

# Research impact: making a difference

## **Making the world a better, safer place for women**

LSE research applied a feminist critique of international law to uphold women's rights and help combat violence against women

### **What was the problem?**

International law to date has largely ignored fundamental issues of gender inequality and tended to marginalise women in both its formal and informal institutions. Viewed internationally, the traditional absence of women from the public sphere has effectively shielded their worldwide subordination from public scrutiny. Far from challenging the global oppression of women, international law has upheld their unequal position around the world.

International mechanisms have been blind, too, to the violation of women's human rights, including violence committed against women because they are women. Historically, the notion that 'women's rights are human rights' has never been accepted, even rhetorically.

### **What did we do?**

Christine Chinkin joined LSE as Professor of International Law in 1997. Her research applies a feminist analysis to the substance, processes and institutions of public international law. Its aim has been to encourage policy makers to rethink and restructure the discipline of international law, both to eliminate its structural bias against women and to expand notions of state responsibility and of what subjects are appropriate for international legal regulation.

While Professor Chinkin has addressed many issues of international law, her research has concentrated on international human rights and criminal law. It has shown how initiatives to protect women's rights have focused on the limited concept of equal treatment and non-discrimination on grounds of gender. This works most effectively for women who participate in the public sphere, but it fails to redress or even identify the structural inequalities that stop women accessing the public sphere in the first place.

Her research has also examined states' positive obligations to redress the wrongful acts of 'non-state actors', especially in family and community settings. This is particularly relevant to gender-based violence against women and international responses to crimes committed against women, such as cross-border human trafficking.

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## What happened?

Chinkin's research has helped to extend and protect women's rights — both theoretically and practically — across a range of issues that violate international human rights law. These include violence against women, sexual violence in armed conflict, access to justice and human trafficking.

In 2011 the Council of Europe's Committee of Ministers adopted its Convention on preventing and combating violence against women and domestic violence, known as the 'Istanbul Convention'. It was the world's first legally binding instrument to create a comprehensive international legal framework to prevent and combat violence against women, protect victims and end the impunity of perpetrators.

Chinkin was involved at an early stage when she was appointed — as one of two scientific advisers — to an ad hoc committee set up by the Council of Europe's Parliamentary Assembly. The committee's role was to negotiate the Convention and to clarify and develop states' obligations with respect to preventing and combating violence against women.

Chinkin worked with delegations from the Council of Europe's 47 member states and observer nations, the Council of Europe Secretariat and non-governmental organisations. As well as contributing to committee debates, she helped to draft the Convention's provisions and produced working papers that drew on her research into case law of the European Court of Human Rights. These papers set out a typology for protecting women and reiterated her long-standing argument to use the legal principle of 'due diligence' as a mechanism for promoting greater state accountability

The Convention contains provisions that flow directly from Chinkin's research. It declares, for instance, that “Failure by the state to exercise due diligence to prevent and punish violence against women constitutes a violation of human rights for which it is responsible. Implementation of national laws that address gender-based violence is one very clear and pivotal way in which women's subordination can be addressed.”

In March 2012, the Prime Minister announced that the UK would sign the Convention, which he described as “unprecedented” and “vital” as it would “lift the standards of protection for women across Europe”.

“[Professor Chinkin] has significantly contributed to thinking about legal means and strategies of enhancing women's access to justice. During her stay, she trained more than one hundred judicial operators throughout the country. Among them, there were government employees and magistrates from both local and federal systems.”

**General Defender's Office,  
Ministerio Publico de la  
Defensa, Argentina**

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Combating sexual violence in armed conflict is another issue that has benefited from Chinkin's research. In 2009, the United Nations Office of the High Commissioner for Human Rights (OHCHR) introduced a programme on post-conflict access to justice for women. Chinkin wrote the accompanying report on *The Protection of Economic, Social and Cultural Rights Post-Conflict*, drawing on her research into sexual violence in armed conflict. The report was presented at an expert meeting of OHCHR in Geneva and became a key component of the programme.

Chinkin has drawn on the research herself in discussions with officials from the UK's Foreign and Commonwealth Office, which launched its own initiative to tackle sexual violence as a tactic of war. Chinkin further contributed to the UK strategy when invited to speak at the conference organised by the Foreign and Commonwealth Office. At the G8 meeting held in Northern Ireland in April 2013, the UK used its presidency to agree a declaration on preventing sexual violence in conflict.

Looking further afield, Professor Chinkin was invited to help improve access to justice for women in Argentina. Here, she presented her research and worked with judges, defenders and prosecutors of the federal and provincial justice systems on programmes to help develop legal strategies for enhancing women's access to justice.

Finally, Chinkin's research was a major influence on the development of the United Nations (UN) Recommended principles and guidelines on human rights and human trafficking. These guidelines have been adopted by the UN General Assembly and all UN agencies and by most states that have subsequently adopted national plans of action on combating human trafficking.

The Office of the High Commissioner for Human Rights (OHCHR) convened a major conference on how to prosecute the users of women in the context of trafficking. Professor Chinkin drafted a concept paper on how this might be achieved, applying jurisprudence from international and ad hoc criminal trials and the European Court of Human Rights. The paper has since been used in advocacy with governments in the Balkans and with the UK, who have incorporated some of its elements in their models.

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Christine Chinkin is Professor of International Law at the LSE and a barrister, a member of Matrix Chambers. Together with H. Charlesworth, she won the American Society of International Law, 2005 Goler T. Butcher Medal 'for outstanding contributions to the development or effective realization of international human rights law'. She is an Overseas Affiliated Faculty Member, University of Michigan and has been a Scholar in Residence for Amnesty International (2005), as well as Visiting Professor at Columbia University (2004) and at the Arts and Humanities Research Centre, Australian National University (2003).

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