

## **Beyond Victims: Motherhood and Human Rights**

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*This article discusses specific cases in which women's reproductive capacity and maternal roles have resulted in human rights violation. It finds that in the context of genocide, women and girls may be specifically targeted because of their reproductive capacity; in assimilationist contexts, mothers may be targeted because of perceptions about their gendered role in the transmission of culture; and women's gendered role of caring for children and the elderly may also increase their vulnerability to harm in some contexts. The role of mothers' groups who work for justice in the aftermath of human rights violations is also discussed. Such activism falls within the range of socially acceptable behaviour by mothers, but some dismiss it as innately conservative and limited. It is important to recognize the range of roles that women (and mothers) undertake in the context of human rights violation, extending beyond that of victim, to ensure that women's agency and activism are recognized.*

This article examines a specific aspect of maternal health and wellbeing: whether women's status as mothers or potential mothers can at times place them at enhanced risk of human rights violations. Drawing on the scholarly literature exploring motherhood and human rights abuses, this article identifies a number of cases in which the biological or social aspects of women's maternal roles have resulted in women and girls being particularly targeted by states or other groups who wish to control or limit their maternity. Maternal health is often defined narrowly as encompassing the relatively short span during women's lives when they are pregnant, give birth, and the immediate postpartum period (World Health Organization). However, Felicia Knaul et al. have argued that this narrow conception of maternal health fails to provide an integrated, comprehensive approach to the health of mothers across their lifecycles, as it focuses too closely on the biological aspects of maternity and fails to consider broader aspects of mothers' social roles as nurturers and caregivers (227). Maternal health and wellbeing are lifelong issues spanning

well beyond the “brief episodes in years of mothering,” which pregnancy, birth, and lactation comprise (Ruddick 48). Some have argued that the maternal health agenda also needs to encompass those women who do not have children (Knaul et al. 228), which is particularly relevant in the context of human rights violations, as women and girls are often targeted because of their potential maternity. The article also explores the role of mothers’ groups seeking justice in cases of child loss and highlights that women’s roles in human rights violations extend beyond that of victim.

### **Motherhood and Human Rights Violations**

Does a woman’s status as a mother or a potential mother put her at particular risk of human rights violations? Feminist theorists have long critiqued human rights mechanisms for their oversights in relation to issues of gender and their failures in addressing violations of women’s rights. These critiques include an analysis of the complete lack of recognition of the gendered dimensions of human rights violations; assumptions about women’s victimhood and the lack of recognition of their agency (Nesiah 808); concerns about limited analyses of gender; an overemphasis on sexual violations (Franke 822); a focus on public sphere violations by state actors (Aolain and Turner 234), excluding analyses of violations occurring in the so-called private sphere; the primacy of civil and political rights within transitional justice processes and the exclusion of economic, social, and cultural rights (Bell and O’Rourke 34), which are seen to have a differential impact on women; the structural barriers to women’s participation in transitional justice mechanisms, relating to both the legal standards on which such mechanisms are based and the processes they deploy (Bell and O’Rourke 24); and concerns about the gendered consequences of participation in transitional justice mechanisms (Aolain and Turner 48; Rubio-Marín 21). However, many of the feminist analyses of gender and human rights violations do not specifically examine issues of motherhood or the implications of women’s potential and actual reproductive and carer roles for their exposure to human rights violations. This article seeks to address this gap by identifying and analyzing examples of the range of human rights violations that women and girls have experienced because of their maternity or potential maternity.

Genocide has been defined in international law as acts committed with the intention of destroying a group, in whole or part, on the basis of its nationality, ethnicity, race, or religion (see Genocide Convention 1948, Article II). The Genocide Convention contains clauses relevant to both the biological and social aspects of women’s status as mothers or potential mothers, covering acts designed to prevent births within a national, ethnic, racial, or religious group (Article II [d]), or the forcible transfer of children from one group to another

(Article II [e]). In the context of genocide, women and girls may be specifically targeted because of their reproductive capacity; in assimilationist contexts, mothers may be targeted because of perceptions about their gendered role in the transmission of culture; and women's gendered role of caring for children, people with disabilities, and the elderly may also increase their vulnerability to harm in some contexts.

“Genocidal rape” has been identified as a feature of modern genocide. It was used extensively in the Rwandan and Bosnian genocides as a tactic not only to appropriate women's reproductive capacity (Fein 54) but also to underscore the helplessness of males from particular cultural groups to defend “their” women (Fein 58), which highlights the interrelationship of the biological and social aspects of maternity. Genocidal rape also has the lasting impact of socially stigmatizing its victims (Dal Secco 95). Catherine MacKinnon has commented that “peoples are also destroyed by acts short of killing” (qtd. in Rafter and Bell 9), and Helen Fein had poignantly described the “social death” in life” of rape survivors in the wake of the Rwandan genocide, who suffered horrific physical and psychological injuries and who were subjected to community ostracism, were sometimes deliberately infected with HIV, and, at times, were left to raise the babies resulting from their rape (57). The International Criminal Tribunal for Rwanda was the first to recognize in its *Akayesu* Judgement that rape could be used as a tactic of genocide; it is estimated that 350,000 women and girls were subjected to sexual violence during the Rwandan Genocide (Woolner, Denov, and Kahn 705). Research suggests that for at least some Rwandan mothers of the children born of rape, their motherhood has provided a reason to live, indicating that positive experiences of motherhood may assist the recovery of survivors of genocidal rape (Kantengwa). However, other research highlights the ongoing stigmatization and marginalization of both these mothers and of their children, who are dubbed “the little killers” and are frequently viewed as a lasting and unwanted legacy of the violence and suffering of the genocide (Woolner, Denov, and Kahn 707-8). The Rwandan genocide resulted in another legal first, with the conviction of Pauline Nyiramasuhuko, the former Rwandan minister for the family and women's affairs, for inciting “rape as a crime against humanity” (Trial International). Thus, the roles played by mothers in the context of human rights violations can also include that of the perpetrators of violence.

Although the Rwandan genocide provided the first legal recognition that rape could be a form of genocide, there has been a long history of the instrumental use of sexual violence in times of war and conflict. Urvashi Butalia has researched the hidden history of violence against women during the Partition of India, where it is estimated that over seventy-five thousand women were raped, kidnapped, abducted, and forcibly impregnated (Butalia

35). She discusses how women have been killed during periods of conflict by members of their own families and communities due to the complex interrelationship between women and perceptions of nation, community, and male honour. During the violence and chaos of the Partition specifically, women and girls were killed by male family members because of the fear that they would be raped, impregnated, and then would give birth to “impure” children (Butalia 155). Negotiators seeking the return of abducted women forced mothers to face the agonizing decision to leave their children born of rape behind (211). Highlighting the paradoxical situation that these women were viewed as both too precious to be dishonoured as well as disposable, Butalia comments that in the view of their male relatives, “Killing women was not violence, it was saving the honour of the community; losing sight of children, abandoning them to who knew what fate was not violence, it was maintaining the purity of the religion” (Butalia 284). In parallel with the experiences of rape victims in Rwanda, Indian women who had children as a consequence of rape faced social isolation and shame. Even at the time of Butalia’s research, undertaken some fifty years after the events took place, these women still maintained a deep silence about their experiences (284). In the Democratic Republic of the Congo, the prevalence of rape as a tool of war has been so widespread that some argue that sexual assault has lost its social stigma, resulting in increased support for victims; however as filmmaker Lisa F. Jackson comments, “Rape is cheaper than bullets and it has a more lasting effect.... It sends a ripple effect that goes forward for generations” (qtd. in Goetze 5).

In Australia, Aboriginal child removals during the Stolen Generations era highlight how the potential for maternity can also result in human rights violations at the hands of the state. During this period, Aboriginal children were forcibly removed from their families. The first phase of Aboriginal child removals—lasting approximately from 1900 to 1950, which was the height of the White Australia policy—was motivated by attempts to address the “half-caste problem” (Evans 118), the term applied to the growing population of children of mixed white and Aboriginal descent. Some Australian states and territories led efforts to encourage “half-caste” Aboriginal women to marry white men, which was referred to as “breeding out the colour” (Manne 227-28), whereas other states focused on racial segregation combined with other strategies to discourage miscegenation—which was nearly always focused on controlling the sexuality and reproduction of Aboriginal women and girls (Goodall 82; Manne 234). One of the most widely reported on and controversial findings of the *Bringing Them Home* report—the outcome of the national investigation of these child removal practices—was that the forcible removal of Aboriginal children constituted genocide. This finding was based on Article 2 (e) of the Genocide Convention, specifically the argument that the removal

of Aboriginal children constituted the “forcible transfer” of children from one group to another (218). However, the gendered removals of Aboriginal girls and attempts to manage their reproductive choices arguably also fell within Article II (d) of the *Convention on the Prevention and Punishment of the Crime of Genocide*, which addresses “imposing measures intended to prevent live births within the group”; however, this line of investigation was not pursued by the investigation (Payne 49), which did not focus on gender in its analysis.

Mothers often undertake the social practices that contribute to gender construction, kinship networks, and the formation of social identities within families and communities (Woolner, Denov, and Kahn 703), and in some cases, women may experience human rights violations because of their gendered role as those most likely to be responsible for the transmission of cultural values to future generations. The second phase of Aboriginal child removals in Australia, dating from approximately the 1950s onwards, focused on the assimilation of Aboriginal people into the wider community. During the assimilation phase, the state primarily focused on Aboriginal women, whom Heather Goodall has argued were the target of state interventions because their key role as mothers and homemakers was identified as a critical point of state access to and intervention in Aboriginal families (83). Aboriginal women’s motherhood was policed; inspections of Aboriginal homes on missions and reserves were regularly undertaken by white authorities to report on levels of cleanliness and hygiene. Those Aboriginal women identified as lacking in domestic skills were sent to classes and supervised in their health and childcare work, while the systemic issues that contributed to poverty and overcrowding on Aboriginal missions and reserves were not addressed (Kidd 176). Aboriginal families in Australia have experienced extremely high levels of state intervention in almost every aspect of their day-to-day life (Pettman 195). This increased state scrutiny and regulation of Aboriginal families resulted in further child removals, leading to cycles of child removal occurring within Aboriginal Australian families; the impact of which is still being felt today (Cripps 27).

Women may also at times be more likely to become victims of human rights violations because of their gendered roles as carers for children and the elderly, which can expose them to increased risk of violence and murder. Many young Jewish women remained in Germany in the years before the war rather than emigrate because they wanted to care for their elderly parents (Ofar and Weitzman 5). Young Jewish mothers capable of working were instead selected for immediate elimination on arrival at the death camps because they were pregnant or accompanied by young children (Dublon-Knebel 70-71). Fein has noted that “Primarily, it was the motherhood and care-taking of their children by Jewish women which increased their death-chances in the camps rather than direct gender discrimination” (53). Women are socialized to prioritize

the needs of others over their own, and they are demonized if they fail to do so. Sara Horowitz has argued that scholars' accounts of motherhood during the Holocaust tend to be divided into "narratives of heroism," in which a mother's actions led to a child's incredible survival against the odds, or "narratives of atrocity," in which the mother failed to keep her baby alive. She contrasts these to the more complex accounts of survivors, in which "the strands of these two narratives are often intermeshed" (372).

The examples I have discussed highlight some specific contexts in which motherhood or potential motherhood has increased the risk that women and girls will be the victims of human rights violations. Obviously, women's status as mothers or potential mothers does not result in them being at increased risk of human rights violations or the principal targets of genocide in every context. Sometimes, men or boys are the principal victims, or the young or the elderly of either gender. Moreover, the objective may be the indiscriminate destruction of all members of an ethnic group irrespective of gender, age, or other personal characteristics. Although Nicole Rafter and Kristin Bell have argued that "all genocides are gendered events" (3), it is also vital to acknowledge that each genocide is different and "is likely to be driven by different assumptions about gender" (8), which necessitates a careful consideration of the specific context of each case under consideration.

### **Mothers as Human Rights Activists**

Whereas women's status as the victims of human rights violation has often been the focus of research, their agency and activism can be harder to identify. Many mothers' groups have formed in the wake of human rights violations, including the Mothers for Peace in the former Yugoslavia, the Mothers' Front in Sri Lanka, the CoMadres in El Salvador, the Tiananmen Mothers in China, as well as mother groups in Chile, Nicaragua, Honduras, Guatemala, and elsewhere. When mothers become involved in human rights campaigns and processes, it is often to protest against the violation of the rights of others rather than to defend their own rights. Such activism is a form of behaviour that falls within what society defines as an appropriate role for mothers, who are often expected to prioritize the needs and desires of those people for whom they care, particularly their children.

Women often participate in human rights inquiries to testify about the harms done to others, rather than themselves. Katherine Franke has described women testifiers as "repositories of memory for the suffering of others" (822), which has interesting parallels to Carol Gilligan's early findings as a pioneering feminist psychologist about women's tendency to act and speak only for others rather than in their own interest (x). In her study of the South African Truth and Reconciliation Commission (SATRC), Fiona Ross describes the "particular

difficulties” faced by women who were mothers testifying at the SATRC: “Motherhood is a status that traditionally carries great weight and some women felt it damaging both to conceptions of womanhood and to their relationship with future generations to declare the harms inflicted” (158). Ross notes that approximately equal proportions of men and women testified at the SATRC, but “for the most part women described the suffering of men whereas men testified about their own experiences of violation” (17). Perhaps, mothers’ human rights groups are the ultimate expression of this trend, as they base their campaigns on recognition and justice for violations of the rights of their children rather than the violations they themselves have suffered.

In the case of the Madres de la Plaza de Mayo—an internationally renowned group of mothers fighting for accountability after the “disappearance” (that is, abduction and murder) of their children in Argentina—individual mother’s personal experiences of immense grief and loss were transformed into a collective campaign for justice and human rights. A number of studies have examined the factors that led to the success of the Madres’ campaigns, and theorists have debated whether the Madres’ fight for human rights was a radical restatement of women’s carer roles or whether it was ultimately constrained by and reinforced traditional beliefs and stereotypes about women as mothers.

The Madres emerged into the public eye in 1977, when fourteen mothers first gathered at the Plaza de Mayo in Buenos Aires, traditionally the centre of Argentine civic life, to raise public awareness of their plight and to try to pressure the regime into providing information about the fate of their children (Arditti 35). Commentators agree that this was a bold and brave move at a time when the military regime was still at the height of its powers and disappearances were ongoing. However, some feminist scholars are uncomfortable with the Madres using traditional conceptions of women’s roles as mothers and nurturers to legitimize their public protest (Miller 11-12); they argue that such approaches lock women into their reproductive roles (Guzman Bouvard 184). Molly Ladd-Taylor has highlighted that campaigns for the rights of mothers, at least in Canada and the United States, are often set in opposition to human rights (21). Human rights campaigns based on women’s status as mothers are dismissed as maternalism and are seen as innately conservative and limited. Such dismissals are reflective of deeper tensions and ongoing debate within feminism about the nature of motherhood itself: Is it something that needs to be accommodated to enable women to pursue formal equality with men, a contributor to women’s oppression (at least under patriarchy), a form of unpaid domestic labour which contributes to women’s economic marginalization, or is it an expression of women’s difference that should be celebrated?

A significant factor in the impact of the Madres was the revered status of mothers in South American culture (Pieper Mooney 2). Regardless of whether

the Madres indeed transcended or merely reinforced cultural norms, the social status of motherhood in Argentina provided a platform from which the Madres could speak and be heard. Intersectional analysis highlights, however, that not all motherhood is equally valued (see, for example, Roberts 232) and not all mothers have access to the social standing that enables them to speak out about experiences of human rights violations. It is interesting to contrast the outspoken Argentinian Madres with the silence, invisibility, and powerlessness of the Aboriginal mothers of the Stolen Generations, who did not participate in the national inquiry investigating Aboriginal child removal (HREOC 212). Whereas the Madres could draw on the social standing of motherhood in Argentina, Aboriginal mothers in Australia were demonized, and even their capacity to love and care for their children was questioned. It is not surprising, therefore, that disempowered Aboriginal mothers during the Stolen Generations era—operating as they were with diminished parental rights that were curtailed by Aboriginal protection legislation and without the citizenship rights to participate in the political process—were silent about their experiences of child removal. However, it is important to recognize that despite their silence, Aboriginal mothers of removed children still displayed agency. Rather than being passive victims of government policy, Aboriginal mothers in the Stolen Generations era struggled to keep their families together and were often faced with agonizing choices, such as surrendering one or more children in order to keep others, leaving a child behind, or surrendering them to be raised by other family members because circumstances prevented them from caring for all of their children themselves. Rather than being completely absent, a number of mothers managed to maintain some ongoing foothold in their children's lives after their removal—whether through letters, visits, phone calls, holiday visits, standing outside the fence of their children's school, or camping near the homes their children had been relocated to. All of these are actual examples of the strategies used by Aboriginal mothers identified in my research (Payne). Some mothers' experiences are not able to be understood in terms of simple dichotomies, such as victim-oppressor, good mother-bad mother, victim-agent, and present-absent; their stories are complex and messy (Malki 232). They require an "empathetic listener" (Felman and Laub 68), with knowledge of the structural disadvantages these mothers faced, an appreciation of the difficult choices they confronted, and a measure of empathy with their experiences to be properly heard and understood. As a result, these stories remain largely untold.

## Conclusion

This article has explored the relationship between maternity and human rights violations and has highlighted that in the context of genocide, women and girls may be specifically targeted because of their reproductive capacity. In assimilationist contexts, mothers may be targeted because of perceptions about their gendered role in the transmission of culture, and women's gendered role of caring for children and the elderly may also increase their vulnerability to harm in some contexts. Looking beyond seeing maternity as increasing women's risk of becoming victims of human rights violations, the role of mothers' groups who work to address human rights violations raises interesting issues about the perceived strengths and limitations of maternal activism. The legitimacy of women drawing on their maternal roles and status to underpin their human rights campaigning has been questioned by some theorists, paralleling ongoing debates within feminism about the nature of motherhood. Motherhood undoubtedly provides a platform and social standing for some mothers to speak about their experiences and seek justice for their losses, whereas more marginalized mothers may remain silent. It is vital to have an understanding of the complex array of factors that place women and girls at risk of harm because of their maternal roles and potential or actual maternity in order to eliminate these factors. In this way, important aspects of maternal health and wellbeing—which have the potential to impact on all women and girls—can be effectively addressed.

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