of the global reorientation of the women's movement. Through two distinct phases (2001–2006, and from 2007), this nationally located alliance has endeavoured to use the resources of international human rights architecture and transnational activism in order to progressively realise women's rights within Ireland using shadow reporting—an institutionalised mode of activism.

This time period locates the research within the Social Partnership era in Ireland, which was characterised by formalised engagement by movement organisations with the reconfiguring State, and the recession from 2008 onwards. Drawing on the resources of feminist socio-legal and social movement theories, this thesis explores two central tensions within women's human rights activism in Ireland: between 'top-down', quasi-legal-technocratic and 'bottom-up', community-developed human rights activism; and between explicit and implicit feminist discourses.

Recognising the persistent draw of human rights for feminist activists, this thesis proposes vernacularisation as one answer to the ongoing hegemonic formulation of human rights and practices such as legalism. It argues that vernacularisation is an emergent approach through which women's human rights could be progressively realised in Ireland. Vernacularisation is understood to involve localised meaning making and movement mobilisation practices, which create counter-hegemonies of women's human rights in the everyday by building rights consciousness and confidence, and intersectional relationships of reflective solidarity, in order to engage fully with human rights.

Acknowledgements

I am grateful to the Women's Human Rights Alliance members for their generosity in granting me access to their activism, and, in particular, to those members who contributed their interviews.

Thank you to my Supervisor, Dr Niamh Reilly, and the members of my Graduate Research Committee, Dr Anne Byrne and Dr Kevin Ryan, who guided me through this study.

The Irish Research Council for the Humanities and Social Sciences' Government of Ireland Scholarship funded my doctoral studies during 2009-2010.

My parents, Irene and Harry Elliott, gifted me with an understanding of the power of education to create change. Thank you.

Abbreviations

AI	Amnesty Ireland
Aki Dwa	Akina Dada wa Africa (Swahili for sisterhood, a national network of migrant women living in Ireland))
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
CRQ	Central Research Question
CSS	Critical Social Science
CSW	Commission for the Status of Women
EU	European Union
IFPA	Irish Family Planning Association
GRC	Graduate Research Committee
HRBA	Human Rights Based Approach
ICA	Inter-Convention Activism
ICCL	Irish Council for Civil Liberties
IHRC	Irish Human Rights Commission
IRCHSS	Irish Research Council of Humanities and Social Sciences
IWLM	Irish Women’s Liberation Movement
IWM	Irish Women’s Movement
IWRAW AP	International Women’s Rights Action Watch – Asia Pacific
IWU	Irishwomen United
NCCWN	National Collective of Community Women’s Networks
NGO	Non-Governmental Organisation
NTWF	National Traveller Women’s Forum
NUIG	National University of Ireland, Galway
NWCI	National Women’s Council of Ireland
OHCHR	Office of the High Commissioner for Human Rights
RNGS	Research Network on Gender and the State
SP	Social Partnership
UCD	University College Dublin
UN	United Nations
UPR	Universal Periodic Review
WHRA	Women’s Human Rights Alliance
WHRP	Women’s Human Rights Project

Chapter 1: Introduction

The centrality of human rights within contemporary feminist activism means that it is difficult to re-imagine women's rights outside of this frame. This is unsurprising, given the array of differently situated champions pressing activists to engage with the United Nations (UN) system of human rights. These champions include the States that have created the UN architecture; the UN itself; human rights Non-Governmental Organisations (NGOs) who adhere to its bureaucratic and legalistic approach to claim making; and the elders of second-wave feminism, who led the reframing of women's rights as human rights and the gendering of the UN.

In Ireland, human rights are a cultural imperative for both Government and civil society. Ireland is a unique territory, having a Western European location and a lengthy experience of being colonised. Human rights are at the core of the Irish State's 'good internationalist' persona. This is grounded in its post-colonial statehood (Ryan 2003), from its founding Constitution (Articles 40–44, Constitution of Ireland 1937) to its contemporary active membership of the European Union (EU) and the UN. Ireland has positioned itself as a global human rights champion, actively promoting itself as being engaged in 'advancing the faith' (Evans 2005).¹

Participation in international human rights regimes can be fundamental to a nation's domestically and internationally projected identity. Such regimes connote modernity, civilisation and being a player on the world stage (Merry 2003). As a relatively new State, Ireland has used human rights as an important route to its assertion of its

¹ For example, then Taoiseach Bertie Ahern made the following comment with regard to the establishment of the Irish Human Rights Commission:

In formulating the legislation it was my intention that the Commission would be a model for others to follow, and one that *would set rather than follow standards of best international practice* in this area. (my emphasis, in Irish Human Rights Commission 2003, Foreword)

sovereignty as well as its progressive credentials. Human rights regimes have enabled Ireland to step from its peripheral location in Europe into the centre of global governance.² They have connected Irish civil society to transnational social movements and opened up new venues of contention in which civil society actors can make rights claims.

However, while Ireland ‘punches above its weight’, I note that Charlesworth and Chinkin challenged the notion of formal equality between the UN’s community of nations: size, population and wealth determine international influence (2000). Following Charlesworth and Chinkin’s analysis, women in Ireland are doubly marginalised within human rights’ hegemonic structures: as the ‘othered’ gender within a small, peripheral State. Further, women’s human rights activists in Ireland are challenging not only the hegemonies of State and law, but also of religion.

Irish civil society is invested in its persona as a human rights champion too. Whilst challenging the State’s hegemonic human rights leadership claims, women’s human rights activists described human rights as being part of Ireland’s national psyche.³ In Ireland, second-wave feminist human rights activists have embraced the opportunities presented by both transnational social movements and UN architecture. They engaged in global conferencing during and following the UN Decade for Women (1976–1985); prepared an independent report for the fourth global conference (National Women’s

² Ireland was a member of the UN Security Council in 1962; 1981–1982; and 2001–2002. It was elected to be a member of the UN Human Rights Council for a three-year term commencing 1 January 2013; and it was a member of its predecessor (the UN Commission on Human Rights) 1997–1999 and 2003–2005.

³ Points made during conversations with women human rights activists in Ireland in order to inform the design of the study are referenced as ‘Initial Conversations’ in this thesis. During the Initial Conversations and Interviews, activists pointed to leading human rights advocates such as Mary Robinson (former President of Ireland 1990–1997; and former UN High Commissioner for Human Rights 1997–2002) and Senator David Norris (who was represented by Senator Mary Robinson, Senior Counsel, in his successful application to the European Court of Human Rights seeking to decriminalise homosexuality in Ireland [Case of Norris v. Ireland Application Number 10581/83]) (Interview ICCL); Ireland’s post-colonial identity, which connected Irish people in transnational relationships of solidarity and struggle (Initial Conversations); and the impact of the returned diaspora who have brought back their experience of human rights activism within development work and global campaigning (Initial Conversations).

Chapter 1: Introduction

Council of Ireland 1995); held an all-island conference on women's rights as human rights (Reilly 1997); and established the Women's Human Rights Alliance (WHRA) (originally named the Women's Human Rights Project (WHRP)⁴), intending it to be a standing feminist human rights policy bureau (discussed in Chapter 4).

This study reflects on how this enthusiastic embrace of women's human rights discourses has developed against the backdrop of glacial progress and regressive discourse (for example, around cultural relativism). It is noticeable within the literature that the earlier seductive promises of human rights from the 1990s have evolved in the 2000s into fearful commentary on the dangers of moving past human rights, and leaving them to be inherited by influential counter-movement or 'backlash' organisations. Human rights champions urge patience and counsel the disillusioned to 'keep faith' with human rights, with all their flaws. These fear discourses argue that feminists cannot withdraw from the women's human rights project—firstly, in case we lose the gains made, and secondly, in case misogynistic or discriminatory forces move in to occupy that space (Johnstone 2006, Mullally 2004).

However, it is apparent that constitutive, systemic and movement factors have limited the realisation of second-wave feminists' vision to progress women's human rights in Ireland. This study explores the reasons for this limited progress and also identifies the potential of vernacularisation as an emergent approach in order to answer the Central Research Question (CRQ):

'In what ways do and could feminist human rights activists in Ireland develop counter-hegemonies of women's human rights?'

Following conversations with women's human rights activists in Ireland, I selected the WHRA as the subject of this instrumental case study. The WHRA was formed in 2001 by a diverse group of civil society organisations and individuals as an explicitly feminist

⁴ In order to avoid confusion, I refer to the WHRA throughout this thesis.

Chapter 1: Introduction

human rights entity. It brought together a membership that included traditional human rights organisations (Amnesty International Irish Section (AI), the Irish Council for Civil Liberties (ICCL)) and women's organisations (the National Women's Council of Ireland (NWC), National Collective of Community Women's Networks (NCCWN)), including organisations working with specific constituencies (the National Traveller Women's Forum (NTWF), Aki Dwa) and those working on specific issues (the Irish Family Planning Association (IFPA), Women's Aid). In this study, the WHRA is understood to be a movement organisation with an explicitly feminist agenda.⁵

The original vision was to establish a standing feminist body in Ireland that would dynamically connect local, national and transnational actors in order to progress women's rights as human rights through consciousness raising, campaigning and claim making activities. As such, I considered that the WHRA was actively contributing to the work of the women's movement, described by the Research Network on Gender and the State (RNGS) as comprising three parts:

The ideas that inspire collective behaviour of women's movements, the women's movement discourse, and the women's movement actors who present the ideas in public life. (Hausman and Bauer 2007, p17)

This study contributes to our understanding of the trajectory of the Irish Women's Movement (IWM) with regard to this particular strand of women's human rights

⁵ Within this study, I understand social movements to be engaged in 'conscious, organized, and collective action to bring about or resist social change' (Kuumba 2001, p4, drawing on Piven and Cloward (1979) and West and Blumberg (1990)).

I use Ferree and McClurg Mueller's descriptor to differentiate the WHRA from conservative organisations, which form another type of movement of women in Ireland.

Regardless of their particular goals, (women's movements) bring women into political activities, empower women to challenge limitations on their roles and lives, and create networks among women that enhance women's existing gender relations as oppressive and in need of change. We define *feminism* as the *goal* of challenging and changing women's subordination to men. Feminist mobilizations are informed by feminist theory, beliefs and practices, and also encourage women to adopt other social change goals. Autonomous forms of feminist mobilization are based on organizations and campaigns directed by and to women; and thus take the specific form of feminist women's movements. (2004, p577)

activism, and more broadly the strategic shift in feminist activism towards a formalised political movement that worked closely with the State through organisations staffed by professional ‘career activists’ (Connolly 2003, p193).

I conceptualise the WHRA as having had two distinct phases. The first was resourced with a co-ordinator, Noirin Clancy, primarily through State funding, and focused on a substantial programme of work in order to produce a shadow report on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The second phase commenced when the re-assembled Alliance focused its attention on shadow reporting on the International Covenant on Economic, Social and Cultural Rights (ICESCR), specifically Article 12, the Right to Health.⁶

This approach is illustrative of the sub-industry in Ireland of perpetual shadow reporting across all Conventions, which is driven by the significant quasi-legal-technocratic⁷ expertise of mainstream human rights organisations, an activity that I call ‘Inter-Convention Activism’ (ICA). ICA involves the practice of convening coalitions of differently configured civil society organisations around each Convention to be reported on, often contributing to several Treaty monitoring processes on a simultaneous and rolling basis. In so doing, these coalitions advocate for their primary social group or human rights issue using the momentum of UN political opportunity structures (Meyer and Tarrow 1998). During the study, I became aware of the extent of ICA within Irish civil society. This seemed to hold the potential for women’s human rights activists to transmit their experiences and claims into the international arena across a range of Treaty Body monitoring processes. A worker in a traditional human rights organisation, who had extensive experience of ICA, commented that this was

⁶ Ireland’s third report to the UN ICESCR Committee was due to be submitted in 2008. This list of issues Pre-Sessional Working Group is scheduled for December 2014.

⁷ The term ‘quasi-legal-technocratic’ is used throughout this thesis in order to recognise that, within human rights discourse, the counter-hegemonic critique of legalism seeks to de-centre the legal positivist tenet that courts and case law establish the ‘truth’ of human rights. Practices such as shadow reporting contest traditional legalism by opening up claim making and interpretation of ‘human rights’ to ‘bottom-up’ actors, that is, those other than legal experts, lawyers and judges.

‘really the way to go with universal rights . . . to keep these things moving’ (Interview ICCL). She observed that, because civil society was increasingly engaged across Conventions, both the media and the Government had started to take notice of UN monitoring.

Shadow reporting is a counter-hegemonic human rights practice. It is an established, legitimate and respected procedure that provides a political opportunity structure for civil society organisations to engage in the monitoring of international law.

For institutionalised civil society actors, the bureaucratic practice of shadow reporting fits well with organisational work programmes and funding streams that require specified, timetabled activity and outputs. Many Irish civil society discussions about shadow reporting are around the onus on itself to ‘do’ it well, that is, to understand the UN system, intervene at key decision points, gather strong evidence, communicate this in a format that will engage and influence the Committee and profile themselves as players on the international human rights stage. (The ever-mutating UN system continues to create new systems that necessitate civil society organisations to extend and refine their knowledge and skills. As I was completing my fieldwork, Universal Periodic Review⁸ (UPR) was emerging as the next political opportunity structure; and UN Treaty reform was moving towards a unified Treaty Body (O’Flaherty and O’Brien 2007).)

Amongst women’s human rights activists in Ireland, there is limited discussion about the well documented critiques of shadow reporting in particular and the UN Treaty Body system in general, which could inform critical dialogue amongst WHRA members about the various repertoires and venues of contention that they could engage. Noting the absence of such critical dialogue, I identified two central tensions within the WHRA: firstly, between quasi-legal-technocratic, ‘top-down’ and community-

⁸ Ireland was mandated to report into the UPR in October 2011.

Chapter 1: Introduction

developed, 'bottom-up' approaches to human rights activism; and secondly, between explicit and implicit feminist discourses. The instrumental premise of my research constructed WHRA members as both 'feminist' and 'activist'. Members' problematising of this presumptive terminology drew me into the centre of hegemonic and counter-hegemonic conceptualisations of feminist, activist and human rights discourses at this particular historical moment within the IWM.

The WHRA's mission drift from its original intention (that is, *from* dynamically engaging in multiple repertoires of contention within diverse venues as part of the transnational feminist human rights movement; *to* singularly focusing on the quasi-legal-technocratic shadow reporting tactic) led me to reflect on the challenges of UN systems (particularly when a State fails to engage—in this instance, the failure of Ireland to report). Whilst the study affirmed the persistent draw of human rights for feminist activists, it highlighted the need for an alternative—or at least an additional—approach to women's human rights activism in Ireland. I have identified vernacularisation as an emergent strand of activist practice during both the first and second phases of the WHRA, with traces of vernacularisation evident in the NWCI's preparation of the independent report to the Fourth UN World Conference on Women (1995) (see Appendix 12).

I understand vernacularisation to involve both localised meaning making *and* movement mobilisation practices, which create counter-hegemonies of women's human rights in the everyday by building:

- rights consciousness and confidence in order to engage fully with human rights; and
- intersectional relationships of reflective solidarity.

It is a relational dynamic between the person, the community and the State (Merry 2006c, p5) negotiated through intermediaries such as the WHRA—both as a collective and as individual members.

Chapter 1: Introduction

Vernacularisation is strengthened by community-developed approaches. These assert the importance of human rights working at a human scale, and empower individuals and collectives to own their expertise of shared humanity. This is an action-oriented approach, which moves human rights from an abstract idea to a resource for human interaction and progress, and a catalyst for recognising and requiring collective structures that protect, promote and respect the individual's and community's human rights. It recognises that, because human rights are experienced primarily in a local context, there is a need to localise their meaning and their communal operation (Ife and Fiske 2006).

The perpetual circulation of human rights as 'global value packages' (Levitt and Merry 2009, p251), driven by dynamic alliances and the momentum of institutional architecture, is characterised by many nexuses of change. Merry wrote of the importance of analysis that holds the complexity of types and levels of dynamics between differently situated actors (2006b). Therefore, it is important to acknowledge that this study is limited by its focus on one formal alliance of nationally located workers, drawn from professional organisations in the women's and human rights sectors, which is bureaucratically engaged with the UN Treaty Body system, at a particular historical moment.

However, I contend that because of these parameters, the study makes a specific contribution to our understanding of feminism and human rights discourses in Ireland. Through the IWM's first and second waves, progress has been achieved on the realisation of women's formal equality within symbolically and materially important arenas of property (matrimonial assets), income (social protection), relationships (custody and divorce) and employment. However, WHRA members were acutely aware of how limited and fragile this progress was. As they reflected on the failure of formal equality discourses to deliver sustained and substantial progress, human rights

were receiving their hopeful attention. This was not a naïve interest; they were acutely aware of the disconnect between acting within a society whose State apparatus proactively creates an external persona of human rights champion, whilst internally pursuing conservative, familialist social policy, linked with ‘backlash organisations’ (Hill and Lloyd 1999, pvii).

The commencement and early stages of national and global recessions provided the macro context for this study; and the reverberations of these economic and social crises (as well as the State’s and publics’ responses to these) vibrated through the research. Of particular note were the dual trends of Government inaction on its UN Treaty reporting obligations, and its decision to immediately cut and restructure the State’s human rights and equality infrastructure. This rapidly changing environment opened up opportunities for me to explore the reflections of the WHRA as a meso-level professional elite upon the outworkings of movement formalisation or institutionalisation across Irish civil society. WHRA members were at a nascent stage of critically reviewing how the Social Partnership (SP) mode of engagement between civil society and the differentiated State had played out during the Celtic Tiger period of unprecedented wealth.⁹

⁹ The Irish Government’s strategy of Social Partnership (SP) reconfigured the Executive and the Community and Voluntary, Employers, Trade Union and Environmental ‘Pillars’. This reflects the RNGS findings of how the State has changed its manner of engagement with the women’s movement by altering structures, being less authoritarian and more participative in policy work (Rucht 2003). The SP approach to policy resulted in highly interpenetrated relationships that bound the community and voluntary sector in a series of multi-annual pacts, which limited the scope for popular protest or public critical comment due to explicit and implicit financial and political sanctions.

In line with the RNGS research, I found that WHRA members did not experience the ‘State’ as a monolith but rather a complex, differentiated entity. The State was present in a range of guises throughout the observation period: as the Government, which was responding to economic recession by making significant cuts to the human rights, equality and community sectors; as the ‘good’ Department (Foreign Affairs); as the ‘bad’ Department (Justice, Equality and Law Reform); as one of a number of civil servants (often women, and legal or human rights peers); and as workers or ‘colleagues’ within State agencies besieged by the Government (the IHRC, National Consultative Committee on Racism and Interculturalism, and Combat Poverty Agency).

Chapter 1: Introduction

In order to make sense of the emerging data, the theoretical framework evolved alongside my empirical work; at successive collection stages, I explored how social movement and feminist socio-legal literatures resonated with and helped to explain the data (see Chapter 2). I was drawn particularly to the feminist socio-legal theorisation of the vernacularisation of human rights by Sally Engle Merry and her colleagues (Levitt, Rosen and Yoon).

The design of the study drew on emancipatory, feminist and critical research methodology. This reflected my intention to create a resource that could inform the development of women's human rights activism in Ireland, as well as contributing to wider discussions about how the reframing of women's rights as human rights, the institutionalisation of the IWM, had played out.

I viewed the WHRA as a microcosm of the actors who circulate around women's human rights activism. Therefore, I deliberately and systematically sampled the members within this case study in order to access the views and experiences of differently situated women: in women's and traditional human rights organisations; women working within gender independent, parallel and integrated organisations; women representing marginalised communities, including working-class and Traveller women; and women working on contentious and stagnant feminist agendas such as reproductive rights. This sampling underlined and aired important intersectional learning that had structural, political and representational dimensions (Crenshaw

These State actors mediated the relationship between State and civil society through direct contact with the WHRA or encounters in myriad public (including parliamentary and departmental) spaces. They performed the business of national human rights progress, enabling all parties to deliver their work programmes in this evolving neo-Social Partnership era.

The differences between the State's relationships with WHRA organisations were striking: women-/community- focused organisations appeared to find access to the State difficult, in contrast to human rights organisations, which were sitting at consultation forum tables or running into officials at various events (Obs November 2009).

1993). Through this approach, I intended to access the complexities of women's human rights in Ireland, and to identify how counter-hegemonies of women's human rights were and could be produced.

Summary

This study argues that the realisation of second-wave feminist activists' vision to progress women's human rights has been limited in Ireland due to constitutive, systemic and movement factors. It recognises that human rights persists as a central strategy of the IWM. The instrumental case study of the WHRA serves as a microcosm of the differently situated actors who circulate around women's human rights activism. Within it, I have identified two central tensions within the production of counter-hegemonies of women's human rights in Ireland, which form the core of this study. These are between 'top-down', quasi-legal-technocratic and 'bottom-up', community-developed approaches to human rights activism; and between explicit and implicit feminist discourses.

Acknowledging the predominant hegemony of legalism within women's human rights activism in Ireland, and its known limitations (particularly of the preferred tactic of shadow reporting and ICA amongst civil society organisations), I trace the emergence of vernacularisation as a mode of activism that could enhance counter-hegemonic development and movement building. In the next chapter, I outline the methodological approach designed for this study, which draws on feminist and emancipatory traditions within Critical Social Science; and I describe the use of observation, interview and documentary methods, which generated the WHRA's case study. The WHRA's history is detailed in Chapter 4. This provides the backdrop for the following two chapters, which in turn explore the central tensions identified in the WHRA's activism. Chapter 5 focuses on quasi-legal-technocratic and community-developed approaches; and Chapter 6 focuses on explicit and implicit feminist discourses.

Chapter 2: Methodology

Introduction

In this chapter, I detail the methodological approach taken, which is grounded in emancipatory and feminist traditions of Critical Social Science (CSS). I describe the steps I took to deliver an ethical, valid and representative study, before outlining the observation, interview and documentary methods that generated qualitative data about the production of counter-hegemonies of women's human rights in Ireland.

Methodological Approach

The methodological framework for this qualitative study is CSS. Situated within an emancipatory consciousness, CSS aims to provide a catalytic explanation of the social order, which leads to the transformation of that social order (Fay 1987 in Neuman 2003). The emancipatory tradition asserts that academic discourse is not only a descriptive and explanatory enterprise, but also a political and transformative endeavour that intends social change (Baker et al 2004). This unashamedly political and partisan stance (Kincheloe and McLaren 2005) resonated with the motivation for the study, that is, exploring how feminist human rights activists do and could develop counter-hegemonies of women's human rights in Ireland.

Recognising that social reality is a multi-layered, evolving and historically contingent construct, CSS research exposes commonsensical explanations for injustice within particular spheres and societies, which give rise to false consciousness (Neuman 2003). As I recognised earlier, this study is limited by its focus on one formal alliance of nationally located organisations at a particular historical moment. However, these limitations set the parameters of the study's contribution: providing insights into the trajectory of feminist and human rights discourses and the dynamics therein.

Chapter 2: Methodology

I selected a qualitative approach because I understand it to be a situated activity involving interpretative practices, which reveal the meanings that people create around phenomena. These revelations hold the potential for transformation (Denzin and Lincoln 2005). Lather drew on Gramsci's call for intellectuals to adhere to a 'praxis of the present' in order to actively work towards making progressive groups conscious (Salamini 1981 in Lather 1986, p257), by highlighting the contradictions within everyday consciousness or 'commonsense' and the potential for social transformation inherent in social processes.

There is a resonance between the 'meaning making' of this methodological approach and the study's exploration both of 'meaning making' within the vernacularisation of human rights, and also its insistence on the necessity of movement building, particularly through rights consciousness and intersectionality.

The development of emancipatory and feminist methodologies accelerated following the post-positivist epistemological break during the late 1970s and 1980s. In Ireland, Mary Daly's 1987 conference paper, 'Feminist Research Methodology: The Case of Ireland' (Byrne and Lentin 2000), and Ronit Lentin's 1993 article, 'Feminist Research Methodologies – A Separate Paradigm? Notes for a Debate', were milestone texts, which sought to progress debate and action.

Feminist methodologies claim to be emancipatory per se by creating knowledge to improve the position of women in society (Humphries, Mertens and Truman 2000). There is a plurality of feminist methodologies and standpoints (Lentin 1993). Byrne and Lentin propose inclusive rather than exclusive definitions of feminist research.

Feminist research methodologies stress gender as a basic theoretical concept, a deconstruction of the power relationship between researcher and researched, a political commitment to the emancipation of women,

Chapter 2: Methodology

and models of research and practice which privilege participation, representation, interpretation and reflexivity. (2000, p4)

Contemporary feminist methodologies address the complexity of intersectionality and multiple knowledges in order to promote inclusion in the feminist project (Byrne and Lentin 2000).

Feminist researchers have established 'the principle of the priority of female experience (and) its corollary, *ourselves as our own sources*' (Callaway 1981, p470). Smith has argued that 'the only way of knowing a socially constructed world is knowing it from within' (Smith 1974 in Callaway 1981, p469). Therefore, the voices of women are a central concern: how they are heard, their authority and form (Olesen 2005). By choosing a qualitative approach, selecting an instrumental case study of an alliance that is a microcosm of formal women's human rights activism and deliberately sampling across differently located organisations, I intended to source strong and diverse activist voices from amongst the WHRA membership, and, through them, to reach into their constituencies.

This approach was informed by feminist researchers' problematising of the premise that they have access to insider knowledge by virtue of sharing gender and/or some attributes of a cultural background with research participants. Opinion is divided amongst feminist scholars as to whether members of oppressed groups can claim epistemological privilege by virtue of their access to a truer experiential knowledge of reality. Stanley and Wise resist the implied hierarchy and suggest a danger of competition between such groups over the relative value of their privileged knowledge (1993). Naples has questioned the implicit assumption that insider knowledge and the positions of insider/outsider are unchanging, stable and unified (2003 in Olesen 2005). Experience of itself is not a 'self-authenticating claim to knowledge' (O'Leary 1997 in Olesen 2005, p249); '(e)xperience is at once already an interpretation and in need of interpretation' (Scott 1991 in Olesen 2005, p249).

Chapter 2: Methodology

The feminist researcher self-consciously uses herself as her own resource; this requires an awareness of our own ideological imperatives and epistemological presuppositions (Kincheloe and McLaren 2005). The research process itself may reveal such insights. Without such self-awareness, feminist researchers can silence data that challenge or disrupt our interpretation of the world (Opie 1992 in Reay 1996), and thus limit our questions, conceptions and interpretations (Bois 1983 in Reay 1996). My own self-construction as the research instrument (Marshall and Rossman 2006) involved taking an explicit feminist stance, presenting myself as an advocate and partner to WHRA members (Fontana and Frey 2005) and consciously situating myself with regard to my degree of participation, revealedness and the specificity of my focus (Marshall and Rossman 2006).

As a 'biographically situated researcher', I bring to my practice my history and research traditions, my conceptions of 'self' and 'other' and my ethical and political character (Denzin and Lincoln 2005, p21). These complex and shifting facets of my biography dialogue with and reveal themselves within research contexts, practices and participants (Olesen 2005). Reflections in my research journal identified how this power dynamic played out. Moments of explicit power were evidenced when it was clear that I was ultimately responsible for the research design and the interpretation of data, and could call on external power sources to identify non- or minimally negotiable aspects of the study.¹⁰ In the doctoral realm, the researcher has the power of the final author.

Throughout the study I encountered WHRA members in other professional, social and political spaces. I consider that these layered contacts and relationships impacted the research by facilitating access to the research site, developing members' trust in my professionalism and integrity and reducing participants' questions about what data I

¹⁰ Examples of these power sources were the National University of Ireland (NUI) Research Ethics Committee and the Irish Research Council of Humanities and Social Sciences.

Chapter 2: Methodology

was collecting or how this would be used. The complexities of the dynamic construction by myself and by others, as well as the fluidity of this process (even within the space of one research encounter), led me to include my pre-existing (professional and social) relationships with WHRA members into my observation pro formas and to code the researcher–researched dynamics into my interview data analysis. This coding revealed a dance—a disclosure or assertion of my identity: to claim the peer relationship, to frame myself as a deferential learner, to assert difference and to challenge presumptions about my life/work experiences and identities.

As I was researching other professional women engaged in national policy work, this study raises the particular issues of power and knowledge around researching one’s peers (Lentin 1993). Over the course of the study, I developed a nuanced sense of what I—and WHRA members—meant by ‘peer’. Feminist researchers writing on intersectionality helped me to understand the shifting dynamic between the different roles and positions we took within research encounters (Reay 1996). As well as moments of connection, recognition and solidarity, for example, there were also moments of presumption around our social and professional identities.

Ethical Considerations

In considering the ethical dimensions of this study, I will now discuss the relevant meanings of ethics for this study and highlight key ethical issues, as well as the ‘protective system’ (Stake 2005, p459) that was in place in order to safeguard against risks and unethical practice.

Stanley and Wise defined ‘ethic’ as ‘a framework of thought concerned with morality and with moral choices’ (1993, p200). It is not possible to eliminate personal, political, cultural or moral values from social science, as researchers often choose their endeavours on the basis of the values that they seek to advance (Root 1993 in Christians 2005). This is fundamental to emancipatory research. It is important to have

Chapter 2: Methodology

a morally adequate way of knowing and understanding women's experiences. Feminist epistemic ethics includes recognising the reflexive feminist researcher as an active, constructing agent in her research; the critical interrogation of any represented 'reality'; respecting the participants' subjectivity and agency; and recognising the researcher–researched's intellectual equality (Stanley and Wise 1993).

As well as adhering to the common moral standards of respect for persons, beneficence and justice (understood as the fair distribution of research benefits and burdens) (Christians 2005), I identified a number of ethical concerns: securing informed consent, avoiding deception, negotiating privacy and confidentiality and ensuring accuracy. Another core ethic for this study was to avoid harm, including undue stress, unwanted publicity and loss of reputation (Olesen 2005).

I report points raised by the five feminist human rights actors who participated in the conversations that led to the selection of the WHRA as the case study as 'Initial Conversations', but I do not name the individual who made the point or quote them directly. The interview participants are referred to by their organisation, as this reflects the study's sampling criteria (see Appendix 8).

As a feminist researcher, researching a feminist alliance, the ethical test of proportionate reason was useful in reflecting on the costs and contribution of the study. The test balances the value at stake with the inevitable inconvenience, harm or limitations that will come about in trying to achieve it (Angronsino and Perez 2000 in Angronsino 2005).

Referring to the importance of creating a protective system, Stake suggests the use of reviewers and advisers (2005). For this study, the protective system included my own reflective practice (assisted by journaling), supervision, the National University of Ireland Galway (NUIG) appointed Graduate Research Committee (GRC), the NUIG

Chapter 2: Methodology

Research Ethics Committee, the Irish Research Council of Humanities and Social Sciences (IRCHSS) international review panel (whilst I was a Government of Ireland Scholar 2009–2010) and participation in my doctoral peer group within the Global Women's Studies Programme. Using such expertise, the intention of this study has been to create a positive dynamic engagement with ethical issues rather than a paralysis caused by anxious or catastrophic thinking (Angrosino 2005).

Sampling

I selected a case study approach that would look at the WHRA in depth: its contexts, history, organisational structure and activity (Stake 2005). The WHRA met the requirements that a case must have specific, organically systematic, bounded, recognisable features, and patterned activities that are coherent and sequential (Stake 2005). Its constitution clearly fitted the intended dimensions of my research: human rights, the women's movement and feminism in Ireland.

The WHRA was sampled as an instrumental case in order to access the data generated by what I understand to be an elite group of nationally located, professional leaders within the IWM. The pre-interview information was designed to yield this quality of data (see Appendices 5, 6, 9, 10). Elites are in a position to provide an overview of phenomena (internal and external), relational and technical data and a specific perspective. They respond well to inquiries that enable them to use their knowledge and imagination on broad, open areas of content. However, these benefits are tempered by the difficulties that may arise in terms of access, and the challenges of researching a group familiar with the dynamics of research. The researcher needs to be competent and credible to engage such participants. The WHRA members were well informed, influential and prominent within their organisation; and they had relevant expertise for the study (Marshall and Rossman 2006).

Chapter 2: Methodology

I sampled both the case and within the case (for the interviews). Representativeness was achieved through cumulative, consistent processes that were informed by the literature, data collection and analysis, development of ideas, and professional practice. I commenced with provisional and open primary sampling and then moved to increasingly specific selection (Strauss and Corbin 1990 in Gobo 2004).

By purposive sampling of theoretically relevant concepts, characteristics and criteria expressed within individual participants, I intended to realise social representativeness (Gobo 2004). I developed the following criteria for sampling the interviewees:

- regular and active participants in the WHRA;
- representatives of traditional human rights organisations, which had a quasi-legal-technocratic approach, and women's organisations, which had a community-developed approach, towards human rights;
- organisations who could bring in a range of intersectional voices through their constituencies; and
- activists with experience of national and transnational claim making around women's human rights.

Validity

I have used the work of emancipatory, feminist researcher Patti Lather to guide my thinking on delivering valid research. Asserting the importance of rigour as well as relevance within emancipatory research, she discusses several types of validity: triangulation, construct, face and catalytic (1986).

The use of triangulated data collected through the Initial Conversations, observation, interviews and documents centring on one organisational case study, and systematic procedures around sampling and analysis, built layers of data, forged the chain of evidence and clarified meaning (Yin 2003). Rather than drawing me to a narrow point,

Chapter 2: Methodology

triangulating these data banks captured diversity of perception and experience (Stake 2005).

Construct validity refers to systematic, reflexive interrogation of the theoretical tradition that the researcher is operating within, in order to consider how the logic of the data has changed the a priori theory (Lather 1986). This was facilitated through my journal, supervision, NUIG GRC and doctoral peer group.

By sharing descriptions, emerging analysis and conclusions with participants, I sought face validity: a moment of recognition and concurrence around shared experience and analysis (Kidder 1982 in Lather 1986, p271); this occurred repeatedly during the interviews—for example, when I drew parallels between ‘closeted feminists’ and ‘closeted queers’, a participant agreed with my analysis.

I understand your analogy to coming out because there is that: you believe it, but you’re not sure that maybe there is something inherently wrong with it, that people are going to judge you for it. But that is a larger question about how secure do you feel around your own views. (Interview IFPA)

Given the transformative intent of emancipatory research, catalytic validity is important. The extent to which this study ‘reorients, focuses, and energizes participants toward knowing reality in order to transform it’ (Lather 1986, p272) is an unknown. However, the timeliness of the study with regard to civil society members’ critical reflections on SP and engagement with the UN has been demonstrated through discussions of my findings at conferences and political gatherings with feminist and disability activists.

Using an emancipatory framework involves engaging with the researched group at an early stage in order to inform the design of the study (Baker et al 2004). Knowing that I

Chapter 2: Methodology

wanted to focus this study on Irish women's human rights activists' engagement with UN systems, in spring 2008 I undertook five face-to-face, exploratory conversations with women who had been active in the first phase of the WHRA.¹¹ I emailed a set of guide questions to each woman in advance of our meeting (see Appendix 1). I audio-recorded and transcribed the conversations with their verbal permission. These conversations represented a number of insider views on this field. The women with whom I had Initial Conversations recommended that I select the WHRA as the focus for my doctorate.

A number of topics emerged from a simple thematic analysis of the transcripts of these initial conversations (Silverman 2004); the predominant theme was relationships:

- between activists and state actors; and
- between local/national/transnational women's human rights activists.

The conversations confirmed the distinctiveness of the two phases of the WHRA. The first phase was 2001–2006, when it had a paid co-ordinator; and the second phase was from 2007 onwards, when it was run by a committee. They generated a triangulated history of the reorientation of the IWM towards understanding women's rights as human rights, and passed onto me WHRA and associated archival material, which I use to describe the WHRA in Chapter 4 (see Appendix 11). Further, they informed the development of the interview sample and schedule and led me to securing permission to undertake a pilot observation of the WHRA's meetings from September to November 2008.

The WHRA provided multiple data sources, and I was aware of the importance of considering the selection, collection and interpretation of data that would create the overall blend of the case (Yin 2003). The case was constructed through the three sets of data: observation, interview and documentary, which I will now discuss.

¹¹ Noirin Clancy, the WHRA co-ordinator; Maeve Taylor, Banulacht; Ursula Barry, University College Dublin (UCD); Judy Walsh, UCD; and Joanna McMinn, National Women's Council of Ireland (NWCI)

Observation

The purpose of the observation was to gather data on (i) how the WHRA operated; (ii) discussions about how Irish activists engaged with international human rights; and (iii) potential interviewees. Traditionally, the use of observation is considered to be a powerful source of validation through the creation of an eyewitness account (Angrosino 2005). I adopted a complete observer role, with the exception of a small number of occasions when members drew me into the meeting/group dynamics (Gold 1958 in Angrosino 2005).

Drawing on Lofland's work ([1971] 2004), I developed standardised procedures for the observation including a pro forma for contemporaneous notes of each Committee meeting (see Appendix 2) and a journal record after each meeting in order to maximise the efficiency of the data collection (Angrosino 2005).

Marshall and Rossman described the progressive specificity of observation practices, from initially broad areas of interest to the identification of patterns and the development of categories of interest and analytic themes; such systematic observation should be informed by clear purpose and linked to the study's CRQ¹² (2006). I found that this description resonated with my experience over the observation period, particularly as data collection connected with the literature that I was reading on social movements and feminist socio-legal theory.

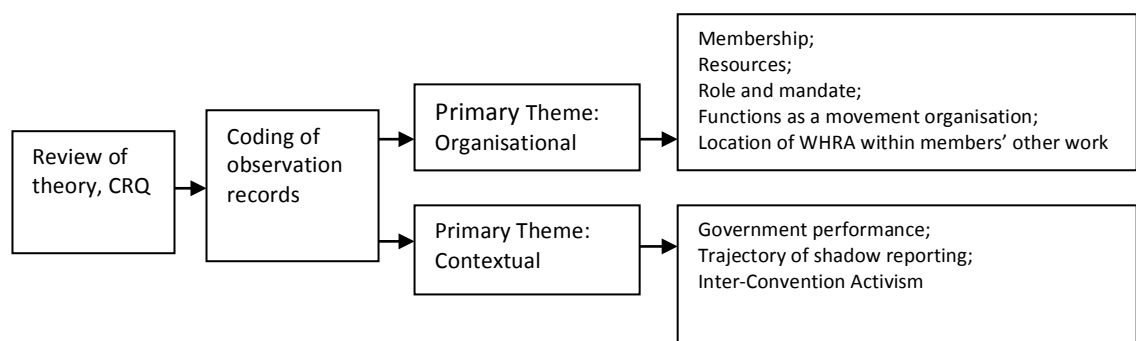
I piloted the observation of the WHRA Committee meetings from September to November 2008 (two meetings) and then commenced fully after the NUIG Research Ethical Committee granted its approval. The observation was completed in August

¹² 'In what ways do and could feminist human rights activists in Ireland develop counter-hegemonies of women's human rights?'

2009. The observation’s timing was premised on my understanding that (i) during September 2008 to August 2009, the Irish Government would publish the ICESCR report and possibly the CEDAW report; (ii) this would lead to the State’s consultation with civil society organisations, including the WHRA; and (iii) the WHRA’s shadow reporting process would advance significantly. In the event, external circumstances changed the type of data that were collected. Two key factors were—firstly, the State report was not published; secondly, with the onset of the recession, the Government began immediately to restructure and cut the equality, human rights and community sectors.

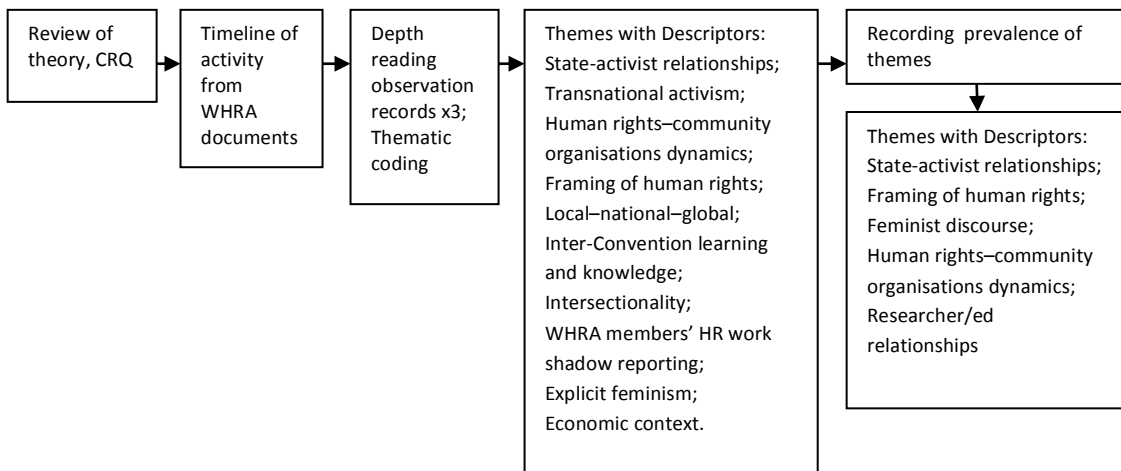
The observation data were analysed in March and in July 2009. In March 2009, I wrote a preliminary analysis paper in order to reflect on the data collected and the use of the observation method. I undertook a thematic analysis of the completed observation pro formas in order to identify primary and secondary themes. At this point I was using social movement theory exclusively. Therefore, I was focusing on the ‘work’ of building a consistent core of knowledgeable, skilled movement leaders who had a sense of collective ownership and an ability to engage their constituencies and who could access diverse expertise and manage different perspectives and ways of working.

Figure 1: Thematic Analysis: March 2009



These themes evolved due to the development of the WHRA’s work programme and my review of feminist socio-legal literature.

Figure 2: Thematic Analysis: July 2009



After re-coding the observation records, I wrote an analysis paper. This formed the basis for the interview schedule for the first set of interviews. I coded a second set of observation records to track the contributions of the five interviewees in order to identify the topic of the individual question.

Interviews

Interviews are ‘ubiquitous’ in contemporary Western society (Silverman 1993 in Rapley 2004, p15). Within social science, the interview is considered to be a central resource (Atkinson and Silverman 1997 in Rapley 2004). However, the pervasive use of interviews risks creating routinised and technical encounters (Mishler 1986 in Fontana and Frey 2005). I am drawn to Gubrium and Holstein’s description of the interview as, ‘a means of contemporary storytelling in which persons divulge life accounts in response to interview inquiries’ (1998 in Fontana and Frey 2005, p699). I view the interview as a ‘negotiated accomplished’ (Fontana and Frey 2005, p717), which is ‘inextricably and unavoidably historically, politically, and contextually bound’ (Fontana and Frey 2005, p695).

Chapter 2: Methodology

Jones commented that making decisions around direction within interviews involves finding a complex balance between restricting structure and restricting ambiguity (1985 in Seale, Gobo, Gubrium and Silverman 2004). Through the interviews, I was seeking to access ‘thick descriptions’ through ‘*elaborated* and *detailed* answers’ (Rapley 2004, p15). Therefore, the interview schedule was informed systematically by the CRC,¹³ reviewed literature, Initial Conversations and observation data.

Pilot Interviews

I conducted pilot interviews in November 2009 with two of the women who had participated in the study’s Initial Conversations.¹⁴ The pilot interviews enabled me to rehearse the practicalities of technology, check timing, and to both experience and then listen back to my structuring of the interviews, including my tone and pace. They were opportunities to develop my interview style, which I intended to be open and discursive.

First Interviews

I conducted two semi-structured interviews with the same purposively sampled five WHRA Committee members. I sent them information about the interview topics in advance; and with four of the five participants there was evidence of their engagement with this material¹⁵—for example, participants working from notes written on hard copies of this correspondence, or detailed reference to their content in the interviews. The first interviews took place in late November and early December 2009. I transcribed the audio-files myself and sent the transcripts to participants for correction, comment and/or amendment. I re-iterated that they could withdraw

¹³ ‘In what ways do and could feminist human rights activists in Ireland develop counter-hegemonies of women’s human rights?’

¹⁴ Noirin Clancy and Judy Walsh

¹⁵ See Appendices 5,6,9,10

material if they wished.¹⁶ Field notes were written just before and after each interview and entered into my PhD journal.

The second set of interviews was scheduled for January and February 2010. This tight time frame provided approximately two weeks for analysis, checking transcripts with interviewees and the development of the second interview schedule. Whilst it was a challenging period of intense work, it created a momentum and exchange with the participants between the interviews.

The first interview commenced with an open question in order to provide an unstructured space for the interviewee to 'tell the story' of their personal and organisational experience of the WHRA; it proceeded to five semi-structured questions; and it concluded with an individual question relating to their contribution during the observation period. There was space at the end of the first interview for the interviewee to make any additional comments or ask questions about the study.

After studying Kvale, I recognise that meaning clarification and interpretation occurs throughout the whole process of inquiry, rather than through one isolated stage of analysis (1996). Following the first interview and transcription, I undertook the following stages of the analysis. Although these progressed systematically, they have common ground with what Kvale calls 'ad hoc meaning generation' (p203) by drawing on several of the tactics described by Miles and Huberman (1994 in Kvale 1996, p204):

1. Mind mapping of initial thoughts on data findings from impressions of undertaking and transcribing the interviews.
2. Re-reading of transcripts in chronological order and development of initial mind mapping.
3. Setting out of analytical categories.

¹⁶ There were minor factual corrections but no supplementary comments. One interviewee asked for organisationally sensitive comments (that were not significant to the study) to be withdrawn. The corrections were made and the material deleted.

4. Coding of transcripts and writing up of analysis under these categories.
5. Development of interview schedule for second interview.

Analysis of the first interview data was organised around the structure of the interview schedule (see Appendix 9). The researcher–researched relationship was coded onto the transcripts too.

Second Interviews

The second interview schedule was developed following the analysis of the first set of interview transcripts. The intention was to ask questions that would generate data in response to the broader aspects of the CRQ, including the development of counter-hegemonies. However, I stressed the importance of grounding responses within participants' own experiences (in correspondence before and verbally at the start of each interview). I followed the same procedures that I had used for the first interview for field notes; transcription; and correction, comment and withdrawal of data.

The intention of the analysis shifted from the expansive and exploratory approach of the first interviews to an applied and focused approach for the second interviews. The data from the second interviews were organised around the structure of the interview schedule (see Appendix 10), with coding of the researcher–researched relationship.

The stages of the analysis were as follows:

1. Re-reading the analysis paper from the first set of interviews.
2. Close re-reading of the transcripts from the second set of interviews in chronological order, making detailed notes on emergent themes, topics.
3. Deciding an initial coding scheme (which reflected the structure of the interview schedule).
4. Coding of transcripts.
5. Structuring the analysis paper according to the coding scheme with sub-headings for additional themes, topics identified in Step 2.
6. Writing up an analysis paper under these headings.

Chapter 2: Methodology

Documentary

The purpose of the documentary data strand was to develop an understanding of the historical trajectory of the WHRA, particularly during its first phase. The documents were gathered from primary sources, that is, actual records produced in proximity (both time and space) to the events described. Through the Initial Conversations, I accessed a set of original documents authored by the WHRP and the WHRA. The majority of documents were sourced from the WHRA's individual and organisational archives and have either open-archival or open-published status (Gidley 2004). There are a number of press cuttings from the 2005 UN CEDAW Committee session. A valuable archive (see Appendix 11) was collated during 2008.

The WHRA's activism was characterised by democratic reporting to constituencies through consultation, information leaflet, newsletter and conference texts. Such routine public organisational documents are significant self-presentation devices that embody individual actions, interactions and encounters (Atkinson and Coffey 2004 in Silverman 2004). Therefore, I found them to be a useful resource in constructing the story of the WHRP and WHRA (see Chapter 4).

Summary

The use of CSS methodology, drawing on emancipatory and feminist traditions, provided a compass for the processes of design, data collection and analysis. The clarity provided by my commitment to creating a valuable resource for women's human rights activism was reflected in the systematic rigour of my methodology, from case selection, sampling and the progressive focus in the management of my data (observation, interview and documentary), as well as in the steps taken to produce an ethical, valid and socially representative study.

This rigorous approach made me confident in my identification of the two central dynamics of counter-hegemonic development of women's human rights in Ireland, that is, between 'top-down', quasi-legal-technocratic and 'bottom-up', community-

Chapter 2: Methodology

developed activism; and between implicit and explicit feminism (discussed in Chapters 5 and 6, respectively).

The literature review in the next chapter outlines the feminist socio-legal and social movement theoretical framework developed for this research, which both illustrates the continuity of the core themes between previous scholarly work on women's human rights activism and the findings of this study, and opens up emergent approaches to the development of counter-hegemonies of women's human rights in Ireland.

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

Introduction

In this literature review, I draw on feminist socio-legal¹⁷ and social movement theories in order to explore the persistent draw of human rights for feminist activists, and the constitutive and systemic challenges that limit the realisation of second-wave feminists' vision. Recognising the predominant hegemony of legalism within human rights, I consider anthropologist Sally Engle Merry's theorising of the vernacularisation of women's human rights as an emergent approach to the progressive realisation of women's human rights in Ireland.¹⁸

I begin by reviewing the women's human rights endeavour: considering explanations for the persistent valuing of human rights and discussing the critiques of hegemonic and counter-hegemonic women's human rights that emerged from the 1990s onwards.

Second-wave feminist activists envisioned a significant contribution by human rights towards progressing the movement's agendas, using the UN's Treaty Body system as an important venue of contention. I explore the challenges for feminists of engaging with the UN, particularly Treaty Bodies; and, in so doing, I present the known limitations of the WHRA's strategy of shadow reporting.¹⁹

¹⁷ The term 'feminist socio-legal theory' is understood to describe a specialist body of inter-disciplinary literature written by both lawyers and activists (Nash 2002).

¹⁸ Merry described how anthropology contributes insights into how international law is produced and how it works by focusing on practices and meanings within small social spaces and elucidates the value of its constitutive norms, principles and institutions (2006a).

¹⁹ The WHRA shadow reported firstly on CEDAW and then Article 12 of ICESCR. ICESCR is regarded as having a central role to play in addressing women's human rights (Bunch 1990). The scope and reach of the Covenant into the public and private spheres (Gallagher 1997), and the Committee's performance, has made it an important focus for shadow reporting by feminists (Johnstone 2006).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

A core tension within the WHRA has been between the legal-technocratic practices of traditional human rights organisations and the community-developed practices of women's organisations with grassroots constituencies. The work of Ife and Fiske, Merry and Crenshaw unpacks these tensions and informs this study's focus on the development of an explicitly feminist human rights discourse in Ireland through rights consciousness raising and intersectional engagement between women in differently located communities. This study uses Goodale's meaning of 'human rights discourses': 'the coteries of concepts, practices, and experiences through which human rights have meaning at different levels, levels which are prior to and go beyond the merely instrumental or legal' (2006, p490).

I understand the WHRA's singular engagement with the UN Treaty Body monitoring system through shadow reporting as a mode of institutionalised activism, one that reflects the turn towards formalised activism within the women's movement in Ireland and in democracies in Europe and North America. Drawing on Connolly's historical study of the IWM (2003) and the work of the RNGS, I describe the patterns of movement activism, abeyance and intersectionality, and their relationships with explicit and implicit feminist discourse, which indicate continuity between these historical IWM themes and the findings of this study.

My contention is that one answer to the hegemonic predominance of quasi-legal-technocratic approaches to human rights and institutionalised elite activism is vernacularisation. As discussed in Chapters 4, 5 and 6, vernacularisation practices have been evident in second-wave women's human rights activism in Ireland since the 1990s, indicating an important route to the development of counter-hegemonies of women's human rights in Ireland. Therefore, vernacularisation (its meaning, dynamics, actors and movement building practices) is the concluding focus of this chapter.

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

The Persistent Value of Human Rights

Scholars assert the value of engaging in human rights activism. Charlesworth and Chinkin described human rights as the 'most accessible and hospitable area of international law for women' (2000, p201).²⁰ The decision to re-engage with human rights as a central feminist strategy by second-wave feminists was taken against a somewhat bleak backdrop.²¹ This study contributes significant learning about how this turn has played out in Ireland. Regardless of their frustration with the glacial pace of progress, feminist activists persist with this strategy. This persistence can be explained by the balancing of the identified benefits and costs of engagement described in the literature (many of which were echoed by members of the WHRA, as discussed in Chapter 5).

Human rights are historically intrinsic to feminist claims (Smart 1989); and they have been the organising principle in the struggle for equality (Charlesworth, Chinkin and Wright 1991). There has been a long history of transnational activism within women's movements.²² Membership of such transnational movements is a self-conscious and important aspect of feminist activists' identity (Brown Thompson 2002). Human rights are one of the few moral visions that are ascribed to internationally, and, as such, they are deeply resonant (Bunch 1990), connecting those who engage with human rights with the global position of women (Charlesworth and Chinkin 2000).

For first-wave feminists, human rights were a celebration of women's contribution in the private sphere; and for second-wave feminists, they connected the 'social wrongs' experienced by women to discourses of protection (Smart 1989).

²⁰ Whilst recognising that human rights law buttresses neoliberal regimes, Merry nevertheless stated that it provided some redress for the powerless. Further, it framed individuals in terms of choice, autonomy and bodily integrity, in contrast to systems of law that are characterised by obligation and exchange (Merry 2006a).

²¹ Writing in 1990, scholar/activist Charlotte Bunch identified women's human rights as a low-no priority for states and mainstream human rights NGOs.

²² Ferree and McClurg Mueller referred to such activism from the 1890s onwards and described the International Women's Suffrage Alliance formed in 1902 (Rupp 1997 in McClurg Mueller 2004).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

In their framing as human rights, feminist claims were shifted from the discourse of charity—of needs, grants and favours (Rao 1996)—to those of fairness, legitimacy and dignity (Smart 1989). Rights provide an institutionalised and formalised site of power struggles (Smart 1989) that are backed by the forces of States and international and supranational institutions (Nash 2002). Embodying a 'terrain of agreement' (Nussbaum 2007, p439), they hold the promise of the engagement of State responsibility in an internationally recognised and acknowledged way by asserting its fundamental and immutable obligations (Connors 1998).

Rights discourses have been regarded as a strategic rhetorical necessity to engage States in order to resist and dismantle hegemonic power (Dalton 1987 in Crenshaw 2011). They provide an empowering, political language of symbolic force that is linked to citizenship and democracy (Smart 1989), gaining the attention of the powerful and catalysing social action (Connors 1998).

Human rights are neither static nor the property of one group (Bunch 1990). Despite tensions, including those between legal practitioners and community activists, they are seen as constitutionally unifying (Rosen and Yoon 2009). Their expansive potential holds the scope to popularise them through the development of strategic alliances such as the WHRA, or indeed through the perpetual forming of ICA coalitions (Smart 1989). Through these dialogic processes, rights contribute to the development of cultures in which justice is pursued as an ideal (Chinkin 1998, Charlesworth 1994 in Nash 2002). Women's rights are described within a human rights framework, and human rights are viewed through a gender lens (Bunch and Frost 2000).

Human rights, as an idea and vocabulary, have both grassroots and global utility and also connect local and global agendas (Bunch and Frost 2000). Their strategic value has been expressed through the legal granting of specific entitlements from a named duty

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

bearer (Charlesworth and Chinkin 2000), individual and collective consciousness-raising, use as a political campaigning tool and impacts on public discourse through their rhetorical force (Bridgeman and Millns 1998). The enduring value of human rights for feminists is acknowledged and reinforced by this study; but it is also problematised by it.

Critiques of hegemonic human rights have a long history, exemplified by de Gouges' text 'The Declaration of Human and Civil Rights for Women': a protest about the absence of women from the 'pseudo-generality rights discourse' (1791 in Schroder 1989, p264). Feminists have been both champions and critics of human rights: challenging their hegemonies and generating counter-hegemonies, and counter-counter-hegemonies, within a perpetual dialogue.

The central counter-hegemony of human rights for this study is that hegemonic unitary 'Law' is in reality differentiated socio-political, cultural and economic phenomena (Binion 1995).

Rather than being a resource for the subjugated against their oppressors, the track record of human rights is as a resource of the powerful against the weak (McColgan 2000 in Johnstone 2006). Johnstone summarised seven areas in which the civil and political rights, male, Western and liberal biases of international human rights have played out to the detriment of women. In line with the findings of this study, these areas are *constitutive*: the content and definition of international human rights, the marginalisation or absence of women's human rights, or their treatment as an afterthought, and the public/private divide in human rights; *systemic*: the de facto exclusion of women through their lack of representation in the UN; and *movement*: the questioning of whether human rights are a meaningful tool of change or way of individualising responsibility for societal ills, the use of rights to reduce the status of women through discourses of culture, religion and private family life, and the failure of

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

human rights to substantially address the continued global oppression of women (2006).

Counter-counter-hegemonies of women's human rights challenge those who promote human rights as a central tactic to progress feminist agendas. Of particular interest for this study is, firstly, the questioning of whose agenda is being pursued by moulding feminist demands into a restrictive and slow moving system, and secondly, the cautioning against giving control of the women's movement to a professional elite (Steans 2007).

Framing women's rights as human rights incurs a number of constitutive, systemic and movement risks. The processes of translating up (Merry 2006b) feminist agendas into human rights law carry the dangers of narrowing women's experiences (Palmer 1996 in Bridgeman and Millns 1998) into universal meanings, and oversimplifying the patriarchal power relations within which they are subjugated (James 1994), as well as constructing women as either self-interested in their pursuit of special (that is, not equal) rights, or weak and in need of protection (Smart 1989). By engaging with UN systems, feminists are at once invoking and reinforcing the hegemonic power of the law and States (Smart 1989), re-locating movement activism into the marginalised, designated spaces constructed for women's rights by patriarchal states (James 1994). Movement energy is dispersed into defending diminishing rights (James 1994) and competing with more powerful rights holders (men, children) or specific rights (religion, family life, culture). False expectations of change can be created (Smart 1989); the history of human rights has been rather, as noted above, their use by the powerful against the weak (McColgan 2000 in Johnstone 2006), including in a violent or counter-use of law (Smart 1989).

Feminist human rights activists have engaged in diverse repertoires of contention, which I describe as re-working spaces (gender mainstreaming, Conventions, extra-

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

Convention activities and UPR), creating spaces (conferencing, campaigning) and re-imagining spaces (vernacularisation of rights). Progressive realisation of rights engages parliamentary, judicial (including quasi-judicial) and public activity. Analysing the legal tools of mainstreaming and constitutionalisation, Smith and McLaughlin wrote of the importance of having options to move between judicial and political domains, particularly for vulnerable social groups with limited democratic representation and public voice (2010). Smith stresses the importance of substantive public input, requiring a strong commitment from civil society, in order to develop contemporary understandings of such legal tools (2007).

In contrast, the second phase of the WHRA focused singularly on shadow reporting,²³ a selection influenced by the strategic investment and substantial expertise of Irish human rights NGOs in perpetual shadow reporting across Conventions, that is, ICA (discussed in the Introduction). Therefore, I will now examine the known limitations of this approach to human rights activism, which the traditional human rights organisations within the WHRA would have been familiar with.

Human Rights in Practice: UN Human Rights Systems

The literature provides a valuable summation of the challenges for feminists of engaging with the UN in general, and the Treaty Body system in particular.

The modern human rights system has developed within the context of the UN. Its legalistic, individualised approach to human rights locates the responsibility for the promotion, respecting and protection of rights with nation-states, with powerful nations playing a disproportionately influential role in shaping the human rights system (Charlesworth and Chinkin 2000). States' participation is influenced by the

²³ An approach that, although presented by hegemonic quasi-legal-technocratic actors as systematic and robust, is nevertheless described as being dependent primarily on the mobilisation of social pressure and shame (Bayefsky 2001, Merry 2003 in Merry 2006a).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

reciprocal character of international relationships, and the desire to hold membership of a global community, which connotes being 'civilised' (Merry 2006a).

The UN has been an important venue for feminist human rights activism and has been subject to ongoing attempts to 'gender' it. This continues today, as evidenced by the address to the UN given by Charlotte Bunch on progressing women's rights within the current reform agenda.²⁴ The establishment of UN Women is a recent milestone achievement.²⁵

There are differing opinions on whether the gendering of the UN should remain a central plank of feminist strategy. Critics warned that engagement with the UN risks the expending of activists' energy in rhetorical discourse, with only the possibility of tinkering with bureaucratic processes (Reanda 1999). Informed by her work with the Office of the United Nations High Commissioner for Human Rights, Gallagher delivered a detailed and swingeing critique of international human rights architecture (1997), which Johnstone confirmed a decade later (2006). Gallagher traced the reasons for the UN's poor track record on women to the lack of involvement of women in human rights' conceptualisation and definition; the failure to define significant issues for women as human rights or to make them subject to legally binding norms; the exclusion of violations in the private sphere and by non-state actors; the secondary status of economic, social and cultural rights, which are often of greater relevance for

²⁴ Bunch identified three core strands of activity: the Universal Periodic Review (UPR); Research and Reporting Special Procedures; and Gender Balance and Expertise across all mechanisms, bodies and programming. Describing the UPR as 'a critical new forum', she stressed the importance of fully integrating a gender perspective at every stage of the review (process and content) and noted that each state's first review would be critical (2007a; 2007b).

²⁵ The rationale for this agency was articulated by Gender Equality Architecture Reform Campaign (a network of 310 civil society organisations established in 2008).

The UN still lacks a strong driver for women's rights at the leadership level both at Headquarters and at the country level, as well as a systematic and effective mechanism to deliver on many of the essential commitments made. Many studies [. . .] highlight widespread "policy evaporation" resulting from lack of genuine political will (including lack of sustained financial support) in relation to their implementation. (Email from Banulacht 9 September 2009)

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

women; and the ineffective systems of investigation, documentation and enforcement of rights that conceal or obscure abuses against women, or permit states to justify these (as cultural, religious or ethnic practices). Addressing these myriad challenges is stymied by the continued under-representation of women across the human rights establishment. However, one of the most striking characteristics of scholars who are writing on women's human rights is their persistent optimism in the face of partial and slow progress at the margins of the UN (Gallagher 1997).²⁶

The attraction of Conventions as venues of contention is apparent from the literature²⁷ and the benefits of shadow reporting are well rehearsed.²⁸ Writing a report is a basic technology of human rights activism (Merry 2006a). For activists and their funders, shadow reporting is a discrete practice with a clear process and specific output. Shadow reporting has been a procedure frequently used by NGOs globally, including women's human rights activists, in order to place their issues on the agenda of the UN, and to challenge their States within global fora.²⁹ By virtue of relocating legal process from the courts into a relatively accessible, discursive venue with which any individual

²⁶ Writing in 2000, Charlesworth and Chinkin described women's advancement in the UN as a 'seemingly endless piece of unfinished business' (2000 p183), but one worth continuing with. Gallagher suggested the issue is not with the UN per se but is a reflection of the broader oppression of women (1997).

²⁷ Conventions have become increasingly important since the twentieth century as a means of securing States' commitments to legal obligations on the basis of consent; they provide the certainty of a written text and an ease in identifying parties. Clarification of Treaties' validity, interpretation, acceptance, amendment, supervision and termination through the Vienna Convention on the Law of Treaties established the status of these multilateral regulatory frameworks on a broad range of matters. There is a greater recognition of the global position of women, and a greater certainty about the extent of State obligations through the inclusion of monitoring and implementation of provisions, as well as the potential for incorporation of national policies, guidelines, legislation and benchmarks for success (Charlesworth and Chinkin 2000). However, Treaty Bodies can only work to the text of their Conventions (Johnstone 2006).

²⁸ The literature describes these benefits as including raising awareness by the Committee of a State's ignorance or complicity in human rights violations; providing a basis for human rights discourse; 'opening the door' for communication between States, publics, and the global realm; and generating material (Concluding Observations, Concluding Comments, and General Recommendations) that can be a resource for rights-based arguments (Johnstone 2006). Whilst shadow reporting is merely a first stage, it nevertheless provides 'fuel to speed up the process' (Johnstone 2006, p158).

²⁹ Merry notes the restrictions on human rights NGOs' activism: human rights limited discourse, national and nationalist politics, funders' pressures and tensions between international and local normative commitments (2006a).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

or collective can transparently engage, the UN Treaty Body System is constitutively counter-hegemonic, and shadow reporting is a counter-hegemonic practice.

However, there have been strong criticisms of the Treaty Body system since the 1980s, leading to three reports by a UN Secretary-General-appointed Independent Expert between 1989 and 1996. He found that the reviews of States were delayed, too brief and superficial and that State reports were inadequate, unsatisfactory, late or not submitted at all (Johnstone 2006; O'Flaherty and O'Brien 2007). Treaty Body reform is a substantial part of the UN reform programme.³⁰ Whilst ICA is a central strategy of Irish human rights NGOs (as discussed in the Introduction), Johnstone's comments suggest that the ceaseless momentum of Treaty reporting reduces it to bureaucratic necessity (2007).

Further, a key insight of social movement theory is the tactical importance of disruption, surprise or uncertainty in effecting change (Meyer and Tarrow 1998). Shadow reporting is one of the least surprising of all tactics, requiring adherence to fundamentally bureaucratic, timetabled procedures, and a ritualised dance with Committee members and State actors.

It is clear from the interviews that the potential scope for activism in terms of both the venues and repertoires of contention, and the limited character of shadow reporting, was known to members with human rights backgrounds. However, this was not shared or discussed critically with the human rights 'novices' in women's organisations (an ethical issue that I discuss in Chapter 5). Smith has written of the variable power,

³⁰ The Office of the High Commissioner for Human Rights (OHCHR) stated in 2005 its long-term intention to create a unified standing Treaty Body, and subsequently articulated proposals for realising this in a 2006 Concept Paper (Johnstone 2007). However, O'Flaherty and O'Brien caution that a unified standing Treaty Body may further marginalise women's human rights (2007).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

influence and resources of differently located publics (Hendricks 2006 in Smith 2007).³¹ 'Civic dialogue' around human rights is facilitated by addressing the social sub-processes, which both exclude disadvantaged individuals and groups and also maintain the status quo of privileged power relations (Smith and McLaughlin 2010, p109). This differentiation of expertise amongst WHRA members was one of the core tensions within the WHRA: between quasi-legal-technocratic and community-developed approaches to human rights.

Quasi-Legal-Technocratic and Community-Developed Approaches

The quasi-legal-technocratic approach championed by the WHRA members that were employed in traditional human rights organisations perpetuates the hegemonic predominance of the law, contextualized by the market in human rights discourse. Although other aspects of human rights (political, cultural, economic, structural and social) are acknowledged, it is the legal approach that continues to be favoured (Evans 2005). Crenshaw argues that rather than considering the core matter in progressing rights to be the proper deployment of law, there is a need for a rigorous analysis of its constitutive limitations. She proposes placing legal strategies in ideological conversation with wider social and political struggles, and exploring the utility of rights discourse in advancing such struggles when it is framed by the rhetoric of law rather than of needs (2011). The differently located members of the WHRA are engaged (with varying degrees of consciousness and confidence) in this dialogue (as evidenced in Chapters 5 and 6).

Within the human rights field, the seductive consensus of international hegemonic opinion can create a 'culture of contentment' that assumes discourse 'closure' is possible and desirable (rather than embracing an alternative understanding of discourse as an inexorable process) (Evans 2005, p1051). This can marginalise the,

³¹ Smith uses a deliberately broad definition of public, which includes social movements, human rights Non-Governmental Organisations (NGOs), community and voluntary groups, 'ordinary' people and the media.

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

albeit extensive, counter-hegemonies of human rights and work against the vernacularisation of human rights by communities. This study stresses the potential of vernacularisation as an approach that both problematises the quasi-legal-technocratic meanings of human rights and also provides a potentially rich generative form of engagement for feminist activists seeking to progressively realise human rights as an everyday reality.

Human rights are part of a particular vision for the 'good society' in which the State provides social justice, and the individual is responsible for making claims on it. The underlying presumption of this vision is that everyone has equal rights (if not equal needs). The constitution of the hegemonic architecture of human rights includes a symbiotic relationship between a notion of statehood and the right to self-determination (Charlesworth and Chinkin 2000).

For women's human rights activists, the realisation of feminism's transformative agenda requires opportunity within the domestic realm, knowledge of alternative venues, the insight and agility to monitor political landscapes for transitory 'agitational niches' (Keck and Sikkink 1998, p223) and the ability to present their issue(s) within universal frames that are resonant with the UN (Plassy 1999).

The use of hegemonic human rights discourse is a decision to appeal to the State to re-order power relations (Smart 1989). (Further, it is a decision to privilege a system of claim making that entails the centralisation of power and increased surveillance (1989).) The effectiveness of such strategic risk-taking depends on the political economic context of the State and its position on protecting and realising the rights of the individual and collectivity (1989). As discussed in the Introduction, whilst the Irish State is invested in its external persona as a human rights champion, there is a substantial disconnect between this and its domestic performance. This point was made repeatedly throughout the study in the Initial Conversations and by WHRA members.

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

The legitimacy of human rights as a local normative framework is derived from the conditions through which they emerge and become incorporated (rather than their universality) (Goodale 2006).³² Merry's work on new legal realism and human rights law developed the earlier theorisation of the law as social processes embedded in political and historical contexts. She focused on legal culture and legal consciousness, transnationalism and the ways in which norms and ideas circulate throughout the world (facilitated by intermediaries such as WHRA members who operate at national and local levels). This engages law as it is differently practiced and experienced, both by legal elites and also 'ordinary' individuals and communities in everyday life. The drivers for this new legal realism included concern with the implementation of human rights law, the effectiveness of State compliance/censure, the quality of public support and law's cultural impact (Merry 2006c).

Merry commented that human rights had little resonance with communities and noted that, by and large, human rights advocacy was limited to national and transnational elites. Yet, cultural impact is probably the more important aspect of human rights activism (2006c), achieved through changing local consciousness and relationships (Merry 2006d). Therefore, it is necessary to address both the tension between general or universal principles and particular situations, and the tension between the transnational community's vision of a unified modernity, and local and national actors' assertion of the critical importance of particular contexts and histories (Merry 2006d). Ife and Fiske (2006) provided insights into this lack of resonance for and engagement by the grassroots. They noted that the constitution of human rights architecture (laws and systems) locates human rights in a legal paradigm in which responsibilities rest

³² Merry stressed that international norms' legitimacy derives from deliberative, consensus forming processes, characterised by negotiation and compromise, from which they emerge, drawing comparison with law in local communities (Riles 2000 in Merry 2006a).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

with the State (to protect, secure or realise human rights).³³ International law's State-centric character has devalued the role of the individual rights holder as well as those of collectives (including the family, community and civil society organisations). Further, it limits the sense of collective responsibility for, and engagement with, the interpretation and realisation of rights (which is at the core of vernacularisation) (2006).

The compensatory description of collective rights as 'third generation' infers that civil, political, economic, social and cultural rights are individual.³⁴ Ife and Fiske proposed a collective responsibility model of human rights that asserts that all rights should be understood both individually and collectively, and read through all levels of the human community. The increased adoption of Bills of Rights worldwide highlighted the importance of who is involved, how they are involved and with what impact (Smith 2007). Whilst Ife and Fiske's collective approach recognises the value of international human rights instruments and bodies, it advocates for active, 'bottom-up' participation in order to create a robust, pluralistic human rights system. This expansive approach, in which human rights are collectively constructed, understood and experienced, deepens engagement beyond the quasi-legal-technocratic practices of codification and regulation (2006).

The quasi-legal-technocratic approach to human rights holds that legal systems set the parameters of ethical and moral human activity for a society, overseen by an elite with specialist qualifications, who infer that social change requires legislative change. The achievement of legislative victories reassures a closure for campaigners (of the kind

³³ Merry concurred, pointing to the post-World War II development of international human rights laws, which focus on individual rights that States must uphold. The operation of human rights law is dependent primarily on the relations between nation-states and is embedded in the system of political relations. Civil society's role is to hold governments to account through changing and developing enforcement mechanisms, which she described as ambiguous and dependent on complex social processes (2006a).

³⁴ Merry proposed that vernacularisation may be one way of overcoming the false division between civil and political, and economic, social and cultural rights (2006a).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

referred to by Evans (2005)), returning publics to passive and powerless consumers of human rights (Ife and Fiske 2006).

This legalistic hegemony is perpetuated not only by States and the UN, but also by professionalised elites employed within human rights NGOs, who make 'truth claims' about human rights. Invested in the perpetuation of the human rights order, they have institutionalised and mystified human rights through their use of inaccessible language and concepts and their reliance on technocratic experts drawn primarily from the legal profession. Their practices have led to the denigration, marginalisation and exclusion of 'outsider' voices (Evans 2005).

In contrast, the community-developed approach asserts the importance of human rights working at a human scale, and empowers individuals and collectives to own their expertise of shared humanity. This is an action-oriented approach, which moves human rights from an abstract idea to a resource for human interaction and progress, as well as a catalyst for recognising and requiring collective structures that protect, promote and respect the individual's and community's human rights. It recognises that, because human rights are experienced primarily in a local context, there is a need to localise their meaning and their communal operation (Ife and Fiske 2006).

I suggest that this approach resonates deeply with the community-development practices of WHRA members, who represent constituencies of local women. It explains how energised and excited they became through the vernacularisation processes of consciousness raising (training), interpretation (primer development) and intersectional dialogue (consultations), and why the authenticity of local women's voices during the consultations radicalised the WHRA Committee in drafting the shadow report (discussed in Chapter 5). The community-development training of the women's organisations' leaders is centred on giving primacy to grassroots expertise. This contrasts with the legally trained traditional human rights organisations, whose

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

point of reference is the quasi-legal-technocratic, external expertise of UN instruments and systems, and whose agenda is the perpetuation of institutionalised modes of activism such as shadow reporting (despite their awareness of its limited impact on the progressive realisation of rights).

Given the known limitations of the quasi-legal-technocratic activist strategy of shadow reporting and the challenges of the wider UN system, it is valuable to consider why this tactical turn has taken place within the women's movement, not only in Ireland but also across democracies in Europe and in North America. I suggest that this reductionist approach to human rights activism is a symptom of the institutionalised trajectory of the women's movement in these locations, which has significantly impacted the presence and development of explicit feminist discourse. Therefore, I draw on Connolly's historical text on the IWM (2003) and the work of the RNGS in order to provide insights into the patterns of feminist activism and discourse in Ireland.

Feminist Activism and Discourse in Ireland

Connolly's text on the IWM up to and including the 1990s provides a valuable context for this study. When her history of the IWM's first and second waves was published, she commented on its liberal rights and materialist and practical successes, particularly where the established women's movement complied with the State's modernisation agenda. The professionalised, mainstreamed IWM of the 1990s was considered to be less publicly visible but increasingly politically powerful. The WHRA provides a window into how this formalisation and professionalisation of the IWM played out during the SP era and following the implosion of the Celtic Tiger. This study provides a record of the trajectory of the women's human rights strand of the IWM organised through the WHRP and the WHRA (see Chapter 4).³⁵

³⁵ In her chronology of the second wave (up to 1999), Connolly noted the key dates of the UN Decade for Women, but did not report the engagement of women in Ireland with this global turn to frame women's rights as human rights (2003, Appendix 5).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

Connolly conceptualised four stages of movement transformation during the twentieth century.³⁶ She dated the second wave, which is the focus for this study, from 1970 when the Report of the First National Commission on the Status of Women was published and the Irish Women's Liberation Movement (IWLM) emerged. These waves mirrored those of international feminism, whose ideas were circulated through texts and gatherings, accelerated by improved communications (2003).

There were two distinct movement strands in the early 1970s: a mainstream, reformist traditional strand focused on women's rights achieved through legislative or institutional change (led by the Commission for the Status of Women (CSW))³⁷; and a new, autonomous, radical strand focused on women's liberation achieved by personal and social change (initiated by the IWLM³⁸ and continued by Irishwomen United (IWU)³⁹). There were tensions both between and within these two movement strands. These tensions included strategy selection, repertoires of contention and relationship with the State (foreshadowing tensions within the contemporary women's movement). However, whilst there was divergence between liberal, socialist and radical feminists over ideology, tactics and organisational modes, there was convergence around goals, themes and concepts (Connolly 2003).

³⁶ These four stages are (i) the roots of contemporary resurgence in both the first wave of feminism in Ireland and a period of movement abeyance that lasted from the Civil War until the end of the 1960s; (ii) a period of rapid advancement, at the level of national women's organisations and networks and a parallel expansion of grassroots radical activism on a national scale during the 1970s; (iii) the internal reappraisal of the movement during the 1980s, a period noted for the development of a 'backlash' counter-movement, particularly around reproductive rights and divorce agendas, and movement formalisation (which I refer to as professionalisation and institutionalisation); and (iv) new directions in activism by local women's groups, and the consolidation of women's studies in the academy (2003 pxi). Connolly published at a high point in the movement's trajectory. This study describes how the apparently embedded gains, not only of the women's movement but also wider civil society, were rapidly undermined by the Coalition Government at the commencement of recession, leading to a significant re-evaluation of progress and the strategic practices by differently located feminist activists who were WHRA members.

³⁷ The CSW was formed in 1972 following the First National Commission on the Status of Women in 1970.

³⁸ The IWLM was formed in 1970 and operated until around 1972.

³⁹ IWU organised for around eighteen months from 1975.

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

The IWM has been characterised by 'interconnectedness and continuity' (Connolly 2003, pxi). Movement themes of activism, abeyance and intersectionality (and their relationship to explicit and implicit feminist discourse) have been present throughout the waves of the IWM, and are evident in this study also.

Connolly described a period of partial abeyance between the IWM's first and second waves. However, she stressed the continued mobilisation of a committed core group (as well as a wider constituency of activists who did not explicitly refer to their feminism). Their activism created a continuity of the feminist agenda (despite being dismissed as traditional).

The Report of the First National Commission on the Status of Women catalysed the IWM's second wave, in which the CSW, IWLM and IWU played leadership roles. Their activism used varied repertoires of contention, in different venues, and created distinctive contributions. The CSW used conventional channels of influence and worked closely with the State. The IWLM had no direct links to the historical IWM, and drew on the practices of the Anglo-American Women's Liberation Movement, organising both spectacular public protests and consciousness-raising groups (discussed below in the 'Vernacularisation' section). IWU used a similar repertoire of contentions to the IWLM, with reproductive rights as a central mobilising issue. Over time there was an 'organic diffusion' of both strands (p141) into identity, issue and service-oriented activism (Connolly 2003).

In contrast to the CSW, which was a mass-based, co-ordinating body with a hierarchical structure, the IWLM operated a model of participatory and decentralised mobilisation that resonates with contemporary community women's organisations. IWU was more organised than the IWLM, benefitting from the experience of members who had been involved in socialist and radical politics. Connolly considered that a decentralised, informal structure was insufficient to maintain the movement; activists

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

dropped out or became involved in other ways such as campaigning and service provision. Further, the intention to 'get on' with the practicalities of service delivery, including the recruitment of volunteers, workers and clients, led to a looser take on feminist ideology and a reduction in explicit feminist dialogue (2003).⁴⁰ This pragmatic rationale resonates with some of the commonsensical 'c' words articulated by WHRA members (discussed in Chapter 6).

In the 1990s, the second wave tapered into a period of reduced activism and reappraisal, characterised by a blending of mainstream and radical activism. This laid the foundations for the formalising of the movement into professional organisations, staffed by 'career activists' (p193) who engaged the State through politicised but mainstream practices. Over time, second-wave feminism diversified and diffused across Irish society's institutions and structures.⁴¹ By the time the WHP was founded, feminist organisations had 'matured', connoted by: cooperating and building alliances with each other, accessing or being reliant on State funding and operating as professional organisations running a formal, political movement.⁴² Explicit feminist discourse was enhanced (but relocated) by a growing presence in the academy, with women's studies courses and centres established across Ireland (Connolly 2003).

⁴⁰ In terms of feminist discourse, Connolly argued that feminism has had a pervasive, mobilising impact on Irish society, within which the IWM was but one locus of social progress (2003).

⁴¹ Connolly commented on the difference between 'classical' and 'professional' movement organisations: 'In contrast to "classical" movement organisations, which rely on the mass mobilization of "beneficiary" constituents as active participants, "professional" movement organisations rely primarily on paid leaders and conscience constituents who contribute money and are paper members rather than active participants' (2003, p189). She outlined that the benefits of formal movement organisations include that they maintain themselves and the movement, particularly when mobilisation is challenging as issues are considered less pressing; are more financially stable; are able to develop advocacy skills to press goals, gradually; and are preferred by State agents.

⁴² One NGO delegate to the fourth UN World Conference in Beijing commented on Irish feminists' reaction to the tactics of activists from other nations. 'There were lots of protests, which was challenging for the Irish women there as we couldn't remember the last time we protested' (Workshop Report 'UN-intimidated? Speaking out at the United Nations and the WTO', 'Taking CEDAW Seriously' Conference (March 2006)).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

I contend that the predominance of quasi-legal-technocratic approaches within WHRA activism reflects the orientation of second-wave 'career activists' (Connolly 2003, p193) towards institutionalised strategies. (This approach reflects Irish civil society's institutionalised ICA tactic, discussed elsewhere.) This overview of the IWM indicates that such institutionalised strategies have been present in feminist organisations both during the first and second waves, and during the period of abeyance in between. The blending of the liberal rights and radical liberation strands of the second wave outworked into formalised feminist organisations—many of whom are WHRA members. The IWM's consolidation, changed location and strategy reflected international patterns.

Women's movements became State-oriented, developing formal organisations in order to gain access to State policy arenas, positively engaging with State feminism, and mobilising and organising more within international arenas (Mayer and Prugel 1999 in Haussman and Bauer 2007). The institutionalisation of feminism created women's sectors that were characterised by formalised organisational structures, professional—often State-funded—services, close working with the State and fragmentation. Martin describes the intention of this reorientation and relocation of women's activism as being from 'standing outside and casting blame' to moving inside and 'occupying space' (1990 in Ferree and McClurg Mueller 2004, p591).

Such strategic shifts are not only internal, as part of a movement's natural lifecycle (Tarrow 2005), personnel changes (della Porta and Diani 2006) or the ebbing of activists' energy and enthusiasm (Hirschman 1982 in della Porta and Diani 2006); they are also due to external factors such as the reconfiguration of the State⁴³ and its engagement with institutionalised feminism (Banaszak, Beckwith and Rucht 2003).⁴⁴

⁴³ State reconfiguration has been defined as follows:

By state reconfiguration, we mean the rearrangement of formal state powers and conventional policy responsibilities that states have been undertaking in the past three decades . . . nations have been reconfiguring state powers, relocating state authority and functions, and

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

During the 1970s, women's liberation actors (such as the IWLM and IWU) framed the state as: 'patriarchal, male-dominated, hierarchal, exclusionary, and unfriendly' (Hausman and Sauer 2007, p3). By the 1980s and 1990s, commonsensical feminist discourse held that change would be slow and less profound than their early sense of crisis and injustice had agitated for; simplistic good/bad world critiques were inaccurate and pragmatic responses were required; and change would not come through them acting as outsiders besieging the State but rather through strategic power relations and skilled interventions based on a sophisticated knowledge of State systems (Rucht 2003).

In Ireland, the SP project demystified notions of the monolithic State. It created a myriad of structures and processes, which connected activists into its differentiated parts. However, the Government's behaviour towards the SP community and voluntary pillar from the onset of recession catalysed WHRA members to reflect on their engagement with the reconfigured Irish State. They were very critical of the substance and sustainability of progress that had been achieved during the Celtic Tiger period of unprecedented wealth.⁴⁵ These critical reflections were seeding new approaches to activism, particularly amongst local women's organisations (see comments by the NCCWN and NTWF in Chapter 6).

relinquishing many of the policy commitments of the social welfare state. (Banaszak, Beckwith and Rucht 2003, pxviii)

⁴⁴ My reflections on these changes in activism are informed by the work of the Research Network on Gender and the State (RNGS), although I note that Ireland was not a research site for its work. The patterns that they identify in terms of the outworkings of increasingly institutionalised activism with the reconfigured State resonate with my findings. Following on from Connolly's comments that Irish feminists did not simply directly apply Anglo-American second-wave theories, I recognise the particularity of the IWM and its generation of distinctive theory, practices and relationships in engagement with the Irish State, 'backlash' countermovement, Church and publics. Connolly described the 'hybridity' of feminism in Ireland, drawing on Irish, British, European and American feminism, and international links and cooperation at key moments (2003).

⁴⁵ Likewise, Northern Ireland civil society organisations commented that their participation's impact had been reduced by State actors' 'creative minimalism' approach to statutory equality duties (Smith and McLaughlin 2010 p103). Direct consultation with those affected by policies had appeared to introduce new forms of public service governance and grow participative and deliberative democracy. However, the State's primarily procedural operation and 'formal/thin' compliance with the duties (that is, obeying the letter of the law only) led to civil society disillusionment (2010 p108).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

This study proposes vernacularisation⁴⁶ as one answer to the hegemonic quasi-legal-technocratic human rights activism in Irish civil society.⁴⁷ It employs a definition of vernacularisation that critically combines localised meaning-making practices with movement mobilisation practices. Writing on the vernacularisation of democratic politics, Michelutti described vernacularisation as 'the process through which ideas and practices of democracy become embedded in particular cultural and social practices and in turn become entrenched in the consciousness of ordinary people. . . . the vernacular is not passive, static, and a 'culturally given category' but is historically constructed and open to continuous changes and manipulations' (2007, pp653-4). She wrote that, 'the moment democracy enters a particular historical and socio-cultural setting it becomes vernacularized, and through vernacularization it produces new social relations and values, which in turn shape political rhetoric and political culture' (2007, p641). Within this discussion of vernacularisation, I focus on rights consciousness (and confidence) and intersectional relationships of reflective solidarity as two key processes of feminist movement building.

Vernacularisation

Women's human rights not only teach women about the range of rights that their governments must honor; it also functions as a kind of gestalt by which to organize analyses of their experiences and plan action for change. The human rights framework creates a space in which the possibility for a different account of women's lives can be developed. What is so useful about this framework is that it provides women with principles by which to develop alternative visions

⁴⁶ The concept of 'vernacularisation' was developed to describe the nineteenth-century phenomenon of the separation of European national languages, moving from the transnational use of Latin and in so doing creating a differentiated sense of nationhood (Anderson 1983 in Merry 2006c).

⁴⁷ However, I note that Cheng cautioned that vernacularisation as a political act can be contradictory and have unintended consequences. Writing of her research in South Korea, she noted that whilst vernacularisation of women's human rights may challenge State and public awareness, and catalyse reforms, it could buy into State nation-building agendas by evoking collective meanings that marginalise minorities. This highlights the importance of a feminist, intersectional approach to the vernacularisation of women's human rights (2011).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

of their lives without suggesting the substance of those visions. (Bunch and Frost 2000, p9)

Merry argues that transplantation and localisation of human rights concepts are of fundamental importance to their dissemination (Merry 2006a). Vernacularisation provides an analytic framework for investigating the localisation of human rights, and the processes through which they are remade in the vernacular or everyday discourse of communities and individuals. Such localised ideas and strategies are important elements within the global circulation of women's human rights (Levitt and Merry 2009) (recognising that the terms 'local' and 'global' are problematic (Merry and Stern 2005)). Vernacularisation occurs in relation to indigenisation, that is, shifts in meaning achieved through the framing and presenting of new ideas in terms of existing cultural practices, values and norms; it is vernacularisation's symbolic dimension (Merry 2006b).

However, human rights as an activist strategy must be both legally robust as well as locally resonant—a paradox named by Merry (2006b, p49).⁴⁸ Smith and McLaughlin describe how litigation is a resource for vernacularisation because it requires the government and State to articulate a public justification for policies. The judiciary can both provide a commentary through its judgements on rights issues, and engage the government in a dialogue with individuals and communities impacted by these policies (2010).⁴⁹

⁴⁸ Smith and McLaughlin highlight that socio-economic rights vary from other rights in the extent of their self-execution. Socio-economic rights oblige States to invest the maximum available resources in steps that will progressively realise these rights. However, if their violation does not engage an enforceable sanction or institutional authority, they are effectively rights on paper only (Tushnet in Smith and McLaughlin 2010).

⁴⁹ They make an argument about the conduct of constitutionalisation:

(C)onstitutionalisation should be conducted more fully to emphasise and establish the responsibilities of governments in their relationship with citizens and to help ensure that those who most need protection and the facilitation of their active agency are not denied their most basic rights: dignity and equality including "equality of citizenship". (2010 p107)

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

My research into the WHRA led me to conclude that a quasi-legal-technocratic approach is insufficient to generate counter-hegemonies of women's human rights in Ireland. Therefore, I focused on how counter-hegemonies of human rights could be developed as a cultural discourse that would be meaningful for differently located communities of women. As referred to earlier, this study uses Goodale's meaning of 'human rights discourses': 'the coteries of concepts, practices, and experiences through which human rights have meaning at different levels, levels which are prior to and go beyond the merely instrumental or legal' (2006, p490). Local interpretations by women's human rights activists are central to the development of this cultural discourse.

Theoretical, policy and organisational texts frequently refer to 'human rights cultures' (Robinson 2003 in Irish Human Rights Commission 2003, back cover). The phenomena of human rights cultures and how they develop is theorised as both multi-dimensional and multi-processual. Galant and Parleviet have outlined four aspects of human rights as one way of understanding what a human rights culture would 'look like': rights as (i) rules; (ii) structures and institutions; (iii) relationships; and (iv) processes (2005). I use Galant and Parleviet's explanation of how these can be recognised:

A culture of rights exists where rights are embedded—owned, understood, and realized—in everyday life. It requires legislative, institutional and organizational change and vigilance as well as attitudinal and behavioural change. Where rights have a taken-for-granted quality, legal and institutional protections become remedies of last resort. (2005 in Ball and Gready 2006, p121)

Within this study, culture is conceptualised as fluid and contested, malleable and located within structures of power. It is a set of meanings and practices that are shaped by institutional contexts (Merry 2006d). Merry's description of the international human rights system as a site of cultural production links the WHRA's work on shadow reporting to the creation of human rights cultures.

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

Merry described human rights as constituting a cultural system, including legal instruments generated by a large collective of sovereign States and the architecture of international, regional and national organisations. Human rights texts or artefacts embody the global consensus on common problems and negotiated solutions and transmit moral visions of a good society through a shared replicated language. She recognised the culturally transformative potential of these legal texts and processes (2003). Vernacularisation occurs at moments or phases within the perpetual circulation of the 'global value packages' (Levitt and Merry 2009, p251) that are human rights; it is ideological work (Merry 1986).

The continuum of vernacularisation goes from 'replication' (a superficial and mainly decorative adaptation of the imported institution, which remains largely unchanged from the transnational original)⁵⁰ to 'hybridization' (a substantial merger of the imported with local institutions, practices, knowledge and symbols) (Merry 2006b). Vernacularisation can involve appropriation (wherein local actors adopt transnational approaches and adapt them for their domestic use); localisation (tailoring the rhetoric and presentation to local circumstances); transformation (fundamental reinterpretation to understand human rights in terms of local meaning systems); and imposition (although coercive power is only present when human rights become national law) (Merry 2006c).

Vernacularisation is an act of translation, which involves several simultaneous processes of meaning making.⁵¹ However, this is not a linear process; rather translation spirals vertically between global to local to global, and horizontally

⁵⁰ With replication, the mode of delivery for work is localised, but the intervention's ideology, mission and organisation is unaltered (Merry 2006b).

⁵¹ Rajaram and Zararia described translation as, 'making sense of imported ideas' (2009, 475) and outlined the following distinct processes: 'Recuperation' is the adaptation of a concept from the past to strengthen a new campaign. 'Hybridisation' imbues familiar cultural symbols of the legal system with new meaning and practices. 'Simplification' makes complex ideas or technical information accessible. 'Compartmentalisation' involves selective exposure and selective appropriation by narrowing and sorting out ideas, and tailoring the message to what they anticipate their audience can hear.

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

between groups, as rights are translated from texts into social practice (Rajaram and Zararia 2009). An important counter-hegemonic role of human rights activists is dialogical meaning making; they amplify, interpret and legitimise local claims, and act as 'teachers of norms' to States (Thomas 2002 in Khagram, Riker and Sikkink 2002, p16). Multiple translation processes occur simultaneously as exemplified by members' collective shadow reporting within the WHRA, and other claim making practices outside of it (either by their individual organisations or in coalition of several organisations (see Chapter 4, 'Phase Two: 2007 Onwards')).

Human rights provide frames, defined as 'an interpretative package surrounding a core idea' (Ferree 2003 in Merry 2006b, p41); these enable local-national feminist activists to create meaning from their everyday experiences of marginalisation, discrimination and oppression, and thus give material expression to human rights norms (Brown Thompson 2002). As described in the earlier discussion of why human rights are a persistently valued feminist strategy, meaning making through framing processes can effectively challenge the hegemonic commonsense.

Frames present ideas in socially resonant ways in order to create shared beliefs, determine appropriate activist strategies and catalyse collective action (Snow, Soule and Kriesi 2004, Tarrow 1998 in Merry 2006b); within social movements they are referred to as 'collective action frames' (Khagram et al 2002 in Merry 2006b). Their impact—at the level of individual consciousness and within wider social domains—can be profound, akin to a spiritual conversion (Snow 2004 in Merry 2006b).⁵² However, collective action discourses are not settled or static but rather are contested and

⁵² However, Merry commented that it is more usual for people to be pragmatic and strategic in their adoption of human rights frames rather than experience it as a conversion (Merry 2006b). This was evident in the depth of engagement by different WHRA members as discussed in Chapter 5.

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

dialogic because movement actors are operating in fields of unequal power relations (Steinberg 1999 in Merry 2006b).⁵³

At the local level, the translation processes that are employed depend on the organisation's core activity, the actors who facilitate the translation and where they are anchored.⁵⁴ These practices challenge the commonsensical privileging of hegemonic discourse that 'render certain forms of agency legitimate and logical, while demoting others as "local" and "irrelevant"' (Haugaard 2006, p8).

Legal activists' translation practices are akin to first-order application of international human rights instruments, that is, 'replication' (Merry 2006b), in contrast to community activists' more substantial interpretative vernacularisation, that is, 'hybridization' (Merry 2006b) (Rosen and Yoon 2009). The former use legal modes of thinking in order to create human rights complaint mechanisms or legal reform (through judicial or legislative process). The latter use sociological ones in order to develop a civil society, activist community. Merry viewed these approaches to be complementary. New legalism's human rights advocacy creates political opportunity structures at the national level. Community-developed human rights activism builds rights consciousness, engages a wider population in human rights initiatives and creates human rights champions amongst its leaders (Merry 2006c).

Drawing on her research into working-class Americans' understandings of the legal system, Merry recognised the 'creative, constructive role of local actors' (p255), who

⁵³ There is a close connection between vernacularisation and the interests of funders and States (Merry 2006b). In the case of the WHRA, the State was the main funder historically; although during Phase Two the members deliberately secured independent philanthropic funding.

⁵⁴ Rajaram and Zararia commented that human rights translation occurs because of the status and power of the person promoting and communicating the concept (2009). Similarly, Merry observed that translation takes place in relationships of unequal power, and that the translator is keenly influenced by their funders, their other social commitments and the established discursive fields (Merry 2006b). This analysis resonates with the quasi-legal-technocratic predominance of the translation practices within the WHRA, such as the Amnesty Ireland facilitated Human Rights Based Approach training sessions with women's organisations.

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

refuted a simplistic reflection of elites' top-down transmission of their legal ideology. Elite legal ideology was present, but so too was evidence of its subversion through the agency of local actors (Merry 1986). Whilst socio-legal activists interpret global ideas in forms that are intelligible to local people; nevertheless local actors retain their agency (Merry and Stern 2005).

Those activists who pioneer vernacularisation are described by a number of terms, which are used (somewhat confusingly) relatively interchangeably—for example, 'knowledge brokers', 'translators', 'intermediaries', and 'vernacularizers'.

Vernacularizers convey ideas from one context to another, adapting and reframing them from the way they attach to a source context to one that resonates with the new location. Vernacularizers are people in between, conversant with both sides of the exchange but able to move across borders of ideas and approaches. (Levitt and Merry 2009, p449)

Rajaram and Zararia have developed a schema of vernacularisation actors from their research in Baroda, India; these are conveyors, converters, adaptors, transformers and generators (2009).⁵⁵ There are multiple translators engaged in connecting the transnationally circulating human rights discourses with particular 'local' contexts (Merry 2006b).⁵⁶ Translators hold a 'double consciousness' by participating in and translating between two cultural spheres (Merry 2006d, p58). They translate up (interpreting local grievances as human rights violations—as the WHRA undertook through shadow reporting) and down (drawing on transnational ideas and practices to support activists dealing with specific local issues) (Merry 2006b).

⁵⁵ Conveyors impact information from legal texts without changing the meaning system. Converters aim for epistemic shifts through changing women's and wider society's perspectives. Adaptors are locally based and change the idiom of global discourses, creating terms and expressions that fit with the local context, and emphasising specific aspects of rights. Transformers focus on the process more than the message, finding new ways to communicate at the national or regional level. Generators invent new concepts and terms, framed to the local context. The same actor can perform different roles, so it is perhaps more accurate to describe these as nuanced vernacularisation practices (pp479–480).

⁵⁶ Merry recognised that 'local' and 'global' are problematic terms, connoting particular attributes and values within transnationalism, and that their definition blends spatial particularities with transnational consciousness, social class, education and travel (Merry 2006b).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

Rights consciousness is intrinsic to vernacularisation. As well as being an individual process, it is a collective one that reveals the importance of the local–national dynamic within the IWM. Consciousness raising was a core movement building practice of the IWLM;⁵⁷ consciousness-raising groups were established across Ireland, connecting personal and social change. They developed a collective knowledge and analysis of women's everyday lives, which remained largely invisible within public discourse, gaining not only political insight but also collective support, as well as, potentially, the transformation of identity, self-concept and way of life (Taylor and Whittier 1992 in Connolly 2003). However, many of these groups were not structured to move women from analysis and insight into activism (Ryan 1992 in Connolly 2003). Therefore, I stress the importance of including explicit movement building practices expressed through explicit feminist discourses within the vernacularisation approach proposed in this study.

This movement history of consciousness raising seeds the possibility of rights consciousness as a vernacularisation practice. Rights consciousness has been an important component of the WHRA both in Phase One and Two (see Chapter 4) and central to developing feminist discourse (see Chapter 6).⁵⁸ Whilst members of the WHRA were engaged and excited by human rights, the women's sector organisations were at an early stage of vernacularising their meanings for the communities that they represented and their feminist agendas. Repeatedly, they stressed their lack of knowledge and confidence. I consider that it is necessary for women's organisations (leaders and members) to be confident as well as conscious around women's human

⁵⁷ It was introduced by activists who had experienced the American women's movement, and drew on guidelines published in the American movement's *Redstockings* journal (1968) (Connolly 2003).

⁵⁸ The first phase of the WHRA engaged in a range of consciousness-raising activities; and during the second phase, members contributed to the development of rights consciousness through their participation in the WHRA and specifically the training, primer development and inter-constituency consultations. The WHRA consultations (as described in Chapter 5) illustrated how the specificity and rawness of local women's experiences energised and radicalised the national women participating in the WHRA Committee.

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

rights if they are to robustly engage and challenge the quasi-legal-technocratic hegemonies of traditional human rights organisations.

Another movement building practice that I have identified as an important dimension to vernacularisation is intersectionality. Feminism is international in its global aims and solidarities, and national in the cultural and socio-economic specificities of its priorities and strategies (Bunch and Carrillo 1990 in Kuumba 2001). The framing of women's rights as a global agenda reflects an analysis of common issues and common qualities of the subordination of women that have underlying global, structural causes, which cannot be resolved through local or national action alone (Brown Thompson 2002).

As exemplified by the intersectional relationships between WHRA members' local constituencies, there is both a sisterly aspiration of reflective solidarity and also recognition of the pragmatic need to create coalitions around such common issues.⁵⁹ This indicates that there is a possibility of a common language (Gunning 1991–1992 in Charlesworth and Chinkin 2000) or at least 'temporary political consensus on specific issues' (Braidotti 1992 in Charlesworth and Chinkin 2000, p52). Mohanty (1991) has written of the collaborative potential of an 'imagined community' of horizontal comradeship which 'does not imply a single set of feminist concerns, but rather a strategic political alliance' (in Charlesworth and Chinkin 2000, p53).

Connolly asserted that the IWM has worked to address difference amongst Irish women, noting the multiple subjectivities within feminist organisations in Ireland. However, she acknowledged that the 'official' first- and second-wave feminist

⁵⁹ Nelson and Chowdhury's 1994 study of forty-three countries identified core activist themes, including eradicating male violence, reproductive rights and effecting political and legal change to advantage women (Nussbaum 2007). These resonate with the persistent agendas amongst different groups of women's organisations in Ireland and the local interpretations of the determinants of health, which need to be addressed in order for Article 12 of ICESCR to be realised. Health has been an important thematic agenda within women's human rights activism in the UN (Petchesky 2003 in Bunch 2007), and was identified in the Beijing Platform for Action as one of twelve 'critical areas of concern' (Roberts 1996 p241).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

discourse rarely engaged with race, ethnicity or class (citing Lentin 1998, McDonagh 1999, and O'Neill 1999). Rosaleen McDonagh, a feminist Traveller activist, commented on the internal movement pressure to ignore difference. (This analysis was echoed by the interviewee from the National Traveller Women's Forum, discussed in Chapter 6, around the development of intersectional relationships of reflective solidarity). Further, McDonagh went on to use the example of lesbian women in order to highlight the alignment dilemma of feminists who belonged to a number of social movements (2003).

Local women's groups have been central to movement mobilisation, organisation and wider practices of consciousness raising. Connolly recognised the community sector's challenge to the IWM's class bias (in terms of concerns and practices), and reflected on their common ground with the radical strand of the 1970s IWM in terms of consciousness raising, participatory and decentralising strategies (2003). This study found that a resurgent feminist analysis is emerging from those groups faced with Government funding cuts, facilitated by the National Collective of Community Women's Networks (NCCWN), in order to articulate 'what we really want' (Olsen 1995 in Mullally 2004, p372).

Crenshaw called for the women's and other social movements to pay increased attention to the interface between the dynamics that constitute gender, class and race power, and how these dynamics converge and rearticulate themselves within institutional contexts. These dynamics are connected to histories, contexts and social identities in multiple overlapping patterns of power. Intersectionality indicates how hegemonic hierarchies structure the vulnerability of women, subjecting them to the operation of social power. In addition to institutional and structural intersections, Crenshaw highlights how discursive intersections marginalise the significance of women's vulnerability (2012).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

By not creating an informed and accurate political discourse around intersectional experiences, activists can marginalise groups of women within social movements as well as initiate resistance strategies that reproduce intersectional subordination (Crenshaw 1993).

In her early work, Crenshaw stressed that intersectionality's aim is not to empty identity categories of their social significance but to recognise that 'the social power in delineating difference need not be the power of domination; it can instead be the source of social empowerment and reconstruction' (1993, p1242). She contended that conflating or ignoring intragroup difference is a central problem with identity politics; this creates tensions, which could be mediated by addressing intersectionality (1993).

'Co-constitutive engagement' (p1425) illuminates intersectionality—both with regard to its constituent and its interlocking parts. The failure of mainstream women's and antiracism movements to interrogate the dynamics of intersectionality, and evolve movement theorisation and activism accordingly,⁶⁰ has weakened both movements' ability to recognise and resist the ideological foundations of these dynamics.⁶¹ (Crenshaw 2012)

In addition, this 'mutual inattentiveness' (p1450) has created space for neoliberal ideology to enhance its place within political culture and narrow the scope of rights advocacy and activism (Crenshaw 2012).⁶² This seems particularly apposite when, as WHRA members commented, there appears to be a 'premature societal settlement'

⁶⁰ Crenshaw describes how 'the intersectional failures from an earlier era become the beachheads upon which retrenchment politics play out in the next' (2012, p1471).

⁶¹ The process of institutionalisation impacted the intersectional dynamics within the women's movement. Opportunities for political inclusion and advancement (both with regard to issues and employment) benefitted only some women; disadvantaged and marginalised women were excluded. Women's movements became homogenised—at substantial cost to feminist progress.

Institutionalisation reduced the mobilisation, recruitment and retention of movement members; passion for feminism diminished and fewer women identified themselves as feminists (Meyer 2003).

⁶² Issues that were recognised previously as the outworkings of illegitimate power are now understood as individual or cultural/community deficits (Crenshaw 2012).

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

(Crenshaw 2011, p1262)⁶³ within Irish society: to declare women's equality won and to blame any individual or group of women who have not reaped the benefits.⁶⁴

(T)here has been this backlash against women's rights, against feminism, against the whole notion of the need for women to stand up and be counted. Because there is this myth that women's equality has been achieved and there isn't any need for feminism any more. . . . (T)here is a perspective out there that women's rights have been achieved. (Interview NWCI)

Summary

The central question asked by this study focuses on how counter-hegemonies of women's human rights develop. The strategic challenge for contemporary feminist activism remains the transformation of the concept and the practice of human rights (Bunch 1990). Charlesworth, Chinkin and Wright argue that this can only be achieved through a multi-stranded, integrated approach to progressing rights (1991). The selection of repertoires and venues of contention are affected by activists' values, historical traditions, current knowledge and contemporary contexts; and the cycles or waves of radicalised and institutionalised protest playing out within domestic and global society (della Porta and Diani 2006). Currently, the WHRA is singularly focused on the quasi-legal-technocratic tactic of shadow reporting. This reflects the continued dominance of hegemonic legalism exemplified by wider civil society's ICA, and the lack of critical awareness, or dialogue, around the constitutive limitations of human rights and the systemic limitations of the UN. As the next chapters evidence,

⁶³ In the context of the American antiracism movement, Crenshaw decried the contemporary frame of 'post-racialism': its misplaced faith in liberal, legislative achievements; congratulatory rhetoric that stigmatises race-conscious institutional critique, policy and advocacy; mistaking of short term campaign-based advocacy for a social movement; and advancing the conservative celebration of arrival. '(T)his faith in formal equality's triumph over white supremacy was unwarranted; formal equality did little to disrupt ongoing patterns of institutional power and the reproduction of differential privileges and burdens across race' (2011, p1312).

⁶⁴ Such a blaming attitude was reported to be present amongst the Irish delegation at the UN CEDAW Committee Session. "'Women could be more politically aggressive than they had been" and they "had been let down the most by other women" according to one member of the Irish delegation in New York on 13 July.' ('Irish Government Criticised for Inaction by UN Committee', Hilary Curley, *Village Magazine*, 15–21 July 2005)

Chapter 3: Theorising Counter-hegemonic Development: exploring vernacularisation's potential contribution to the Irish Women's Movement

vernacularisation is an emergent approach amongst women's human rights activists in Ireland. In the next chapter, I provide a description of the background to and the character of the WHRA, highlighting the vernacularisation practices that activists have engaged in as they have developed counter-hegemonies of women's human rights in Ireland.

Recent feminist socio-legal literature has warned feminists against abandoning the human rights strategy (Johnstone 2006).⁶⁵ Harking back to early second-wave cautions that feminists cannot walk away from human rights discourse because we need to protect the rights that we already have (Smart 1989), pro-human-rights strategists argue that we cannot be complacent about gains made, given the growth of anti-feminist forces (Steans 2007).

This study has found that human rights continue to be a persistent and central part of feminist activism in Ireland. However, I take the view that they should be positively chosen, based on their evidenced effectiveness rather than fear of a 'backlash'. Activists in Ireland need to be more fully aware of the constitutive and systemic limitations of quasi-legal-technocratic strategies and to explore the resource of community-developed, collective approaches to human rights activism. The vernacularisation of human rights (through localised meaning making processes and movement building practices of rights consciousness and intersectionality) is proposed as a complementary approach, which develops counter-hegemonies of women's human rights by feminist activists who are located in community-driven organisations.

⁶⁵ She writes that, 'International human rights law is far from perfect. Like all legal systems, it is based upon a model with a male norm at the core. We can either give up or we can harness it and reform it from within. If we do not grab it, we can be sure that there will be others waiting to use it against us' (Johnstone 2006, p185).

Chapter 4: The Women's Human Rights Alliance

The WHRA, an explicitly feminist civil society organisation engaged in shadow reporting to the UN, is the instrumental case study on which this study is founded. Initial Conversations with five leading women's human rights activists in Ireland in the first year of the study (2008) identified the WHRA as a valuable source of insights into the development of counter-hegemonies of women's human rights in Ireland.

The period covered by the research is from 2001 to 2010, encompassing the establishment phase of the WHRA (called the WHRP until 2003) and the beginning of another cycle of its activity. This chapter describes the WHRA in detail. After Stake (2005), I (i) provide background on the framing of women's rights as human rights through illustrative milestones; (ii) outline activity during Phase One 2000–2006 (drawing on documentary data); and (iii) reference relevant contexts for Phase Two from 2007 onwards (using observation and interview data). Chapters 5 and 6 focus on the two central tensions within the WHRA that were evident during Phase Two.

As discussed in Chapter 2, a case study represents the case and not 'the world'; it investigates the case in depth, considers its contexts and reports its activities. However, a soundly sampled case can contribute insights into issues (Stake 2005, p455). Therefore, I intended to achieve a social representation of women's human rights activism in Ireland by purposive sampling of theoretically relevant concepts, characteristics and criteria expressed within the differently located WHRA members (Gobo 2004). The WHRA generated rich data on the trajectory of women's human rights activism in Ireland during the IWM's second wave, and illustrated the challenges faced by feminists during the SP era, particularly the recession from 2008 onwards. Its membership embodied the tensions between quasi-legal-technocratic and community-developed approaches to human rights, and between explicit and implicit feminist discourses. This chapter's in-depth exploration of the WHRA is an opportunity to

describe how hegemonies and counter-hegemonies of women's human rights are produced, and to evidence the emergent processes and character of the vernacularisation of women's human rights in Ireland.

Background

Irish feminists were part of the transnational women's movement's reframing of women's rights as human rights. These participatory moments, processes and relationships grew the roots of the WHRA. Formative moments for the WHRA were the preparation for the 1995 UN World Conference on Women in Beijing; the 1997 all-island gathering entitled 'Women's Rights as Human Rights: Local and Global Perspectives'; and the work of the Pro-Beijing Platform for Action from 2000 onwards.

(A)midst the excitement and extraordinary experience of working with thousands of women from every corner of the globe it is essential that we remember that the business of the world-wide women's movement is to challenge oppression and create the opportunity for change. (NWCI 1995, p2)

The NWCI prepared an independent report for the Fourth UN World Conference on Women, based on five regional seminars, a national conference and preparatory events for the World Conference, as well as research, policy, organisational and media documents. Its intention was described in the Introduction.

(T)o ensure that Irish women's voices are heard in the debate and negotiation leading to agreement on the UN Platform for Action in Beijing. (NWCI 1995, p2)

This is reaffirmed in the introduction to the report's Appendix listing its source material and indicates the continuity of dialogue with the transnational movement by referencing the ongoing involvement of women who were involved around Beijing '95.

Every page of this report reflects the experience and priorities of Irish women and their organisations and effective measures to promote equality and justice. . . . **Most importantly many of the ideas are those of women who participated in the events leading to Beijing '95.** (bold in original text)

The independent report followed the twelve critical areas included in the UN Draft Platform for Action, including health (NWCI 1995, pp13–14), and outlined the main priorities for change for women in Ireland 'that we will expect the Irish Government to support' (NWCI 1995, p6). Additionally, it took an explicitly intersectional approach by including appendices titled 'Differences and Inequalities between Women' on women with disabilities, Traveller women and lesbian women (NWCI 1995, pp37–41),⁶⁶ introduced by the following statement:

The Platform for Action addresses critical areas of concern that are important to all women. It is important to recognise also that there are many differences and inequalities that exist between women as well as between women and men. In particular there are differences of class, sexual orientation, belief, race, ethnicity, disability, geographical location and access to resources.

As well as integrating demands under the different areas of critical concern . . . the issues affecting women with disabilities, traveller women and lesbian

⁶⁶ The section on disabled women was in the third person and largely drew on statistical information. In contrast, the sections on lesbian and Traveller women were in the first person, which gave their words greater force. The section on lesbian women states the prioritised list of issues and weaves these with human rights language such as participation in society and full realisation of human potential:

As lesbian women we suffer an extra burden of discrimination due to our sexual orientation. Discrimination occurs in the areas of: employment, training, health, housing, education, partnership, parenting, media representation, political participation. In addition to institutionalized homophobia, lesbians are subject to discrimination in a pervasively hostile environment which prohibits full participation in our society and impedes the full realisation of our human potential.

Women have the right to be lesbian. Lesbians have the right to participate on an equal basis in all areas of life. Many lesbian women live happy and fulfilled lives and participate fully as members of the wider Irish society. However we must end all discrimination in Ireland against lesbians in partnerships, employment, custody and parenting, family law, property settlements, education and training opportunities, housing and access to goods and services. Long term core funding by the state of lesbian organisations is necessary to provide a diverse range of services supporting the development of Lesbian culture and positive action programmes to create a climate of support and encouragement for lesbians who are out in the public and private sectors. (NWCI 1995, p39)

I have replicated the text written by Traveller women in Appendix 12 as it is a strong example of vernacularisation of human rights that includes references to intersectionality (within and outwith the community) and transnational solidarity, integrated within a memorable presentation of core issues.

women are given additional space. This reflects the extra burden of discrimination that they experience and reinforces the importance of action to counteract this. (NWCI 1995, p37; bold in original text)

The preparatory process and output illustrate how women's human rights activists in Ireland recognised the political opportunity structure presented by the UN World Conference to both participate in the transnational feminist discourses and to lever change domestically, by framing differently located women's issues as human rights and challenging the Government to support them. The inclusive process indicated the centrality and legitimacy of local women's expertise, their prioritised issues and remedies sought from the State. The 'double consciousness' (Merry 2006d, p58) of the NWCI and other IWM leaders enabled the translation 'down' of the 'global value packages' (Levitt and Merry 2009, p251) within the Draft Platform for Action to the diverse constituencies across Ireland; the translation 'up' in the report of local grievances, which they carried to the UN World Conference; and the teaching of the localised meaning of human rights norms to the Irish State (Thomas 2002 in Khagram, Riker and Sikkink 2002) through lobbying of the Irish State's conference delegation and the Department of Foreign Affairs 'back home'.

The NWCI's report is an example of a translated 'up' text, written to communicate to an international audience using the prescribed bureaucratic form. Whilst translation practices were evident, I caution that the archival documents alone do not provide sufficient data on the quality of the interpretive processes to distinguish whether this work was simply an extensive consultation exercise, or whether it exemplified vernacularisation processes that approach transformative hybridisation (Merry 2006b, Merry 2006c). Therefore, I describe this evidence as providing traces of vernacularisation (in contrast to the description of vernacularisation accessed through the observation and interviews discussed in Chapters 5 and 6).

Chapter 4: The Women's Human Rights Alliance

In March 1997, a landmark all-island gathering took place in Dublin led by the Irish Council for Civil Liberties (ICCL) entitled 'Women's Rights as Human Rights: Local and Global Perspectives' (Reilly, March 1997). The ICCL conference was notable for the broad membership of its Organising Committee,⁶⁷ Consultative Forum,⁶⁸ and funding base.⁶⁹ The list of participating organisations illustrates the second wave's formalisation into identity, issue and service organisations; and the range of funders indicates their successful institutionalisation as a political movement mainstreamed within Irish society.

As well as having a clear all-island scope, the programme included international women's human rights leaders: Charlotte Bunch (Centre for Women's Global Leadership), Florence Butegwa (Associates for Change) and Shireen Huq (International Women's Rights Action Watch – Asia Pacific (IWRAP)). It was an example of 'creating spaces' (which I referred to in the previous chapter)—a domestic mirroring of the UN's global conferencing; and it illustrated the wide range of vernacularisers engaged in WHRA activism. Second-wave champions of the global turn to reframe women's rights as human rights—such as Charlotte Bunch—contributed, and there were members of the transnational women's movement from both the global north and south. The conference report's author, Niamh Reilly, had worked with Charlotte

⁶⁷ Amnesty International (Irish Section), Banulacht, Centre for Research and Documentation (Belfast), Committee for the Administration of Justice (Belfast), Forum of People with Disabilities, ICCL Women's Subgroup, Women's Committee Irish Refugee Council, National Traveller Women's Forum, Irish Commission of Prisoners Overseas, Lesbian Education and Awareness, National Women's Council for Ireland, Network and Outreach in Development Education, Pavee Point, Oxfam (Ireland), Women's Aid, Women's Education Research and Resource Centre UCD, Women's Support Network (Belfast)

⁶⁸ Access 2000 (Waterford), Birr Women's Group, Clare Women's Network, Community Development Workers Co-operative Women's Sub-group, Development Education for Youth, Fermanagh Women's Network, Irish National Organisation for the Unemployed, Irish Penal Reform Trust, Irish Rural Link (Galway), Northern Ireland Women's Rights Movement, Northern Ireland Women's European Platform, Programme for Peace and Reconciliation, Tralee Women's Forum, West Training and Development, Wexford Women's Action, Women of the North West, Women's Resource and Development Agency and the Women's Studies Centre (Galway)

⁶⁹ National Committee for Development Education, Combat Poverty Agency, European Human Rights Foundation, Joseph Rowntree Charitable Trust, the Shaler Adams Foundation, members of the Organising Committee; and sponsored participation for disabled women by the National Rehabilitation Board and for women from the global south by Oxfam (Ireland) and the Department of Foreign Affairs.

Chapter 4: The Women's Human Rights Alliance

Bunch at the Centre for Women's Global Leadership, illustrating the catalytic resource of the returned diaspora of feminist activists (March 1997).

The programme covered issues that persisted into WHRA's second phase: violence against women, reproductive and sexual rights, bodily integrity and security of persons, citizenship and participation, and political discrimination and persecution. It is notable how many of the core organising group for the 1997 conference continued to be centrally involved in the WHRA during its first and second phases (NWCI, ICCL, AI, Banulacht, NTWF, Women's Aid and the NCCWN), despite the employees of some of these organisations speaking about their lack of confidence around human rights. This indicates the importance of perpetuating organisational memory in order to overcome the disruption of staff changes.

The WHRA emerged from the Pro-Beijing Women's NGO Coalition, who came together to lobby for the implementation of the Beijing Platform for Action referred to as Beijing+5 (in 2000). Women's human rights activists in Ireland were stimulated and energised by their participation within the transnational women's movement (initial conversations). From discussions at the review and planning meetings following the Beijing+5 review process⁷⁰ there was agreement on the need for an independent women's human rights organisation in Ireland.

The meeting note of the initial review and planning meeting in September 2000 provides insights into these reflective discussions. Participants recorded the lessons learned and identified future work, including the development of a National Action Plan, resourcing work on human rights issues and the relationship between women's

⁷⁰ This involved three levels of meetings: regional meetings in Ireland, a national meeting in Dublin Castle and attendance at a meeting in New York in 2000. As well as feminist human rights activists and the State's representatives (the Minister for State and senior officials), the 'backlash' women's organisation Neart was present. There is reference throughout the meeting note to Neart and the successful work of Irish feminist organisations to contain it: 'Neart was held' (Prendiville, 13 September 2000, p2).

organisations and the Departments of Justice, Equality and Law Reform, and of Foreign Affairs: 'two government departments fighting over who was not responsible (!)' (Prendiville, 13 September 2000, p1).⁷¹

At the September 2000 meeting, a list of challenges for the future was compiled, including the development of a critical feminist voice, a capacity building organisation with a membership with extensive reach and representation, influential engagement with State actors and funding.⁷² A proposal for a 'Human Rights Network' was discussed.⁷³

Phase One: 2001–2006

The initial vision for the WHRA was to develop a lead organisation—a standing feminist human rights policy bureau—that would drive the agenda through constant engagement in human rights arenas, contribute to public discourse and challenge

⁷¹ Women's human rights activists reported that a view was taken by departmental officials that women in Ireland were not engaged by the UN:

I wanted to bring Beijing back. I had to ring the government to get policy copies etc. Sometimes there's a response of "women aren't interested in the U.N." However, if we make sure they keep hearing about us, this might change. (Workshop Report 'UN-intimidated? Speaking out at the United Nations and the WTO', 'Taking CEDAW Seriously Conference (March 2006))

⁷² A list of challenges for the future was compiled at the September 2000 meeting:

- better organisation of women's NGO's on UN processes and procedures is needed;
- structures clear relationship with Dept. and the various NGO's;
- monitoring and implementation of the commitments made at BPfA and B+5;
- strong collective critical voice developed;
- substantial financial commitments to the NGO's so as to develop a wider, broader platform and for the international work which includes travel, accommodation etc;
- developing lobbying capacity and understanding the processes of UN;
- expanding the group of NGO's involved in the human rights network to include other relevant groups/organisations;
- challenge the consultation approach of the department and have the NGO's work out a consultation methodology and influence the department so that this is used in future work on human rights;
- develop a mechanism where new and renewed people are ready to participate 18-36 months ahead of the next international meeting; and
- need to clarify who represents NGO's, their capacity, mandate, representativeness, and their history of involvement with the issues and with UN processes (Prendiville 13 September 2000, p2).'

⁷³ Two principles for this network were noted: '(i) autonomous voice of each organisation needs to be maintained; and (ii) there needs to be a mandate from the participating organisations and a commitment to human rights work' (Prendiville 13 September 2000, p4).

Chapter 4: The Women's Human Rights Alliance

Government (initial conversations). In this section, I draw on the WHRA archive (see Appendix 11) in order to compose the history of the WHRA's first phase.⁷⁴

The WHRA was established in November 2001. It received initial core funding from the State through the Equality for Women Measure of the Department of Justice, Equality and Law Reform from 2001 to December 2003, and additional core funding from the Joseph Rowntree Charitable Trust (January–June 2004). The WHRA was a company limited by guarantee and was governed by its own memorandum and articles of association. It was not formed as a membership organisation but as a formally constituted alliance of national NGOs who were involved in its Advisory and Management Committees. The Advisory Committee met quarterly to advise on the WHRA's direction, plans and policies. The Management Committee was responsible for the overall management of the project (WHRA Funding Application to Atlantic Philanthropies 2004). The WHRA had a project co-ordinator, Noirin Clancy, between January 2002 and 2006. A consultant, Niamh Gaynor, was contracted to research and write a shadow report on CEDAW through additional funding from the statutory Combat Poverty Agency (which was brought into its 'parent' department due to Government funding cuts at the outset of the recession) and the Joseph Rowntree Charitable Trust. Additional funding from the Combat Poverty Agency and St Stephen's Green Trust resourced information and training workshops with asylum seekers, refugees and migrants.

The Alliance described itself as follows:

The WHRA . . . is an independent, feminist organisation. . . . The WHRA addresses issues of inequality and social exclusion through building the capacity of NGOs to monitor and lobby government's implementation of international human rights agreements. The work of the WHRA is underpinned by a feminist

⁷⁴ The WHRA was called the Women's Human Rights Project until 2003 but, in order to avoid confusion, I will refer to the WHRA throughout.

analysis of human rights, which emphasises the interdependence and universality of human rights. This approach highlights the impact that factors such as poverty, education, nutrition, accommodation, health and literacy levels have on women's ability to access a better quality of life. (WHRA Funding Application to Atlantic Philanthropies, undated, p1)

Through strategic planning in 2003, the WHRA articulated its vision and mission statement as follows:

Our Vision

A more democratic society, built on a culture of respect for human rights, where all women have achieved the maximum fulfilment of their interdependent economic, social, cultural, civil and political rights and where women participate on equal terms with men throughout society.

Our Mission

The mission of the WHRP is to challenge the structural and systemic inequalities affecting women in Ireland through

- promoting a feminist women's human rights analysis;
- seeking adherence to and implementation of all international human rights standards;
- monitoring government accountability;
- building alliances nationally, regionally and internationally for the protection and promotion of women's human rights.

These were operationalised through a set of aims⁷⁵ with detailed actions for the next strategic period (WHRA Funding Application to Atlantic Philanthropies undated, pp8–11).

⁷⁵ 'To articulate and promote a feminist analysis of women's human rights.

Chapter 4: The Women's Human Rights Alliance

I describe this work in detail in order to evidence that there was a collectively agreed strategy founded in an explicitly feminist agenda by the end of Phase One, which was available to the WHRA Committee as it began the next phase of the WHRA's work.

The WHRA focused on CEDAW because the Government submitted its fourth and fifth reports in May 2003. It engaged in a wide-ranging programme of activities that mirror those vernacularisation processes and practices described in the literature review. These were closer to hybridisation on Merry's continuum rather than simple replication (2006b). Continuing the inclusive approach developed to write the independent report for the Fourth UN Conference, as well as the dialogic tone of the ICCL Conference, the WHRA made strong connections with leaders in the transnational feminist movement whilst developing rights consciousness and intersectional relationships at home. The quantum and quality of Phase One activity created a momentum around counter-hegemonic development. The quality of practice is indicated by the translation of a CEDAW information resource into German as part of the transnational exchange facilitated by the WHRA's warm relationship with Dr Hanna Beate Schopp-Schilling.

During Phase One, the WHRA encouraged women's organisations to recognise that they were already doing human rights work, and raised awareness of the Government's human rights commitments under CEDAW and other Conventions (initial conversations). In spring 2002, the WHRA held regional networking sessions in Dublin, Sligo, Longford, Kilkenny and Limerick on women's human rights concepts, rights-based approaches and CEDAW. Papers presented at the workshops and the small group discussions were compiled and published as the widely disseminated

To monitor the observance of and lobby for full implementation of all international human rights treaties as they pertain to women.

To strengthen networking and build capacity of women's groups to engage in women's human rights advocacy.

To provide expertise on women's human rights to a range of voluntary, statutory and government agencies and other relevant bodies.'

'Women's Rights as Human Rights' report. When a UN CEDAW Committee member was being hosted by WHRA in Ireland, she contributed to IHRC organised public meetings in Limerick and Galway on gender and human rights.

The WHRA built the capability of its national members through workshops and training courses. In autumn 2002, it held a two-day residential workshop with input from a UN lobbyist and human rights activist from the global south, and the Research and Policy Officer from the Committee for the Administration of Justice, Belfast (indicating the continuance of an all-island approach). The programme included a drama by Longford Women's Link to illustrate the relevance of CEDAW to health issues. The following year, during spring 2003, it ran 'training of trainers' workshops involving a UN CEDAW Committee member (Dr Hanna Beate Schopp-Schilling) for statutory and non-statutory national organisations, including the IHRC, the Irish Refugee Council, the National Consultative Committee on Racism and Integration (the first statutory organisation to be closed due to Government funding cuts at the outset of the recession) and the Women's Support Network, Belfast. The training was intended to enhance their training and policy work using CEDAW (Women's Human Rights Alliance 2004a). The Human Rights Based Approach (HRBA) training undertaken during Phase Two echoed this approach, but it was limited to NGOs and primarily women's organisations.

The WHRA developed a range of resources to inform and educate, such as press releases; a CEDAW brochure that was translated and used by German NGOs (Women's Human Rights Alliance undatedb);⁷⁶ reports of regional meetings (Gaynor 2002) and the national conference report (Women's Human Rights Alliance, Irish Human Rights Centre, National University of Ireland, Galway, and Irish Council for Civil

⁷⁶ This eight-page, A5, fold-out poster/leaflet included the following headings: What is CEDAW, How does CEDAW affect me, How does CEDAW work, What can you do about CEDAW; with information on the Main Points of CEDAW, The Facts about women globally and in Ireland, and Resources produced by the WHRP; and included quotes from the International Women's Tribune Centre, New York publication *Rights of Women, A Guide to the Most Important United Nations Treaties on Women's Human Rights* (1998)

Liberties, 2006b); and a post-Committee report-back newsletter that included the Committee's Concluding Comments, the time frame for the next Government periodic report, and action points for local activists⁷⁷ (Women's Human Rights Alliance 2005c, 2005d).

The evidence gathering during 2003 for the shadow report involved a survey to women's groups in order to identify key issues (with 29 organisational respondents), regional workshops (with 71 organisations) and meetings with 25 key informants (national organisations and individual experts). Two rounds of regional workshops (in the spring and autumn) were held in Athlone, Sligo, Limerick, Galway and Dublin, with additional workshops with minority communities (Travellers, asylum seekers, refugees and migrant women) (Women's Human Rights Alliance 2004b).

⁷⁷ In the section 'What can we do now?' in the WHRA's November 2005 newsletter, the following commentary was made, and action points proposed:

Now that the government has been examined and the CEDAW Committee has issued its Concluding Comments **what can you do in your own local group** to ensure the recommendations get implemented?

While CEDAW is largely dependent on political will, constant pressure is required from NGOs to hold the government accountable on their international obligations. Allied to this is an urgent need to raise increased awareness of CEDAW among politicians at local and national levels and within the statutory sector.

Action points:

- Raise awareness of CEDAW with your organisation, management and staff by putting it on the agenda of management/ team meetings.
- Identify aspects of the Concluding Comments which are relevant to your own work and discuss how you could use them.
- Circulate the Concluding Comments among local groups and networks. Organise a workshop at local level and/or link with other groups to organise at regional level.
- Write an article on CEDAW and the Concluding Comments for newsletter and local newspapers, linking it to your work.
- Organise a meeting of local councilors and politicians, and ask them their role in implementing the Concluding Comments particularly in the run up to the next general election.
- Use the Concluding Comments in pre-budget submissions, policy submissions, research, action plans, quoting relevant recommendations.
- Raise the Concluding Comments in consultation processes on regional and national action plans (e.g. the National Action Plan Against Poverty and Social Exclusion.)
- Raise the Concluding Comments when lobbying for more resources in meetings with statutory agencies and politicians. (bold in original text)

Chapter 4: The Women's Human Rights Alliance

Reporting on CEDAW began with a presentation to the responsible parliamentary committee. The WHRA's presentation to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights in November 2003 focused on the key issues and main concerns about the Government Report that were raised in the shadow report: political representation, health, violence against women and barriers to further education and employment (Women's Human Rights Project 2003; Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights Proceedings, Tuesday 11 November 2003).

The CEDAW shadow report drew on the contributions of 150 groups. In spring 2004, the shadow report was produced and launched on the east and west coast—by Mary Robinson in Dublin (former President of Ireland (1990–1997) and former UN High Commissioner for Human Rights (1997–2002)), and at an event in Galway with the Women's Studies Centre and the Irish Centre for Human Rights at NUIG. The launches were an opportunity for a further workshop (on the CEDAW Optional Protocol) to be held by Dr Schopp-Shilling.

In July 2005, a delegation of WHRA members went to the UN.⁷⁸ They participated in IWRAW lobbying training, lobbied Committee members as well as members of the Irish Government and IHRC delegations, presented to the Committee and undertook media work resulting in press coverage in Ireland.⁷⁹

As well as the formation and maintenance of an alliance of national organisations, the WHRA developed strong relationships with local women through their community groups and networks, with the IHRC, academia (in University College Dublin (UCD),

⁷⁸ Noirin Clancy, WHRA co-ordinator; with Marie Hainsworth, NWCI; Brigid Quirke, Pavee Point; Margaret Tumelty, Banulacht; Theresa Sweeney, Women's Aid. The Irish Human Rights delegation was Commissioner Katherine Zappone, Alpha Connolly and Roisin Hennessy.

⁷⁹ 'Irish women on UN agenda', *Irish Examiner*, 7/7/2005; 'Government has failed to meet women's rights pledges', *Irish Examiner*, 11/7/2005; 'Fahey faces a grilling at the UN', *Irish Independent*, 13/7/2005; 'More work on inequality to be done', *Irish Times*, 14/7/2005; 'Irish government criticized for inaction by UN Committee', *Village Magazine*, 15-21 July 2005

NUIG and University of Limerick), and internationally with members of the UN CEDAW Committee, IRAW, and transnational women's human rights activists. There were all-island relationships built with NGOs and human rights leaders in the north of Ireland.

The final activity during Phase One was a national gathering entitled 'Taking CEDAW Seriously: A Conference to Promote, Apply and Enforce the UN CEDAW Convention' in Galway in March 2006. This was organised by the WHRA, the Irish Centre for Human Rights at NUIG and the ICCL; the Centre and ICCL co-funded the event. Shanthi Dariam, the UN CEDAW Committee's Malaysian member (whom the WHRA had met in New York), spoke at the conference as well as meeting with organisations and Government representatives in Dublin and Belfast. Faustina Pereira gave another keynote (Advocate, Bangladesh Supreme Court and Director [Advocacy, Research, Legal Aid], Ain o Salish Kendra) (Women's Human Rights Alliance, Irish Centre for Human Rights National University of Ireland Galway, and Irish Council for Civil Liberties 2006b). The report of the conference workshop—entitled 'UN-intimidated? Speaking Out at the United Nations and the WTO'—recorded feedback by members of the Irish NGO delegation to the UN CEDAW session.⁸⁰ They stressed the value of the IRAW training for gaining practical knowledge as well as developing transnational solidarity amongst the women's human rights activists attending their States' sessions.⁸¹ There were similarities between their perceptions of engaging with the UN and those expressed later by WHRA members during the second phase.⁸² However,

⁸⁰ The workshop facilitator summarised the main messages from the delegates: '*You never know when this opportunity will come along. Prepare like mad. Take up any training offered. Get something out of it to bring back home and even if you never go again, you can pass on what you learnt to others.*'

⁸¹ 'It covered where I sat and how I address people, all the useful things to know. It wasn't an intimidating experience but I was awestruck. The training demystified the UN. Women were there from all over the world but there was no hierarchy of problems; we focused on the things that linked us as women.'

⁸² 'We all have this notion of the UN as super qualified people but really it was no different to a community meeting. It made me realise that decisions are made at world level by normal people. The tiniest of change at UN level could impact us all.' This is a similar perception that was expressed by one of the WHRA members during its second phase: 'I had never understood the UN, the whole

despite experiencing international actors as 'normal people', the vernacularisation challenges inherent in UN language was recognised by Irish NGO 'intermediaries' or 'translators'.⁸³ The UN Committee session gave domestic activists an experience of a—temporarily—altered power shift between the State and civil society.⁸⁴ Beyond the actual UN session, activists needed to consider whether and how they could 'bring rights home'.⁸⁵

While she was in Ireland, Shanthi Dariam held a 'de-brief' meeting with the WHRA in order to identify learning from the WHRA shadow reporting performance (Women's Human Rights Alliance 2006b).

The WHRA's first phase demonstrated the local–global, dynamic and functioning shadow reporting system. Yet despite the potential of core funding over several years, shadow reporting with all its known flaws was the focus for the WHRA's work; and the vision for a standing feminist human rights policy bureau was not realised.

The group with whom I had Initial Conversations were positive about the first phase of the WHRA (as well as their participation in other transnational feminist conferencing, networking and activism). However, it was interesting that, on reflection, former members of the WHRA questioned whether there had been much impact for their significant investment of energy and funding.

participatory nature by any stretch and it was always very far away, and very lofty and sure only very busy and important people get to go and participate (Interview IFPA)

⁸³ 'Language is part of the problem. Do you take on their language? This is problematic as their language (academic language) isn't universally understood. However, if you don't take on their language, then they mightn't let you in. The closer you align your language to their's, the more useful it'll be to the UN, but this is difficult to everyone at community level. If you don't have this language, how do they participate?'

⁸⁴ 'You tell the Committee how Ireland are doing at CEDAW. Usually governments are in the position of power and it's the NGOs that ask for attention but it was the opposite here. Government reps were scared of what people were going to say. It was a power shift.'

⁸⁵ 'It takes a lot of energy to go to the UN, and you have to decide what you will do with this experience when you come back.'

Despite the gains during this first phase of the WHRA, the bottom line was that the insufficiently critical and somewhat conservative UN CEDAW Committee failed to see past the Irish Government Minister's 'spin' or to deliver substantive recommendations that activists could bring back home. They were particularly riled when the Committee was taken in (as they viewed it) by the Minister's effusive praise of Irish NGOs⁸⁶ (Initial Conversations).

Phase Two: 2007 Onwards

After commenting on the changed economic and political environment, this section outlines central themes, including engagement with the State and patterns of activism. The substantial discussion of Phase Two is included in Chapters 5 and 6. With the onset of a global recession, WHRA members were caught up in an utterly altered economic environment in which the Fianna Fáil and Green Party Coalition Government moved immediately and repeatedly to cut and restructure the human rights, equality and community sectors.⁸⁷ Funding of both the WHRA and its member organisations was significantly reduced.⁸⁸ This was a time of considerable change, uncertainty and

⁸⁶ Frank Fahey was Minister for State for Equality during Ireland's last CEDAW hearing.

⁸⁷ The National Consultative Committee on Racism and Interculturalism, which had been an ally of the WHRA during Phase One and hosted early Committee meetings in Phase Two, was the first public body to be closed by Government cuts. The Combat Poverty Agency, which had funded the WHRA during Phase One, was brought into its 'parent' department. The Irish Human Rights Commission was listed for merger with the Equality Authority. The Chief Executive of the Equality Authority, Niall Crowley, resigned in protest at the changed agenda and cuts, writing his analysis in his book *Empty Promises: Bringing the Equality Authority to Heel* (2010).

⁸⁸ The significantly altered funding environment in Ireland impacted the WHRA's Second Phase. Fulfilment of the original vision of a standing feminist human rights policy bureau would have needed significant resources. Whereas an informal network would have been sufficient in earlier periods of activism, the momentum of contemporary institutionalised activism required a funding base (Initial Conversations). The WHRA's resources diminished from funding for a co-ordinator in the first phase, to a small grant from a philanthropic trust in order to produce the shadow report in the second. (It was interesting to observe that these limited resources were used to fund a researcher to write up the shadow report. No monies were set aside to facilitate participation—for example, to cover childcare or transport costs of local women attending the consultation sessions.)

Member organisations made significant time commitments of workers who were funded through a range of organisational, philanthropic and statutory sources. Resources was an ongoing theme within the WHRA; it was apparent that participation was costing organisations and that some were indicating that this was problematic. WHRA members were experiencing the first impacts of the recession—

instability after a lengthy period of ritualised encounter between State and civil society actors. Given the age profile of some WHRA members, this was the only pattern of Irish civil society–State engagement that they had known during their professional lives.

This changing environment catalysed critical reflection amongst WHRA members (individually and with their constituencies) about the IWM's strategic decision to mainstream into a formal political movement. I observed twin dynamics within these critical reflections: firstly, how the *moves towards* the State through the institutionalisation of feminist agendas had impacted women's lives, and secondly, how the *moves from* explicit feminist discourse had impacted the thinking, practices and presence of the women's movement.

The other contextual dynamic was the emergence of a new 'wave' or 'cycle' of activism (Meyer and Tarrow 1998). Throughout the study, WHRA members and feminists in other spaces such as the Feminist Open Forum (Ireland) and FemNets (Ireland and UK) spoke of the anticipation (for some the experience) of being on the cusp of the next 'wave' of feminist activism.

Through the transition from the first to the second phase, the turnover in organisational personnel and diminished project funding meant that there was no apparent memory of the original vision of a women's human rights policy entity or the strategic plan that had been developed in 2003 (with Vision, Mission, Aims and Actions discussed above); a singular focus on shadow reporting; and no discussion about the Alliance's future beyond the shadow report's completion (Interview NWCI).

diminishing organisational funding, restructuring and increased workloads (Obs), and, focused on survival, they could not commit to future work (Interview NWCI).

Chapter 4: The Women's Human Rights Alliance

Despite the break from the WHRA's initial vision, a sense of the WHRA's leadership role persisted. At the first meeting that I observed, it was anticipated that the WHRA would 'bring leaders together' (Obs September 2009). Women's movements may have distinctive leadership forms such as collectivism (Stienstra 2000). Although hosted by the NWCI, the WHRA self-consciously employed a number of techniques to promote shared responsibility and ownership—for example, the rotation of Chair and Secretary at each meeting, explicit negotiation of public roles (such as the signing of letters to Government) and transparent and accountable practices (around budget management and decision making).

The diversity of the WHRA's membership expanded its reach. Women's sector organisations were grounded in their direct work with communities of women, which gave them grassroots insights and credibility. The human rights organisations communicated more of an 'insider' view with regard to the work of the State through sharing legal and professional identities with officials, being members of consultation structures and routinely encountering officials within human rights fora. Uniquely, the WHRA brought divergent groups of women together, enabling nationally and locally located women to realise how much they had in common (Interview IFPA). Further, it brought women's lives into the public policy domain.

(R)eally bringing to the table the experiences of women in a way that just doesn't happen in parliament or in policy making spaces that's meaningful.

(Interview IFPA)

The analysis of the WHRA's intra-organisational dynamic revealed a number of variables, which informed the selection of interviewees (see Appendix 8 for the descriptions of sampled organisations). Variables included the gender base for organisations' membership, that is, gender independent (NWCI), parallel (NTWM), or integrated (Irish Family Planning Association (IFPA)) (West and Blumberg 1990 in Kuumba 2001); their mode of operation, that is, using community development

(NCCWN) or quasi-legal-technocratic (AI, ICCL) approaches; and their networks of reflective solidarity, including those with an explicitly intersectional dimension (NTWF, AkiDwa) and/or with a strong connection to women in the global south (Banulacht). WHRA members encountered each other in other activist spaces as members of other domestic and international networks, coalitions and movements, and shared common agendas beyond that of the WHRA.

The quality of alliance building through its own Committee, between members' organisations and with transnational activists was one of the WHRA's strongest features—both in terms of the relationships that were developed, and the work that these catalysed. Merry and Stern observed that human rights are constitutionally suited to alliance building (2005). The positive, collegial tone of the Committee enabled members to evolve their understanding of women's human rights. It was described as a receptive space within which different groups of women had their meanings of women's human rights respected and welcomed (Interview NCCWN). The WHRA was a valued space and network within which members developed professionally, built relationships of solidarity and common purpose, and not only developed human rights discourses but also delivered on their organisations' agenda.⁸⁹

Many of the organisations were members of the generic community and voluntary pillar of SP, which had not had a strong emphasis on gender (Interview NTWF). Members enjoyed having a women-centred professional space. For one gender

⁸⁹ The WHRA had engaged in alliance building with a wider range of actors, including those across the differentiated State and independent statutory organisations. There was evidence of significant interpenetration between the WHRA and statutory bodies through amiable and collegial funding, advisory and hosting relationships. Their work was on occasion viewed as complementary and mutually reinforcing. There was also solidarity with the statutory bodies, which were being cut by the Government at the onset of recession (Obs September 2008–July 2009). In contrast, national and local government officials' attempts at alliance building were described variously as unproductive and disrespectful. The WHRA managed these negative relationships through the use of humour, derision and dispirited commentary (Obs September 2008–July 2009) and an analysis that all advocates need to play the 'long game' (Interview IFPA).

Chapter 4: The Women's Human Rights Alliance

parallel organisation, the WHRA changed how it thought about its own identity and how it aligned itself. Although it was a women-only organisation, it was funded and located within a wider gender integrated Traveller social movement; and working in solidarity with women's organisations was a new experience for both the national organisation and local constituencies (Interview NTWF).

It was the only space where some members engaged in explicit human rights work; and members enjoyed the experience of collaborating with organisations with which they would not otherwise have had contact, and of finding out what different disciplines could contribute. A number of concrete projects were initiated through the WHRA, most significantly a feminist movement building initiative that was grounded in a human rights framework (Interview NCCWN).

If members of the WHRA are considered to be leaders within the women's movement, their reflections on the WHRA's structure provided insights into how these professional women valued and used what was described as a relatively safe, inclusive, respectful and non-conflictual space. One member described the WHRA as a friendly, freer and safer working environment, in which she could catch up with other women workers (Interview IFPA). The quality of relationship building over time was central to the WHRA being a positive experience (Interview NTWF).

However, it highlighted that such a space was so important within women workers' professional lives that there was a reluctance to engage in any conversation that was anticipated to be conflictual and divisive (Interview IFPA); this included any substantial discussion on feminism. Echoing the comments of feminist Traveller activist Rosaleen McDonagh (cited in the literature review, 1999 in Connolly 2003), the NTWF interviewee commented on IWM characteristics, which worked against collective activism. These included intra-organisational politics, territorialism and specialism, which led to a heightened sensitivity.

Chapter 4: The Women's Human Rights Alliance

It's a big fear of crossing each other's line. There are rules, unwritten and unsaid but they are there and when you bump into one you can feel it. . . . I don't think it is very productive. (Interview NTWF)

I consider this to be profoundly counter-productive to the development of explicit feminist discourses and therefore counter-hegemonies of women's human rights (as discussed in Chapter 6).

Although the WHRA members participated in this formal space as part of their day job, they related their paid work to their societal identities as feminists and activists (this is discussed in Chapter 6). The WHRA's clear contribution to sustaining women workers in their professional roles provided insights into how this type of formal alliance is part of the broader sweep of the women's movement. One member spoke at length about her personal journey in feminism and why she and friends got involved in the movement: to be with like-minded women, to be social and have fun.

I think for a lot of women who are very interested in feminism, there is always a sense of being just that little bit different. But to read that first book, to talk with someone who sees the world from a feminist viewpoint—it just changes your life, it changes the way that you see the world. You feel that you have a place from which you can navigate the world and definitely I think it's really important that there would be opportunities for women, young women to kind of talk about it, to meet with other women about it. (Interview IFPA)

Although organisations with significant human rights experience (AI, ICCL and Banulacht) and organisations engaged in other forms of human rights claim making (IFPA)⁹⁰ were active participants in the WHRA, there was no discussion of the known limitations of the shadow reporting system (discussed in the literature review), or options for broader and bolder repertoires of contention. The fieldwork phase started

⁹⁰ The IFPA were supporting claimants in a case at the European Court of Human Rights, *ABC v Ireland* <http://www.ifpa.ie/Hot-Topics/Abortion/ABC-v-Ireland> [Accessed 21 April 2014].

with the first post-summer meeting of the Alliance. In keeping with institutionalised practice, funding had been secured for a specific output, and the sole function of the WHRA was to deliver the shadow report. Outside of the Alliance, members engaged in wide-ranging repertoires of contention, which they collectively and individually practiced within multi-level, diverse political opportunity structures and venues.⁹¹ Further, there was a growing recognition that during SP and the Celtic Tiger, only limited progress had been made on realising feminist agendas. Historical progress on women's rights reflected economic imperatives—firstly, to involve women in education and the labour market rather than an intrinsic commitment to progress women's rights; and secondly, to frame them as consumers, entrepreneurs and participants in the economy rather than as rights holders. As soon as the economic crisis began, there was negative media commentary about women having jobs that men need, illustrating the lack of a genuine shift in public discourse around women's roles and place in society (Interview NTWF).

Participation in the WHRA created spaces for national women to work together and for their constituencies to meet; it catalysed organisations to consider how they could develop further human rights work with their constituencies—for example, training and exploring the use of international instruments in their policy work (ICA) (Interviews NCCWN and NTWF).

⁹¹ During the observation period, these contentious practices included participation in the Equality and Rights Alliance (which was formed at the start of the observation period, and in which NWCI and ICCL had a leadership role); programmatic work on human rights (Human Rights Based Approaches, and Human Rights and Economics: Amnesty Ireland); lobbying of UN entities either directly or through membership of international networks (Commission on Population and Development: IFPA, NWCI, Women's Aid); attendance at UN events (IFPA); monitoring and critical analysis of Irish Government performance in international arenas (for example, the alliance between the States of Ireland, Poland, Malta and the Vatican, when EU statements on reproductive health were developed: IFPA); following activity of UN entities (Commission on the Status of Women: NWCI and Banulacht); participation in European entities (European Observatory on Violence Against Women, European Women's Platform: Women's Aid); human rights framed campaigns (female genital mutilation: AkiDwa and IFPA); shadow reporting consultation (Committee on the Elimination of Racial Discrimination: AkiDwa, ICCL, Amnesty Ireland and NTWF); and membership of State consultation groups (Department of Foreign Affairs NGO Consultation Group: ICCL).

Chapter 4: The Women's Human Rights Alliance

Whilst strategically, WHRA members were looking in many directions, their commitments to their constituencies were absolute and fundamental. They engaged in knowledge brokering, translation and vernacularisation in order to advocate for the rights of these women. During the development of the primer, they were clear that it was not about fitting local women into human rights language.

I've never felt that from anybody there that we have to fit what women say into a language that is suited for human rights reporting. (Interview NCCWN)
(Although there remained a sense that these voices would be re-interpreted or translated 'up' in order to be heard at the UN (Interview ICCL)).

Throughout the study (from the Initial Conversations through to the interviews) women's human rights activists expressed their frustration at successive Irish Governments' successful externalisation and domestic marginalisation of human rights (Interview ICCL) and the disconnect between domestic and foreign policy. Repeatedly, WHRA members spoke of the State's lack of commitment to human rights:

(W)e are still not seeing any response. There is no commitment; it's not on the agenda, it's a box ticking exercise that the State has to undergo and I would imagine that they see it as quite a painful exercise really, this reporting to the UN. (Interview NWCI)

There was a significant difference between the human rights performance of the Department of Foreign Affairs and the 'internal' departments.

The Department of Foreign Affairs are all about our external appearance, they want to comply with the UN human rights standards. . . . But in terms of the domestic departments, I mean the culture is just not there. . . . And the Government they just seem happy for that, to let that continue. (Interview ICCL)

The combination of the absence of a dedicated human rights section within each Government department (Interview ICCL) and the location of the Governmental lead within an externally focused department led to the reduction of UN reporting to an

Chapter 4: The Women's Human Rights Alliance

administrative exercise undertaken by a Department without domestic knowledge or influence and the non-inclusion of many domestic NGOs in civil society consultation structures or at important events (Interview NWCI).

The poor performance of the Irish State in fulfilment of its human rights commitments, and the systemic limitations of UN systems and Treaty Body shadow reporting, raised the question as to whether there is another way in which feminist activists in Ireland can engage with human rights.

Summary

In this chapter, I connected the framing of women's rights as human rights in Ireland with the second wave's global turn. I tracked this movement trajectory to the creation of the Women's Human Rights Project, which became the Women's Human Rights Alliance. By describing the first phase of the WHRA, I detailed how women's human rights activists in Ireland experienced the potential of local–national/all-island–global activism, and their collective agreement on the strategic direction of the WHRA. Further, the emergent traces of vernacularisation were highlighted, particularly those from organisations who belonged to the Traveller movement, which has a deep experiential engagement with human rights (see Appendix 12).

In introducing the WHRA's second phase, I highlighted the changed external environment (political, economic and funding) and patterns of activism, as well as the lack of continuity in organisational memory and strategic planning between the first and second phases. As the two central tensions evident in the second phase provide the substance of Chapters 5 and 6, in this chapter I have provided the organisational and relational backdrop to these dynamics.

Chapter 5: Counter-hegemonic Development: Exploring the Tensions between Quasi-Legal-Technocratic and Community-Developed Approaches

Introduction

I have identified two principal tensions around the development of counter-hegemonies of women's human rights in Ireland, which resonate with the international literature on women's human rights activism reviewed in Chapter 3. These are, firstly, between quasi-legal-technocratic and community-developed approaches, and, secondly, between implicit and explicit feminism (addressed in Chapter 6). This chapter discusses the study's findings on the first of these tensions.

Members' contributions to the WHRA reflected the expertise generated by their different organisational locations, such as their employment within either traditional human rights (AI, ICCL) or women's sector organisations (NWCI, NCCWN), and by representing women who were members of other social movements, such as the Traveller movement (NTWF). The traditional human rights organisations were grounded in human rights automatically due to their organisational remit and history, whereas women's organisations, which were relatively new to the field, needed time to absorb the legal aspects of human rights concepts, approaches and processes (Initial Conversations).

The deference to legal expertise within the WHRA may have reflected the relative newness of human rights work for some current employees of WHRA women's sector members (noting that most of those organisations have been involved in women's human rights activism for a decade or more). Members from such organisations spoke of working out of an equality framework (Interviews NCCWN and NWCI).

The WHRA is a microcosm of the expertise that circulates around women's human rights activism. Whilst there may be some activists with strong groundings in both law and community development, I take the view that they are largely two distinct groups who have collaborated necessarily in order to develop a common language and agenda. I begin with an explanation of the dynamics between quasi-legal-technocratic ('top-down') and community developed ('bottom-up') approaches to women's human rights activism.

Although a member from a human rights organisation stated, 'Maybe my voice shouldn't be as loud as some people's voices' (Interview ICCL), throughout the study there was evidence of different values being placed on legal and community expertise. Legal expertise was reified and deferred to as 'technical', whilst feminist and community expertise was treated as 'commonsensical'. This was most clearly evident when the WHRA Committee identified the necessity of HRBA training for women's organisations, but saw no equivalent need for human rights organisations to be trained around either feminist discourses or community-development approaches. Such an imbalance in how different discourses are regarded risks a disconnect within human rights work.

I think it's very important that you don't become too set in your legal ways because I think you kind of lose your connection with, with the reality of the human rights abuse. (Interview ICCL)

It is important to develop frames that both integrate human rights and feminist discourses, as well as facilitate dialogue between differently located actors. This raises the question of who has the power to signify human rights. One human rights organisation member commented that, by her organisation working with a Lesbian, Gay, Bisexual and Transgender organisation, 'all of a sudden gay rights issues becomes a human rights issue, it's not just about being gay' (Interview ICCL). In this comment she inferred that, de facto, it was her organisation's association with a community that

placed it within the human rights frame and engaged their legal rights. Yet this same woman recognised the limitation of her organisation's authority, and commented that other WHRA members brought the mandates, authenticity and credibility of grassroots constituencies, as well as direct experience of working on economic, social and cultural rights issues.

Consideration of these dynamics opens up questions of *how* does change occur (through legal casework and/or rights consciousness raising); *where* (within legal and/or vernacularised spaces, in court rooms and/or in communities); and *who* are the agents of change (legal professionals and/or the women whose everyday lives are testimony to both human rights violations and resistance).⁹² Of course these spheres of activity interact (Merry 2001). However, the potential tensions between legal and community actors speak to the necessity of the kind of strong, respectful relationships and ongoing dialogue that was present within the WHRA (discussed in Chapter 4).

In this chapter, I consider the persistent draw of human rights, including a discussion of WHRA members' perceptions of their value and limitations. This highlights external, internal and relational reasons for the persistent framing of women's rights as human rights.

I found different depths of engagement with women's human rights amongst WHRA members, which I describe as instrumental, normative conceptual and experiential. Exploring these variations, I illuminate the capability of differently located actors to formulate and activate counter-hegemonies. I describe in depth the ways in which vernacularisation took place through the interplay of quasi-legal-technocratic and

⁹² As discussed in the literature review, feminist socio-legal theory exemplifies the importance of differently situated feminist activists collaborating in order to progress women's human rights. Feminist socio-legal practitioners ask a number of questions that could catalyse the vernacularisation of human rights: 'where *the law* fits within women's experience, what is its role in perpetuating these gendered systems and how might the law be a vehicle for change' (Binion 1995, p512). They address the ways in which women's absence from international law has 'distorted the discipline's boundaries . . . and their limited explanatory force with respect to the position of women' (Charlesworth and Chinkin 2000, p23).

community-developed practices: HRBA training, the development of a human rights primer⁹³ (see Appendices 13, 14) and intersectional consultations with communities (see Appendix 15). By analysing these practices, I distilled a set of markers for effective vernacularisation.

The Value of Human Rights

Bunch and Frost described the gestalt function of women's human rights. In addition to teaching women about their governments obligations, women's human rights provide a framework within which women can analyse experiences, envision alternatives, plan action and develop new accounts of their lives. (2000)

There was considerable congruence between this feminist socio-legal analysis and WHRA members' views. They spoke of human rights as a way in which local women could connect into the international realm, both in terms of advocating for change (through systematic articulation of violations of the State's international commitments, access to legal remedies and naming and shaming the Irish State) and experiencing transnational solidarity.

The selection of the right to health as the focus for the WHRA's shadow reporting engaged a persistent and often stagnant theme within the IWM's activism. It created common ground on which the disparate membership organisations could stand; health was agreed as 'absolutely the most inclusive issue' (Obs September 2008). Taking a social determinants approach to health enabled the WHRA to draw multiple issues into the human rights frame (Interview ICCL).⁹⁴ This aspect of international human rights

⁹³ Two primers were developed: one used by the majority of WHRA members, and one by AkiDwa (an organisation for African women). Both contained similar information but had different formats and emphasis.

⁹⁴ The scope of social determinants was detailed in the AkiDwa primer as 'access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy workplace and environmental conditions, and access to health related education and information including sexual and reproductive health' (pp1-2); and in the WHRA primer as 'gender equality,

resonated strongly with members, underlining Levitt and Merry's views on successful vernacularisation.

The nature of ideas contained within global value packages is key to vernacularization. Not just values and norms matter. The identities, concepts and categories that underlie them also determine, in large measure, the degree to which it is possible to translate something into a communicable message with appeal to potential recipients. (2009, p451)

The value of human rights encompasses their *external* functions of claim making and influence as an authoritative source, and routing marginalised women into policy (and generating funding); their *internal* interpretative function of reframing individual and collective experiences; and their *relational* function of creating intersectional bonds of reflective solidarity. Together these aspects synergise a transformational potential.

Human rights discourses have a strong historical and philosophical foundation and were considered empowering and forceful, lending a sense of gravitas to women's experiences and claims (Interview NCCWN). They provided an authoritative, 'depoliticised' discourse, which enabled activists to bring controversial or stagnant issues such as reproductive rights into a new frame (Interview IFPA). Human rights were used to develop persuasive arguments in policy work, as activists could draw on their legitimacy from the global consensus that the Irish State has signed up to (Interview IFPA).

However, their primary value in claim making was through 'externalisation',⁹⁵ which was considered to be the only option for activists seeking change in the face of an indifferent and sometimes hostile State.

employment, education and training, childcare, social welfare, housing, violence against women, sexual violence' (p1).

⁹⁵ Defined by Tarrow as 'the vertical projection of domestic claims onto international institutions or foreign actor' (2005, p32).

(Transnational activism) is perceived as the only way to proceed. . . . There is an absolute perception . . . that change will only come about through that international level. (Interview NTWF)

There was considerable criticism of how State failures stymied the local–national–global circulation of human rights. Nevertheless, human rights activism was considered to be a route for local women to enter national and international policy realms.

(T)he Collective was started to specifically have a voice of disadvantaged, socially excluded and working class women into policy. So they saw, they thought there was a gap in, in that in Ireland. They thought that really the voices of women that were heard at national level were not necessarily . . . the voices of grassroots women in disadvantaged communities or the working class women’s voice. That experience wasn’t really kind of out there. (Interview NCCWN)

Shadow reporting had provided a valuable, tangible entry point into human rights work; and the WHRA sought and respected the voices of local women (Interview NCCWN). Participation in the WHRA raised interest in the possibility of human rights, but also raised questions about how they created change in communities.

You know human rights is great, it’s fantastic but it’s so big that, you know, when does it come to our community? . . . You know, when, when do we get our human rights? (Interview NCCWN)

Further, human rights could provide a counterbalance to backlash discourses.

I think that there is a huge backlash against the notion of gender equality: ‘You have equality, what are you moaning about? What are you going on about? It’s actually men who are suffering now because of all the progression that has happened in relation to women’s rights. And I think then that human rights can come in and assist in that sense. (Interview ICCL)

A further—sceptical or clear-eyed—view is that the deployment of human rights discourses is one way to access funding (Interview ICCL).

Activists were drawn to human rights because they found that their principles, values and goals resonated with women's equality agendas (Interview IFPA). Human rights provided a 'new' or different language for feminist advocacy, and for women to frame their experiences. This was viewed as being particularly important in Ireland, where the women's equality agenda was described as having been 'killed off' by the Government; and those working in the women's community sector considered human rights to carry more influence. Human rights were viewed as legal and enforceable (particularly with their Constitutional underpinning), irreversible and resistant to being rewritten or misinterpreted by individual States (because they represented international consensus) (Interview NCCWN).

Human rights connected women's everyday experiences in Ireland with those of women globally; and through this symbolic connection, activists reported feeling dignified and energised. As well as facilitating their constituencies' meaning making around the human right to health, WHRA members from women's organisations described their own journeys of reframing what they understood to be human rights, and human rights violations. For some, this involved a shift *from* the hegemonic view of human rights as external and focused on critical survival issues such as hunger and torture (Interview NCCWN), *to* putting all people living in Ireland into a human rights frame comprising the full spectrum of indivisible civil, political, economic, social and cultural rights.

Human rights embody a legacy of generational and global activism, and thus create both temporal and geographical relational connections (Interview IFPA), which break through women in Ireland's feelings of isolation and insularity (Interview ICCL), and re-energise and stimulate activists (Initial Conversations).

Transnational exchange, links, dialogue and solidarity, combined with the assertion of a focus on women (not gender) (Interview ICCL), generated a different type of agenda and practice from that which has developed domestically.

I think that we have dispersed ourselves to, to fit into a model established by the State rather than going, being able to be really critical about our involvement in various different places and the relevance of that. . . . (I)f you look at the work programmes of many of the women's organisations, it's around looking at very positive, very empowering experiences for women but it's not changing anything. And there is also something for me around, if you are looking at a human rights level you are not just working with the group that is experiencing the human rights violation, you are also working to tackle the reason for the human rights violation. (Interview NTWF)

Human rights were considered most effective when fully integrated within organisations' existing work. Human rights activism was described as visionary, as holding the potential of transformation through an international framework of universal indivisible rights. The horizon for this work is very different from that of Government-funded programmes.

(I)f you are looking at it from a human rights framework you are measuring yourself against, well, how closer are we to having equality. (W)hereas that is not the question that we are asking ourselves at local level. What we are asking ourselves is, "Did we spend the money that we got?" and, "How did we spend it? Who benefitted from that?" But we are not asking the big . . . questions. (Interview NTWF)

WHRA members also spoke of human rights' limitations. They had found that they lacked impact, had limited horizons (in the context of shadow reporting) and raised false expectations. Human rights were described as abstract and theoretical (Interview

IFPA) and as belonging to an—at times—inaccessible world firmly located within legal discourse.

I think that the language of human rights and the mechanisms of the international institutions and the legal perspective are difficult worlds for a lot of people to enter into. (Interview IFPA)

Human rights were criticised as having made little difference ‘on the ground’ (Interview NTWF). A human rights practitioner seasoned in ICA described how other shadow reports had become just another policy document with little traction; even when shadow reports were successful in terms of awareness raising, empowerment and gaining media coverage, there had been disappointment with the ‘bottom line’ of what the Committee actually said (Interview ICCL).

The requirements of the WHRA’s grant created a short-term perspective, a narrow focus on a very specific part of international human rights architecture and a limited horizon. The goal was to secure a useful Comment from the Committee (if only to provide succour and a sense of transnational value and influence to local women who had come to the consultation events).

I do really think that getting a Comment is important. Because even in getting back to the women who participated . . . saying to them, “Listen our shadow report helped, contributed in a big way, and your participation helped in a big way to the UN calling on the Irish Government to do something around . . . an equal, around the health system in Ireland”. . . . So I think that would be a great thing. . . . And again it’s about showing the transnational thing—the relationship between our local focus groups and what happened in Geneva. (Interview NWCI)

Whilst human rights discourses were described as more powerful than equality discourses by workers in community organisations, in part this reflected their

experiences of how the women's equality agenda had been progressively undermined by the Government reframing, restructuring, underfunding and non-implementation of policy. This brought an awareness that human rights activism might experience the same fate of inaction without sanction.

(D)o you produce a really good shadow report, tell the communities that fed into it and helped you to develop it, that the reporting was there, and in five years' time it's just back to, you are back to square one with the Department in terms of they will just piece together some of the nice answers from various departments to make it look good internationally? . . . And probably, I imagine that they can probably get away with that because other countries, countries have, are, committing outrageous human rights abuses . . . or are not reporting at all and then are more of a priority for the Committees. (Interview NCCWN)

The experience of this cycle of shadow reporting highlighted specific limitations of the quasi-legal-technocratic approach. A fundamental flaw in the State-centric UN system overshadowed the second phase of the WHRA. Because the State report was not published, the monitoring system did not kick in. One interviewee pointed out that the State was late on several Conventions and made the following conclusions.

(I)f they are not going to give it to the Committee—this is one of the weaknesses of the Committee—is if the Government isn't reporting then there isn't anything that you can do apart from shaming them. . . . There was nothing we could do about it, there was nothing anyone on the Committee could do about it, there was nothing the Secretary General really could do about it. . . . It's just because of its diplomatic realm . . . , you know, that quasi-legal, diplomatic thing. (Interview ICCL)

However, setting the State's inaction to one side, the domestic focus during the study period was not only a simple reflection on the State's non-reporting. WHRA members

did not discuss accessing the support of the transnational actors with whom they had developed relationships during its first phase: for advice, support or leverage.

The WHRA's singular focus on shadow reporting during its second phase reflected the momentum behind ICA in Ireland. However, even where shadow reporting had yielded success there was a sense of 'so what'. In the case of the International Covenant on Civil and Political Rights (ICCPR), years of practice across a range of international instruments and the ongoing support of independent funders bore fruit.

(W)e got great Comments last July, fantastic comments. . . . You know the outcomes. I work quite closely with funders on this and they are very committed to the process, the Comments, but where do we go from here? We have done the follow-up conference; we use them in our policy work, in our submissions, in our documents, but you do have to ask yourself, you know, the question, "Just how effective is the system? Just how effective is the UN system?" (Interview ICCL)

This quote challenges the commonsensical discourse that human rights will be progressed domestically when civil society improves its performance and becomes more skilled with regard to the intricacies of the UN system.

It speaks to the need to manage expectations in order for the WHRA to maximise the benefit from the shadow report work but limit the risk of women in Ireland being turned off the UN as another system that has failed to deliver change in women's everyday lives. However, if this fundamental questioning of the utility of the UN system is coming from one of the human rights legal experts (to whom other members in the WHRA defer), ethical questions are raised about human rights organisations choosing not to initiate a critical discussion of ICA learning.

Women's human rights activists have insights into both the value and limitations of human rights. On balance, human rights continues to be a persistent strategy of the

IWM. Several explanations were given for this persistence. In the face of State inaction, it was considered to be important that civil society kept international human rights commitments alive. They were viewed as a way of civil society shifting away from a charity culture by drawing on a global consensus and legitimacy, in order to advocate on the basis of legal status and principle (and thus avoid being drawn into unwinnable resource argumentation). Whilst for some NGOs, human rights may be just another lobbying tool, for others they hold the potential power of being vindicated through the courts. In the current political and economic climate, one member commented that the bottom line is that there is no alternative; civil society has to hold the State accountable.⁹⁶

(I)t is about holding the State accountable to the commitments that they have made internationally, globally and nationally as well. So, if there is nobody holding the State accountable, then the State commitments become meaningless if there isn't someone on the part of the State upholding them. So, I think that is why we persist, because we know if we don't persist, the State will know that it doesn't have to implement anything; and there won't be any pressure on it to implement, unless it comes from monitoring bodies or whatever. So I think that is why we persist.

It's another tool, it's another mechanism, it's another lobbying tool, another lobbying mechanism to push the State to do what it should be doing in terms of promoting human rights. And, and without those international commitments our argument is weakened so we need to keep them alive, we need to keep them on the table, we need to keep them to the fore, we need to keep at it I

⁹⁶ This echoed a comment made by one of the NGO delegates at the UN CEDAW session during Phase One. 'Starting with why we get involved, it's all about accountability and calling the government to account. The government signs up to Conventions but often don't see the process through after this and so we look at which forms of discrimination are left and get them to answer for it. . . . Countries are bound by these agreements and yet nothing happens if they [*sic*] governments are left to decide by themselves. Just like with voting, collective action leads to an impact. Governments are often happy to sign an agreement but not to implement them so someone has to call them to account.' (Workshop Report 'UN-intimidated? Speaking out at the United Nations and the WTO', 'Taking CEDAW Seriously' Conference (March 2006)

think. Because what we have seen in the past is the State is all too happy to let these things slide under the table and forget about them; and would, would—if civil society don't push it that's exactly what will happen. . . . So it's up to us then to keep, to keep it alive, to keep pushing, to raise the awareness, build momentum around these things . . . if they are to have meaning. (Interview NWCI)

Another member stressed the importance of both persistence and patience within civil society activism.⁹⁷

(T)he nature of advocacy is that you are always going to be talking to the Government, trying to persuade them to come up with, you know, how you see things that are difficult in society. You know I don't think it's an end game, the Government doesn't just say, 'Right we support human rights and everything that we do is going to be part of human rights'. I think that it's an ongoing process, forever. (Interview IFPA)

Depth of Engagement with Human Rights

In trying to realise the transformational potential of human rights, women's human rights activists vary in the depth of their engagement. Some minimally engage by simply relocating rights from the international to the domestic realm within limited, largely legal and technical local translation, approaching what Merry calls 'replication' (2006b) on the vernacularisation continuum. In contrast, others engage through a deep experiential interpretation that vernacularises rights within the cultures of everyday life, approaching what Merry calls 'hybridization' (2006b).

I found three forms of engagement within the WHRA—I call them instrumental, normative conceptual, and experiential; some members moved between these. Rosen

⁹⁷ A similar comment was made at the 'Taking CEDAW Seriously' Conference (March 2006): 'Four Ps = patience, persistence, preparation and participation' (Workshop Report 'UN-intimidated? Speaking out at the United Nations and the WTO').

and Yoon found this variance also, commenting on experientially minded activists' suspicion of instrumental strategists.

Veteran human rights activists also addressed the question of integrity in the challenge of pursuing practical strategies while being principled in working with community organisations. They are wary of organisations focusing on a human rights "strategy" as a short term, instrumental solution that does not incorporate the human rights framework into the organisation's work. (2009, p525)

For those using an instrumental approach, human rights were described as a strategic resource—one way to resist hegemonic orders (Interview ICCL). These activists' dissemination of human rights was understood as a means to empower communities (Interview NCCWN).

I guess I see human rights like as a tool, it's another tool. (Interview NCCWN)

Other WHRA members spoke of the normative conceptual power of human rights, whilst recognising that the draw of human rights could be uninformed and confused.

(I)t's a very powerful concept you know, this notion that no matter who you are, no matter where you are, no matter what your situation, you have the same rights as other people, and it's, that is where the power comes from. (Interview ICCL)

The experiential approach fully embraces human rights as a way of life and of being, which is vernacularised into relationships, actions and thought processes, both inside and outside of work.

(Y)ou can't cut and paste it then; there has to be a commitment to it or not. . . . It's not just about, 'Oh well, this is what I do in a 9 to 5 and then at 5 o'clock I'm finished'. . . . It's either a commitment to a particular belief system or it's not. . . . It's either something that you believe in and therefore that affects

everything in your life . . . from who you are, to what you eat, to what you wear, to how you contribute, to how you don't contribute, to how you spend your money, to how you are as a consumer, so it has to be something that, that's a principle. . . . You either are, or you're not. . . . It's too big of a statement in my opinion for it to be a grey area. . . . Do you know? And I think people struggle with that—I struggle with that. . . . But you can't get—it's like you can't cut yourself into sections and be one thing one part of the day and be something else another part of the day. (Interview NTWF)

Such engagement involves challenging cultural justifications for violations of women's human rights; making links between issues within areas of human rights violations such as violence, including female genital mutilation, trafficking, prostitution and domestic violence; and an analysis of the international consequences of individuals' and groups' decisions on human rights (Interview NTWF).

Vernacularisation through Quasi-Legal-Technocratic and Community-Developed Approaches

Whilst the WHRA's bureaucratic style of shadow reporting was unproductive in terms of international claim making, the outworkings of the (albeit standard) HRBA did include interesting interpretive processes described below, paced from summer 2008 to summer 2009. The processes of training, primer development and intersectional constituency consultations illustrated the interplay of the quasi-legal-technocratic and community-developed approaches. They highlighted both the strengths of the differently located WHRA members, and also the practices through which counter-hegemonies of women's human rights in Ireland are developed. From these practices, I identified markers for effective vernacularisation.

The WHRA Committee discussed how generic HRBA components (training, research, primer development, engagement with constituencies and drafting of the shadow

report) should relate to each other and be ordered (Obs January 2009). There was a sense of tailoring this quasi-legal-technocratic model to the communities with whom women's organisations worked. One challenge was balancing the 'universal' themes around the 'particularity' of specific groups or issues (Obs November 2008, April 2009) and balancing the requirements of human rights organisations for technical rigour (Obs January 2009) with women's organisations' need for an accessible text and process (Obs November 2008).

One member described the application of international rights instruments to women's lived experiences as systematic, almost mathematical: specifying human rights, breaking each down, comparing and balancing rights for different communities (Interview IFPA). These processes vernacularised meanings through a first-order translation by the AI trainer, a second-order translation by the women's organisations who developed the primer, and a third-order translation during the intersectional consultations. Had the shadow reporting concluded, it would have continued through the cycle of further translations (as had taken place during Phase One), with translation 'up' by the contracted researcher—who would draft the report—and the WHRA Committee—who would craft the completed report and engage in associated lobbying to the UN Committee—and then a feedback translation 'down' from the UN Committee session to local communities.⁹⁸

AI's delivery of HRBA training on ICESCR was a significant milestone in the knowledge and skills development of the women's sector organisations. It was an example of how human rights circulate as 'global value packages' (Levitt and Merry 2009, p251). These organisations went on to lead the drafting of a consultation primer (see Appendices 13, 14) and to facilitate the consultations (see Appendix 15), which shifted power within the WHRA from the human rights to the women's organisations.

⁹⁸ In Phase One, the following feedback techniques were used: newsletter, media work, national conference and local meetings.

Members commented on the importance of having training that was tailored to themselves and the task in hand (Interview NCCWN). It provided a focused, discursive space for members to engage with Article 12 and unpack its meaning for them as national workers (Interview IFPA). The collective training experience brought one member's traditionally isolated agenda of reproductive rights into the main human rights frame (Interview IFPA). This speaks to the value of training events that provide intersectional groups of women with a space in which to explore specific human rights in depth in order to develop an integrated interpretation of women's human rights. The training experience was a common reference point as the sub-committee progressed its work on the primer and consultation. In this sense, the two-day training event can be understood as a common resource for activism (Interview NCCWN).

The primer was developed through a number of stages. A sub-committee draft was piloted with WHRA constituencies (summer 2008). The full WHRA committee reviewed the pilot feedback, including difficulties about terminology, and discussed the sub-committee's challenges around both getting a focus (Obs September 2008) and framing questions in order to access the required data (Obs January 2009). The researcher who was contracted to write the shadow report was asked to provide feedback on the draft primer (March/April 2009), and then a group of women's sector organisations drafted a second primer following their two-day human rights training. There followed an iterative drafting of the primer by the full WHRA Committee (April, May 2009), which was informed by resource documents about the ICESCR Committee's General Comments on Article 12.

The primer's development was beneficial in a range of ways. It provided a focus for members to articulate their learning from the training, and to collectively vernacularise the right to health for themselves as well as for their own and others' constituencies. The process further developed collegial relationships, which continued to grow through a system of 'buddying up' in the co-facilitation of the intersectional

consultations. Also, it supported both consultation participants' learning as well as the WHRA's data collection. This learning and relationship building then rippled out into local women's organisations.

We designed it . . . the primer . . . that there would be some learning out of it and some learning that women could bring back to their own groups, and that, and just being able to make those connections between rights, expectations and their experiences as women. . . . And what you can expect human rights to deliver for you, you know, what is realistic. (Interview NCCWN)

Therefore, the primer is interesting in that it represents meaning making that was led by women's sector organisations, and developed with input from human rights organisations (ICCL, AI and the IHRC) only at WHRA Committee meetings (Interview NCCWN).

(W)e were designing the primer document that the language was really crit-. That we couldn't just use the initial drafts of the primer, like it wasn't even usable for other national organisations and representatives that were around the table. We just knew the language was wrong, it wouldn't have, wouldn't have . . . meaning for people. And the people who developed that primer document didn't insist, 'Oh you have to be very precise about what we mean by, em, Article, and what we mean by the right to, and what we mean by'—like they really heard. Like I think, you know, they were open to the language being made more realistic you know. (Interview NCCWN)

Interviewees conveyed a sense of committed, focused and substantial work—in the words of one interviewee, 'The process was very strong' (Interview NCCWN)—always with an eye to how the primer would work in the consultations, and how it would be a positive and relevant resource for the women that they worked with.

(W)e met a lot and we really worked on changing the format and developing the format of how the consultations would run . . . so that they would really

have meaning for women. Like we were really careful around language, we were really careful about what bits—like we had done two days intensive training ourselves and you have to really impart that in a couple of hours of a session. . . . (I)t was trying to get at what were the key bits that were really crucial, what would make sense to the women that we knew, you know like, in terms of how they would feed in their experience. . . . And I think we were and, yeah, there was a big energy around that, and it was, it was very important to us, it was very important to us to get it right, all of the organisations that were there, to get that right. (Interview NCCWN)

There was an explicit understanding of the need to hold to the integrity of the human rights instrument as well as the agreement made with the WHRA Committee about the type of shadow report evidence that was required. This process is at the core of mediating Merry's paradox: that human rights must be legally robust as well as locally resonant (2006b, p49).

The women's sector organisations deliberately integrated the consultations into their ongoing work with their constituencies in order to maximise participation (Interviews NCCWN and NTWF). As these were organisations that used community-development approaches, the processes of discussing the shadow report, gathering evidence and producing the consultation document mirrored the ways in which their organisations worked (Interview NTWF). An important feature of the consultations was how some of them brought together constituencies of women who would not usually meet (even though they resided in the same region): Travellers, working-class women, refugees and asylum seekers.

Fundamental to these processes were the substantial and genuine consideration of and engagement with local women. This was with regard to, firstly, their comprehension of human rights, the specific UN instrument and process; and secondly, their interpretation of their experiences of health as women living in Ireland.

WHRA members were deeply committed to communicating the authentic voices of local women to the UN.

WHRA members stressed the importance of being connected to the differently located communities of women with regard to (i) ensuring that they were aware of the views of their membership (around, for example, feminism, human rights and health), and that these voices were then articulated and advocated for in national and international spaces; (ii) having ethical obligations to follow up on issues that such dialogue raises; and (iii) getting a result for their constituencies (for example, a UN Committee Comment on foot of the shadow report).

Local women made distinctive contributions through the consultations to the vernacularisation of the right to health. They provided a critical analysis of their encounters with the State as funders of voluntary services, providers of public services, participants in local partnerships and organisers of consultations. They reported feeling used and having their time wasted within State-led consultations and proposed ways forward through democratic participation.

It was clear that local women had a well-developed understanding of health grounded in social determinants. They articulated how (i) the way in which the health system was set up; (ii) the lack of respect, dignity, and culturally appropriateness in staff attitudes and practices; and (iii) the ways in which they were constructed as 'hysterical' and 'hypochondriacs' led to inadequate, medication-oriented responses. The two- (three-) tier health system created difficulties with access, particularly for working-class and minority ethnic women (Obs July 2009).

They asked direct and difficult questions that cut to the heart of hegemonies and counter-hegemonies of women's human rights: 'Would the UN create real change in

women's everyday lives?' 'What teeth do the Committee have to resolve the issues that they raised during the WHRA's consultation?' (Obs July 2009).

Local women provided complex, systemic and societal analyses of their everyday experiences. These contributions from local women emboldened and energised WHRA members; they made celebratory assertions about the strength of local women (Obs July 2009).⁹⁹

I think (the consultations) were wonderful; the information that the women were so ready to provide is amazing. Because you wouldn't get that kind of openness we'll say from the Government consultations because it's organisations that are being asked, and you are always . . . measured. . . . But you have women speaking from their own experience, and what that means for them without having to worry about the Board of Directors going to correct you for saying that. (Interview IFPA)

However, I thought there was a danger that the need to create illustrative case studies that would 'catch the eye' of the UN Committee (Obs May 209) would reduce their narratives to decoration. Thus local women could be constructed as the 'icing on the cake' rather than its substance. This aspect of the shadow reporting process—as well as the fact that Ireland did not publish its ICESCR State Report for several years—raised substantial ethical issues about how local women's energy and testimony is drawn upon in order to service the UN's system.¹⁰⁰

⁹⁹ I note that there were other constructions of local women within the WHRA Committee meetings: that they were 'disenfranchised' (Obs April 2009), and potentially not fully 'on message' (Obs May 2009).

¹⁰⁰ Ireland's ICESCR State Report was submitted at the end of 2012 and was published on the Office of the High Commissioner for Human Rights website in November 2013 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fIRL%2f3&Lang=en [Accessed 8 June 2014].

Markers for Effective Vernacularisation

Through this study, I identified a range of requirements for effective vernacularisation of women's human rights. These included relational, technical/legal, and technical/community development dimensions.

Relational dimensions were *positive, respectful collegial relationships; commitment of resources* (time, energy, financial); and *commitment to inclusion* (of marginalised women and issues).

Technical/legal dimensions were *technical human rights knowledge* (for example, through the HRBA training that gave participants language, comprehension and confidence), which was *specifically tailored to the group and task* (grounding work, providing a wider perspective on women's experiences, and enhancing analytical skills as well as creating a common reference point) (Interviews NCCWN, IFPA, ICCL and NCCWN).

Technical/community development dimensions were *focused, energised and fun discursive spaces* in which leaders who have direct knowledge of the everyday lives of local women develop culturally appropriate texts and practices; *specific textual articulation* designed to be *catalytic, flexible and facilitative; intersectional co-facilitation and co-learning, including reflexive practice*; and activities that were *integrated with existing work* (Interviews NCCWN, NWCI and NTWF).

The following quality markers were described: (i) *rigour* (ensuring the integrity of international law is adhered to); (ii) *access* (that methodologies are available to communities and fit for organisations' purpose); (iii) *evidence* (that data generated from women's lived experience underpins practice); and (iv) *relevant and systematic interpretation* (takes place throughout vernacularisation processes) (Observation, Initial Conversations and Interview IFPA).

Summary

In this chapter, I explored feminist activists' analysis of the value and limitations of human rights discourses in Ireland, as well as their explanation about why human rights remains a persistent IWM strategy. Having commented on the variable depth of engagement with human rights (instrumental, normative conceptual, and/or experiential), I identified emergent vernacularisation practices amongst national and locally based women, during the WHRA's training, primer development and intersectional consultations. This has led me to propose markers for effective vernacularisation of women's human rights in Ireland. In the next chapter, I explore the second central tension within the WHRA's development of counter-hegemonies of women's human rights in Ireland: between implicit and explicit feminist discourses

Chapter 6: Counter-hegemonic Development: Exploring the Tensions between Implicit and Explicit Feminist Discourses

Introduction

The WHRA grew out of the global vision that framed women's rights as human rights. Feminist activists from Ireland participated in transnational activism such as global conferencing and were also returned migrants who brought with them human rights knowledge, ideas, connections and skills. This rights consciousness grew an intention to create a women's human rights dialogue across the island of Ireland and a standing feminist human rights policy bureau in Ireland.

The early visionary potential of the WHRA during its initial, core funded phase was evident in its collectively agreed strategic direction. The direction taken in the WHRA's second phase led me to reflect on how the IWM's turn towards a formal, mainstream political activism had impacted feminist and activist discourses. Over time, this original vision was institutionalised and reduced, cut down according to the funder's cloth. However, WHRA members continued to express a vision of creating a culture of rights for women, and participating in the transnational women's movement.

During this study, differently located WHRA members assessed that their engagement with the reconfigured Irish State had achieved little sustained or substantial progress either in realising macro women's rights agendas or in achieving significant change in the everyday lives of the women they worked with. Yet in the midst of this downbeat analysis, their commitment to human rights persisted. This persistent commitment is a source from which change could come.

In this chapter, I focus on the second principal tension around the development of counter-hegemonies of women's human rights in Ireland—that is, between implicit and explicit feminist discourses. I consider why explicit feminist discourse has

retreated, and then illustrate this through the set of commonsensical or ‘c’ words employed by WHRA members who self-identify as feminist activists. I move on to discuss the need to vernacularise women’s human rights in Ireland by remobilising the IWM through rights consciousness and intersectional relationships of reflective solidarity both across the women’s movement and between social movements. I consider explicit feminist discourses to be of central importance to both the development of counter-hegemonies of women’s human rights in Ireland and the re-energising of activism.

Movement Institutionalisation: Feminist and Activist Discourses

I traced commonsensical discourses about explicit and implicit feminism throughout the study as WHRA members responded to my initial presumptive description of them as ‘feminists’. The lack of explicit reference to feminism during the observation period led me to ask during the interviews whether the WHRA would identify still as a feminist entity. All interviewees reacted strongly to any questioning of its (or their individual) feminist orientation. However, my questioning opened up a discussion that provided insights into differently situated members’ views on the explicit and implicit reference to themselves, their organisation or the WHRA as feminist.

Perceptions of feminism within Ireland were cited as reasons why feminists avoid explicitly naming their identity. Several members reflected on the challenges of feminist activism within a socially conservative country and at a time of anti-feminist backlash (Interview NWCI). Factors that impacted on whether women were explicit or implicit about their feminist practice included what social resources they had (one woman suggested that it was less risky for middle-class women to be ‘out’ as feminists (Interview NTWF)); their confidence about feminist knowledge (Interview ICCL); and, related to this, their sense of who ‘owns’ feminism—with explicit feminism described as ‘exclusive’ and ‘limiting’ (Interview IFPA).

So there is always that hand up about the word feminism, and . . . how it's interpreted. . . . It always comes up, comes back to very poor understanding and kind of poor perceptions of what a feminist is. I mean very silly ones you know. . . . They don't use the term feminism because it gets them drawn into some other fight separate from the point they are making. . . . And then if they have to say, 'No, I'm not a lesbian, no I'm not a butch, no I'm not militant you know, no I don't want to go about killing men'. They get drawn into these ridiculous arguments. So they avoid using the word feminism but they know themselves the work we do is feminist. . . . You know, they know what the word feminism means and we used definitions and we used different kinds of definitions so we were having our conversations in the light of, in light of, a number of different descriptions of how you might define feminism you know. . . . But it was just that actual word has such connotations that it gets in the way. (Interview NCCWN)

Members' engagement with and response to the term 'feminist' reflected their personal and professional journeys and locations. One member who had a Women's Studies MA from an Irish university repeatedly articulated her analysis and practice (in a gender integrated organisation) within an explicit feminist framework.¹⁰¹

I most definitely consider our work to be feminist work and I am a feminist and that is how I understand the world. . . . I am very open about being feminist and thinking feminism is important in thinking about the ways basically in which women are being discriminated against because they are women. . . . For me it's a badge of honour that I wear. (Interview IFPA)

¹⁰¹ However, she did not think that this academic resource travelled well into strategic practice.

I do think there is a bit of a disconnect there; and you have choices that you have to make going to work that you don't have if you are going to develop theory, or interact with theory. (Interview IFPA)

Amongst WHRA members, the contribution of feminist academics' activism (constructed by participants as 'reified') was contrasted with WHRA members' frontline activism (constructed by them as 'real world'); they questioned how connected and useful the former was.

The same woman commented on how other women in their organisation were feminist, but would not necessarily identify themselves in work contexts. She stressed the importance of having a critical mass of 'out' feminists in order to influence the development of organisational culture (Interview IFPA). This led me to reflect on the extent to which patriarchal hegemony has succeeded in making 'feminist' a dirty word, with which professional women were reluctant to associate themselves in certain contexts. This is a particular challenge in progressing a movement's agenda when so much strategic energy is invested in the contribution of such 'career activists', (Connolly 2003, p193) who are employed in identity, issue or service oriented professional organisations (Connolly 2003).

Positive mechanisms to ensure organisational representation of women were viewed as archaic and problematic 'in these modern days'. However, it was acknowledged that women-centred programmes were valuable in order to create a focus in organisations that did not have a specific feminist or gender agenda (Interview ICCL).

In analysing the first set of interviews, I began to play with analogies of lesbian and gay experiences—for example, the 'closeted queer'/the 'closeted feminist', internalised homophobia/internalised feminist-phobia.

I understand your analogy to coming out because there is that: you believe it, but you're not sure that maybe there is something inherently wrong with it, that people are going to judge you for it. But that is a larger question about how secure do you feel around your own views. (Interview IFPA)

The extent of the reluctance to speak either publicly—or indeed in semi-private, ostensibly supportive spaces—about feminism led me to frame responses and practices on a continuum of caution through to full-blown phobia. The commonsensical default position of not explicitly naming feminism appeared to be so

embedded in some members' professional practice that it had gone beyond a positive choice and was unconscious.

Responses from all members indicated considerable personal and professional reflection on why feminism was rarely explicitly referred to in both public (for example, within dialogues with the State and general public) and semi-private spaces (that is, relatively closed meetings within and between organisations that had common agendas around equality and rights). Responses also indicated their ambiguity. On the one hand, several members recognised not only the value, but also the political imperative of speaking explicitly about feminism; yet, on the other hand, they continued to be concerned about the fall-out from such practice. There was also fluidity with regard to their positions.

I don't know, I think that my opinion about this changes every day. Sometimes I think it matters more, sometimes it matters less. (Interview IFPA)

Decisions around being implicit/explicit appeared to be time-, context- and relationship-specific.

I suppose I would have been more concerned about it maybe before. But now I think that people are working out of a feminist methodology, and the decisions that are being made within organisations are based on feminist principles, and there's reflection, . . . the philosophies that people are using and the ways in which they go about their work—I don't think you have to call it feminist. I don't think there is anything that is missing by not calling it feminist. And I think because so many people have so many different interpretations of what feminism is and means, by people who support it and people who don't, that you can get a lot more done if you don't explicitly identify yourselves as being feminist. (Interview IFPA)

Members specified that certain issues required explicit feminist analysis, for example, violence against women. I speculate that this may be because this is a field wherein there had been such drift from 'women' to 'gender' to 'men', that the development of the National Strategy on Gender-Based Violence (which was occurring during my fieldwork) highlighted the need for a focus back on feminism (Interview IFPA).

Feminism was recognised as a distinct and important body of knowledge, which resided in some member organisations but which was absent from others. WHRA members did not discuss how they were developing their own feminist rights consciousness. Rather they spoke of sidestepping or delaying substantial discussion of feminism and human rights.

I don't think there is any need to (talk about feminism) because we all seem to be on the same page . . . for the most part, I think. Where the issues might arise might be around when Jane¹⁰² writes the first draft of the shadow report and there may be—people may have to think a bit more about how they understand feminism or how they understand women's space, or how they understand women's equality, or gender equality. That may be a little more challenging but at the moment we are just trying to get a job done. (Interview IFPA)

This sense of needing to 'get a job done' resonates with the tone taken by second-wave feminists as they established urgently needed services and addressed the challenge of securing workers, volunteers and clients (Connolly 2003).

I consider that explicit feminist discourses are central to the formulation of counter-hegemonies of women's human rights and the evolution of human rights cultures. Whilst WHRA members were drawn into the language of human rights, there was strong evidence of how the language of feminism had gone underground. I view this as

¹⁰² Jane Pilinger was the consultant contracted by the WHRA to write the shadow report.

so problematic that I think it is important to name the commonsensical discourses around explicit and implicit feminism, which I describe below as the ‘c-words’.

WHRA members encounter hegemonic commonsensical discourses around feminism in their everyday professional lives, including, for example, that women’s equality had been achieved, legislative protections were in place and that any lack of progress was down to women not exercising their rights.

(T)here has been this backlash against women’s rights, against feminism, against the whole notion of the need for women to stand up and be counted. Because there is this myth that women’s equality has been achieved and there isn’t any need for feminism anymore. . . . (T)here is a perspective out there that women’s rights have been achieved. (Interview NWCI)

In this context of ‘backlash’, I found that WHRA members had developed a set of commonsensical discourses about why they have responded to these hegemonies with a retreat from explicit feminism. These ‘c’ words are confusion, complication, conflict, counter-productive, consequences, capability building (always around human rights, not feminism) and confidence/comfort zone.

I mean from a personal point of view I would have no problem if they decided to talk about the feminist aspects to the current campaign. . . . I don’t know how necessary it is, in that, I think that, you know, people are engaged now with this as a human rights issue and they are happy with that. I think most people who are in there are aware of its feminist nature so I would maybe think it might, it might actually **confuse**—not confuse things but over-**complicate** issues. (Interview ICCL)

Another participant situated in a women’s equality organisation contributed ‘counter-productive’.

(T)hey don't describe themselves as feminist organisations or anything like that when dealing with others because of, as I said, it leads them down a road of unwanted discussion which ends up being **counter-productive** . . . and a waste of everybody's time like, and that's to do with, you know, misinterpretation, misunderstanding of what feminism is. So there are other women's networks that don't engage in it at all, so they don't have talks, never have discussions with their own members . . . and I would have thought that it's quite obvious that their agenda is feminist. But, actually, maybe you're right, maybe it's not enough to assume that everybody is coming from the same approach or coming from the same notion of feminism . . . and gender equality as well. So maybe you do have to be explicit, explicit, explicit about it. (Interview NCCWN)

Then there are 'consequences', the concern about creating a 'fall-out' for the groups one represents by taking an explicit feminist stance.

(T)he other point around representing women at, at say some kind of local partnership board, or committee, or forum or something like that and identifying or using the term feminism to identify yourself or your organisation and, and as a **consequence** of that, being dismissed. Whereas by not using the term or alluding to feminist ideology you can still achieve the same thing . . . and be listened to. . . . It's the perception that it's the other people who have the misunderstanding of feminism. So it's also sometimes to still be at the table, kind of, to be still able to achieve, to still be listened to, to continue to be listened to. (Interview NCCWN)

This refers to both a sense of the integrity of the representative role of professionals, as well as the ways in which women's organisations respond to anti-feminist 'misunderstanding' through silence.

I found a sharp contrast between how feminism and human rights were framed. Human rights were benignly constructed as 'common ground' on which everyone can

meet in order to progress the business in hand. Such commentary reflected the extent to which women's human rights activists accept the hegemonic idea of the neutral, universal space of human rights.

I think with this particular project, it's working quite well and it's not named, you know, even though obviously we are all aware of it but because this is a very particular human rights project. . . . Now obviously the Alliance might be convened when this project is finished. . . . And maybe in that context it would be very important to debate and name something a feminist issue, and to proceed upon it in that way. (Interview ICCL)

The focus for **capability building** is around human rights and not feminism. In this way, 'human rights' was constructed as essential technical knowledge that requires formal, substantial and ongoing learning in order to go beyond the basics. 'Feminism' was constructed as secondary and everyday or experiential knowledge, which can be deferred.

(M)aybe that human rights are at a development stage here and . . . a lot of people involved at the moment wouldn't have been very knowledgeable about human rights systems or mechanisms. So I think that . . . it is almost enough to be focused on that right now but I think that definitely, if the Alliance progresses on those types of issues that you have mentioned, the, the more conceptual issues around feminism and how we are progressing the issues need to be addressed. (Interview ICCL)

The need to reflect and evaluate was acknowledged. Interestingly, although this participant clearly prioritised human rights, she presumed that the WHRA needed to be a women-only space, highlighting a permeation of radical feminist ideology into the thinking of someone who expressed herself as not **confident** and not **comfortable** about feminist discourse.

I don't think that there is any point in moving from project to project and not re-engaging with what your overall, you know, vision is and why you are doing it and what forms the basis of it and what your ethical, your values, are in doing that. And obviously, with the Women's Human Rights Alliance, one of our values is around gender equality, and women being involved, and women's empowerment and therefore it wouldn't be appropriate for men to be taking over the situation or whatever, or to be involved. (Interview ICCL)

However, she anticipated that discussion of feminism would be undertaken within a smaller group in order to retain interest in the WHRA.

You know people are busy, people don't come to meetings and if people went to meetings and people spent half an hour discussing theoretical issues, I mean they wouldn't come to the next one. (Interview ICCL)

The participant who was legally trained was most explicit about her lack of confidence around talking about feminist discourse. She stayed within her 'comfort zone' of professional training, not engaging in a substantial way with feminist discourses (Interview ICCL).

There were also commonsensical discourses of 'practically and productivity', of real-world professional women delivering time-specific work programmes and being accountable to managers, boards and funders. This quote emphasised that such a stance is not about shame or hiding.

But I do think it is more **practical** and more **productive**. . . . But I also don't think it's something to be ashamed of. . . . I don't think it's okay to say, "No, no", you know, to hide it. (Interview IFPA)

These commonsensical discourses about explicit feminism illustrate the outworkings of second-wave institutionalisation at a particular historical moment. As I was completing

my fieldwork, new civil society (including explicitly feminist) groupings emerged: the Feminist Open Forum (*Nation in Crisis*: conference papers, November 2010), the Equality and Rights Alliance (*A Roadmap to: A Strengthened Equality and Human Rights Infrastructure*, February 2011) and Claiming Our Future (*Priorities Booklet*, 2010). I considered that their establishment indicated that another cycle of activism had begun. Also, feminism re-entered public discourse, with mass mobilisation around the issue of reproductive rights (<http://www.theguardian.com/world/gallery/> [Accessed 22 April 2014]).

The retreat from explicit feminist discourse is mirrored in WHRA members' ambiguity around explicit activist discourses. From the outset of the study, I presumptively described WHRA members as activists. Through the interviews, I explored their responses to how the term activist is defined, their reservations about using the term and what they considered to be effective practices and spheres of activism.

WHRA members discussed both their own and others' understanding of the term activist; and, within these parameters, they agreed that the WHRA was engaged in women's human rights activism. Although all interviewees said that they would call themselves activists, this was not necessary within the context of the WHRA or indeed their paid work. One member spoke of personally defining herself as an activist, whilst recognising that her organisation understood her to be an 'advocate' (Interview IFPA). Members recognised that self-defined activist identities may be negotiated or reframed within organisations that are trying to position themselves as 'mainstream', and with employers or colleagues who perceived that 'activist' is a less legitimate, professional or respected term than, for example, 'advocate' or 'service provider' (Interview IFPA). These organisational concerns reflected societal discourses around activism, that it 'has political connotations . . . of being radical' (Interview IFPA). Another woman summarised a number of societal stereotypes of activists.

I know for some people “activist” is a dirty word, you know, because apparently you are working with communities and you are not intelligent and you are protesting. (Interview ICCL)

Such stereotypes of being ‘out on the streets, or down on the ground’ caused colleagues and friends not to define themselves as activists (Interview ICCL).

There were different ways to categorise persons as activists, including by their purpose, their actions, their thinking, and their societal and/or organisational location. I do not wish to generate a composite definition of ‘activist’ but rather indicate some of the qualities that WHRA members spoke of. Activists engaged in ‘focused and intentional’, ‘planned’ (Interview NTWF), ‘measures or approaches’ in order to realise ‘change’ around different agendas (Interview NCCWN).

Some members considered that anyone could be an activist, regardless of their location, including employers, people on the ground and politicians (Interview ICCL). However, others set a number of limits on who could be described as an activist. One member did not consider that it was possible to be an activist and to work for the State because one would then be working to a statutory agenda. She went on to acknowledge that State sector workers could be activist in their thinking (Interview NCCWN). Another questioned whether someone who was a paid employee could be described as an activist while she was representing her organisation and mandated by it to undertake specific work, including participating in the WHRA. Rather she considered activist to be an independent, self-motivated, individualised identity and a voluntary activity (Interview NWCI). The distinction between independent activist and paid advocate could be a ‘chicken or egg’ scenario: another participant thought that a lot of women chose to work in organisations because of their activist passion (Interview IFPA), resonating with Connolly’s descriptor of ‘career activists’ (2003, p193).

After the early visionary intent and ambition, the second phase of the WHRA felt dispirited, coloured by members' low expectations and derisory views of many officials and politicians. Rather than catalysing a change in strategy, there was a sense that the 'real world' thing to do was to work with the pace of State's (in)action, and slow their own process accordingly. (Obs Minutes November 2008)

These were civil society organisations under pressure as the recession hit and the Government responded swiftly and immediately to cut the equality, human rights and community sectors. However, over the course of the study there was evidence of nascent critical reflection on the quality of, and benefit from, engaging with the reconfigured State through SP. During the SP era, consensus building was at the centre of civil society–State relationships. Those civil society organisations that insisted on retaining their independent, critical voices were punished (Initial Conversations). As soon as the recession commenced, the Government moved swiftly to threaten, curtail and cut critical, dissenting organisations. Women's sector groups expressed the sense that they were in a new space of 'being cut off' by the Government (Interview NCCWN), undermining work that had taken years to develop.¹⁰³

Movement Building: Rights Consciousness and Intersectionality

Amongst some members there were strong assertions about the status quo engagement not being good enough, and the need for a new vision and activism to emerge. Within the community sector, the recessionary restructuring and cutbacks had led local women's organisations to reflect on their original motivators for becoming involved in feminist activism; and they were discussing putting their energy into rebuilding the IWM, reclaiming the IWM.

¹⁰³ This impacted not only organisations but also women's wider participation in public life. One woman commented that civil society organisations are often the space that women engage in politics and communicate with Government and have access to decision making (due to the lack of women politicians, and the lack of women politicians who advocate for women's rights) (Interview IFPA).

(T)hat's why they want—this is building the women's movement. . . . (I)t's grassroots women acting and being supported to act for themselves and act for women in their communities and it's specifically focused on disadvantaged and marginalised—and excluded women. . . . This last couple of years, people are looking at what's happening to the funding of their organisations and they are going, "Aw we are just being pushed and pulled and tweaked and shrunk and told what we are doing; and told what we are not doing"; and then it makes people really reflect on what is essential about themselves. So in the last, say, year and a half we have been really reflecting on: "What is so important about the grassroots, women's groups and women's networks?"

Our members would always have identified themselves as grassroots. It's always been one of the main words that they use is "grassroots" and they mean owned, controlled, directed by women who experience the problems that they are trying to address. . . . It (the recession) almost made people think then, 'Well, what are we? You know, what are we?' And that's what's come up out of it is that movement. . . . They want people to be advocates within their own communities, to be sharing information in their communities, to be bringing in more women. It is a movement that they are talking about. That's what the work is. . . . It's movement building for, for change. . . . And I would say more than it's persisted, it's been reclaimed. (Interview NCCWN)

Whilst causing disorientation, fear and distress, this utterly changed environment opened up a freer space in which organisations felt that they had less and less to lose (Interviews IFPA, NCCWN and NTWF). It was viewed as an opportunity to have a new conversation in Ireland.

(O)ne of the things that is good about the recession . . . is that with the recession there needs to be a different kind of conversation now than there has been for the last ten years. And I think we are a bit freer in a way because

things are a bit in the air, there is a bit more freedom to look at what people really want because we let go of things in that period of time that should have changed. Like here we are after ten years of unprecedented . . . economic development and growth. . . . Many women are no better off. . . . And I think that we really need to rethink the approach that we do. (Interview NTWF)

However, another member recognised the opportunity but saw little evidence that there was a substantial shift within civil society towards social-justice-oriented change: ‘What I see is that everybody is trying to get their piece of the pie’ (Interview IFPA).

Although the recessionary context was a challenging one, it was catalytic. One woman spoke of how social movements had ‘allowed ourselves to be so disciplined within the system’; she posed a question about where the tipping point was; what shifted movements into direct action (Interview NTWF).

(W)here, where—like there has to be a point, an agreed point where you go: ‘Right, we have done that so now we are finished with that’. . . . That’s finished and then something else happens. (Interview NTWF)

Members identified human rights as a potential resource for such movement building. However, whilst there was interest in human rights, there was also caution: an anxiety that it too, like the equality agenda, may lead nowhere and another period of years would pass without progress (Interview NCCWN). WHRA members’ views on the ability and efficiency of the UN in advancing women’s human rights activists’ vision resonated with many of the counter-hegemonic, and counter-counter-hegemonic, critiques detailed in the literature review. From the outset of the study, activists noted the complex and changeable character of the UN system (Initial Conversations).

A hegemonic thread through the study was that the challenge in progressing human rights was less a matter of the UN changing itself, and more a matter for civil society

organisations to 'work the system' better. Civil society needed to enhance its performance by building expertise in order to lever the maximum benefit (Initial Conversations). However, the constant shape shifting of the UN suggests that feminists could expend a lot of energy chasing this almost mythical competence in order to substantially progress women's human rights in Ireland. Rather than focus on quasi-legal-technocratic expertise to 'work' the UN better, the counter-hegemonic development of women's human rights resonated more fully with the declared intention of local women's networks to reclaim the IWM from the years of State funded mutation, and to re-build it in order to create real change within communities.

I consider that the development of rights consciousness through the vernacularisation of human rights is central to this dynamic and evolving re-visioning of women's human rights in Ireland and rebuilding of the IWM. Women's organisations expressed a lack of confidence around human rights as framed within quasi-legal-technocratic discourse. They had a perception of the UN as remote and populated by a different order of humans.

I had never understood the UN, the whole participatory nature by any stretch and it was always very far away, and very lofty; and sure only very busy and important people get to go and participate. (Interview IFPA)

In contrast, they were energised by the process of vernacularising the economic, social and cultural rights in ICESCR through the development of the primer and consultations. Members' enthusiastic responses to the consultation feedback were a window into the potential of local-national, intersectional dialogue as a means through which feminists could vernacularise counter-hegemonies of women's human rights in Ireland.

(I)t's about de-legalising the language around human rights and making the realisation of human rights an everyday thing for people. (Interview NWCI)

Understanding human rights in terms of everyday life holds a transformational possibility.

I think having an awareness of human rights and a knowledge of human rights, . . . and making that a part of your sort of existence, sort of raises expectations as to what you are entitled to, what kind of life you are entitled to lead and what kind of hope you can have for your future, for your children, and all of that—it raises expectations. You think, “Yes these are my human rights”. I don’t actually believe that women in Ireland think in terms of rights, and human rights, and what they should be entitled to expect in terms of their experiences of women living in Ireland. . . . There isn’t this sense of, “Yes, this is my rights” amongst particularly marginalised communities and, and groups of women. (Interview NWCI)

Consciousness-raising amongst women through human rights was described as individually and collectively empowering.

It gives you a voice, the courage to be able to say this isn’t right because, “Here’s why”. (Interview NCCWN)

However, there was a sense that rights consciousness has not moved beyond a limited circle of activists and practitioners into wider society.

We haven’t brought this thinking about rights, and enshrining rights into our culture very far. . . . We don’t come from a culture of rights. (Interview NWCI)

Rights consciousness needs to expand beyond this initial core group of WHRA members and the women who are active in their organisations. Therefore, it is important that rights consciousness is an integral movement building practice.

The WHRA exemplified the valuable synergy between women within different social movements, particularly those with more embedded human rights consciousness, such as the Traveller movement. Reflecting on the Traveller movement’s experiential engagement with human rights, the NTWF worker commented on how the women’s

sector (rather than the women's movement) had 'got a bit lost' and 'almost gone after the wrong approach' by focusing on resources rather than embracing a rights framework. This had led it down spirals of negotiation around funding rather than rights and remedies. Further, their use of a 'disadvantaged women's' frame led them to 'miss' intersectional connections and opportunities to develop relationships of reflective solidarity. Human rights discourses generate a different type of agenda and practice around women's equality.

I think that we have dispersed ourselves to fit into a model established by the State rather than . . . being really critical about our involvement in various places and the relevance of that. (Interview NTWF)

As discussed in the literature review, human rights are constitutionally unifying; they provide new frameworks for understanding women's experiences, including ways of connecting the experiences of differentiated groups of women (Rosen and Yoon 2009). The intersectional character of the WHRA brought diverse experiences into its deliberations, specifically those of working class (NCCWN), African (Aki Dwa) and Traveller (NTWF) women. WHRA members described how they had expanded the groups that they associated with human rights from, for example, the 'clear-cut' relationship with Travellers and disabled people (Interview NCCWN), to an understanding that human rights encompass all women. This led members to identify connections between social groups. Outside of the WHRA committee, the co-facilitated WHRA consultations were important catalysts for intersectional dialogue and joint working.

One women's organisation worker contrasted the equality and rights consciousness of the Traveller community to that of women.

Every Traveller knows it, like why they get refused or not refused . . . or glared at or not glared at. . . . They all know it; that is their experience. You know, and

I guess that very starkly relates to rights in the basic form I think that we all understand. (Interview NCCWN)

Then she went on to talk about women's perception of their lack of equality and rights.

I think then for, for women, it's not so clear. . . . They don't even know they are being discriminated against. . . . And also because a lot of women don't buy into the fact that there is any discrimination at all. . . . Because your view isn't shared by every other woman that you meet. . . . Whereas Travellers generally have that shared experience. (Interview NCCWN)

As a result of this, she argued that a particular approach to progressing women's human rights is required both individually and intersectionally (noting that some women experience double or multiple discriminations).

I think what it takes then for women is more looking, knowing what our human rights are, knowing what human rights instruments are saying, and then looking at those and saying, "So does this affect us as women; are we treated differently as women you know?" And it can be a double barrier for women. . . . It isn't ingrained in our everyday thinking that we are being denied human rights. (Interview NCCWN)

The levels of familiarity and confidence with human rights varied considerably amongst members—not only between traditional human rights and community/women's sector organisations, but also between women's organisations working with different communities. The newness of human rights frameworks for workers in the NWCI and NCCWN contrasted with the long established tradition of human rights work within the NTWF.

Human rights . . . would be the words that we would use around everything . . . everything that comes from our sector. Human rights . . . is the basic approach. So then, if this is a human rights issue, then that is what we are talking about. . . . It's not about resources, it's not about if you have time, it's not

about relationships. . . . So they have a really good sense of it and . . . there is a really long history of taking that approach so when I went out with the primer, there, there was great stuff coming out. . . . And there were no silent moments of people . . . trying to grapple with it. (Interview NTWF)

Such a strong human rights framework has evolved over time, and, consequently, the groups of Traveller women referred to by this worker were able to engage experientially with human rights—there was connection, confidence and comprehension: a vernacularisation of rights (see Appendix 12). This highlights the importance of alliance building, not only between both legally- and community-oriented organisations, but also between women’s organisations that have different levels of experience of human rights.

Summary

This chapter has explored the tension between explicit and implicit feminist discourses. I identified a set of commonsensical or ‘c’ words used by WHRA members, which illustrated the reasons for the retreat from explicit feminist discourses; similar commonsensical explanations circulate around activism. I consider that both patterns are related to the IWM’s institutionalised turn towards formal professional organisations during the second wave.

Live discussions amongst women’s organisations about reclaiming and rebuilding the IWM led to the conclusion of the chapter with a discussion of rights consciousness and intersectionality. The development of counter-hegemonies of women’s human rights is enhanced by such movement building practices of rights consciousness raising and mobilising intersectional community networks, particularly those that share learning between the IWM and other social movements that are experientially engaged with human rights, such as the Traveller movement.

Chapter 7: Conclusions

Through this study, I explore how feminist human rights activists in Ireland do and could develop counter-hegemonies of women's human rights. I have presented a history of a particular strand of the IWM: that of second-wave women's human rights activism using the case study of the Women's Human Rights Alliance (WHRA).

Realising women's human rights involves a substantial culture shift, described as a 'generational project' by one WHRA member, during which it is important for feminist activists to see (even incremental) progress.

It's not that women don't understand that we are talking about the whole process in terms of achieving the realisation of rights or social change. It's not something that most people are going to see for women within their own lifetime, major change. (Interview NCCWN)

Yet there is impatience. This is heightened by the view that little of substance, and much that was fragile, was achieved for women during the SP era, including the Celtic Tiger period of unprecedented wealth. Feminist activists commented that Ireland's wealth advanced women's rights only in so far as their participation in the economy as workers or consumers 'fed the Tiger'. Nascent critical reflections were evident both on the SP era and also on the institutionalised mode of activism promulgated by civil society's engagement with the reconfiguring State. They observed that the equality discourse was 'dead'. This was the context in which human rights were the focus of hopeful but cautious attention.

Acknowledging feminist activists' persistent regard for human rights, I have identified the modes of women's human rights activism present within the WHRA. Reductionist quasi-legal-technocratic practices have predominated over feminist human rights activism in Ireland. This has restricted engagement with human rights to a small circle

Chapter 7: Conclusions

of 'career activists' (Connolly 2003, p193) and their organisations' membership. I conclude that an expansive and inclusive approach is required; and I propose counter-hegemonic development through vernacularisation. I tracked the emergent vernacularisation practices that have been present within women's human rights activism in Ireland during the second wave.

The establishment of the WHRA (WHRP) was catalysed by the nationwide activism of the feminists who prepared the NWCI's Independent Report (1995) and attended the Fourth UN World Conference on Women. Limited to documentary evidence only, I cautiously describe these practices as 'traces' of vernacularisation. From one perspective, a substantial consultation exercise was undertaken with explicitly intersectional strands. However, with a vernacularisation lens, IWM leaders identified the political opportunity structure of the UN World Conference. Then they 'translated down' its significance and the selected human rights into their differently located constituencies, and connected them with the transnational movement; made meaning of these human rights within local and national dialogical spaces; 'translated up' (using the prescribed quasi-legal-technocratic format) to both the UN and inter alios the Irish Government; and, post-Conference, 'translated down' in feedback sessions.

This template vernacularisation process was reiterated in the CEDAW shadow reporting process during Phase One. It is illustrated in the creation of texts, including the CEDAW brochure (translated as a resource for German feminists), shadow report and Committee presentations, and feedback newsletters. The challenges of cultural 'translation' between national and international realms were evident during Phase One in the frustration expressed by WHRA members at UN Committee members being 'taken in' by Irish State actors' spin or 'plámás'¹⁰⁴ (as one activist named it).

¹⁰⁴ The term 'plámás' means 'sweet talk' (Mac Labhraí 1991, p25).

Chapter 7: Conclusions

The process recommenced during Phase Two. One of the contributions of this study is to evidence, through activists' voices, the ways in which vernacularisation was present, rather than tracing evidence of vernacularisation through texts. The iterative processes of training, drafting of the human rights primer and its use within intersectional consultations provided descriptions of not only the practices but also the sense of local ownership and value of rights: the energy and emotions around vernacularisation.

We designed it . . . that there would be some learning out if . . . that women could bring back to their own groups . . . just being able to make those connections between rights, expectations and their experiences as women.

We just knew the language (of the first primer draft) was wrong, it wouldn't have . . . meaning for people.

The process was very strong. . . . We were really careful around language. . . . It was trying to get at what bits were . . . really crucial, what would make sense to the women that we knew. . . like in terms of how they would feed in their experience. (T)here was big energy around that. . . . It was very important to us; it was very important to us to get it right. (Interview NCCWN)

The WHRA is a microcosm of the differently located actors who are engaged in formal women's human rights activism in Ireland; each brings their individual, organisational and constituencies' expertise 'to the table'. I found that WHRA members are well placed to act as intermediaries between the local, national and international realms of perpetually circulating human rights; to engage in translation processes around individual and collective human rights; and then to advocate around these vernacularised meanings within national and international governance structures, the wider Irish and transnational women's movements and differently situated publics.

Chapter 7: Conclusions

The WHRA is an expression too of the IWM's institutionalisation into professional organisations, which created a formal political movement. This echoes the IWM's mainstream strand that engaged with the State during its first and second waves. Institutionalisation was a trend mirrored across civil society, exemplified structurally in the incorporation of the wider community and voluntary sectors within one SP 'pillar' and illustrated operationally in the selection of Inter Convention Activism as the preferred mode of human rights activism. (However, I recognise the inherently counter-hegemonic character of shadow reporting, which provides a relatively accessible and transparent political opportunity structure within which civil society actors can engage with the monitoring of international law.)

As a new cycle of feminist activism develops in Ireland, it is important to reflect and learn from the experiences of the WHRA over time. A central theme of this study has been how the institutionalising trend both restricted and silenced feminist discourses, and delivered only limited (sometimes reversible) gains. Historically, the IWM has had strands of both mainstream, reformist activism focused on progressing women's rights through legislative and institutional change; and radical activism focused on women's liberation through personal and social change. I have demonstrated how, during the SP era, women's human rights activism has been characterised primarily by the former. I articulated the commonsensical rationales for limiting explicit feminist discourse in a set of 'c' words: confusion, complication, conflict, counter-productive, consequences, capability building (always around human rights, not feminism) and confidence/comfort zone.

WHRA members all identified as 'activists', that is, engaged in 'focused and intentional', 'planned' 'measures or approaches' in order to realise 'change' around different agendas. But they described a combination of societal, professional and organisational challenges around describing themselves as activists during their work time. They noted societal connotations of activism with radicalism, street-level direct

Chapter 7: Conclusions

action and being less intelligent. Members talked about how an explicitly activist stance can be perceived as less legitimate, professional and respected. 'Advocate' was the preferred term of employers who seek to position their organisation as mainstream. These views of 'career activists' (Connolly 2003, p193) fundamentally challenge the anticipated outcomes of second-wave feminists' creation of a political movement, resourced with paid workers with activist subjectivities who would accelerate the advancement of feminism.

I consider that this successful silencing of feminist activist discourses has impacted the evolution of contemporary feminism amongst this formalised meso-tier and their constituencies. Layered onto these commonsensical discourses about why activists did not explicitly identify as feminist were the constitutive challenges of territorialism, conflict avoidance and competition that sometimes characterised relationships between women's organisations. In a patriarchal world, the warm, supportive and respectful collegial relationships were one of the most deeply valued aspects of the WHRA, which members did not want to risk by potentially divisive discussion around feminism. Interestingly, in contrast, 'human rights' were constructed as a benign bond.

But a discussion around feminism is taking place elsewhere. This study evidences that grassroots women's organisations, engaged in community dialogue, are consciously focusing on reclaiming and rebuilding the IWM by returning to their core purpose of creating change in the everyday lives of women and girls. Within this feminist activist space they are asking, 'What can human rights contribute?'

The constitutive and systemic limitations of human rights have been detailed in my review of both feminist socio-legal literature and my presentation of women's human rights activists' analysis. I have found that there is a vibrant continuity between this literature and contemporary Irish feminist discourse. However, the extent of WHRA members' knowledge about these limitations (particularly the limitations of quasi-

Chapter 7: Conclusions

legal-technocratic practices such as shadow reporting) varied according to their locations within either women's or traditional human rights organisations. It was striking that the human rights organisations did not provide training nor initiate discussion on the systemic limitations of the UN, thus inhibiting critical reflection and fully informed strategic decision making within the WHRA.

Human rights remains a persistent, central strategy for advancing feminist discourses. I distilled the valuable insights into why this is so into the following: their *external* functions of claim making and influence; their *interpretive* functions of reframing individual and collective experiences; and their *relational* function of creating intersectional bonds of reflective solidarity. Engagement with human rights changed how women experienced and understood their everyday worlds; and they valued the sense of connection with women everywhere. Together these external, internal and relational aspects of human rights synergise a transformative potential.

The realisation of this potential is impacted by the individual's and collective's depth of engagement with human rights. I call the three levels of engagement evident in this study instrumental, normative conceptual, and experiential. These map onto Merry's continuum of vernacularisation with instrumental akin to Merry's replication, through to experiential akin to hybridisation (2006b).

I propose vernacularisation as one solution to addressing the constitutive, systemic and movement factors that have limited the realisation of second-wave feminist's vision to progress women's rights through framing them as human rights. I understand vernacularisation to involve localised meaning making *and* movement mobilisation practices. Together they create women's human rights in the everyday by building both rights consciousness and confidence in order to engage experientially with human rights, and also by building intersectional relationships of reflective solidarity.

The two elements of Merry's paradox—being legally robust and culturally meaningful—can be met if vernacularisation practices are characterised by *rigour* (that the integrity of international law is adhered to); *access* (that methodologies are available to communities and fit for organisations' purpose); *evidence* (that data generated from women's lived experience underpins practice); and *relevant and systematic interpretation*.

Effective vernacularisation has dimensions, which are *relational* (positive, respectful, inclusive and resourced relationships); *technical/legal* (human rights knowledge that is specifically tailored to the group and task); and *technical/community* (vernacularisation of catalytic, flexible articulations of human rights through intersectional, reflexive co-learning within focused, energised and fun discursive spaces that are integrated with existing work).

The insights from this thesis can be deployed with emancipatory intent: to generate explicit feminist discourses and to catalyse dynamic, energised human rights activism. It is important that this movement energy is not dissipated into singular quasi-legal-technocratic strategies. Vernacularisation is a relational dynamic between the person, the community and the State (Merry 2006c), negotiated through intermediaries such as the WHRA. For transformative counter-hegemonies of women's human rights to be produced in Ireland, a community-developed approach to human rights, driven by revitalised movement building, is necessary.

The last couple of years, people are looking at what's happening to the funding of their organisations; and they are going, "Aw, we are just being pushed and pulled and tweaked and shrunk and told what we are doing". . . . It makes people really reflect on what is essential about themselves. . . .

Our members would always have identified themselves as grassroots . . . owned, controlled, directed by women who experience the problems that they are trying to address. . . .

Chapter 7: Conclusions

They want people to be advocates within their own communities, to be sharing information in their communities, to be bringing in more women. It is a movement that they are talking about. That's what the work is. . . . It's movement building for change. . . . (I)t's been reclaimed. (Interview NCCWN)

Central to the development of counter-hegemonies of women's human rights in Ireland is feminist activists' empowered, imaginative and confident engagement with human rights through the vernacularisation processes of raising rights consciousness and growing intersectional relationships of reflective solidarity within local, national and transnational alliances and across social movements.

Bibliography

- Angrosino, M. V. (2005) 'Recontextualising Observation: Ethnography, Pedagogy, and the Prospects for a Progressive Political Agenda'. In Denzin, N. K. and Lincoln, Y. S. (eds) *The Sage Handbook of Qualitative Research*. Third Edition. Thousand Oaks: Sage Publications, pp. 729-745.
- Baker, J. et al (2004) *Equality: From Theory to Action*. Dublin: Equality Studies Centre, University College Dublin.
- Ball, O. and Gready, P. (2006) *The No-Nonsense Guide to Human Rights*. Oxford: New Internationalist.
- Banaszak, L. A., Beckwith, K. and Rucht, D. (2003) 'Foreword'. In Banaszak, L. A., Beckwith, K. and Rucht, D. (eds) *Women's Movements Facing the Reconfigured State*. Cambridge: Cambridge University Press, pp. xvii-xxii.
- Banaszak, L. A., Beckwith, K. and Rucht, D. (2003) 'When Power Relocates: Interactive Changes in Women's Movements and States'. In Banaszak, L. A., Beckwith, K. and Rucht, D. (eds) *Women's Movements Facing the Reconfigured State*. Cambridge NY Melbourne Madrid Cape Town: Cambridge University Press, pp. 1-29.
- Binion, G. (1995) 'Human Rights: A Feminist Perspective', *Human Rights Quarterly*, 17 (3), pp. 509-526.
- Bridgeman, J. and Millns, S. (1998) 'Are Rights Right for Women?' In *Feminist Perspectives on Law*. London: Sweet & Maxwell, (Ch 2).
- Brown Thompson, K. (2002) 'Women's Rights and Human Rights'. In Khagram, S., Riker, J.V. and Sikkink, K. (eds) *Transnational Social Movements, Networks, and Norms*. Minneapolis: University of Minnesota Press, pp. 96-122.
- Bunch, C. (1990) 'Women's Rights as Human Rights: Towards a Re-vision of Human Rights', *Human Rights Quarterly*, 12, pp. 486-498.
- Bunch, C. (2007a) *Women and Gender: The Evolution of Women Specific Institutions and Gender Integration at the United Nations*. Available at: <http://www.cwgl.rutgers.edu/globalcenter/charlotte/UNHandbook.pdf> [Accessed 3 July 2008].
- Bunch, C. (2007b) *Integration of Gender into the Human Rights Council* [Presentation to the UN Human Rights Council, Geneva Interactive Panel] 20 September. Available at: <http://www.cwgl.rutgers.edu/globalcenter/charlotte/HRsept2007.pdf> [Accessed 3 July 2008]
- Bunch, C. and Frost, S. (2000) 'Women's Human Rights: An Introduction'. In *Routledge International Encyclopaedia of Women: Global Women's Issues and Knowledge*. New

Bibliography

- York: Routledge. Available at: <http://www.cwgl.rutgers.edu/globalcenter/whr.html> [Accessed 3 July 2007]
- Byrne., A. and Lentin, R. (2000) 'Introduction: Feminist Research Methodologies in the Social Sciences'. In Byrne, A. and Lentin, R. (eds.) *(Re)searching Women: Feminist Research Methodologies in the Social Sciences in Ireland*. Dublin: IPA, pp. 1-59.
- Callaway, H. (1981) 'Women's Perspectives: Research as Re-Vision'. In Reason, P. and Rowan, J. (eds) *Human Inquiry: A Sourcebook of New Paradigm Research*. Chichester: John Wiley and Sons, pp. 457-471.
- Charlesworth, H. and Chinkin, C. (2000) *The Boundaries of International Law: A Feminist Analysis*. Manchester: Manchester University Press.
- Charlesworth, H., Chinkin, E. and Wright, S. (1991) 'Feminist Approaches to International Law', *American Journal of International Law*, 85, pp. 613-645.
- Cheng, S. (2011) 'The Paradox of Vernacularization: Women's Human Rights and the Gendering of Nationhood', *Anthropological Quarterly*, 84 (2), pp. 475-506.
- Christians, C. G. (2005) 'Ethics and Politics in Qualitative Research'. In Denzin, N. K. and Lincoln, Y. S. (eds) *The Sage Handbook of Qualitative Research*. Third Edition. Thousand Oaks: Sage Publications, pp. 139-164.
- Claiming Our Future (2010) *Priorities Booklet*. Dublin: Claiming Our Future
- Connolly, L. (2003) *The Irish Women's Movement: From Revolution to Devolution*. London: Palgrave Macmillan.
- Connors, J. (1998) 'Women's Rights', *Journal of Gender Studies*, 7 (1), pp. 85-91.
- della Porta, D. and Diani, M. (2006) *Social Movements: An Introduction*. Second Edition. Malden, MA: Blackwell Publishing.
- Crenshaw, K. (1993) 'Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color', *Stanford Law Review*, 43, pp. 1241-1299.
- Crenshaw, K. W. (2011) 'Twenty Years of Critical Race Theory: Looking Back To Move Forward', *Connecticut Law Review*, 43 (5), pp. 1253-1352.
- Crenshaw, K. W. (2012) 'From Private Violence to Mass Incarceration: Thinking Intersectionally About Women, Race, and Social Control', *UCLA Law Review*, 59, pp. 1418-1472
- Denzin, N. K. and Lincoln, Y. S. (2005) 'Introduction: The Discipline and Practice of Qualitative Research'. In Denzin, N. K. and Lincoln, Y. S. (eds) *The Sage Handbook of Qualitative Research*. Third Edition. Thousand Oaks: Sage Publications, pp. 1-32.
- Equality and Rights Alliance (February 2011) *A Roadmap to: A Strengthened Equality and Human Rights Infrastructure*. Dublin: Equality and Rights Alliance.
- Evans, T. (2005) 'Human Rights as Power Knowledge', *Human Rights Quarterly*, 27 (3), pp. 1046-1068

Bibliography

- Feminist Open Forum (2010) 'A Nation in Crisis: Women's Perspectives: Conference held in Kilbarrack CDP 13 March 2010' *A Report by Dr Anne Good* Available at: http://www.nwci.ie/download/pdf/a_nation_in_crisis.pdf [Accessed 29 April 2014]
- Ferree, M. M. and McClurg Mueller, C. (2004) 'Feminism and The Women's Movement: A Global Perspective'. In Snow, D. A., Soule, S. A., and Kriesi, H. (eds) *The Blackwell Companion to Social Movements*. Malden: Blackwell Publishing, pp. 576-607.
- Fontana, A. and Frey, J. H. (2005) 'The Interview'. In Denzin, N. K. and Lincoln, Y. S. (eds) *The Sage Handbook of Qualitative Research*. Third Edition. Thousand Oaks London New Delhi: Sage Publications, pp. 695-727.
- Gallagher, A. (1997) 'Ending the Marginalization: Strategies for Incorporating Women into the United Nations Human Rights System', *Human Rights Quarterly*, 19 (2), pp. 283-333.
- Gidley, B. (2004) 'Doing Historical and Archival Research'. In Seale, C. (ed) *Researching Society and Culture*. Second Edition. London: Sage Publications, pp. 250-264.
- Gobo, G. (2004) 'Sampling, Representativeness, and Generalizability'. In Seale, C., Gobo, G., Gubrium, J. F. and Silverman, D. (eds) *Qualitative Research Practice*. London: Sage Publications, pp. 435-456.
- Goodale, M. (2006) 'Towards a Critical Anthropology of Human Rights', *Current Anthropology*, 47 (3) pp. 485-498.
- Haugaard, M. (2006) 'Conceptual Confrontation'. In Haugaard, M. and Lentner, H. H. (eds) *Hegemony and Power: Consensus and Coercion in Contemporary Politics*. Lanham, MD: Lexington Books, pp. 3-19.
- Hausman, M. and Sauer, B. (2007) 'Introduction: Women's Movements and State Restructuring in the 1990s', in Hausman, M. and Sauer, B. (eds) *Gendering the State in the Age of Globalization: Women's Movements and State Feminism in Post-Industrial Democracies*. Lanham, MD: Rowman and Littlefield Publishers Inc., pp. 1-17.
- Hill, M. (guest ed, with Lloyd, M.) (1999) 'Women and Families in Ireland' (special issue), *Irish Journal of Feminist Studies*, Autumn.
- Humphries, B., Mertens, D. M. and Truman, C. (2000) 'Arguments for an "emancipatory paradigm"'. In Truman, C., Mertens, D. M. and Humphries, B. (eds) *Research and Equality*. London: UCL Press, pp. 3-23.
- Ife and Fiske (2006) 'Human Rights and Community Work: Complementary Theories and Practices', *International Social Work*, 49, pp. 297-308.
- Irish Human Rights Commission (2003) *Strategic Plan for 2003-2006*. Available at: <http://www.ihrc.ie/publications/list/strategic-plan-for-20032006/> [Accessed 30 April 2014]
- James, S. M. (1994) 'Challenging Patriarchal Privilege through the Development of International Human Rights', *Women's Studies Forum*, 17 (6), pp. 563-578.

Bibliography

- Johnstone, R. L. (2006) 'Feminist Influences on the United Nations Human Rights Treaty Bodies', *Human Rights Quarterly*, 28 (1) pp. 148-185.
- Johnstone, R. L. (2007) 'Cynical Savings or Reasonable Reform? Reflections on a Single Unified UN Human Rights Treaty Body', *Human Rights Law Review*, 7 (1), pp173-200.
- Keck, M. E. and Sikkink, K. (1998) 'Transnational Advocacy Networks in the Movement Society'. In Meyer, D.S. and Tarrow, S. (eds) *The Social Movement Society: Contentious Politics for a New Century*. Lanham, MD: Rowman and Littlefield Publishers Inc., pp. 217-238.
- Khagram, S., Riker, J. V. and Sikkink, K. (2002) 'From Santiago to Seattle: Transnational Advocacy Groups Restructuring World Politics'. In Khagram, S., Riker, J. V. and Sikkink, K. (eds) *Transnational Social Movements, Networks, and Norms*. Minneapolis: University of Minnesota Press, pp. 3-23.
- Kincheloe, J. L. and McLaren, P. (2005) 'Rethinking Critical Theory and Qualitative Research'. In Denzin, N. K. and Lincoln, Y. S. (eds) *The Sage Handbook of Qualitative Research*. Third Edition. Thousand Oaks: Sage Publications, pp. 303-342.
- Kuumba, M. B. (2001) *Gender and Social Movements*. Walnut Creek: Altamira Press.
- Kvale (1996) *InterViews: An Introduction to Qualitative Research Interviewing*. Thousand Oaks: Sage Publications.
- Lather, P. (1986) 'Research as Praxis', *Harvard Educational Review*, 56, pp. 257-277.
- Lentin, R. (1993) 'Feminist Research Methodologies – A Separate Paradigm? Notes for a Debate', *Irish Journal of Sociology*, 3, pp. 119-138.
- Levitt, P. and Merry, S. (2009) 'Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States', *Global Networks* 9 (4), pp. 441-461.
- Lofland, J. [1971] (2004), 'Fieldnotes'. In Seale, C. (ed) *Social Research Methods: A Reader*. London: Routledge, pp. 232-235.
- Mac Labhraí, S. (1991) 'The "English" Language in Ireland'. Available at: www.poyntzpass.co.uk/Before_I_Forget/1991_No_5/The_English_Language_in_Ireland.pdf [Accessed 14 June 2014].
- Marshall, C. and Rossman, G. B. (2006) *Designing Qualitative Research*. Fourth Edition. Thousand Oaks: Sage Publications.
- Merry, S. E. (1986) 'Everyday Understandings of the Law in Working-Class America', *American Ethnologist*, 13 (2), pp. 253-270.
- Merry, S. E. (2001) 'Rights, Religion, and Community: Approaches to Violence against Women in the Context of Globalization', *Law and Society Review*, 35 (1), pp. 39-88.
- Merry, S. E. (2003) 'Constructing a Global Law – Violence against Women and the Human Rights System', *Law and Social Inquiry*, 28 (4), pp. 941-977.

Bibliography

- Merry, S. E. and Stern, R. E. (2005) 'The Female Inheritance Movement in Hong Kong', *Current Anthropology*, 46 (3), pp. 387-409.
- Merry, S. E. (2006a) 'Anthropology and International Law', *Annual Review of Anthropology*, 35, pp. 99-116.
- Merry, S. E. (2006b) 'Transnational Human Rights and Local Activism: Mapping the Middle', *American Anthropologist*, 108 (1), pp. 38-51.
- Merry, S. E. (2006c) 'New Legal Realism and the Ethnography of Transnational Law', *Law and Social Inquiry*, 31 (4), pp. 975-995.
- Merry, S. E. (2006d) 'Human Rights and Transnational Culture: Regulating Gender Violence through Global Law', 44 (1), pp. 53-75.
- Merry, S. E. and Lazarus-Black, M. (2003) 'The Politics of Gender Violence: Law Reform in Local and Global Places', *Law and Social Inquiry*, 28 (4), pp. 931-939.
- Merry, S. E. et al (2010) 'Law from Below: Women's Human Rights and Social Movements from Below in New York City', *Law and Society Review*, 44 (1), pp. 101-128.
- Meyer, D. (2003) 'Restating the Woman Question: Women's Movements and State Restructuring'. In Banaszak, L.A., Beckwith, K. and Rucht, D. (eds) *Women's Movements Facing the Reconfigured State*. Cambridge: Cambridge University Press, pp. 275-294.
- Meyer, D.S. and Tarrow, S. (eds) (1998) *The Social Movement Society: Contentious Politics for a New Century*. Lanham, MD: Rowman and Littlefield Publishers Inc.
- Meyer, D. S. and Tarrow, S. (1998) 'A Movement Society: Contentious Politics for a New Century'. In Meyer, D. S. and Tarrow, S. (eds) *The Social Movement Society: Contentious Politics for a New Century*. Lanham, MD: Rowman and Littlefield Publishers Inc., pp. 1-28.
- Michelutti, L. (2007) 'The Vernacularization of Democracy: Political Participation and Popular Politics in North India', *Journal of the Royal Anthropological Institute*, 13, pp. 639-656.
- Mullally, S. (2004) 'Feminist Jurisprudence'. In Murphy, T. (ed) *Western Jurisprudence*. Dublin: Thomson Round Hall, pp. 351-385.
- Nash, K. (2002) 'Human Rights for Women: An Argument for "Deconstructive Equality"', *Economy and Society*, 31 (3), pp. 414-433.
- Neuman, W. L. (2003) *Social Research Methods: Qualitative and Quantitative Approaches*. Fifth Edition. Boston: Pearson Education Inc.
- Nussbaum, M. (2007) 'In Defense of Universal Values'. In Sunder, M. (ed) *Gender and Feminist Theory in Law and Society*. Aldershot: Ashgate Publishing Ltd., pp. 357-425.
- Office of the Attorney General (1937) 'Constitution of Ireland'. Available at: <http://www.irishstatutebook.ie/en/constitution/> [Accessed 30 April 2014]

Bibliography

- O'Flaherty, M. and O'Brien, C. (2007) 'Reform of UN Human Rights Treaty Monitoring Bodies: A Critique of the Concept Paper on the High Commissioner's Proposal for a Unified Standing Treaty Body', *Human Rights Law Review*, 7 (1), pp. 141-172.
- Olesen, V. (2005) 'Early Millennial Feminist Qualitative Research: Challenges and Contours'. In Denzin, N. K. and Lincoln, Y. S. (eds) *The Sage Handbook of Qualitative Research*. Third Edition. Thousand Oaks: Sage Publications, pp. 235-278.
- Plassy, F. (1999) 'Supranational Political Opportunities as a Channel of Globalization of Political Conflicts. The Case of the Rights of Indigenous Peoples'. In della Porta, D., Kriesi, H. and Rucht, D. (eds) *Social Movements in a Globalizing World*. Basingstoke: Macmillan, pp. 148-169.
- Rajaram, N. and Zararia, V. (2009) 'Translating Women's Human Rights in a Globalizing World: The Spiral Process in Reducing Gender Injustice in Baroda, India', *Global Networks*, 9 (4), pp. 462-484.
- Rao, A. (1996) 'Engendering Institutional Change', *Signs: Journal of Women in Culture and Society*, 22 (1), pp.218-221.
- Rapley, T. (2004) 'Interviews'. In Seale, C., Gobo, G., Gubrium, J. F. and Silverman, D. (eds) *Qualitative Research Practice*. London: Sage Publications, pp. 15-33.
- Reanda, L. (1999) 'Engendering the United Nations: The Changing International Agenda', *European Journal of Women's Studies*, 8 (1), pp. 49-68.
- Reay, D. (1996) 'Insider Perspectives or Stealing the Words out of Women's Mouths: Interpretation in the Research Process', *Feminist Review*, 53, pp. 57-73.
- Roberts, B. (1996) 'The Beijing Fourth World Conference on Women', *Canadian Journal of Sociology*, 21 (2), pp. 237-244.
- Rosen, M. S. and Yoon, D. H. (2009) "'Bringing Coals to Newcastle?" Human Rights, Civil Rights and Social Movements in New York City', *Global Networks*, 9 (4), pp. 507-522.
- Rucht, D. (2003) 'Interactions between Social Movements and States in Comparative Perspective'. In Banaszak, L. A., Beckwith, K. and Rucht, D. (eds) *Women's Movements Facing the Reconfigured State*. Cambridge: Cambridge University Press, pp. 242-274.
- Ryan, R. (2003) 'Ireland on the World Stage: At the United Nations and on the Security Council', *New Hibernia Review*, 7 (4), pp. 9-25.
- Schroder, H. (1989) 'The Declaration of Human and Civil Rights for Women (Paris, 1791) by Olympe De Gouges', *History of European Ideas*, 11, pp. 263-271.
- Seale, C., Gobo, G., Gubrium, J. F. and Silverman, D. (eds) (2004) *Qualitative Research Practice*. London: Sage Publications.
- Silverman, D. (ed) (2004) *Qualitative Research: Theory, Method and Practice*. Second Edition. London: Sage Publications.
- Smart, C. (1989) *Feminism and the Power of Law*. London New York: Routledge.

Bibliography

- Smith, A. (2007) 'Bills of Rights as Process: the Canadian Experience', *International Journal of Law in Context*, 3 (4), pp. 343-372.
- Smith, A. and McLaughlin, E. (2010) 'Delivering Equality: Equality Mainstreaming and Constitutionalisation of Socio-Economic Rights', *Northern Ireland Legal Quarterly*, 61 (2), pp. 93-121.
- Snow, D. A., Soule, S. A. and Kriesi, H. (eds) *The Blackwell Companion to Social Movements*. Malden, MA: Blackwell Publishing, pp. 576-607.
- Sociological Association of Ireland (2004) *Ethical Guidelines of the Sociological Association of Ireland*. Available at http://www.ucd.ie/sai/SAI_ethics.htm[Accessed 13 August 2008].
- Stake, R. E. (2005) 'Qualitative Case Studies'. In Denzin, N. K. and Lincoln, Y. S. (eds) *The Sage Handbook of Qualitative Research Third Edition*. Thousand Oaks: Sage Publications, pp. 443-466.
- Stanley, L. and Wise, S. (1993) *Breaking Out Again: Feminist Ontology and Epistemology*. London: Routledge.
- Stears, J. (2007) 'Debating Women's Human Rights as a Universal Feminist Project: Defending Women's Human Rights as a Political Tool', *Review of International Studies*, 33 (1), pp. 11-27.
- Stienstra, D. (2000) 'Making Global Connections Among Women'. In Cohen, R. and Shirin, M. R. (eds) *Global Social Movements*. London: The Athlone Press, pp. 62-82.
- Tarrow, S. (2005) *The New Transnational Activist*. Cambridge: Cambridge University Press.
- Yin, R. K. (2003) *Case Study Research: Design and Methods*. Third Edition. Thousand Oaks: Sage Publications.

Appendices

Appendices

Appendix 1: Conversation Questions

Conversation about CEDAW

Q1. Can you describe your direct experiences with CEDAW?

Q2. How does CEDAW relate to other UN Treaties and the wider UN system?

Q3. In what ways has CEDAW been implemented by Irish Governments?

Q4. Is CEDAW a useful tool for progressing women's human rights in Ireland?

Q5. Have you any ideas on how I could focus my research?

Q6. Who else could I talk to in Ireland and elsewhere at a later stage of the study?

Q7. Are there any articles, books, reports etc. that you think it would be important for me to read?

Appendix 2: Observation Pro Forma

DATE:

LOCATION:

TITLE OF MEETING:

HOST:

CHAIR:

SECRETARY:

Description of Setting (building, meeting space, hospitality):

Who Invited:

Who Attended:

Who Contributed In Absentia:

Who Referred to In Absentia:

Diagram of Participants:

Meeting Agenda:

Normative Procedures (welcoming, circulation of papers, addressing agenda):

Meeting Business:

(*discussion points* – between whom, disagreement/agreement, how consensus reached, distinct roles)

(*dynamics* – function of interaction, roles within group, impression of dynamics between participants: dominant/passive/deferring)

How Observer Introduced (discussion around this):

Observer Contact with Participants (prior to, during, after meeting):

Observer Pre-Existing Relationship with Participants:

Appendix 3: Observation: Participant Information Sheet

Progressing Women's Human Rights in Ireland: Irish activists' engagement with the U.N.

Iris Elliott M.A., M.Sc.
Department of Political Science and Sociology
Aras Moyola
National University of Ireland, Galway
xxxxxxxxxx [mobile]
xxxxxxxxxx@nuigalway.ie

Insert Date

Dear (insert name)

I am writing to you to ask for your consent for my observation of the meetings of the Women's Human Rights Alliance (WHRA) from (insert month) until August 2009, as part of my doctoral study: Progressing Women's Human Rights in Ireland: Irish activists' engagement with the U.N..

I am required to provide a participant information sheet and consent form to inform you about the study, to convey that permission for me to undertake this observation is voluntary, to explain the potential risks and benefits of participation, and to empower you to make an informed decision. You should feel free to ask me any questions you may have. If you agree to take part, I will ask you to sign a consent form. Please take as much time as you need to read it. You should only consent to take part in this research study when you feel that you understand what is being asked of you and you have enough time to think about your decision. Thanks again for reading this.

PURPOSE OF RESEARCH

This is a piece of research that I am undertaking in the National University of Ireland, Galway (NUIG) for the purposes of completing a PhD in Sociology. You have been contacted about this study because you are a member of the WHRA's Co-ordinating Committee; the WHRA is the focus for this research.

From this observation, I hope to gather information about: how the WHRA operates, current discussions about how Irish activists engage with international human rights; and to identify potential interviewees for another phase of this study. From the study, I hope to understand how Irish women's human rights activists engage with UN Treaty monitoring systems, and activists' views on how these local-global mechanisms could progress women's human rights within Ireland.

Appendices

The observation of the WHRA will involve me sitting in on the WHRA's formal meetings until August 2009 and making written notes of the meeting. These notes may be used for future conference papers, published work, and teaching/learning purposes. Your confidentiality and anonymity and that of other persons and places mentioned in the observed meetings will be preserved at all times. All notes of the observations will be securely stored in my home office. This information will be held by me for a period of up to 10 years and then destroyed.

WHAT YOU WILL DO

Your participation is entirely voluntary. If you consent to take part you will be asked to give permission for me to: be present at WHRA formal meetings, be included in the e-mailings of this group, and have access to the documentation of this group during the period of observation.

I am happy to share the contemporaneous notes made during the observation, and to confirm what WHRA material I have access to, as well as what material I am using within the study.

At the end of the research I will invite you to examine the findings before I submit my final draft for consideration for PhD. In addition, I would like you to understand that you are central to this study and the completion of same and you will be invited to feedback on my interpretation of your words and experiences.

POTENTIAL BENEFITS

I would welcome the opportunity to share the findings of my research with members of the WHRA on a collective or individual basis. I hope that this would provide data and analysis that would be of interest and use to the work of the Alliance and to individual members work in the field of women's human rights.

POTENTIAL RISKS

At this stage of the study, I do not foresee any negative effects of your individual or the WHRA's collective participation in this study. Please understand that you are free to stop my observation of the WHRA at any stage and to request my immediate withdrawal either on a temporary (for a part of or a whole meeting) or on a permanent basis. All information and topics discussed are confidential and your anonymity is assured at all times.

PRIVACY AND CONFIDENTIALITY

The data for this research will be kept confidential. The observation notes and documentary material will be securely stored in my home office. My office will be secure at all times. This material will be stored for up to ten years and then completely destroyed. Some of the information will be stored securely on computer files and c.d.s. I will discuss my findings with my supervisor, Dr Niamh Reilly of NUIG. The results of

this study may be published or presented at professional meetings but the material used will be anonymised at all times.

YOUR RIGHTS TO PARTICIPATE, SAY NO, OR REQUEST MY WITHDRAWAL

Participation in this research project is completely voluntary. You have the right to say no. You may change your mind at any time and request my temporary or permanent withdrawal.

CONTACT INFORMATION FOR QUESTIONS AND CONCERNS

If you have any questions about this study, please contact myself at the address above. If you have any questions about your role or rights as a research participant, or would like to register a complaint about this study, you may contact, anonymously the following: Chairperson of the NUI Galway Research Ethics Committee, c/o Office of the Vice President for Research, NUI Galway, ethics@nuigalway.ie .

Summary

Participation in this study is on the clear understanding that your participation is voluntary and can be withdrawn at any time. A consent form accompanies this participant information sheet. A copy of both will be provided to you. You are required to sign a copy of the consent form should you agree to participate in this study. Thank you so much for considering taking part in this study.

PI/Obs: 1

Date:

Appendix 5: Interviews: Participant Information Sheet

Progressing Women's Human Rights in Ireland: Irish activists' engagement with the U.N.

Iris Elliott M.A., M.Sc.
Department of Political Science and Sociology
Aras Moyola
National University of Ireland, Galway
xxxxxxxxxxxxx [mobile]
xxxxxxxxxxxxx@nuigalway.ie

Insert Date

Dear (insert name)

Thank you for your interest in this study: Progressing Women's Human Rights in Ireland: Irish activists' engagement with the U.N. You are being invited to participate in this research project and I am required to provide a participant information sheet and consent form to inform you about the study, to convey that participation is voluntary, to explain the potential risks and benefits of participation, and to empower you to make an informed decision. You should feel free to ask me any questions you may have. If you agree to take part, I will ask you to sign a consent form. Please take as much time as you need to read it. You should only consent to take part in this research study when you feel that you understand what is being asked of you and you have enough time to think about your decision. Thanks again for reading this.

PURPOSE OF RESEARCH

This is a piece of research that I am undertaking in the National University of Ireland, Galway (NUIG) for the purposes of completing a PhD in Sociology. You have been contacted about this study because of your involvement with Women's Human Rights Alliance, which is the focus for this research.

From this I hope to understand how Irish women's human rights activists engage with UN Treaty monitoring systems, and activists' views on how these local-global mechanisms could progress women's human rights within Ireland.

There are three parts to this study: observation of the WHRA's formal meetings for a set period, analysis of documents relating to the work of the WHRA, and interviews with approximately 15 women's human rights activists. Your participation in this part of the study will take approximately 2 hours as I will be asking you to take part in an audio-taped interview lasting approximately 45 minutes to one hour, and subsequently to review the transcripts of this interview and my findings from the study.

Appendices

Written or verbal abstracts from the interviews may be used for future conference papers, published work, and teaching/learning purposes. Your confidentiality and anonymity and that of other persons and places mentioned in the interview will be preserved at all times. All transcripts, electronic and recorded versions of the interview will be securely stored in my home office. This information will be held by me for a period of up to 10 years and then destroyed.

WHAT YOU WILL DO

Your participation is entirely voluntary. If you consent to take part you will be asked to participate in one interview with me and invited to review the transcript of the interview, and the findings of the study. I am happy to provide an electronic copy and a transcription of the interview to you if you wish. Some of the topics that we will be looking at during the interviews include: your involvement in human rights activism, your experiences of the WHRA's engagement with Treaty monitoring systems, and your analysis of the role and significance of these systems for progressing women's human rights in Ireland. I will provide you with a topic list in advance of the interview.

At the end of the research I will invite you to examine the findings before I submit my final draft for consideration for PhD. In addition, I would like you to understand that you are central to this study and the completion of same and you will be invited to feedback on my interpretation of your words and experiences.

POTENTIAL BENEFITS

I would welcome the opportunity to share the findings of my research with members of the WHRA on a collective or individual basis. I hope that this would provide data and analysis that would be of interest and use to the work of the Alliance and to individual members work in the field of women's human rights.

POTENTIAL RISKS

At this stage of the study, I do not foresee any negative effects of your individual or the WHRA's collective participation in this study. Please understand that you are free to withdraw from participation in advance of the interview, and to stop the interview at any stage and to withdrawn immediately. All information and topics discussed are confidential and your anonymity is assured at all times.

PRIVACY AND CONFIDENTIALITY

The data for this research will be kept confidential. The interviews will be audio taped. Once the interviews are completed, transcribed and analysed, I will securely store the information in my home office. My office will be secure at all times. This material will be stored for up to ten years and then completely destroyed. Some of the information will be transferred onto computer files and c.d.s for the purposes of analysis and back up. This material will also be stored securely for up to ten years, in my home office, and then completely destroyed. I will discuss my findings with my supervisor, Dr Niamh

Appendices

Reilly of NUIG. The results of this study may be published or presented at professional meetings but the material used will be anonymised at all times.

YOUR RIGHTS TO PARTICIPATE, SAY NO, OR REQUEST MY WITHDRAWAL

Participation in this research project is completely voluntary. You have the right to say no. You may change your mind at any time or withdraw. You may choose not to answer specific questions or to stop participating at any time.

CONTACT INFORMATION FOR QUESTIONS AND CONCERNS

If you have any questions about this study, please contact myself at the address above. If you have any questions about your role or rights as a research participant, or would like to register a complaint about this study, you may contact, anonymously the following: Chairperson of the NUI Galway Research Ethics Committee, c/o Office of the Vice President for Research, NUI Galway, ethics@nuigalway.ie .

Summary

Participation in this study is on the clear understanding that your participation is voluntary and can be withdrawn at any time. A consent form accompanies this participant information sheet. A copy of both will be provided to you. You are required to sign a copy of the consent form should you agree to participate in this study. Thank you so much for considering taking part in this study.

PI/Int: 1

Date:

Appendix 6: Interviews: Consent Form

Progressing Women's Human Rights in Ireland: Irish activists' engagement with the U.N.

Iris Elliott M.A., M.Sc.
Department of Political Science and Sociology
Aras Moyola
National University of Ireland, Galway
xxxxxxxxxxx[mobile]
xxxxxxxxxxx@nuigalway.ie

Please initial box

1. I confirm that I have read the participation information sheet dated...
for the above study and have had the opportunity to ask questions.
2. I am satisfied that I understand the information provided and have had enough time to consider the information.
3. I understand that my participation is voluntary and that I am free to withdraw at any time.
4. In signing this consent form I [insert name] agree to volunteer to participate in this research study being conducted by Iris Elliott.
5. I understand that I will participate in a recorded interview with the researcher on the agreed topic.
6. I understand that a written transcript of the interview is available to me on request.
7. I grant full authorization for the use of the above information on the full understanding that my anonymity and confidentiality is preserved in public use of this data .
8. I grant permission to use my name within confidential records only, that will be securely stored in the researcher's home office.

Participant	Date	Signature
Researcher	Date	Signature

1 for participant, 1 for researcher, 1 to be kept with research notes

Appendix 7: Interview Sampling Criteria

Sample: First Stage (Summer 2008)

Inclusion Criteria

Everyone documented to have had an involvement with Irish women's human rights activism from 1997 ('Women's Rights as Human Rights: Local and Global Perspectives' conference) to 2006 (WHRA), and civil society and State participants at the 2005 CEDAW session.

Sample: Second Stage (Autumn 2008)

Inclusion Criteria

- members of civil society organisations
- women with substantial involvement with the WHRA, who would be able to provide 'thick descriptions' of their Irish women's human rights activism

Sample: Third Stage (March 2009)

The summer 2008 sample (135) was combined with data from the Observations (September 2008–February 2009).

Exclusion Criteria

- under 18 years (REC application 1-2009)
- women and men who have not had direct work experience of the WHRA (REC 1-2009)
- male
- State representatives (workers in Government Departments and State organisations)
- women's human rights activists based in Northern Ireland
- international activists
- Irish women's human rights activists whose activism dates back to the pro-Beijing Coalition period that is before the founding of the WHRA in 2000
- Irish women's human rights activists involved in the WHRA 2000–2006, that is, before the current phase of the WHRA (2007–2010)
- organisation name without named person (in some cases the organisation is listed elsewhere with a named person)
- persons who are not the main contact in an organisation involved in the WHRA but who is included in the WHRA e-list for their information (multiple entries for organisations were retained where it is not apparent who is the main contact as the organisation is only participating through the e-list at present)

Appendices

- persons who attended WHRA meeting as a student, intern, or as a delegate for the main person in their organisation
- person known to have left organisation (left employment, on sabbatical)
- five interviewees Spring 2008
- PhD supervisor

Sample: Fourth Stage (May 2009)

Inclusion Criteria (General)

- WHRA members who have been regular participants in the WHRA meetings during the observation period, and who have actively contributed to discussion and work (RD – NWCI, DD – ICCL, EH – NTWF, MD – IFPA, EOC – NCCWN)
- WHRA members who provide representation from gender independent (RD - NWCI, EOC – NCCWN), integrated (DD – ICCL, MD – IFPA), and parallel (EH – NTWF) organisations
- Representation from traditional human rights (legally-oriented) organisations (DD – ICCL)
- Representation from women’s sector (community-oriented) organisations (RD – NWCI, EH – NTWF, EOC – NCCWN)
- Representation from organisations with intersectoral constituencies (RD – NWCI, EH – NTWF, EOC – NCCWN)
- Representation from organisations that engage with human rights using a range of strategic approaches (DD – ICCL, MD IFPA; others may be identified)
- Representation from organisations that have engaged with a range of different Treaties or ‘Inter-Convention Activism’: DD – ICCL, EH – NTWF, MD – IFPA; and, through the WHRA, CEDAW and ICESCR: RD – NWCI, EOC – NCCWN)

Inclusion Criteria (Organisation Specific)

NWCI

- facilitation and hosting role for WHRA
- wide constituency base of local, regional and national organisations, and a national leadership role
- specific work strand on health (2008–2010)

ICCL

- one of the original lead organisations on women’s human rights in Ireland
- substantial experience of working across a range of human rights instruments (national, regional – EU, global – UN)
- nationally and internationally recognised expertise in Shadow Reporting

NTWF

- currently completing a full strategic, organisational review to mark its 21st anniversary

Appendices

- intersectoral involvement with UN across a number of Treaty Bodies

IFPA

- multiple strategic uses of human rights for example through Shadow Reporting, test cases, and in different fora (national, regional – EU, global – UN)
- part of a transnational network

NCCWN

- working with local women's organisations through local, regional and national networks in Ireland
- experience of connecting human rights discourse with local experiences and networks

Appendix 8: Participating Organisations [Interviews]

Irish Council for Civil Liberties

'The Irish Council for Civil Liberties (ICCL) is Ireland's leading independent human rights watchdog, which monitors, educates and campaigns in order to secure full enjoyment of human rights for everyone. The ICCL is an entirely independent organisation and does not rely on government support or funding.'

'Founded in 1976 by Mary Robinson and others, the ICCL has played a leading role in some of Ireland's most successful human rights campaigns. These have included campaigns to establish an independent Garda Ombudsman Commission, legalise the right to divorce, secure more effective protection of children's rights, decriminalise homosexuality and introduce enhanced equality legislation. Since 1976 the ICCL has tirelessly lobbied the State to ensure the full implementation in Ireland of international human rights standards.'

www.iccl.ie [Accessed 23 May 2011]

Irish Family Planning Association

'Motivated by the suffering caused by the State's blanket ban on contraception, the IFPA was established by seven volunteers in 1969. Since then the IFPA has been to the fore in setting the agenda for sexual and reproductive health and rights both nationally and internationally. Today the IFPA offers a comprehensive range of services which promote sexual health and support reproductive choice on a not-for-profit basis.'

www.ifpa.ie [Accessed 23 May 2011]

National Collective of Community Women's Network

'The mission of the NCCWN is to empower and support community based women's networks to bring about positive change in the lives of women. This will be achieved through facilitating the exchange and delivery of information and learning and by supporting members to influence policy on issues that affect them.'

'The NCCWN is committed to women empowering each other to move into leadership roles and create the necessary changes for a just and equal society.'

Appendices

'The National Collective of Community Based Women's Networks is a national women's organisation with a membership of twenty-three community based women's networks around the country. Each of these networks supports between six and seventy local women's groups who carry out community development and provide and support community education programmes for women.

'The NCCWN aims to facilitate collective work among its member women's networks, and to provide support through training, information and the sharing of good practice. It seeks to be a forum for the national representation of the member women's networks to influence social policy. The NCCWN works from principles of community development and has a focus on social exclusion.'

<http://www.nccwn.org> [Accessed 26 May 2011]

National Traveller Women's Forum Ireland

'The National Traveller Women's Forum (NTWF) is the national network of Traveller women and Traveller women's organisations from throughout Ireland.

'The NTWF recognises the particular oppression of Traveller women in Irish society and are working to address this issue through the provision of opportunities to Traveller women to meet, share experiences, ideas and develop collective strategies and skills to work towards the enhancement of their position in society.'

www.ntwf.net [Accessed 23 May 2011]

National Women's Council of Ireland

'In 1973 a group of feminists, chaired by Hilda Tweedy of the Irish Countrywomen's Association, set up the Council for the Status of Women, with the goal of gaining equality for women. It was an umbrella for women's groups, run by a voluntary committee, and funded by subscriptions. In 1995, following a strategic review, it changed its name to the National Women's Council of Ireland.

'The NWCI has built its membership base to include 160 groups, most of them in the Republic, but with a growing number of Northern groups. There has been a growing concentration on marginalised women, poverty, violence against women and social partnership. There is currently a focus on women's health'.

www.nwci.ie [Accessed 23 May 2011]

Appendix 9: First Interview: Topics

Dear [interviewee's name]

Thank you again for agreeing to be interviewed as part of my doctoral research. I look forward to meeting with you on [meeting arrangements].

This letter is by way of giving you a sense of the format and content of the interview. I expect that the interview will last between one, and one and a half hours (during which we can take a break anytime you wish). At the start of the interview you will have a space to discuss or ask questions about any aspect of the study.

I would like to hear about your experiences of being in the WHRA, including some background on your organisation's involvement, so the interview will start with a very open question about this.

There are topics that I would like to ask everyone being interviewed about. These are as follows:

- Your response to this study's description of members of the WHRA as 'women's human rights activists'.
- How the WHRA's description of itself as a feminist organisation relates to your work around women's human rights.
- Your experiences of working around women's human rights with different State actors for example the Irish Human Rights Commission and Government Departments.
- Your understanding of health as a human right and what it means for the members of your organisation.
- What you see as your contribution to progressing women's human rights as a national level worker.

I am also asking each of the people being interviewed about particular contributions that you made at the WHRA when I was observing the Committee

Appendices

[Plus one of the following topics per interviewee.]

- Reference to local women asking, during the WHRA consultation, if the UN Committee would have teeth and if the shadow reporting would make a difference [EOC]
- ICCL's shadow reporting across a number of Conventions [DD]
- The lengthy time frames for engaging with the UN [RD]
- The National Women's Traveller Forum's strategy [EJH]
- The different ways that the Irish Family Planning Association uses human rights [MD]

If you want to contact me before the interview, please feel free to do so. As I noted in the information that I have sent to you before, participation in this study is entirely voluntary and you are free to withdraw at any point.

I look forward to meeting with you.

All the best,

Iris Elliott
Government of Ireland Scholar

Appendix 10: Second Interview: Topics

Dear [interviewee's name]

Thank you for agreeing to do a second interview for this study. I thought that it would be useful to let you know some of the topics that I would like to discuss.

Please find below the list of five questions for the interview. The questions aim to create a broader discussion about the future development of women's human rights in Ireland.

But, as before, I want to hear your insights about these topics based on your specific organisational, membership, professional and personal experiences.

1. To start off with I wanted to ask if you had anything that you would like to say following the first interview and having read the transcripts.
2. During the interviews a number of people talked about the limitations of human rights for example that they are reliant on action by the State and that the Irish Government does not prioritize work in this area. Do you have any comments about why civil society continues to persist with human rights knowing these limitations?
3. Why do you think that organisations and individuals involved in progressing women's equality are drawn to human rights?
4. From the first set of interviews I have been given a lot of valuable information about how national and local organisations are working to make women's human rights meaningful for different groups of women. With your experience of the WHRA around the training, primer and consultation, as well as your other work on human rights, how

Appendices

do you think women's human rights can be brought into the everyday lives of people in Ireland?

5. During the last set of interviews, people were clear that the WHRA is working out of a feminist framework, and that you (the interviewees and your organisations) are – to different extents - informed by feminist thinking.

You (the interviewees) also gave a number of reasons why feminism isn't explicitly named even within feminist spaces or discussions. One of the areas that I am looking at is how feminist discourses of women's human rights can develop in Ireland. Can you tell me your views of what would support their development?

I look forward to meeting up with you.

All the best,

Iris Elliott

Government of Ireland Scholar

Appendix 11: Documentary Analysis Documents List

Banulacht (9 September 2009) Email: Gender equality at the UN: Urge the Government to vote for reform banulacht@iol.ie [Accessed 9 September 2009]

Campbell, B.M. (2003) *The Practical Application of CEDAW: For presentation at WHRP Workshops 28 April 2003* (Noirin Clancy, by email 2008)

Clancy, N. (2005) 'Government in hot seat over sexual politics' *Irish Examiner* 7 July 2005 (Noirin Clancy, at meeting 1 May 2008)

Curley, H. (2005) 'Irish Government criticised for inaction by UN Committee' *The Village* 15-21 July 2005 (Noirin Clancy, at meeting 1 May 2008)

Dairiam, S. (2004) 'CEDAW Achievements and Challenges: Discussion on Implementation of CEDAW in Commonwealth Countries Policies and Legislation – Progress, gains, constraints and key priorities (with special reference to selected Commonwealth countries'. Presented at the Gender and Human Rights Expert Group Meeting, 17-19 February 2004, London, UK. Organised by the Commonwealth Secretariat (Noirin Clancy, at meeting 1 May 2008)

Department of Justice, Equality and Law Reform (2007) *UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Preparation of Ireland's Sixth Report, Invitation to Submit Views* (Maryclare Murphy, by post 2008)

Dundon, M. (2005) 'Irish women on UN agenda' *Irish Examiner* 7 July 2005 (Noirin Clancy, at meeting 1 May 2008)

Gaynor, N. (2002) *Women's Rights as Human Rights Report: Five Regional Workshops on Human Rights Advocacy and CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women)* Dublin: Women's Human Rights Project

Irish Council for Civil Liberties (2005) *Combined Fourth and Fifth Periodic Reports of Ireland under the Convention on the Elimination of All Forms of Discrimination Against Women: Submission to the CEDAW Committee, ICCL Women's Committee, May 2005*

Appendices

Irish Family Planning Association (2005) *Submission of the Irish Family Planning Association to the UN Committee on the Elimination of Discrimination Against Women, May 2005*

Irish Human Rights Commission (undated) *Submission of the Irish Human Rights Commission to the UN Committee on the Elimination of Discrimination Against Women in respect of Ireland's Combined 4th and 5th Periodic Reports under the Convention on the Elimination of All Forms of Discrimination Against Women*
http://www.ihrc.ie/_fileupload/banners/CEDAW_Final1.pdf [Accessed 10 January 2008]

Irish Human Rights Commission (2005a) Presentation to the Committee on the Elimination of Discrimination Against Women by Dr Alpha Connelly, Chief Executive, Irish Human Rights Commission, 11 July 2005 (unpublished) (Noirin Clancy, at meeting 1 May 2008)

Irish Human Rights Commission (2005b) Convention on the Elimination of Discrimination Against Women, Examination of Ireland's Combined 4th & 5th Reports, Presentation by the Irish Human Rights Commission, July 11, 2005, Dr Katherine Zappone, Commissioner (unpublished) (Noirin Clancy, at meeting 1 May 2008)

IWRAW Asia Pacific (2005) *Subject: From IWRAW Asia Pacific with attachment 33rd CEDAW Session From Global to Local: Orientation on the Convention on the Elimination of All Forms of Discrimination Against Women, Organised by IWRAW Asia Pacific Supported by UNIFEM New York, 1-9 July 2005, New York, USA: Follow-Up Action Plans Ireland* (Email communication from iwraw-ap@iwraw-ap.org to womenshumanrights@eircom.net; mtumelty@bci.ie, cc banulach@iol.ie, Monday August 08 2005 1:05AM) (Noirin Clancy, at meeting 1 May 2008)

National Women's Council of Ireland, compiled by Joanna McMinn (1995) *An Independent Report to the 4th UN World Conference on Women "Beijing and Beyond" Achieving an effective platform for action*, Dublin: NWCI

National Women's Council of Ireland (2007) *CEDAW – Irish Government preparing for its 6th Report to the CEDAW Committee, Public consultation on the Sixth Report*
<http://www.nwci.ie/content/search> [Accessed 10 January 2008]

Appendices

National Women's Council of Ireland (2007) *Submission to the Department of Justice, Equality and Law Reform In preparation for its 6th Report to the CEDAW Committee* <http://www.nwci.ie/content/search> [Accessed 10 January 2008]

O'Brien, C. (2005) 'Irish Constitution is sexist, UN is told' *Irish Times* 11 July 2005 (Noirin Clancy, at meeting 1 May 2008)

O'Doherty, C. (2005) 'Government 'has failed to meet women's rights pledges' *Irish Examiner* 11 July 2005 (Noirin Clancy, at meeting 1 May 2008)

O'Doherty, C. (2005) 'No changes on abortion law, UN told' *Irish Examiner* 14 July 2005 (Noirin Clancy, at meeting 1 May 2008)

Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights, *Proceedings Tuesday, 11 November 2003: Discussion of the report of the Irish Government to the United Nations on the CEDAW Convention with the Women's Human Rights Project* (Noirin Clancy, by email 11 July 2008)

Pavee Point (2005) *Shadow Report Ireland's Combined Fourth and Fifth Reports under the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) January 2005* (Pavee Point, by email 12 January 2008)

Quinn, D. (2005) 'Fahy faces a grilling at UN' *Irish Independent* 13 July 2005 (Noirin Clancy, at meeting 1 May 2008)

Reilly, N. (2004) *Women's Rights as Human Rights: An Unfinished Agenda at Home and Abroad. IHRC Public Consultation, Limerick, April 22, 2004* (Noirin Clancy, by email 11 July 2008)

Ring, E. (2005) 'Women's group aims to shame Government at UN' *Irish Examiner* 2 July 2005 (Noirin Clancy, at meeting 1 May 2008)

UN Committee on the Elimination of Discrimination Against Women *Examination of Ireland's Report under CEDAW, 21st Session of The Committee on the Elimination of Discrimination Against Women, Submission by: The Women's Committee of the ICCL*

Ward, T. (2006) *Using CERD's Observations/Recommendations on Ireland in Policy and Practice, NGO Alliance Conference 22 March 2006*

Appendices

http://iccl.ie/DB_Data/publications/UsingCERDObservationsinPolicyandPracticeppt#269,27,References [Accessed 12 January 2008]

Women's Aid (2004) *Submission to the CEDAW Committee, IRELAND SHADOW REPORT: Domestic Violence, December 2004*, Dublin: Women's Aid

Women's Human Rights Project (2003) *Presentation to the Joint Committee on Justice, Equality, Defence and Women's Rights* (Noirin Clancy, at meeting 1 May 2008)

Women's Human Rights Alliance (2004a) *Equality For Women Measure, Women's Human Rights Project Final Report, January 2002-April 2004* (Noirin Clancy, by email 11 July 2008)

Women's Human Rights Alliance (2004b) *CEDAW Convention on the Elimination of All Forms of Discrimination Against Women: Shadow Report Ireland 2004* (Dublin: Women's Human Rights Alliance)

Women's Human Rights Alliance (2005a) *Statement by Noirin Clancy to the UN Committee for the Elimination of All Forms of Discrimination Against Women on the Combined Fourth and Fifth Reports from the Government of Ireland, 11th July 2005* (unpublished) (Noirin Clancy, at meeting 1 May 2008)

Women's Human Rights Alliance (2005b) *Statement by Mags Tumelty to the UN Committee for the Elimination of All Forms of Discrimination Against Women on the Combined Fourth and Fifth Reports from the Government of Ireland, 11th July 2005* (unpublished) (Noirin Clancy, at meeting 1 May 2008)

Women's Human Rights Alliance (2005c) *Draft Newsletter: The 33rd CEDAW Session at the UN, New York July 2005. What happened and what can NGOs do now?* (Noirin Clancy, at meeting 1 May 2008)

Women's Human Rights Alliance (2005d) *Newsletter: 33rd CEDAW Session at the UN New York – July 2005: The Irish Government Examined* (Noirin Clancy, by email 11 July 2008)

Women's Human Rights Alliance (2005e) *Meeting of WHRA Members with Shanthi Dairiam, UN CEDAW Committee Member* (Noirin Clancy, at meeting 1 May 2008)

Appendices

Women's Human Rights Alliance, Irish Centre for Human Rights, National University of Ireland Galway, and Irish Council for Civil Liberties (2006a) *Unpublished Report of Workshop 5: UN-intimidated? Speaking out at the United Nations and the WTO. Aim: to demystify the experience of participating in the international fora at: 'Taking CEDAW Seriously' A Conference to promote, apply and enforce the UN CEDAW Convention, Thursday 23rd March 2006, Westwood House Hotel, Galway* (Noirin Clancy, at meeting 1 May 2008)

Women's Human Rights Alliance, Irish Centre for Human Rights, National University of Ireland Galway, and Irish Council for Civil Liberties (2006b) *'Taking CEDAW Seriously' A Conference to promote, apply and enforce the UN CEDAW Convention, Thursday 23rd March 2006, Westwood House Hotel, Galway, Conference Report* Dublin: Women's Human Rights Alliance

Women's Human Rights Alliance (undated) *Draft Application to Atlantic Philanthropies* (Joanna McMinn by post 7 August 2008)

Women's Human Rights Project (undated) *CEDAW: Convention on the Elimination of All Forms of Discrimination against Women* (leaflet) Dublin: Women's Human Rights Project

Appendix 12 'What Do Traveller Women Want?'

What must change?

The Irish and other Governments, respecting the rights of ethnic minorities, must respond to the demands of those communities and their rights as citizens. In the words of travelling women in Ireland:

What Do Traveller Women Want?

- G** **is for *Gypsies***
Our international sisters with whom we express our solidarity.
- E** **is for *Equality***
We want equality not just between and women but between women.
- N** **is for *Nomadism***
Our right to travel must be respected.
- D** **is for *Difference/Diversity***
Our needs must be recognised and addressed without culture being used as an excuse to do nothing. Travellers with a disability should be affirmed in their traveller identity.
- E** **is for *Evictions***
Forced evictions must stop and proper accommodation for all travellers must be provided now.
- R** **is for *Racism***
Racism must be recognised as a daily reality for us and anti-racist training must be undertaken by service providers.
- E** **is for *Eire***
We are both travellers and Irish and should be treated as equal citizens.
- Q** **is for *Quality***
The quality of our lives must be improved and we need to have better and more informed choices.
- U** **is for *Unity***
Unity between traveller women and our settled sisters.
- A** **is for *Access***
Access to a range of services including education, health and social services.
- L** **is for *Law***
Laws are urgently required to protect our rights.
- I** **is for *Internal Oppression***
We want to address the sexism within our community.
- T** **is for *Travellers***
We're proud of who we are and don't want to deny our identity in order to get equality, to bring up our families with a sense of pride of who they are.
- Y** **is for *Youth***
Young Traveller women must have opportunities and choices. They're our hope for the future.

(Source: National Women's Council of Ireland (1995) 'An Independent Report to the 4th UN World Conference on Women "Beijing and Beyond". Achieving an Effective Platform for Action', Dublin: NWCI)

Appendix 13 Primer for WHRA Consultations, WHRA

A Shadow Report on the International Covenant on Economic, Social and Cultural Rights

Questions for women's groups in relation to a Shadow Report

Introduction

The Irish government is currently preparing its next report on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR). This report will be examined by the UN Expert Committee that monitors the implementation of the Covenant. The Women's Human Rights Alliance (WHRA), which is a coalition of nongovernmental organisations with a specific interest in women's human rights. The WHRA is preparing its Shadow Report—i.e. an alternative report to the "official version" that will also be considered by the UN Expert Committee. This questionnaire has been prepared in order to provide a means for the concerns and perspectives of women's organisations, community based organisations and other nongovernmental organisations in relation to economic, social and cultural rights to be reflected in this Shadow Report.

In the Shadow Report we want to focus on the right to health and particularly on the social determinants of health. Article 12 of the Covenant refers to the right to health, whereas other Articles are relevant to the social determinants of health in areas such as gender equality, employment, education and training, childcare, social welfare, housing, violence against women, sexual violence etc. (*see attached summary*) We would encourage you to make reference to specific articles in the Convention in your response, as in the Shadow Report we will look at these issues as they are relevant to each Article.

The Shadow Report gives us an opportunity to show how changes in government policies can impact positively on women's health status. This means that as well as looking at the factors that affect access to good quality health care, we are also interested in all of the factors that affect women's health and well-being.

Please answer the questions below and return to xxxxxxxxxxxx by the xxth of xxxxx. Where possible, refer to any examples that have been documented or to relevant recent reports or research.

1. What do you consider to be the main factors that impact on women's health and well-being? *We encourage you to consider this in a broad sense, for example, issues such as social exclusion, inequality, discrimination, poverty, access to employment and training, housing, as well as government policies affecting women's status and equality etc.*
2. The right to health in Ireland requires that healthcare provision is accessible, of a good quality, available, affordable and is delivered in a non-discriminatory fashion. Do you believe the Irish Government is delivering this for women? Feel free to refer to specific services that you consider relevant e.g. hospital, primary healthcare, community healthcare, preventative healthcare, GP, maternity services or mental health services.
3. What are the main barriers that women face in accessing health care? *You might consider information barriers, cost barriers, lack of equality or attitudinal barriers, and physical barriers.*
4. Do some groups of women experience specific barriers in relation to the social factors that affect their health and in accessing health care, e.g. older women, Traveller and minority ethnic women, disabled women, lone parents, lesbians? *Please highlight the particular barriers/issues faced by specific groups of women.*
5. Do you consider that health services have progressed, become worse or stayed the same in the last five years?
6. Do you feel that our health system and health service are designed to meet the particular needs of women?
7. Are there any new policies and practices, or lack of, that are having a negative impact on women's health? (This may include policies and practices on violence against women, which impact on women's health.)

8. Do you consider that opportunities exist for participation in decision-making in relation to health policies and practices?
9. In light of what we have discussed what one thing could the government do that would bring about positive change in terms of women's health?

The International Covenant on Economic, Social and Cultural Rights: The Right to Health

The Universal Declaration of Human Rights (UDHR) 1948, provides that "Everyone has the right to a standard of living adequate for the health of himself [herself] and of his [her] family, including food, clothing, housing, and medical care and necessary social services." (Article 25(1))

The right to health is also recognised in the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 and many other international treaties including the Convention on the Elimination of all Forms of Discrimination Against Women (1979).¹⁰⁵

¹⁰⁵ Article 12 of CEDAW reads as follows:

1. States parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 12 of the ICESCR states that:

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Breaking down the right to health

"Health is a fundamental human right indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity."ⁱ

The precise meaning of the right to health has been expanded upon in one of the *General Comments* of the Committee. The interdependence and indivisibility of human rights are particularly relevant to the right to health. These have been identified as including the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture, privacy, access to information, and the freedoms of association, assembly and movement.ⁱⁱ

It is clear that the right to health is not necessarily the right to be healthy, a great many factors of which will lie outside state control. For example, international human rights law cannot protect against genetic factors, individual susceptibility to ill-health or individual life choices. Rather, the right to the highest attainable standard of health is to be understood as the right to the "enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health."ⁱⁱⁱ

The right to health therefore relates not only to health care but to conditions which allow people to attain a high standard of health, including the removal of barriers or conditions which may impede their right. It therefore involves preventive aspects of health, as well as health care. As such, it is about clinical medicine *and* public health: "whereas clinical medicine has traditionally focused on the health status of individuals, public health has focused on the need to promote and protect the health of populations and to ensure conditions under which people can be healthy and remain so."^{iv}

Elements of the Right to Health

In relation to all aspects of the right to health, but particularly in relation to health care facilities, there are four elements to the right against which the state is to be measured:

- (a) Availability
- (b) Accessibility
- (c) Acceptability
- (d) Quality

•Availability

Functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity.

•Accessibility

Health facilities, goods and services have to be accessible to everyone without discrimination. Accessibility has four overlapping dimensions: non-discrimination, physical accessibility, economic accessibility, information accessibility.

•Acceptability

All health facilities, goods and services must be respectful of medical ethics and culturally appropriate¹⁰⁶... sensitive to gender and life-cycle requirements, as well as being designed to respect confidentiality and improve the health status of those concerned.

•Quality

Health facilities, goods and services must also be scientifically and medically appropriate and of good quality

106

Culturally appropriate health care provision involves a range of interventions including ensuring that the leadership and workforce of a health system is diverse and representative of its patient population, interpreter services, culturally and linguistically appropriate health education materials and training to enhance service providers knowledge of the relationship between sociocultural factors and health beliefs

Obligations on the government

Human rights law imposes obligations on the government to respect, protect and fulfil particular rights. General Comment 14, Paragraph 33

The right to health, like all human rights, imposes three types of obligations on States parties: the obligations to respect protect and fulfil.

- *Respect* requires States to refrain from interfering with the enjoyment of the right to health e.g. the state must not impose discriminatory practices relating to women's health status and needs;
- *Protect* requires States to take measures that prevent others from interfering with anyone else's right to health, e.g. the state must take measures to protect all vulnerable or marginalized groups of society, in particular women, children, adolescents and older persons, from gender-based violence;
- *Fulfil* requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of the right to health e.g. the state must provide a public, private or mixed health insurance system which is affordable for all.^v

Women and Right to Health

Article 3 of the ICESCR provides that women and men have an equal right to the enjoyment of all economic, social and cultural rights. In relation to health, this means that governments must adopt a gender-based approach in order to take account of the biological and socio-cultural factors that play a role in influencing the health of men and women.^{vi}

The two strands of the right to health have gender implications:

- The ability of women to access the determinants of health such as food, water and housing; and
- Women's specific health issues including reproductive rights.^{vii} The Committee has recommended that national women's health strategies be adopted to address the prevention and treatment of diseases affecting women, policies to provide access to health care, and the removal of barriers interfering with access to health services,

education and information, including in the area of sexual and reproductive health.^{viii}

While the CDESCR Committee has not specified the specific responsibilities of States in relation to gender and health, the CEDAW committee has made the following recommendations: ^{ix}

- ✓ States parties should implement a comprehensive national strategy to promote women's health throughout their lifespan. This will include interventions aimed at both the prevention and treatment of diseases and conditions affecting women, as well as responding to violence against women, and will ensure universal access for all women to a full range of high-quality and affordable health care, including sexual and reproductive health services.
- ✓ States parties should allocate adequate budgetary, human and administrative resources to ensure that women's health receives a share of the overall health budget comparable with that for men's health, taking into account their different health needs.
- ✓ States parties should also, in particular:
 - (a) Place a gender perspective at the centre of all policies and programmes affecting women's health and should involve women in the planning, implementation and monitoring of such policies and programmes and in the provision of health services to women;
 - (b) Ensure the removal of all barriers to women's access to health services, education and information, including in the area of sexual and reproductive health, and, in particular, allocate resources for programmes directed at adolescents for the prevention and treatment of sexually transmitted diseases, including HIV/AIDS;
 - (c) Prioritize the prevention of unwanted pregnancy through family planning and sex education and reduce maternal mortality rates through safe motherhood services and prenatal assistance. When possible, legislation criminalizing abortion should be amended, in order to withdraw punitive measures imposed on women who undergo abortion;
 - (d) Monitor the provision of health services to women by public, non-governmental and private organizations, to ensure equal access and quality of care;

(e) Require all health services to be consistent with the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent and choice;

(f) Ensure that the training curricula of health workers include comprehensive, mandatory, gender-sensitive courses on women's health and human rights, in particular gender-based violence.

Appendix 14 Primer for WHRA Consultations, AkiDwa

Shadow Reporting

for the International Covenant of Economic, Social & Cultural Rights

Would you like a chance to feedback to Government and the United Nations on access to health care for women in Ireland?

The Irish government is preparing its next official state report on the implementation of the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**. Ireland's report will be examined by the UN Expert Committee that monitors the implementation of the Covenant.

The **Women's Human Rights Alliance (WHRA)**, a coalition of nongovernmental organisations with a specific interest in women's human rights, is preparing a **Shadow Report** to this official state country report, focusing on **Article 12** of the Covenant which is **the right to health**. This questionnaire and information document was developed for use by women's organisations, community based organisations and other nongovernmental organisations in their consultations with women.

What are Country Reports and Shadow Reports? In Ireland, Government Departments tasked with responsibility in relevant policy and practice areas that a Covenant, Convention or treaty covers respond to the **Department of Foreign Affairs Human Rights Unit**. The HR Unit reviews these submissions and produces an **official state country report** that assesses whether or not Ireland has met its obligations or if progress has been made towards realising these obligations. A **Shadow Report** is an alternative report developed by NGOs that 'shadows' the findings of Ireland's official state country report, highlighting gaps and changes or reform necessary.

How does the International Covenant of Economic, Social & Cultural Rights define the 'right to health'? **Article 12** of the Covenant refers to the **right to health** and establishes 'the right of everyone to the enjoyment of the highest attainable standard of physical and mental health'. Article 12 lists steps to be taken by States parties such as the

reduction infant mortality, ensuring healthy development of children and access to medical care for all. The Shadow Report will focus on the right to health and particular **on social determinants of health**, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy workplace and environmental conditions, and access to health-related education and information, including on sexual and reproductive health.

Other Articles in the ICESCR can be relevant to the social determinants of health, in areas such as gender equality, employment, education and training, childcare, social welfare, housing, violence against women, sexual violence etc. We would encourage you to make reference to specific articles in the Covenant in addition to Article 12 in your response. In the Shadow Report we will look at health care issues as they are relevant to each Article.

How can you respond? You can be part of **(insert organisation)'s** consultation on Covenant and the right to health or be advised on how to hold your own consultation. We will document experiences of women accessing health care in Ireland through Government and Statutory Agency services and will look at how State policies can impact on women's attainment of their highest standard of health. Departments and agencies involved can include the Health Services Executive; those as relevant to education and employment; as applies to the Garda and court system; and those related to housing/accommodation, including the Reception and Integration Agency's direct provision system. You may refer to documented or to relevant recent reports or research highlighting health experiences of women.

Who do we respond to? **(insert organisation)** will document and report your experiences (confidentially) and/or coordinate your organisation's submission to the WHRA for their Shadow Report. Please contact: **(list organisation contact and their email and phone)**. Consultations will be held regionally by WHRA members as capacity permits.

What areas of health are covered by the Covenant?

The Covenant has obligations Ireland must meet in order to realise the highest attainable standard of physical and mental health of those women

and girl children who reside in Ireland. Individuals or groups can report incidents where health care services were not made accessible or available because of existing laws or Government Department delivery of services. Women can report on incidents where health services were not of the acceptable quality, were not culturally or gender appropriate or if they weren't available. Groups can advise where health education or training might be necessary and can make recommendations to public health service providers on how they might fill gaps in health care delivery.

Health care services include those for maternal, child and reproductive health (including pre- and post natal for mother and child and supportive environments for adolescents and adult women to access sexual and reproductive information). Government efforts towards the prevention, treatment and control of diseases can be observed. The principle of non-discrimination and equal treatment should be observed at all times by Government and Statutory service providers and agencies.

Matters relating to the **provision of a healthy workplace environment** can be commented on. The need to **adopt measures to abolish harmful traditional practices** affecting the health of children, in particular female genital mutilation or early marriage, can be highlighted.

Women can report difficulties in accessing Government health facilities, goods and service. Women can discuss any personal safety concerns or any negative health impacts they may've experienced while in direct provision or in Traveller accommodation. If State health care services and agencies, public officials or the media have distributed inaccurate health information about marginalised groups or myths relating to health of a group, this should be reported. Women can discuss segregation and/or unequal treatment in accessing health care services or Government policies that contributed detrimentally to their health, in particular with regard to incitement to racial hatred.

What doesn't the Convention apply to? ICESCR does not apply to typical distinctions, exclusions or restrictions between citizens and non-citizens and does not apply to laws dealing with nationality, citizenship, naturalisation or the asylum process, but does cover health services that *all* individuals currently living in Ireland can access and the protection of their right to health while residing in Ireland.

Questions in relation to the Right to Health

1. **What do you consider to be the main factors impacting on women's health and well-being?** *Please consider your answer to this question in broad terms, such as any factors relating to social exclusion, inequality, discrimination, poverty, access to employment and training and housing. You can comment on matters of violence against women and the availability of protections and services. You can look at Government policies affecting women's health status and her equal access health care. This can include Government or Statutory agency policies relating to State structures, such as traveller accommodation, women's refuges, direct provision and dispersal and immigration application procedures as they influence a woman's ability to maintain her highest achievable standard of health in Ireland.*

2. **The right to health requires that healthcare provision is:**
 - **accessible**
 - **of good quality**
 - **available**
 - **affordable****and provided without discrimination. Do you believe the Irish Government is delivering this to women?** *If you answer no, please explain your answer. This includes hospital, primary, community, and preventative health care and specialist health services. You can mention specific services you consider necessary and relevant, for example maternity services, mental health services, GP or primary health care services. You can explain whether or not you can practically access public health care services where you live in Ireland or if you need to travel to access necessary services. Women living regionally may want to note if there are financial costs or time, travel and childcare constraints in order to access health care services. You may also mention if you feel health care services are culturally appropriate and gender specific.*

3. **What are the main barriers women face in accessing health care in Ireland?** *You can consider barriers of cost, availability and physical barriers affecting your ability to access health care. You can consider a lack of equal treatment or the experiencing of attitudinal barriers -*

attitudes that negatively impact on health related to particular myths, fears and stereotypes being perpetuated, a lack of cultural or gender specific knowledge in service provision or issues of racism and sexism.

4. **Do you think some groups of women experience specific barriers in relation to the social factors affecting their health or in their access of health care, for example, older women, Traveller and minority ethnic women, migrant women, women seeking asylum, disabled women, lone parents, lesbians? *If you answer 'yes', please explain the particular cultural or gender barriers/issues faced and how this affects your health and access to health care.***
5. **Do you feel access, affordability, availability and quality of health services has progressed, become worse or stayed the same in the last five years? *If you answer yes, please explain your answer, as relevant to your length of stay and residency in Ireland.***
6. **Do you feel our health system and health service is designed to meet the particular needs of all women living in Ireland? *Please explain how you feel health care services do or don't meet your needs. You can mention if public health information has been made available to you.***
7. **Are there new policies or practices, or lack of necessary policies and practices, that have a negative impact on a woman's health or are not gender or culturally sensitive? *As before, this can include specific policies that can impact on women's health, for example those specific to violence against women or in relation to direct provision or traveller accommodation.***
8. **Do you feel there are opportunities to participate in decision making structures for health policy and practice within Ireland? *Please explain opportunities to participate you are aware of or that you have participated in.***
9. **In light of what has been discussed in previous questions, what is the one thing you would ask Government to do to bring about**

positive change in women's health in Ireland? *Please feel free to offer any additional recommendations.*

Appendix I
The International Covenant on Economic, Social and Cultural Rights:
The Right to Health

The Universal Declaration of Human Rights (UDHR) 1948, provides that "Everyone has the right to a standard of living adequate for the health of himself [herself] and of his [her] family, including food, clothing, housing, and medical care and necessary social services." (Article 25(1))

The right to health is also recognised in the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 and many other international treaties including the Convention on the Elimination of all Forms of Discrimination Against Women (1979).¹⁰⁷

Article 12 of the ICESCR states that:

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

¹⁰⁷ Article 12 of CEDAW reads as follows:

1. States parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Appendix II

What are Ireland's obligations with regard to the human right to health?

"Health is a fundamental human right indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity."^x

The precise meaning of the right to health has been expanded upon in one of the *General Comments* of the Committee. **The interdependence and indivisibility of human rights are particularly relevant to the right to health. These have been identified as including the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture, privacy, access to information, and the freedoms of association, assembly and movement.**^{xi}

It is clear that the right to health is not necessarily the right to be healthy, a great many factors of which will lie outside state control. For example, international human rights law cannot protect against genetic factors, individual susceptibility to ill-health or individual life choices. Rather, the right to the highest attainable standard of health is to be understood as the right to the "enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health."^{xii}

The right to health therefore relates not only to health care but to conditions which allow people to attain a high standard of health, including the removal of barriers or conditions which may impede their right. It therefore involves preventive aspects of health, as well as health care. As such, it is about clinical medicine *and* public health: "whereas clinical medicine has traditionally focused on the health status of individuals, public health has focused on the need to promote and protect the health of populations and to ensure conditions under which people can be healthy and remain so."^{xiii}

Appendix III

Elements of the Right to Health

In relation to all aspects of the right to health, but particularly in relation to health care facilities, there are four elements to the right against which the state is to be measured:

- (e) Availability
- (f) Accessibility
- (g) Acceptability
- (h) Quality

Availability

Functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity.

Accessibility

Health facilities, goods and services have to be accessible to everyone without discrimination. Accessibility has four overlapping dimensions: non-discrimination, physical accessibility, economic accessibility, information accessibility.

Acceptability

All health facilities, goods and services must be respectful of medical ethics and culturally appropriate... sensitive to gender and life-cycle requirements, as well as being designed to respect confidentiality and improve the health status of those concerned.

Quality

Health facilities, goods and services must also be scientifically and medically appropriate and of good quality

Obligations on the Irish Government

Human rights law imposes obligations on the government to respect, protect and fulfil particular rights. *General Comment 14, Paragraph 33*

Ireland must meet three general obligations within the legal framework of economic, social and cultural rights:

- The obligation to **respect** requires the State to refrain from interfering with the enjoyment of the right to health. The state must not impose discriminatory practices relating to women's health status and needs. The State must not perform, sponsor or tolerate any practice, policy or legal measure violating the integrity of individuals or infringing upon their freedom to use those materials or other resources available to them in order to satisfy their economic, social and cultural rights.
- The obligation to **protect** requires States to take measures that prevent others from interfering with anyone else's right to health, e.g. the state must take measures to protect all vulnerable or marginalized groups of society, in particular women, children, adolescents and older persons, from gender-based violence. The State has a duty to prevent violations of any individual's rights by any other individual or non-State actor. If violations take place, the State must guarantee access to legal remedies to all those victims whose rights have been infringed;
- The obligation to **fulfil** requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realisation of the right to health e.g. the state must provide a public, private or mixed health insurance system which is affordable for all. When other measures fail in ensuring the realisation of these rights then the State must take positive measures.^{xiv}

Women and Right to Health

Article 3 of the ICESCR provides that women and men have an equal right to the enjoyment of all economic, social and cultural rights. In relation to health, this means that governments must adopt a gender-based approach in order to take account of the biological and socio-cultural factors that play a role in influencing the health of men and women.^{xv}

The two strands of the right to health have gender implications:

- The ability of women to access the determinants of health such as food, water and housing; and
- Women's specific health issues including reproductive rights.^{xvi} The Committee has recommended that national women's health strategies be adopted to address the prevention and treatment of diseases affecting women, policies to provide access to health care, and the

removal of barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health.^{xvii}

While the CESCR Committee has not specified the specific responsibilities of States in relation to gender and health, the CEDAW committee has made the following recommendations: ^{xviii}

- ✓ States parties should implement a comprehensive national strategy to promote women's health throughout their lifespan. This will include interventions aimed at both the prevention and treatment of diseases and conditions affecting women, as well as responding to violence against women, and will ensure universal access for all women to a full range of high-quality and affordable health care, including sexual and reproductive health services.
- ✓ States parties should allocate adequate budgetary, human and administrative resources to ensure that women's health receives a share of the overall health budget comparable with that for men's health, taking into account their different health needs.
- ✓ States parties should also, in particular:
 - (a) Place a gender perspective at the centre of all policies and programmes affecting women's health and should involve women in the planning, implementation and monitoring of such policies and programmes and in the provision of health services to women;
 - (b) Ensure the removal of all barriers to women's access to health services, education and information, including in the area of sexual and reproductive health, and, in particular, allocate resources for programmes directed at adolescents for the prevention and treatment of sexually transmitted diseases, including HIV/AIDS;
 - (c) Prioritize the prevention of unwanted pregnancy through family planning and sex education and reduce maternal mortality rates through safe motherhood services and prenatal assistance. When possible, legislation criminalizing abortion should be amended, in order to withdraw punitive measures imposed on women who undergo abortion;
 - (d) Monitor the provision of health services to women by public, non-governmental and private organizations, to ensure equal access and quality of care;

(e) Require all health services to be consistent with the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent and choice;

(f) Ensure that the training curricula of health workers include comprehensive, mandatory, gender-sensitive courses on women's health and human rights, in particular gender-based violence.

Appendix IV
Health and Human Rights

1. The right to be free from torture or to cruel, inhuman or degrading treatment or punishment.
2. All appropriate legislative, administrative, social and educational measures shall be taken to protect the child from all forms of physical or mental violence, injury or abuse, neglect, negligent treatment, maltreatment or exploitation, including sexual abuse.
3. Effective and appropriate measures with a view to abolish harmful traditional practices prejudicial to the health of children and women shall be taken.
4. The right of everyone to adequate food and the fundamental right of everyone to be free from hunger.
5. The right to an adequate standard of living, including adequate food, clothing, housing and medical care and social services.
6. The right to access to education in support of basic knowledge on child health and nutrition, hygiene, breastfeeding, pre- and post natal care, environmental sanitation and prevention of accidents.
7. No one shall be subjected to the arbitrary or unlawful interference with her privacy.
8. The right to social security, including social insurance.
9. The right to active, free and meaningful participation.
10. The right to enjoy the benefits of scientific progress and its applications.

If you have any queries about this document or the WHRA consultations please contact: **[include relevant organisation and contact information]**

Appendix 15: Women’s Human Rights Alliance ‘Women’s Right to Health’ Workshop

Session Plan

A suggested session plan for the workshops was drawn up as follows:

Icebreaker: (5 mins)

At outset of workshop people are asked to place themselves on a mood continuum – an imaginary line in the middle of the room with an image of a happy face at one end and a sad face at the other – based on how they feel at that time.

Introduction/Info session: (20 mins)

Facilitator will do introductions and provide the background info as per Emma-Jane’s slides.

Primer questionnaire (in groups):

Stage 1	The workshop is broken into 3 groups of 5 or 6 people <ul style="list-style-type: none"> • Group 1 will look at questions 1 and 7 • Group 2 will look at questions 2 and 5 • Group 3 will look at questions 3, 4 and 6 	20 minutes
Stage 2	Each group rotates so that they review another group’s work and add more comments The facilitators remain in place so that they are always with the same questions	10 minutes
Stage 3	Repeat above	10 minutes
	BREAK	15 minutes
Stage 4	Everyone returns to their group and original facilitator and then look at question 8 (see note below)	15 minutes
Stage 4	For question 9, every individual in their workgroup will be asked to make a suggestion about what government should do..... The facilitator then briefly feeds back the gist or trend of those responses	15 minutes
	Total	1 hour 25 mins

Closing exercise (5 mins)

Back in the full group everyone is asked to put themselves back on the continuum based on how they *now* feel – has your position changed? The line joins up to make a circle and starting with the “happiest” person each woman gives the shoulders of the woman in front a little massage (with the option to step out if you don’t like that). Then congo out the door.....!!

Appendices

Facilitators Notes to above:

- *Facilitation of Q2 and 7 please see flipchart Grid overleaf. Joanne to try and get these printed large*
- *Facilitation of question 8: Ask in two parts as follows: Are there any opportunities to participate in decision making structures within the health service?
In what ways would you like to participate in decision making about health policy and services?*
- *Facilitation of question 7, Facilitators might ask: Are you aware of any government policies and practices on women’s health?
Are you aware of government policies that impact on women’s health? How have they impacted? What’s missing?*
- *Groups record their own answers and the facilitators will have to type up notes for Jane the Researcher*
- *Everyone has access to stickies and post-its and markers so they can add comments in writing to the sheets on the wall at any stage*
- *Recording direct quotations from participants will be good for the consultation report.*

Flipchart grid

Question 2 incorporating Q5, The Right to Health Care

This question is about our participants’ experience of accessing public health care in Ireland. It should generate a lot of information and the grid has been designed to record info but also to explain a little about the right to health care and what the current health system covers.

Article 12 on the ICESCR states that Health Care should be:	What type/level of Care e.g. Primary and community, hospital, specialist services	Types of Services e.g. maternity /mental health	Problems or difficulties encountered by women	In the Last 5 years have you noticed any difference? (progressed, become worse or stayed the same)	Any positive changes in the situation?
Issue 1					
Issue 2					
Issue 3					
<i>Available</i>					
<i>Accessible</i>					
<i>Affordable</i>					
<i>Acceptable(culturally and gender appropriate)</i>					
<i>Of Good Quality</i>					
<i>Provided without discrimination *Respect, Protect and Fulfil)</i>					

Appendices

Stages for Question 2

Start by reading the 4 A's in the first column and make sure that the participants are comfortable with the terms.

Next ask for a couple of examples – you can jot these down on a separate piece of flip chart paper, placed at the side of the grid, first.
(take no longer than five minutes)

Then, take one of the most key issues and place it in the grid – it could be about access to hospital/A&E or GP (place in level of Care).
Or it could be about a specific service e.g. Maternity care (Place in Types of service).

Then work down and across the grid – you don't have to fill in every square – but remember to ask if they think that the service has changed in the last 5 years or during their time living in Ireland if it is less than 5 years (the time of the last report).

Then move on to the next issue etc.

Put up a spare piece of flip chart on the right hand side to jot down any other comments, that don't necessarily fit in the grid.

On the repeat round (second and third group) you are asking if these are common experiences for them—by placing stickers to show their agreement, then ask them to add any new issues of importance to them and fill in the grid as appropriate.

Notes on Non Discrimination

Respect is defined as the non interference with the enjoyment of their right to health. Government must not impose discriminatory practices relating to Women's Health Status.

Protect means that the state must take measures to protect all vulnerable or marginalised groups of society, in particular Children, adolescents and older people.

Fulfil requires that the state must provide a public private or mixed health insurance which is affordable to all.

Endnotes

ⁱ Committee on Economic, Social and Cultural Rights, *General Comment 14 (2000) on the right to the highest attainable standard of physical and mental health*, para. 1

ⁱⁱ *ibid*, para 3

ⁱⁱⁱ *ibid*, para 9

^{iv} Judith Asher, *The Right to Health: A Resource Manual for NGOs*, p, 18

^v Committee on Economic, Social and Cultural Rights, *General Comment 14 (2000) on the right to the highest attainable standard of physical and mental health*, para. 33

Appendices

^{vi} Committee on Economic, Social and Cultural Rights, *General Comment 14 (2000) on the right to the highest attainable standard of physical and mental health*, para. 20

^{vii} Committee on Economic, Social and Cultural Rights, *General Comment 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights*, para. 24-29

^{viii} Committee on Economic, Social and Cultural Rights, *General Comment 14 (2000) on the right to the highest attainable standard of physical and mental health*, para. 21

^{ix} CEDAW Committee General Recommendation No. 24: Women and Health (Article 12)

^x Committee on Economic, Social and Cultural Rights, *General Comment 14 (2000) on the right to the highest attainable standard of physical and mental health*, para. 1

^{xi} *ibid*, para 3

^{xii} *ibid*, para 9

^{xiii} Judith Asher, *The Right to Health: A Resource Manual for NGOs*, p, 18

^{xiv} Committee on Economic, Social and Cultural Rights, *General Comment 14 (2000) on the right to the highest attainable standard of physical and mental health*, para. 33

^{xv} Committee on Economic, Social and Cultural Rights, *General Comment 14 (2000) on the right to the highest attainable standard of physical and mental health*, para. 20

^{xvi} Committee on Economic, Social and Cultural Rights, *General Comment 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights*, para. 24-29

^{xvii} Committee on Economic, Social and Cultural Rights, *General Comment 14 (2000) on the right to the highest attainable standard of physical and mental health*, para. 21

^{xviii} CEDAW Committee General Recommendation No. 24: Women and Health (Article 12)