

Norm spoiling: undermining the international women's rights agenda

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'We are carrying out a ... counter-revolution in UN social policy', declared Austin Ruse, head of the Center for Family and Human Rights (C-Fam), a non-governmental organization (NGO) opposed to reproductive choice and to lesbian, gay, bisexual and transgender (LGBT) rights. Speaking at a side event on human trafficking at the March 2017 session of the UN Commission on the Status of Women (CSW), he alleged that the 'body count of the sexual revolution numbers in the tens of millions' and pledged to 'reverse its many harms'.¹ Despite its controversial rhetoric, C-Fam was included in the United States' official delegation to the conference.²

The empowerment of C-Fam and its fellow travellers is indicative of emerging trends in international politics in general and at the UN in particular. After decades of progress, there is significant evidence that international human rights principles are under sustained attack from rising nationalist and religious forces around the world.³ This attack especially targets the international women's rights agenda, as articulated by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Declaration and Platform for Action (PFA) and subsequent declarations, and the work of the CSW. These initiatives promote the full equality of women in social, economic and political life, women's sexual and reproductive autonomy, and the distinction between biological sex and socially constructed gender roles.

This article examines concerted efforts by conservative state and non-state actors to criticize, limit and roll back women's rights principles found in UN treaties, declarations and international policies. In order to undermine women's rights norms, an increasingly well-organized coalition engages in diplomatic

¹ UN Web TV, 'Root causes of trafficking in persons: key role of the family for protection and prevention', CSW 61 side event, 15 March 2017, <http://webtv.un.org/watch/root-causes-of-trafficking-in-persons-key-role-of-the-family-for-protection-and-prevention/5361007032001>. (Unless otherwise noted at point of citation, all URLs cited in this article were accessible on 19 Jan. 2018.)

² In addition to his constant derision of feminists and LGBT persons, Ruse once stated that 'people that run modern universities ... should all be taken out and shot'. See Brian Tashman, 'Austin Ruse says left-wing university professors "should all be taken out and shot"', *Right Wing Watch*, 12 March 2014, <http://www.rightwingwatch.org/post/austin-ruse-says-left-wing-university-professors-should-all-be-taken-out-and-shot/>.

³ Stephen Hopgood, *The endtimes of human rights* (Ithaca, NY: Cornell University Press, 2013); Leslie Vinjamuri, 'Human rights backlash', in Stephen Hopgood, Jack Snyder and Leslie Vinjamuri, eds, *Human rights futures* (Cambridge: Cambridge University Press, 2017), pp. 114–34.

lobbying, activist training and mobilization, strategic litigation, and public awareness campaigns of the kind commonly associated with human rights promotion. These tactics can be used to achieve a variety of ends across the political spectrum.⁴ However, despite similarities with norm-building efforts, reactionary norm contestation operates in distinctive ways. What I call a strategy of *norm spoiling* is both easier to accomplish and more difficult to recognize than traditional forms of normative advocacy.

Norm spoiling is the process through which actors directly challenge existing norms with the aim of weakening their influence. Norms are standards of 'appropriate behavior for actors with a given identity'.⁵ In this article, I am primarily concerned with international norms that are expressed in international law and policy. Like international norm entrepreneurs, norm spoilers must eventually secure widespread support from the international community for alternative norms in order to institutionalize normative change. But in the short term, the success of norm spoiling can be gauged by the extent to which it limits the development and diffusion of the norms it targets. In doing so, it creates political space for competing norms. Thus, while norm spoiling is destructive, it simultaneously lays the groundwork for norm promotion.

International human rights norms are especially susceptible to spoiling because they have been a central focus of norm-building at the UN for the last several decades. State practices that violate human rights, even if they are widespread, do not tend to hold the status of international norms. There are no pro-torture, pro-genocide or pro-rape norms in international law, although these behaviours are unfortunately widespread and often shielded from international intervention by state sovereignty and non-intervention norms. When it comes to women's status, conservative norms hold sway in many domestic contexts, but have not been explicitly institutionalized in international legal or policy instruments, at least not yet.

My analysis of spoiling complements Alan Bloomfield and Shirley Scott's conceptualization of 'antipreneurs' or actors who resist normative change.⁶ However, unlike antipreneurs, norm spoilers are not necessarily defending the status quo against emergent norms. Rather, they are themselves seeking to undermine partially or fully established norms. Who is the entrepreneur and who is the antipreneur in this dynamic is thus not always clear.⁷ For instance, women's rights norms have been both widely adopted and vigorously contested at the UN for several decades.⁸ I argue that a renewed focus on spoiling is important

⁴ Clifford Bob, *The global right wing and the clash of world politics* (Cambridge: Cambridge University Press, 2012).

⁵ Martha Finnemore and Kathryn Sikkink, 'International norm dynamics and political change', *International Organization* 52: 4, 1998, p. 891.

⁶ Alan Bloomfield and Shirley V. Scott, eds, *Norm antipreneurs and the politics of resistance to global normative change* (New York: Routledge, 2017).

⁷ Clifford Bob, 'Rival networks and the conflict over assassination/targeted killing', in Bloomfield and Scott, eds, *Norm antipreneurs*, pp. 72–88.

⁸ Soumita Basu, 'Gender as national interest at the UN Security Council', *International Affairs* 92: 2, March 2016, pp. 255–74; Sam Cook, 'The "woman-in-conflict" at the UN Security Council: a subject of practice', *International Affairs* 92: 2, March 2016, pp. 353–72.

now because spoilers are becoming more organized and effective. As they undermine the legitimacy of the international women's rights agenda, they weaken its capacity to influence states and increase the likelihood that patriarchal visions of women's status will become normative in international politics.

One of the most interesting features of norm spoiling is the extent to which it can accommodate broad and unusual alliances. Because spoilers are primarily united by their shared antipathies, they do not necessarily hold a common substantive vision of politics. When it comes to undermining the international women's rights agenda, states and organizations as disparate as the Vatican, the Organization of Islamic Cooperation (OIC), the UN Africa Group, Russia and the United States find surprisingly common cause.

Norm spoilers deploy a variety of tactics aimed at blocking and reversing the development and diffusion of targeted norms. In the case of women's rights, they advance interpretations of extant human rights norms, particularly the protection of the right to life and the 'natural family', that accord with their preferences. Simultaneously, they work to change and remove language in UN documents that elaborate what they consider to be objectionable policies and indicators of women's rights. Spoilers moreover attempt to delegitimize the international women's rights agenda by advocating cultural relativism and 'traditional values', and by appropriating anti-colonial critiques of women's rights.

These observations are significant in several respects. Theoretically, they offer a corrective to the 'good norms' bias in international scholarship, which has disproportionately focused on the development of human rights and other liberal democratic norms. Actors across the ideological spectrum engage in normative politics. Also, norms are not stable once adopted.⁹ Even highly institutionalized and legalized norms are subject to regression. Practically, I highlight a critical dimension of the growing backlash against universal human rights under way in international politics. Proponents of international women's rights should not be complacent about their achievements.

The article proceeds in several parts. First, I survey the development of international human rights law applicable to women's rights. Next, I map the landscape of state and non-state actors that seek to undermine the international women's rights agenda. I then analyse diplomatic speeches and statements, activist claims, media reports, and state, NGO and intergovernmental organization website materials, press releases and policy documents in order to identify norm-spoiling tactics. I assess the impact of norm spoiling on the status of women's rights at the UN, arguing that it has at times contributed to stalling the consolidation and diffusion of norms. Finally, I consider the implications of my analysis for the future of the international women's rights agenda.

⁹ Adriana Sinclair, *International Relations theory and international law: a critical approach* (Cambridge: Cambridge University Press, 2010); Antje Wiener, *A theory of contestation* (Berlin: Springer, 2014).

The international women's rights agenda

Any erosion of women's rights at the UN matters because international law and norms influence state policy and practice. While there is no automatic relationship between international treaty ratification and state behaviour, between commitment and compliance, a variety of scholars have convincingly demonstrated that international rules alter states' calculations of their interests and identity.¹⁰ Treaties may impose reputational costs on states, provided compliance is monitored and subject to critical scrutiny.¹¹ Soft law instruments such as declarations and programmes of action can be highly consequential.¹² Through interacting with law, states are socialized and acculturated into patterns of practice.¹³ Moreover, social movements and civil society can leverage international rules to put pressure on states to conform to their commitments.¹⁴ Accordingly, international law and norms constitute more than 'cheap talk'.¹⁵ Indeed, the fact that they are subject to contestation at all is itself testimony to the extent to which they are important sources of international legitimacy.

Women's rights are affirmed in multiple UN treaties with high ratification rates, as well as in declarations and initiatives that enjoy extensive rhetorical support from the international community. The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights all demand equality and prohibit discrimination on the basis of sex. CEDAW was adopted in 1979, coming into force in 1981. Ratified by 189 countries, although with extensive reservations by some, it outlines a broad range of women's rights to equality, autonomy and self-determination in social, economic and political spheres.¹⁶ The 1989 Convention on the Rights of the Child (CRC) emphasizes the equality of girls and their right to be free from abuse and child marriage. In 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence Against Women. The 1998 Rome Statute of the International Criminal Court (ICC) identifies sexual violence as a crime against humanity. In 2000, the UN Security Council passed Resolution 1325 on Women, Peace and Security, recognizing the devastating impact of armed conflict on women and their critical role in peacebuilding.¹⁷

¹⁰ Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, eds, *The persistent power of human rights: from commitment to compliance* (Cambridge: Cambridge University Press, 2013).

¹¹ Eric Neumayer, 'Do international human rights treaties improve respect for human rights?', *Journal of Conflict Resolution* 49: 6, 2005, pp. 925–53; Ann Marie Clark, 'The normative context of human rights criticism: treaty ratification and UN mechanisms', in Risse et al., eds, *The persistent power of human rights*, pp. 124–44.

¹² Kenneth W. Abbott and Duncan Snidal, 'Hard and soft law in international governance', *International Organization* 54: 3, 2002, pp. 421–56.

¹³ Ryan Goodman and Derek Jinks, *Socializing states: promoting human rights through international law* (New York: Oxford University Press, 2013).

¹⁴ Emilie Hafner-Burton and Kiyoteru Tsutsui, 'Human rights in a globalizing world: the paradox of empty promises', *American Journal of Sociology* 110: 5, 2005, pp. 1373–411; Beth A. Simmons, *Mobilizing for human rights: international law in domestic politics* (New York: Cambridge University Press, 2009).

¹⁵ Jack L. Goldsmith and Eric A. Posner, *The limits of international law* (New York: Oxford University Press, 2005).

¹⁶ Martha Nussbaum, 'Women's progress and women's human rights', *Human Rights Quarterly* 38: 3, Aug. 2016, pp. 589–622.

¹⁷ Paul Kirby and Laura J. Shepherd, 'Reintroducing women, peace and security', *International Affairs* 92: 2, March 2016, pp. 249–54 (part of a special issue of *International Affairs* on 'The futures of women, peace and

The Millennium Development Goals (MDGs) proposed a number of measurable outcomes and practical initiatives aimed at improving gender equality and combating global poverty, themes that have re-emerged in the Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development. The UN's Committee on the Elimination of Discrimination Against Women monitors state compliance with CEDAW and the UN Special Rapporteur on Violence Against Women, its Causes and Consequences reports findings on human rights violations to the UN Human Rights Council. The UN CSW meets yearly to gauge progress and pitfalls. In 2010, the General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women, to promote and coordinate efforts to achieve women's rights.

Women's rights norms have also been shaped by a series of world conferences. The Fourth World Conference on Women held in Beijing in 1995 was particularly consequential, producing the Beijing Declaration and PFA. The PFA covers numerous routes towards the goal of improving the lives of women and girls, such as poverty alleviation, access to education, reduction of violence and participation in decision-making, among others, and progress is monitored through five-yearly follow-up review meetings. While not strictly a women's rights initiative, the UN International Conference on Population and Development (ICPD) held in Cairo in 1994 produced outcomes highly relevant to women, creating a Programme of Action which emphasized women's reproductive freedom and autonomy. It too has been subject to subsequent discussion hosted by the Commission on Population and Development (CPD). Furthering this agenda, the UN Population Fund (UNFPA) promotes family planning, maternal health, and sexual and reproductive health. These initiatives have been complemented by effective non-governmental advocacy in favour of women's rights.¹⁸ Despite a variety of political disagreements, feminist social movements in the global North and South continue to work for a diverse assortment of causes including equal pay for equal work, affordable child care, reproductive choice and freedom from violence.

The development of the international women's rights agenda seems to confirm many assumptions of constructivist International Relations (IR) theory. A transnational advocacy network successfully generated support for women's rights norms.¹⁹ Within the UN, women's rights have moved through a 'norm life cycle', reaching a 'tipping point' of acceptance, followed by a 'norm cascade'.²⁰ As a result, women's rights have been institutionalized in a variety of legal and policy instruments. However, these norms have frequently failed to change patriarchal and misogynistic practices in states and societies alike, suggesting that much work needs to be done to realize their promise. Moreover, this normative trajectory has not been universal or uncontested. First, state and non-state actors that broadly

security').

¹⁸ Jutta Joachim, 'Framing issues and seizing opportunities: the UN, NGOs, and women's rights', *International Studies Quarterly* 47: 2, 2003, pp. 247–74, and *Agenda setting, the UN, and NGOs: gender violence and reproductive rights* (Washington DC: Georgetown University Press, 2007).

¹⁹ Margaret E. Keck and Kathryn Sikkink, *Activists beyond borders: advocacy networks in international politics* (Ithaca, NY: Cornell University Press, 1998).

²⁰ Finnemore and Sikkink, 'International norm dynamics'.

support international women's rights in theory continue to hold competing interpretations of what exactly these rights mean. Second, state and non-state actors that substantively object to core aspects of the international women's rights agenda have attempted to block and roll back its further development and diffusion. It is the latter that are primarily responsible for norm spoiling.

It is important to note that neither contestation nor non-compliance automatically vitiates the normative status of the international women's rights agenda as long as states continue to invoke its legitimacy. Nonetheless, high levels of contention do suggest vulnerability. Legal norms must be grounded in shared understandings to generate adherence and practical impact.²¹ Protracted disagreement over the meaning and application of rules alters norms under dispute.²² Norms can die and disappear when they are not consistently enacted.²³

Understanding these dynamics is all the more urgent given the troubling reality faced by women around the world. One in three women experiences physical or sexual violence in her lifetime. Seven hundred million women alive today were married before age 18. Two hundred million have undergone female genital mutilation. Women are relegated to unpaid and underpaid labour and are denied political power and representation. Girls continue to lag behind boys in access to education and literacy.²⁴ Hundreds of millions of women lack access to contraception, 22 million undergo unsafe abortions every year, resulting in 47,000 deaths or 13 per cent of all maternal deaths.²⁵ For all these reasons, the fate of the international women's rights agenda is highly significant.

Norm contestation in international politics

Scholars have long noted that even robust international norms do not always travel well. They may be subject to rejection and reformulation from a variety of sources. National and regional norms, organizational cultures, and historical and institutional legacies shape norm adoption, interpretation and compliance.²⁶ When it comes to women's rights, local resistance to international norms undoubtedly plays an important role in perpetuating women's oppression. However, I argue that norm spoiling is not simply a matter of domestic opposition to international norms. Rather, efforts to undermine the international women's rights agenda are strategic and transnational.

²¹ Jutta Brunnée and Stephen J. Toope, *Legitimacy and legality in international law: an interactional account* (Cambridge: Cambridge University Press, 2010).

²² Wayne Sandholtz and Kendall Stiles, *International norms and cycles of change* (New York: Oxford University Press, 2009).

²³ Diana Panke and Ulrich Petersohn, 'Why international norms disappear sometimes', *European Journal of International Relations* 18: 4, 2012, pp. 719–42.

²⁴ UN Women, *What we do*, <http://www.unwomen.org/en/what-we-do>.

²⁵ World Health Organization, *Preventing unsafe abortion*, 2015, <http://www.who.int/mediacentre/factsheets/fs388/en/>.

²⁶ Jeffrey T. Checkel, 'Why comply? Social learning and European identity change', *International Organization* 55: 3, 2001, pp. 553–88; Amitav Acharya, 'How ideas spread: whose norms matter? Norm localization and institutional change in Asian regionalism', *International Organization* 58: 2, 2004, pp. 239–75; Antje Wiener, *The invisible constitution of politics: contested norms and international encounters* (Cambridge: Cambridge University Press, 2008).

My analysis of norm spoiling adds to a growing interdisciplinary literature. Sociologists have studied counter-movements, noting the reactionary nature of these formations.²⁷ IR scholars have increasingly explored contestation in a variety of issue areas ranging from torture and targeted killing²⁸ to environmental protection²⁹ to LGBT rights³⁰ to humanitarian intervention.³¹ For its part, opposition to women's rights from the global religious right has been well documented, but requires new and sustained analysis in light of emergent developments in world politics.³²

In what follows, I map the organization and tactics of women's rights spoilers at the UN. I argue that spoiling has slowed the advancement of international women's rights norms. I do not claim that norm spoiling is the sole obstacle to the realization of international women's rights. Nor do I assert that norm contestation is always problematic. Disagreement and debate are important elements of democratic decision-making and can enhance the legitimacy of global governance.³³ However, for those committed to deepening and expanding the principles of international women's rights, norm spoiling demands attention.

Strange bedfellows: mapping the landscape of norm spoiling

Like proponents of women's rights, their opponents form international and transnational networks. Although these networks are not new, they have become increasingly well organized. One of the most notable features of the international women's rights norm-spoiling coalition is its heterogeneous composition. Because they are united by what they are against, not necessarily what they are for, spoilers need not share a coherent political agenda. The Vatican's UN mission, the Holy

²⁷ David S. Meyer and Suzanne Staggenborg, 'Movements, countermovements, and the structure of political opportunity', *American Journal of Sociology* 101: 6, 1996, pp. 1628–60; Kathleen M. Blee and Sandra McGee Deutsch, eds, *Women of the right: comparisons and interplay across borders* (University Park, PA: Penn State University Press, 2012).

²⁸ Regina Heller, Martin Kahl and Daniela Pisiou, 'The "dark side" of normative argumentation—the case of counterterrorism policy', *Global Constitutionalism* 1: 2, 2012, pp. 278–312; Rebecca Sanders, 'Legal frontiers: targeted killing at the borders of war', *Journal of Human Rights* 13: 4, 2014, pp. 512–36; Rebecca Sanders, 'Human rights abuses at the limits of the law: legal instabilities and vulnerabilities in the "Global War on Terror"', *Review of International Studies* 44: 1, 2018, pp. 2–23.

²⁹ Anders Blok, 'Contesting global norms: politics of identity in Japanese pro-whaling countermobilization', *Global Environmental Politics* 8: 2, 2008, pp. 39–66; Jennifer L. Bailey, 'Arrested development: the fight to end commercial whaling as a case of failed norm change', *European Journal of International Relations* 14: 2, 2008, pp. 289–318.

³⁰ Bob, *The global right wing*; Meredith Weiss and Michael Bosia, eds, *Global homophobia: states, movements, and the politics of oppression* (Urbana, Chicago and Springfield: University of Illinois Press, 2013); Jonathan Symons and Dennis Altman, 'International norm polarization: sexuality as a subject of human rights protection', *International Theory* 7: 1, 2015, pp. 61–95.

³¹ Alan Bloomfield, 'Norm antipreneurs and theorising resistance to normative change', *Review of International Studies* 42: 2, April 2016, pp. 310–33.

³² Anick Druelle, 'Right-wing anti-feminist groups at the United Nations' (Montreal: Institut de recherches et d'études féministes, Université du Québec, 2000); Palena R. Neale, 'The bodies of Christ as international bodies: the Holy See, wom(b)an and the Cairo Conference', *Review of International Studies* 24: 1, 1998, pp. 101–18; Doris Buss and Didi Herman, *Globalizing family values: the Christian right in international politics* (Minneapolis: University of Minnesota Press, 2003); Jennifer Butler, *Born again: the Christian right globalized* (London: Pluto, 2006); Louise Chappell, 'Contesting women's rights: charting the emergence of a transnational conservative counter-network', *Global Society* 20: 4, 2006, pp. 491–520; Wendy Guns, 'The influence of the feminist anti-abortion NGOs as norm setters at the level of the UN: contesting UN norms on reproductive autonomy, 1995–2005', *Human Rights Quarterly* 35: 3, 2013, pp. 673–700.

³³ Jonas Wolff and Lisbeth Zimmermann, 'Between Banyans and battle scenes: liberal norms, contestation, and the limits of critique', *Review of International Studies* 42: 3, 2016, pp. 513–34.

See, which has permanent UN observer status, along with a variety of post-Soviet, Catholic, and Islamic-identified states, and the United States under Republican administrations have all played prominent roles in challenging the international women's rights agenda at various times, despite their otherwise disparate politics. They have been periodically joined by regional organizations and interstate coalitions such as the OIC, the League of Arab States, the G77 and the UN Africa Group.

Women's rights are not a singular norm, and it is important to note that spoilers may support women's rights in some domains while undermining them in others. However, the areas consistently targeted by spoilers, particularly reproductive choice and the concomitant access to reproductive education and health care, and the distinction between biological sex and socially constructed gender roles, are so important that they cannot be carved out of the international women's rights agenda without leaving it substantially damaged.³⁴ Most spoiling efforts have coalesced around key international women's rights initiatives such as the Cairo and Beijing conferences and their follow-up meetings, where these contentious issues have taken centre stage, uniting states whose views on women's participation in the public sphere, their political, social and economic rights, and their status under family law sometimes diverge in other contexts. Although the United States refused to ratify CEDAW and the CRC on the grounds that these agreements would undermine national sovereignty,³⁵ almost all other state spoilers have done so, even as they attack the substance of women's rights norms. This state of affairs highlights the vulnerability of norms that enjoy formal status, but unstable and uneven practical support.

The Catholic church has long led opposition to the international women's rights agenda, spearheading efforts to block and roll back acknowledgement of women's rights to control whether and when they bear children. For instance, Pope John Paul II expressed 'grave concern' over the 1994 Cairo Conference on Population and Development, denouncing birth control as 'an assault on the sacredness of life' and abortion as a 'heinous evil'³⁶ that perpetuates a 'culture of death'.³⁷ The Holy See's extensive reservations to the 1995 Beijing Declaration and PFA criticized 'ambiguous terminology concerning unqualified control over sexuality and fertility, particularly as it could be interpreted as a societal endorsement of abortion or homosexuality'.³⁸

³⁴ While in theory it may be possible to oppose abortion, but not other aspects of reproductive rights, most spoilers challenge the right to terminate a pregnancy within a broader critique of reproductive freedom including access to sex education and contraception.

³⁵ Grace Smith Melton, 'CEDAW: how UN interference threatens the rights of American women', *Backgrounder*, no. 2227 (Washington DC: Heritage Foundation, 9 Jan. 2009), https://www.heritage.org/marriage-and-family/report/cedaw-how-un-interference-threatens-the-rights-american-women#_ftn34; Lisa Baldez, *Defying convention: US resistance to the UN Treaty on Women's Rights* (New York: Cambridge University Press, 2014).

³⁶ John Paul II, *Letter of his holiness John Paul II to the Secretary General of the International Conference on Population and Development*, 1994, https://w2.vatican.va/content/john-paul-ii/en/letters/1994/documents/hf_jp-ii_let_19940318_cairo-population-sadik.html.

³⁷ John Paul II, *Evangelium vitae: to the bishops, priests and deacons, men and women religious lay faithful, and all people of good will on the value and inviolability of human life*, 1995, http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html.

³⁸ Reservations and interpretative statements on the Beijing Declaration and Platform for Action, <http://www.un.org/esa/gopher-data/conf/fwcw/off/plateng/9520p6.en>.

In the run-up to the Cairo meeting, Vatican diplomats courted controversial alliances with Libya and Iran to oppose reproductive freedom. 'The future war is between the religious and the materialists', declared Iranian Deputy Foreign Minister Mohammad Hashemi Rafsanjani at the time, continuing: 'Collaboration between religious governments in support of outlawing abortion is a fine beginning for the conception of collaboration in other fields'.³⁹ More recent organizational expressions of the interstate spoiling alliance include the 'Group of Friends of the Family' (GoFF), launched by Belarus, Egypt and Qatar in 2015 in order to press for 'mainstreaming of the family' in UN policy. They were joined by Bangladesh, Comoros, Indonesia, Iran, Iraq, Kuwait, Kyrgyzstan, Libya, Malaysia, Nicaragua, Nigeria, Oman, Pakistan, the Russian Federation, Saudi Arabia, Somalia, Sudan, Tajikistan, Turkmenistan, Uganda, Yemen and Zimbabwe.⁴⁰

In addition to states, numerous NGOs such as C-Fam, Alliance Defending Freedom International, the Heritage Foundation, the International Right to Life Federation, the Family Research Council, Concerned Women for America, REAL Women of Canada, Family Watch International, the Family First Foundation, HazteOir and the activist website CitizenGO have contested the international women's rights agenda. Some of these groups have secured official consultative status through the UN Economic and Social Council, allowing them to speak and organize events at UN conferences and lobby UN delegates. For example, in March 2016, GoFF member states joined numerous NGOs for a 'Uniting Nations for a Family Friendly World' event at the UN.⁴¹ Civil Society for the Family was created to support GoFF's mission.⁴²

Conservative NGOs are also organizing through bodies such as the International Organization for the Family's World Congress of Families, which stages large international annual conferences.⁴³ In 2017, the Congress was held in the 'family friendly nation' of Hungary, where that country's far-right Prime Minister Viktor Orban opened proceedings.⁴⁴ Ben Carson, Director of Housing and Urban Development in the Trump administration, originally appeared on the programme before withdrawing. In 2016, the annual conference was held in Tbilisi, Georgia, and received a warm letter of support from former US President George W. Bush.⁴⁵ While anchored by Americans, the Congress enjoys financial and political support from Russia, which has aggressively repressed feminist

³⁹ John Tagliabue, 'Vatican seeks Islamic allies in UN population dispute', *New York Times*, 18 Aug. 1994, <http://www.nytimes.com/1994/08/18/world/vatican-seeks-islamic-allies-in-un-population-dispute.html>.

⁴⁰ Statement by delegate of Republic of Belarus, UN General Assembly, Intergovernmental negotiations on the post-2015 development agenda, Second Session, New York, 18 Feb. 2015, <https://sustainabledevelopment.un.org/content/documents/12842Group%20of%20friends%20of%20the%20family.pdf>.

⁴¹ 'Uniting Nations for a Family Friendly World', ECOSOC Chamber, UN, New York, 16 May 2016, <http://www.un.org/webcast/pdfs/160516am-family-belarus.pdf>.

⁴² Civil Society for the Family, <https://civilsocietyforthefamily.org>.

⁴³ World Congress of Families, <http://worldcongress.org>.

⁴⁴ International Organization for the Family, 'WCF XI Budapest Family Summit Launches Worldwide Pro-Family Revolution', <https://profam.org/wcf-xi-launches-worldwide-pro-family-revolution-iof-weekly/>.

⁴⁵ Daniel Victor, 'Bush praises World Congress of Families, a hate group to some', *New York Times*, 18 May 2016, <https://www.nytimes.com/2016/05/19/us/politics/georgia-george-bush-world-congress-families.html>.

activists and undermined LGBT rights while encouraging similar policies across eastern Europe.⁴⁶

Conservative activists frequently allege that ‘radical feminists’ have hijacked the UN and its agencies and conferences. In this sense, it is precisely the success of the international women’s rights agenda that has generated a backlash.⁴⁷ ‘Gender equality’ is a form of ‘femspeak’ with ‘radical and subversive meanings’, according to the Population Research Institute, an anti-contraception and anti-abortion NGO that claims to have links with 30 countries.⁴⁸ Feminism is ‘one of the greatest mythmakers of all time’, akin to Nazism, Stalinism and Maoism, argues Janice Shaw Crouse, a World Congress of Families organizer and former US delegate to UN conferences on women and children.⁴⁹ Activists also criticize the CRC for advocating children’s rights to sexual and reproductive health care and education.⁵⁰ Some conservative campaigners articulate versions of the ‘men’s rights’ agenda, arguing that attention to women’s rights ignores fathers.⁵¹ While not the focus of this article, extreme homophobia is consistently advocated by women’s rights spoilers, who depict women’s rights advocates as lesbians, a characterization intended to be pejorative.⁵²

The global right wing has long been highly suspicious of, if not overtly hostile towards, the UN. However, activists have increasingly recognized the importance of this forum for generating—and spoiling—norms. As Pam Chamberlain explains, ‘Their engagement with the United Nations does not signal a newfound respect for that body ... Rather, conservative NGOs have made the pragmatic decision to take the fight against reproductive freedom into the den of their perceived enemy.’⁵³ Or, as Alliance Defending Freedom International puts it: ‘Because of its widespread influence, the UN is at the centre of the global battle for life, and marriage and family.’⁵⁴

Conservative activists have engaged in diplomatic lobbying and public campaigning of the kind commonly associated with human rights promotion. They

⁴⁶ Southern Poverty Law Center, *Anti-LGBT hate group World Congress of Families to gather this week in Budapest*, 22 May 2017, <https://www.splcenter.org/hatewatch/2017/05/22/anti-lgbt-hate-group-world-congress-families-gather-week-budapest>.

⁴⁷ Barbara Crossette, ‘At the UN, twenty years of backlash to “women’s rights are human rights”’, *The Nation*, 5 March 2013, <http://www.thenation.com/article/173203/un-twenty-years-backlash-womens-rights-are-human-rights>.

⁴⁸ Steven W. Mosher, *The UN continues to push a radical abortion agenda*, Population Research Institute, 28 Oct. 2014, <http://pop.org/content/un-continues-push-radical-abortion-agenda>.

⁴⁹ Janice Shaw Crouse, ‘Feminism and the family’, *Meridian Magazine*, 6 May 2004, <https://ldsmag.com/article-1-3742/>.

⁵⁰ Mary Rice Hasson, ‘Liberals won’t and don’t need to “collectivize” your kids: “youth rights” and the shrinking power of parents’, *The Natural Family*, 2013, <http://familyinamerica.org/journals/fall-2013/liberals-wont-and-dont-need-collectivize-your-kids-youth-rights-and-shrinking-power-parents/#.VWACFktgNuZ>.

⁵¹ Melissa Blais and Francis Dupuis-Deri, ‘Masculinism and the antifeminist countermovement’, *Social Movement Studies* 11: 1, 2012, pp. 21–39.

⁵² Doris E. Buss, ‘Finding the homosexual in women’s rights: the Christian right in international politics’, *International Feminist Journal of Politics* 6: 2, 2004, pp. 257–84.

⁵³ Pam Chamberlain, *UNdoing reproductive freedom: Christian right NGOs target the United Nations*, Political Research Associates, 2006, <http://www.politicalresearch.org/resources/reports/full-reports/undoing-reproductive-freedom/#.5>.

⁵⁴ Alliance Defending Freedom International, *United Nations overview*, <https://adfinternational.org/regions/united-nations/overview>.

maintain a strong online presence and disseminate to prospective allies training manuals on how to influence UN processes. For instance, United Families International, which declares that CEDAW is 'the most dangerous treaty ever to come out of the UN and constitutes an assault on the family, motherhood, marriage, life, and religion', distributes a *UN Negotiating Guide* and reports meeting with ambassadors and diplomats from 16 UN missions during the 2015 session of the CSW.⁵⁵ Family Watch International also offers a detailed 90-page guide to UN proceedings.⁵⁶ In 2017, Alliance Defending Freedom International claimed to have trained over 10,000 people at 70 events, including UN delegates and Organization of American States representatives. It has 50 staff members in eight countries, works with 3,000 allied lawyers, and is involved in 580 ongoing legal matters in 51 countries.⁵⁷

The influence of norm spoilers is multidirectional. NGOs lobby states; states pressure other states and NGOs. When conservative activists capture state policy, their power is amplified tremendously. These dynamics are illustrated by the case of the United States. Over the course of the several decades since *Roe v. Wade* (1973) liberalized abortion at home, American foreign policy has become increasingly conservative regarding reproductive freedom, largely due to pressure from conservative NGOs and voters. These political positions have been projected internationally. Because of their influence on Republican Party policy, the election of Donald J. Trump has expanded the political opportunity structure for norm spoilers to shape American and international policy.

Although the United States does not have the capacity to dictate outcomes at the UN unilaterally, its material and political power allows it to limit the practical implementation of many international women's rights initiatives, such as access to reproductive health care. For instance, in 1973, the Helms Amendment prohibited the use of federal funds 'for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions', while in 1974 the US Agency for International Development banned support for 'information, education, training, or communication programs that seek to promote abortion as a method of family planning'.⁵⁸ In 1984, the Reagan administration's Mexico City Policy initiated the 'global gag rule', preventing NGOs outside the United States from receiving American funds if, with their own money and in accordance with local law, they perform or 'actively promote' or discuss abortion as a method of family planning. The global gag rule has been revived by subsequent Republican administrations, including the Trump administration, which has extended restrictions to the entire US\$9.5 billion American global health assistance budget. This

⁵⁵ United Families International, 'The kitchen is a torture chamber', 21 March 2015, <http://unitedfamilies.org/email-archives/ufi-the-kitchen-is-a-torture-chamber/>.

⁵⁶ Family Watch International, *Resource guide to UN consensus language on family issues*, http://www.familywatchinternational.org/fwi/documents/Resource_Guide_2013.pdf.

⁵⁷ Alliance Defending Freedom International, *Annual Report 2017*, <https://adfinternational.org/detailspages/blog-details/commentary/2017/11/30/annual-report-2017>.

⁵⁸ Julia L. Ernst, Laura Katzive and Erica Smock, 'The global pattern of US initiatives curtailing women's reproductive rights: a perspective on the increasingly anti-choice mosaic', *University of Pennsylvania Journal of Constitutional Law* 6: 4, 2004, p. 774.

policy limits access to sexual and reproductive health care such as contraception, antenatal monitoring and AIDS/HIV prevention in poor countries that depend on NGOs for health-care services.⁵⁹ The Trump administration has also withdrawn funding for the UNFPA.

In sum, the landscape of state and non-state actors dedicated to spoiling the international women's rights agenda includes counter-intuitive alliances between strange bedfellows. It is a truly multicultural coalition, involving countries and NGOs around the world. These actors are united by opposition to what they characterize as a radical feminist agenda at the UN. They are particularly hostile to reproductive rights. In the following sections, I outline various norm-spoiling tactics.

Interpreting extant norms: the right to life and the 'natural family'

Despite their overt hostility to CEDAW, many women's rights spoilers invoke the language of other international human rights declarations and treaties to promote their critique of the international women's rights agenda. By strategically interpreting the meaning of international norms, conservative activists attempt to delegitimize feminist understandings of these principles. Their efforts illuminate norm spoiling's simultaneously destructive and constructive character.

Conservatives who previously objected to universal human rights terminology have increasingly adopted it, deploying natural rights, family rights and the right to life of the unborn in their messaging.⁶⁰ The UDHR states that 'everyone has the right to life' (article 3) and that 'the family is the natural and fundamental group unit of society and is entitled to protection by society and the State' (article 16c). This language is echoed in the ICCPR (articles 6 and 23, respectively). At the same time, CEDAW grants women rights to 'appropriate services in connection with pregnancy, confinement and the post-natal period' (article 12) and equal rights to men to decide 'freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights' (article 16e). None of these instruments explicitly mentions abortion one way or another, although they do emphasize women's rights to make decisions about reproduction. Nonetheless, spoilers interpret this ambiguity to mean there is no right to reproductive choice in international law. They often invoke the 1994 Cairo Conference on Population and Development, where they secured language that stated abortion was not a means of family planning.

In advancing their claims, anti-choice advocates must contend with UN treaty body experts, who have repeatedly suggested that women should have access to abortion care. For instance, in its 2017 general recommendation 35, the CEDAW Committee argued:

⁵⁹ Jill Filipovic, 'The global gag rule: American's deadly export', *Foreign Policy*, 20 March 2017, <http://foreign-policy.com/2017/03/20/the-global-gag-rule-americas-deadly-export-trump-africa-women-reproductive-rights/>.

⁶⁰ Lynn M. Morgan and Elizabeth F. S. Roberts, 'Reproductive governance in Latin America', *Anthropology and Medicine* 19: 2, Aug. 2012, p. 243.

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Violations of women's sexual and reproductive health and rights, such as forced sterilization, forced abortion, forced pregnancy, criminalization of abortion, denial or delay of safe abortion and/or post-abortion care, forced continuation of pregnancy, and abuse and mistreatment of women and girls seeking sexual and reproductive health information, goods and services, are forms of gender-based violence that, depending on the circumstances, may amount to torture or cruel, inhuman or degrading treatment.⁶¹

In 2015, the UN Human Rights Committee introduced draft general comment 36 on article 6 of the ICCPR, in which it proposed interpreting international law in support of abortion rights.⁶² Conservative states and NGOs have issued numerous objections. For instance, Poland argued that 'it is not a specific stage of life that is subject to legal protection ... but the life itself of each human being',⁶³ while Civil Society for the Family claimed: 'Unborn children are not excluded from the right to life in the International Covenant on Civil and Political Rights. To say or imply otherwise is not consistent with the text and history of the treaty.'⁶⁴ The Human Rights Council's Universal Periodic Review process has also become a venue for contention, with some countries and experts using the process to advocate liberalizing abortion laws, while spoilers have urged prohibitions on abortion and protections for the family in their comments to other member states.⁶⁵

Although cast in positive language, the 'pro-family' agenda at the UN often functions to criticize both international women's rights norms and emerging attempts to enhance LGBT marriage and parental rights. Family advocates define the 'natural family' as a married heterosexual couple, who fulfil stereotypical husband/father and wife/mother gender roles and pass them on to their children.⁶⁶ The GoFF, mentioned above, clearly adopts this frame, as do numerous NGOs. In 2014 and again in 2015, the Human Rights Council adopted pro-family resolutions that were hailed by conservative activists as a 'big win'.⁶⁷

By strategically interpreting extant norms such as the protection of the 'right to life' and the 'natural family', spoilers leverage their understanding of human rights against the international women's rights agenda.

⁶¹ Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, p. 7, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en.

⁶² UN Human Rights Committee, general comment no. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life, pp. 2–3, http://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle6/GCArticle6_EN.pdf.

⁶³ Remarks of Poland to general comment no. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life, pp. 1–2, <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/GC36-Article6Righttolife.aspx>.

⁶⁴ Civil Society for the Family, Observations on draft general comment 36, 5 Oct. 2017, p. 2, <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/GC36-Article6Righttolife.aspx>.

⁶⁵ Rebecca Oas, *Nations speak out for life and the family in UN human rights mechanism*, C-Fam, 7 Dec. 2017, https://c-fam.org/friday_fax/nations-speak-life-family-un-human-rights-mechanism/.

⁶⁶ Family Watch International, Sharon Slater CSW, 'The family, equality and human rights: fulfilling the promises of Beijing', *You Tube*, 26 March 2015, <https://www.youtube.com/watch?v=SthVonwmoZk&feature=youtu.be>.

⁶⁷ Rebecca Oas, *Big win for traditional family at UN Human Rights Council*, C-Fam, 9 July 2015, https://c-fam.org/friday_fax/big-win-for-traditional-family-at-un-human-rights-council/.

Words matter: contesting women's rights language in UN documents

Complementing efforts to strategically interpret extant norms, norm spoilers have worked hard to exclude words they consider objectionable from UN treaties, declarations and outcome documents. References to 'various forms of the family', 'reproductive rights', 'sexual and reproductive health', 'sexual and reproductive rights and health', 'comprehensive sexuality education', 'sexual orientation and gender identity', 'unmet need' for contraception, 'unsafe abortion' and 'safe abortion' have come under attack from conservative activists.⁶⁸ While manipulating language is a normal feature of all legal and political processes, it takes on added significance in the context of norm-spoiling efforts.

Spoilers have become adept at navigating UN processes. For instance, Family Watch International outlines 'standard techniques used to negotiate a more family friendly outcome document'. These include: 'Propose family-supportive language to modify the meaning of a potentially harmful provision under negotiation'; 'Propose positive language that gives Member States more flexibility in implementing problematic provisions in a way that refers to the entire document under negotiation'; 'Identify and request to delete inflexible language when it mandates negative actions'; and 'Add language that will minimize the negative outcomes of UN agencies or treaty bodies that may overstep their mandates'.⁶⁹

The negotiation of the 1998 Rome Statute of the ICC was rife with examples of women's rights critics contesting language. For instance, the Holy See, several Arab states, and conservative NGOs opposed the inclusion of the term 'gender' on the grounds that it could protect sexual orientation and gender identity rights.⁷⁰ While 'gender' was ultimately referenced in the treaty, article 7(3) asserts the awkward and ambiguous qualification that 'For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above'. Moreover, 'forced pregnancy' is defined so as not to imply a right to abortion:

'Forced pregnancy' means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy. (article 7(2)(f))

Similar efforts are evident in other forums. At the 2012 Rio + 20 conference on sustainable development, the term 'reproductive rights' was eliminated from the outcome document in favour of reference to 'reproductive health' after objections

⁶⁸ C-Fam, *Protecting life and family at the UN and around the world*, 2014, <https://s3.amazonaws.com/cfam/wp-content/uploads/Policies-to-Defend-Life-and-Family-FINAL.pdf>.

⁶⁹ Family Watch International, *Resource guide to UN consensus language*.

⁷⁰ Valerie Oosterveld, 'Constructive ambiguity and the meaning of "gender" for the International Criminal Court', *International Feminist Journal of Politics* 16: 4, 2014, pp. 564–68; Louise Chappell, *The politics of gender justice at the International Criminal Court* (New York: Oxford University Press, 2016), pp. 42–7.

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from Egypt, the Holy See, Russia, Syria and several Latin American states.⁷¹ As Françoise Girard explains,

This was caused by the refusal of the EU and of the G77 bloc of developing countries to 'break' (speak separately rather than as a bloc) on issues of SRHR [sexual and reproductive health and rights] and gender equality, thereby giving a *de facto* veto to the most conservative countries in their midst.⁷²

Spoilers have attempted to control language in outcome documents issued by the CSW and the CPD. As explained by Anne Marie Goetz, former chief adviser on peace and security to UN Women, the declining transparency of pre-negotiated agreed conclusions at the CSW has created opportunities for states to pursue their agendas beyond the scrutiny and influence of feminist activists. 'The major rights-positive countries and coalitions have been losing ground in these forums, creating a vacuum in which an emerging group of delegates, working in concert, are gnawing away at vulnerable parts of the women's rights agenda,' she argues. 'What may appear to be minor textual concessions and deletions are in fact a familiar diplomatic tactic of altering precedents and hedging previous agreements so subtly that losses are not immediately noticed.'⁷³

The 2012 session of the CSW failed to produce an agreed outcome document after resistance to references to a variety of women's rights principles, particularly reproductive and sexual rights, by conservative delegates from the Africa Group, led by Egypt, Cuba, the Holy See, Iran, Russia, Syria and Venezuela.⁷⁴ In this instance, the EU denounced 'attempts to weaken the internationally agreed agreements on gender equality and women's rights', including efforts to question and diminish

the importance of addressing issues such as harmful traditional practices, including early and forced marriage and female genital mutilation/cutting, the provision of comprehensive sexuality education and the importance of ensuring the highest attainable standard of health, including sexual and reproductive health for women and girls.⁷⁵

During discussions of violence against women at the 2013 session of the CSW, Cameroon, Egypt, the Holy See, Iran, Nigeria and Russia resisted recognition of 'intimate partner violence' and 'the very mention of girls'.⁷⁶ They succeeded in blocking the former on the grounds that it could refer to unmarried or

⁷¹ Jane Martinson, 'World leaders accused of backsliding on women's rights', *Guardian*, 5 July 2012, <http://www.theguardian.com/lifeandstyle/2012/jul/05/world-leaders-backsliding-womens-rights>; Human Rights Watch, *Rio + 20: outcome document undermined by rights opponents*, 2012, <https://www.hrw.org/news/2012/06/22/rio-20-outcome-document-undermined-rights-opponents>.

⁷² Françoise Girard, 'Taking ICPD beyond 2015: negotiating sexual and reproductive rights in the next development agenda', *Global Public Health* 9: 6, 2014, p. 609.

⁷³ Anne Marie Goetz, *A new cold war on women's rights?* (Geneva: UN Research Institute for Social Development, 22 June 2015), [http://www.unrisd.org/UNRISD/website/newsview.nsf/\(httpNews\)/487409857E14FD9EC1257E6C00355DoB?OpenDocument](http://www.unrisd.org/UNRISD/website/newsview.nsf/(httpNews)/487409857E14FD9EC1257E6C00355DoB?OpenDocument).

⁷⁴ Femmes Africa Solidarité *Report on the 56th Commission on the Status of Women (CSW 56)*, 2012, p. 11, <http://www.fasngo.org/assets/files/CSW/FAS%20CSW%56%20REPORT%20for%20CIRCULATION.pdf>.

⁷⁵ *EU General Statement at the CSW 56 on rural women*, 16 March 2012, <http://finnewyork.um.dk/en/denmark/denmarks-engagement-with-the-un/statements/newsdisplaypage/?newsid=e7748321-b23a-48aa-9b40-8e08f2af1da7>.

⁷⁶ Girard, 'Taking ICPD beyond 2015', p. 610.

same-sex partners, but failed to prevent a final document calling for ‘emergency contraception’ and ‘safe abortion where such services are permitted by national law’ in response to violence against women and girls.⁷⁷ Later that year, a General Assembly resolution aimed at protecting threatened women’s rights campaigners such as Pakistani education activist Malala Yousafzai had to exclude a paragraph calling on states to denounce ‘all forms of violence against women and women human rights defenders and refrain from invoking any customs, traditions or religious consideration to avoid their obligations’ in the wake of obstructionist protests by China, the Holy See, Iran, Russia and several other conservative African and Muslim states.⁷⁸

At the 2015 session of the CPD, delegates failed to adopt a draft resolution aimed at emphasizing the importance of women’s rights for the sustainable development agenda owing to opposition, led by the Africa Group, to the inclusion of sexual and reproductive rights language.⁷⁹ Anti-choice campaigners further challenged efforts to enhance reproductive rights language in a December 2015 resolution on ‘women in development’ at the General Assembly.⁸⁰

Not surprisingly, the SDGs have been an object of contention. While the MDGs focused on the innocuous concept of ‘maternal health’, the SDGs advocate ‘universal access’ to ‘reproductive rights’. Although they deny this implies a right to abortion, the inclusion of this language was perceived as a defeat by spoilers.⁸¹ Controversy then extended to measures of SDG progress. Spoilers report slowing, but not ultimately preventing the adoption of what they consider to be objectionable benchmarks.⁸² They remain staunchly opposed to indicators such as the ‘Number of countries with laws and regulations that guarantee full and equal access to women and men aged 15 years and older to sexual and reproductive health care, information and education’ (5.6.2).⁸³

The Trump administration has reinvigorated efforts to roll back previously settled language in UN agreements. For instance, in November 2017 meetings of the General Assembly’s Third Committee, the United States sought to replace condemnation of ‘all forms of violence’ against women and children with the phrase ‘unlawful violence’, implying there may be lawful forms of violence. In this atmosphere, the Africa Group, led by Egypt, along with St Lucia, successfully introduced language that weakened existing commitments to provide

⁷⁷ Girard, ‘Taking ICPD beyond 2015’, p. 610.

⁷⁸ Al Arabiya, *UN women’s rights resolution passed despite backlash*, 28 Nov. 2013, <http://english.alarabiya.net/en/News/world/2013/11/28/U-N-women-s-rights-resolution-passed-despite-backlash-.html>.

⁷⁹ UN Meetings Coverage, *Commission on Population and Development unable to agree upon proposed resolution, reproductive rights among points of contention*, 17 April 2015, <http://www.un.org/press/en/2015/pop1041.doc.htm>.

⁸⁰ Alliance Defending Freedom International, *A victory for life: important UN resolution on women not to promote abortion*, 2015, <https://adfinternational.org/detailspages/press-release-details/a-victory-of-life-important-un-resolution-on-women-not-to-promote-abortion>.

⁸¹ Elyssa Koren, ‘The fight over abortion in the UN’s new international development agenda’, *Public Discourse* (Princeton: Witherspoon Institute, 2016), <http://www.thepublicdiscourse.com/2016/03/16470/>.

⁸² Alliance Defending Freedom International, *Pro-abortion actors foiled at major UN conference*, 2015, <https://adfinternational.org/detailspages/press-release-details/pro-abortion-actors-foiled-at-major-un-conference>; Stefano Gennarini, *Welcome to the global technocracy: SDG indicators adopted by UNGA*, 6 July 2017, https://cfam.org/turtle_bay/global-technocracy-sdg-indicators-adopted-unga/.

⁸³ UN General Assembly, *Global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development*, 6 July 2017, <https://undocs.org/A/RES/71/313>.

comprehensive sexuality education to children in favour of parent-approved information. As a result, the International Women's Health Coalition warns that 'the US's new extreme positions on women's rights and sexual and reproductive rights and their constant breaking of diplomatic norms enables anti-rights countries ... to attack the substance and the system simultaneously.'⁸⁴

While language is always contested in legal and political documents, a focus on norm spoiling highlights how women's rights critics have opposed the terminology of international women's rights in patterned ways. What may appear to be innocuous word choices may instead be evidence of the success or failure of spoiling efforts.

Expanding the spoiling coalition: relativist and anti-colonial discourses

Spoilers have deployed cultural relativist and anti-colonial discourses against a variety of human rights norms, including international women's rights principles. They argue that 'rights' are a western construct and not universally applicable. While these claims are not novel, they are gaining renewed traction in the context of strategic transnational norm spoiling. Ironically, American and European conservative activists have enthusiastically encouraged these critiques in their attempt to win partners in the global South.⁸⁵

Spoilers often invoke cultural and religious difference. For instance, OIC Secretary-General Iyad Madani suggested that while most Islamic states

willingly adopted and implemented international human rights norms ... there are a number of issues that go beyond the normal scope of human rights and clash with Islamic teachings ... While OIC countries prefer to use the notion of equality between men and women, western countries push for the term 'gender', which goes beyond the normal definition of man and woman.⁸⁶

Similar sentiments are apparent in many states' extensive reservations to CEDAW, which assert that they will interpret the treaty through the lens of domestic legal norms.⁸⁷

In 2012, a Russian-sponsored resolution to study 'traditional values' as a basis for human rights was passed by the UN Human Rights Council with support from states with troubling human rights records such as China, Cuba, Libya, Saudi Arabia and Uganda among others. The resolution stated 'that a better understanding and appreciation of traditional values shared by all humanity and embodied in universal human rights instruments contribute to promoting and protecting human rights and fundamental freedoms worldwide'.⁸⁸ Human rights

⁸⁴ Rachel Jacobson, *At the UN, progress amid peril for women and girls*, 22 Dec. 2017, <https://iwhc.org/2017/12/un-progress-amid-peril-women-girls/>.

⁸⁵ Rebecca Sanders, 'Norm proxy war and resistance through outsourcing: the dynamics of transnational human rights contestation', *Human Rights Review* 17: 2, June 2016, pp. 165–91.

⁸⁶ OIC, *OIC seeks rights debates based on Islamic values*, 11 March 2014, <https://oichumanrights.wordpress.com>.

⁸⁷ Declarations, Reservations and Objections to CEDAW, <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>.

⁸⁸ UN Human Rights Council, 'Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices', A/HRC/RES/21/3, 9 Oct. 2012, <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/G12/173/96/PDF/G1217396.pdf?OpenElement>.

advocates expressed strong concern that this ‘traditional values’ frame could be used to undermine the rights of women, LGBT people and vulnerable minorities.⁸⁹ Because the amorphous concept of ‘traditional values’ lacks substantive content, it can accommodate a variety of political, cultural and religious preferences held by members of the spoiling coalition. Although tradition is not always synonymous with patriarchy and misogyny, and human rights norms must have local resonance to be effective, the invocation of tradition by spoilers has problematic implications for the international women’s rights agenda, which seeks to create clear and consistent standards to promote women’s full equality and freedom. ‘Traditional values’ serve to obscure these standards.

Anti-colonial frames are also popular in efforts to undermine the international women’s rights agenda. For instance, echoing Pope Francis’s warning to ‘beware of the new ideological colonization that tries to destroy the family’,⁹⁰ the Holy See partnered with conservative NGOs to denounce reproductive rights advocacy as perpetuating a ‘culture of death’ at the 2016 session of the CSW.⁹¹ As Obianuju Ekeocha of Culture of Life Africa put it:

Most of the African communities actually believe by their traditions and their cultural standards that abortion is a direct attack on human life ... You’re going to have to tell her [the African woman] they have always been wrong, and that ... is colonization.⁹²

At a side event at the 2015 session of the CSW Theresa Okafor, Director of the Foundation for African Cultural Heritage, emphasized a ‘relational approach’ to gender equality within the family as opposed to a ‘confrontational approach’, arguing that family abuse of African women is ‘dramatized’ and ‘exploited’ by international women’s rights activists who wrongly ‘demonize patriarchy’.⁹³ In such formulations, African women’s rights are threatened not by lack of access to reproductive rights, quality health care and an effective justice system, but by western feminism, which undermines local values and knowledge. These arguments build on longstanding and often legitimate concerns on the part of women in the global South that they are not adequately represented in the international women’s movement.⁹⁴

It is important to distinguish spoiling from other critical perspectives on the international women’s rights agenda. Spoilers object to core international women’s rights claims. They are substantively opposed to concepts such as equality between

⁸⁹ Graeme Reid, “‘Traditional values’ code for human rights abuse?”, CNN, 17 Nov. 2012, <http://globalpublicsquare.blogs.cnn.com/2012/10/17/traditional-values-code-for-human-rights-abuse/>.

⁹⁰ Floyd Whaley, ‘As Pope Francis visits Philippines, tensions between church and government surface’, *New York Times*, 6 Jan. 2015, http://www.nytimes.com/2015/01/17/world/asia/after-meeting-with-pope-francis-philippine-president-criticizes-local-church-leaders.html?_r=1.

⁹¹ Rosalie Fransen, ‘UN CSW: debating women’s reproductive rights or a “culture of death”’, *Open Democracy*, 31 March 2016, <https://www.opendemocracy.net/5050/rosalie-fransen/un-csw-women-s-reproductive-rights-or-culture-of-death>.

⁹² Culture of Life Africa, *Best practices for maternal health in Africa Q&A session*, YouTube, 2 April 2016, <https://www.youtube.com/watch?v=LZ6nioMimCc&feature=youtu.be>.

⁹³ UN Web TV, ‘The family as the agent of gender equality and human rights, “Fulfilling the promises of Beijing”’, CSW 59 side event, 13 March 2015, <http://webtv.un.org/watch/the-family-as-the-agent-of-gender-equality-and-human-rights-fulfilling-the-promises-of-beijing-csw-59-side-event/4109993002001#full-text>.

⁹⁴ Joachim, *Agenda setting*, pp. 133–61.

men and women, reproductive autonomy, and the distinction between biological sex and socially constructed gender roles. In contrast, a variety of critical voices, including critical feminists, have raised concerns about the inclusiveness of international women's rights norms, calling for greater attention to be paid to the needs and perspectives of women in the global South, poor women, racial minorities, LGBT persons and people experiencing other points of intersectional oppression.⁹⁵

While the line between spoilers and the critical feminist camp may sometimes appear blurred regarding the alleged western bias of women's rights norms, they represent fundamentally different viewpoints. Accordingly, not all critical perspectives should be conflated with the conservative backlash against women's rights I analyse in this article. Nonetheless, by appropriating anti-colonial critiques, norm spoilers threaten to broaden support for spoiling efforts while driving wedges between women's rights advocates. This is challenging territory for feminists to navigate, particularly in the wake of growing right-wing xenophobia, Islamophobia and the 'war on terror', all of which articulate crude essentialist stereotypes of non-western cultures to justify war and imperialism. How best to challenge misogynistic religious doctrines and exculpatory cultural relativism without reinforcing other forms of discrimination and racism remains a vexing problem. Here, distinguishing coordinated norm-spoiling efforts from critical feminist concerns could help women's rights advocates better judge when to resist and when to reflect on criticism of the international women's rights agenda.

Prospects and implications

Because norm spoilers are constantly engaged in incremental assaults on the international women's rights agenda, they do not necessarily need to achieve a singular momentous victory to succeed. Rather, the impact of norm spoiling can be measured by the stalled development and implementation of international women's rights norms.

There is evidence that norm spoiling has slowed the advancement of the international women's rights agenda. At Cairo, Beijing and their follow-up meetings, the Holy See and allied states and NGOs have ensured that a disproportionate amount of time has been devoted to debating abortion, frustrating discussion. This has often forced women's rights advocates into a distracting defensive posture. It has even caused feminist groups to question the continued efficacy of UN forums for promoting their cause.⁹⁶ Women's rights advocates have become wary of reopening or seeking to expand existing declarations, fearing that references to reproductive rights could be undone.⁹⁷

⁹⁵ Chandra Talpade Mohanty, *Feminism without borders: decolonizing theory, practicing solidarity*, 5th edn (Durham, NC: Duke University Press, 2003); Robin Lee Riley, Chandra Talpade Mohanty and Minnie Bruce Pratt, eds, *Feminism and war: confronting US imperialism* (Chicago: University of Chicago Press, 2008); Lila Abu-Lughod, *Do Muslim women need saving?* (Cambridge, MA: Harvard University Press, 2015); Marjaana Jauhola, 'Decolonizing branded peacebuilding: abjected women talk back to the Finnish Women, Peace and Security agenda', *International Affairs* 92: 2, March 2016, pp. 333–52.

⁹⁶ Kristen Timothy, 'Defending diversity, sustaining consensus: NGOs at the Beijing Women's Conference and beyond', *Journal of Women, Politics and Policy* 27: 1–2, 2005, pp. 192–3.

⁹⁷ Guns, 'The influence', p. 696.

As summed up by the NGO Committee on the Status of Women, New York, and as discussed throughout this article, ‘negative trends that have impeded progress’ include conservative efforts to narrow ‘the concept of gender to only refer to women and men’; ongoing ‘dissent between pro-life and pro-choice groups’; and opposition ‘to Sexual and Reproductive Health and Rights, in particular sexual rights’, ‘sexual orientation and gender identity’, ‘diverse forms of families’, ‘Comprehensive Sexuality Education’ and ‘language that recognizes violence, including sexual violence, perpetrated by partners or husbands is a form of violence against women’.⁹⁸

Many opportunities to advance women’s rights, such as the 20-year follow-up meeting to Beijing in 2015, have proved disappointing for feminists.⁹⁹ Characterizing the political declaration as ‘a bland reaffirmation of existing commitments that fails to match the level of ambition in the Beijing Declaration and Platform for Action and in fact threatens a major step backward’,¹⁰⁰ women’s rights advocates cited the removal of references to feminist activism, lack of specific mentions of emergent threats to women such as fundamentalism and climate change, and the disappearance of references to women’s human rights. As conservative states and NGOs continue to deepen their coordination and refine their advocacy tactics, such anaemic outcomes are likely to be repeated.

Growing nationalism and right-wing populism around the world, and in particular the Trump administration’s renewed efforts to undermine reproductive freedom, bodes ill for the international women’s rights agenda. Moreover, state norm spoilers continue to hold influential positions at the UN. For instance, Saudi Arabia was elected to the CSW in 2017, despite requiring that women have male guardians and denying them numerous basic human rights. Forty-seven members of the Economic and Social Council approved the appointment, including at least three EU countries.

Women’s rights advocates have not been passive in the face of spoiling efforts. In response to the United States’ latest global gag rule, the Dutch government launched the ‘She Decides’ initiative in order to protect women’s reproductive and sexual health and freedom.¹⁰¹ Feminist activists continue to press their cause vigorously. The SDGs and the work of various UN treaty bodies point to feminist influence. Conservative counter-advocates have not yet managed to institutionalize international norms in favour of patriarchal gender relations. International conventions and declarations still reflect the priorities of the international women’s rights agenda. However, norm spoiling has chipped away at international consensus.

⁹⁸ NGO Committee on the Status of Women, New York, *A guide for NGOs and women’s human rights activists at the UN and CSW 2016*, http://www.ngocsw.org/wp-content/uploads/2015/12/NGO-Main-Guide-2016_122115.pdf.

⁹⁹ Goetz, ‘A new cold war’.

¹⁰⁰ International Women’s Health Coalition, *Statement on the political declaration on the occasion of the 20th Anniversary of the Fourth World Conference on Women*, March 2015, <https://iwhc.org/wp-content/uploads/2015/03/feminist-statement-beijing20.pdf>.

¹⁰¹ *She Decides*, <https://www.shedecides.com/the-story/>.

Norm spoiling: undermining the international women's rights agenda

Challenges to the international women's rights agenda at the UN matter because international norms, expressed in formal treaties but also through soft law declarations, conference outcome documents, programmes of action and diplomatic statements matter. As Rashida Manjoo notes, 'The formulation of rights-based claims by women remains an important strategic and political tool for women's empowerment and for addressing human rights violations.'¹⁰² The more these rights are criticized, questioned and revised by spoilers, the less able they are to function as a means of advancing women's emancipation. Women's rights advocates would be wise to recognize and resist the spoiling tactics identified in this article. International human rights norms can be strategically interpreted in a number of ways. Small changes to language in UN documents can be significant. While critiques of human rights universalism may be legitimate, they may also be mobilized in support of norm spoiling. There is nothing inevitable about the victory of human rights in global politics. Greater attention to the dynamics of opposition is required to protect progressive gains.

¹⁰² Rashida Manjoo, *Report of the special rapporteur on violence against women, its causes and consequences*, UN Human Rights Council, 20th Session, agenda item 3, 2012, http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16_En.pdf.

