

Challenging the Culture of Impunity in Ensuring Rights of Women and Marginalised Communities – through a Feminist Lens *

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As we all know, women form half of, and are an integral component of all communities, marginalised, excluded or otherwise. Rights activists all over the world are trying to ensure that all citizens globally and locally, have the right to ensure access to entitlements as given to them by their constitutions, at all levels, and that all Conventions, Declarations, Covenants and Instruments that have been signed, agreed upon and ratified are enacted, especially in respect to those, who are considered the most vulnerable and the most excluded. Despite being half the world's population, women strangely are part of this excluded and marginalised group.

Many Conferences, Seminars, Workshops are held Nationally, Regionally even globally. The main focus of which are based on understanding and addressing the causes and rationale of existing systems that allow the Culture of Impunity to continue to flourish unhindered, which in turn obviously acts as a deterrent towards establishing the Culture of Human Rights as a basic right. This suffices as an indicator of how seriously ineffective the implementation of such laws are, laws made apparently to protect citizens rights, people's rights. Laws that are theoretically debated by peoples' representatives, discussed and enacted ostensibly for the benefit of the people. It is needless to state that unfortunately in most of our situations, in many countries, making of laws are based on the majority of law makers own interest and concerns. The general citizens are not only far removed from this process, but ignored, as 'their' representatives have no interest nor any idea as to what the citizens needs really are. Unless there are mechanisms in place to not just monitor implementation, but also non-compliance or violations, it would be difficult to identify what the possible means or mechanisms are available to bring the issue of inaction into the public sphere. We have to accept and agree that such violations exist, and through determining and adopting certain means, hopefully citizens, if informed, if they have agency, if they are allowed to act, can force those who control and maintain these systems, to take responsibility for their actions or inactions. It is also necessary and important to reiterate as well clarify why women are needed to be addressed specifically.

There are many papers, articles, research findings showing how during situations of conflict, war and even within the realm of establishing power locally, women are specifically and intentionally targeted, sexually and physically violated or abducted, whether by political communities or for individual control. Women are considered

as the lesser being within the current system that exists not just within this region, but globally. The system that promotes and reproduces this, is obviously patriarchy, along with all the supporting and existing systems and structures, ideologies, institutions that are supposed to protect one's rights as given, are not just playing to the desires of those who control them politically, but infiltrating in the minds of men being superior, of men having to always take the lead, of being in control. I would like to state here, it is not just the male species who internalise this, but women too. Thus our systems that we have created to govern us the people, through different State mechanisms and machineries are all a reflection of this same form of patriarchy, whether it be the institutions which enact laws, the institutions who act as the custodian of ensuring the laws are maintained and followed, or the institutions through which governance is ensured for its peoples. But are these institutions really doing what they are intended for? Does the average citizen, leave alone women and marginalised communities, feel that all these State institutions are created in favour of ensuring justice for all?

As a feminist, as a Human Rights Defender and as a citizen who believes in the importance and integrity of Human Rights as an inalienable and non-negotiable right, I believe that the biggest challenge that we face currently is the lack of accountability to the people. The impunity that exists is the direct result of the unequal, unjust system that exists. If you belong to the right class, have close association with the correct power base, if your ethnicity and ideology is that of the majority, or the rulers, if your gender determines your status even among all the different categories mentioned above, in other words Intersectionality, any form of violation you may face is met with impunity - should you even wish to challenge the violation, the injustice, the lack of any form of access to any entitlements. Thus the section of the population you belong to, your identity decides what you can expect to receive as a citizen, that it is understood and accepted as being the norm and becomes the responsibility of those in power to determine who gets away with what level of impunity. In other words, the total disconnect of those who govern and those who are governed, i.e. the people who in principle are meant to be the source of their power, but in the present context are of no consequence whatsoever and reside far in the margins of any discourse. What is Intersectionality then? How do we understand it and how do we see it as relevant to us, our lives, our position within the society and nation we live in. Intersectionality is a concept used to describe the ways in which oppressive institutions (racism, sexism, classism, xenophobia, ableism, homophobia, transphobia, education, culture, ethnicity, language, religion etc.) are interconnected and overlap and cannot be examined separately from one another. This concept is largely used in critical theories, specially feminist theories, while discussing systemic oppression, discrimination and exclusion. Coined by Kimberle Crenshaw, this concept is yet to be fully understood, relevant in a myriad of situations and of particular relevance not just to women of African American origins, from whose experience the term was coined, but in this very complex society, to the many situations that women face and which exist around us. Just

look at what is happening around us generally, the very real situation that exists of cultural marginalisation, dismissing others' ethnicity, imposition of the language of the majority as the only acceptable and accessible language for moving forward, to gain access, the forcible imposition ever so often bordering on violence and extremism of only a certain interpretation of a majoritarian religion of that region or State etc. are all too existent around us. Now just bring in the lens of Intersectionality and see what you get. I do not think one needs to spell it out, anyone who has the sensitivity, can see it clearly. Just look at how and where women are positioned in this scenario. Where movements are taking place to change this situation, see where the question of women's oppression, women's subordination, women's exploitation, women's intimidation, violence against women is taken cognisance of, as a major focal issue to be addressed.

What I stated at the start is how those who create policies, make laws, are responsible for its implementation, are intrinsically patriarchal in their psyche. Even when laws and policies are enacted for women specifically, we still see particular and specific violation and attacks on their rights and entitlements as mandated to them as citizens. These laws, policies etc are never seen as something to be implemented or even taken seriously. The main problem is not simply the lack of will in implementation of all specific policies towards maintaining women's security, but the ingrained mindset that exists whether it be amongst individuals, groups or within every institutional system. Hence we have to really understand to learn, understand and to acknowledge how Intersectionality which I mentioned earlier needs to be understood, to deconstruct the nexus that exists between elitism and impunity, to understand the real structures that create the chasm between those who are able to take control to remain in power and those who are powerless and voiceless, the vulnerable and the defenseless in relation to the power makers, the power breakers. Once this is understood, only then can one really begin to discuss what is needed to be done, whether words such as rights and liberty and security and equality in its true sense are merely words, or do they, can they, ever be implemented as all declarations, conventions, commitments are meant to do. Are these merely an eye-wash or do Governments who sign and adopt them really mean it? Is the world really ready to do away with class, race, ethnicity, communalism, gender roles and identities?

How do we then 'combat' this culture? Culture of Impunity, yes, but the culture of 'political and territorial identities' so strongly ingrained within us, within the State machineries, within even the so-called civic independent bodies, and projected through the formation of our own niches, projection of our own definition of cultures, formulation of rules and norms similar to the way the Official, National/State and International Institutions work.

There have been moments in History, when people have come together to bring about changes. Thus one's agency is of utmost importance. Agency can only become

effective when it gains collective agency, which in other words is peoples' collective mobilization and ensure that one's entitlement to the right to live with dignity and in equality is guaranteed. We cannot afford to be emotional nor romanticise mobilisation and change, in other words, revolution. It must be recognised that change brought about by any means, even when it is through a strong peoples' revolution can never remain the same, through the years, unless there is in place peoples' collective agency, which again will only happen when people themselves are in charge, when they make decisions collectively taking into consideration how can accountability to all citizens be ensured as a strong firmly entrenched way and system of governance. Otherwise and ever so often, as we have seen, mobilisation is very temporary, losing its momentum and impact once the immediate demands are met. What is most needed and a crucial central cog, is a continuous process of understanding and stating one's own voice, one's own agency, at all levels, through generations.

It is time therefore that systems are put in place, where continuous and sustained examination of exerting voice, questioning systems, evaluating situations and existing laws and institutions are done. Where not only should they be regularly monitored, but also develop a system which can force that these systems are made truly accountable. The UN mandate holders are a very definite mechanism through which all rights defenders, specially women's organisations and those working to establish women's rights can make submissions, raise issues and insist on bringing to the fore the real situation. Apart from the mandate holders, the different UN meetings, reviews etc. where Nation States are required to give their status report and other players, i.e. Human Rights Groups, Women's organisations, NGOs, CSOs as relevant are allowed to also submit their alternate reports, which can help member states to pick up what the concerns or contentious issues need to be raised, are some of the mechanisms in place. But they are obviously not enough, as the balance of how and who gets to ask questions is extremely limited to say the least.

The UN systems seem to have lost most of what the main rationale for its creation was and thus is not really able or allowed to play its mandated role. Knowing the whole process is simply a whitewash, we all go along with it giving great energy and effort. We feel important, even knowing that the impact is almost zero. A very good point to be taken into account is the not too far back in the past, the eight Millenium Development Goals, with its targets, to be followed by the now very trendy and focus of everyone's attention, planning and action, the seventeen Suatainable Development Goals with its many targets. Will these SDGs and their targets really address the issues that is being discussed in this paper. Are the Governments, the World Bodies etc. really serious about Leaving No One Behind? It can only happen when total structural change occurs. It can only occur when all the many different forms of disparity, exploitation and subordination as mentioned earlier are done away with.

Is it then the right time now for us, the global citizens to work towards making existing International/Global Institutions more effective or create spaces, through various means, such as the different groups that try to look and ask accountability from the Bretton Woods Institutions, and the new Institutions that are looming in our horizon? Are they really effective in ensuring real changes to the marginalised woman whose home has been lost as a consequence of 'development'? Or do we create our own process that forces immediate and effective attention, apart from dabbling in the small space that is assigned to us to keep us, the people occupied and busy? There is a need for creating alternative methods and seeing how the use of social media has allowed citizens movements to become such a huge phenomena currently, as can be seen from the different and varying global movements such as WSF, #Metoo, #NotInMyName, #SayHerName etc., the huge demonstrations in the US organised by school children. These movements and demonstrations which are in essence a statement of protest against the non action of Nation States will again lose their momentum (and have in many instances lost their reason for their coming into being) unless these voices are amplified, made louder, more vigorous, allowed to become much more effective and to find ways and means to keep it going, not allow the movement to be hijacked, either into oblivion or compromised.

Conferences and Annual events such as CSW, CEDAW etc. in my mind may play an important role but definitely they are not enough as they act merely as a platform which we all use for reasons mentioned earlier, but which in real terms is not effective, nor implementable, nor of consequence to women and people at large, as these bodies, institutions and conferences have no means of ensuring implementation at the level which affects those women who need these kinds of affirmative action plans and thus do not affect all women nationally.

Democratic space needs to be reclaimed. Rights of all workers, landless peasants, indigenous communities, peasants, workers etc have to take into account the issue of Intersectionality if one is serious in addressing the issue of women's exploitation, oppression, subordination and sexual violence which is different from that of men belonging to the same class, ethnicity, ideology, religion or belief. As someone who is involved in ensuring rights of all marginalised communities, each time the situation of women is raised, the response almost always is 'Let us first get our identities and rights in place and we shall then take up the issue of women's rights, entitlements as equal within us'. Why should this be a first and later issue? Especially, when we state women's rights are human rights. That has to be understood by all and taken into serious consideration. The time is NOW, Change has to happen NOW. In my experience, I have seen young girls, and boys too who support these young girls, boys who are willing to take responsibility to make the change, follow and respect girls as equals, take the challenge of creating new rules for themselves. I have seen them in the remote Chars of Noakhali, in Laksmipur, in Kumarkhali, in Chandina, in Pirganj, Shaghata etc. Taking on new roles as equals,

showing that it is possible to dream, think and live differently, fearlessly and with the greatest of commitment. These children are showing us, challenging us and society that it is possible to bring changes. For those among us who think that poor rural marginalized young girls cannot take up challenges, cannot challenge existing mind sets, whether it be in the name of culture, tradition, religion, hierarchies, should open up to see the revolution taking place within their own so called conservative areas. Yes, there are counter forces to try to stop these changes from taking place. The political, economic, social and religious leaders definitely try their best. But these young girls and boys have shown that when they are organised, when they have developed agency, nothing can stop them. These young girls are challenging Intersectionalities. Are we ready to move out of our comfort zones and do the same?

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