

Revue québécoise de droit international
Quebec Journal of International Law
Revista quebequense de derecho internacional



WITHOUT WOMEN, RIGHTS ARE NOT HUMAN

Susana Chiarotti

Volume 11, numéro 2, 1998

URI : <https://id.erudit.org/iderudit/1100545ar>

DOI : <https://doi.org/10.7202/1100545ar>

[Aller au sommaire du numéro](#)

Éditeur(s)

Société québécoise de droit international

ISSN

0828-9999 (imprimé)

2561-6994 (numérique)

[Découvrir la revue](#)

Citer ce document

Chiarotti, S. (1998). WITHOUT WOMEN, RIGHTS ARE NOT HUMAN. *Revue québécoise de droit international / Quebec Journal of International Law / Revista quebequense de derecho internacional*, 11(2), 189-194.
<https://doi.org/10.7202/1100545ar>

WITHOUT WOMEN, RIGHTS ARE NOT HUMAN

By Susana Chiarotti*

As a member of CLADEM, I am thankful to the Coalition for the opportunity of participating in this Conference.

CLADEM, the Latin American and Caribbean Committee for the Defense of Women's Rights, is a regional articulation that brings together the efforts of persons and groups which work directly for the defense of women's rights.

I will approach briefly the efforts of women to become visible in the human rights arena and some of the challenges that we face there. Lastly, I will share with you a proposal of a declaration written by Latin-American women.

I.

The first intentions of connecting the rights of women to human rights consisted of trying to include women in the categories of rights that were already defined.

This way, in this first stage from the 18th century until the nineteen seventies, women claimed to be able to enjoy civil and political rights; to be able to vote, to have access to properties, etc., just as men did, but without questioning the content of those rights.

In a second stage, the existing theory of human rights is analyzed. It is proven that it is masculine and that it does not contemplate or reflect our own (women's) experiences.

This process, that began at the end of the seventies, has a culminating point in the World Conference on Human Rights of Vienna, in 1993, where hundreds of women of all regions of the planet participated actively and achieved important changes in this topic.

Two years later, these concepts were reinforced through the Beijing Platform of Action. This is the most complete women's human rights document, and reinforces what was achieved in previous Conferences and Treaties, such as the *Universal Declaration of Human Rights (Universal Declaration)*, the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* and the *Vienna Declaration and Programme of Action (Vienna Declaration)*.

* Director, Gender, Law and Development Institute of Rosario, Argentina, and Regional Coordinator, Latin American Committee for the Defense of Women's Rights.

In relation with human rights, we are facing a changing scenario. The human rights discourse is in constant construction. And in that construction, women are contributing more and more actively.

II.

Obstacles to the exercise of women's human rights in the region. Important obstacles impede women from the full enjoyment of their human rights in our region. Some of them are gender discrimination, poverty, the invisibility and negation of sexual and reproductive rights, and violence against women. All of them are interconnected.

A. Gender Discrimination

Gender discrimination is prevalent in the region. Very serious difficulties exist in accepting the participation of women in social and political life. Both in urban and rural areas illiteracy is higher among women than among men of all countries. Formal legal barriers hinder the advancement of women toward equality.

Regarding poverty, besides demagogic declarations, governments did not take adequate measures in order to combat the growing poverty that affects women in the region.

All human rights organizations agree that the neoliberal economic model and the existing external debt intrinsically generate a systematic violation of economic, social and cultural rights; increasing social exclusion, poverty and inequality in the enjoyment and exercise of these rights. Even in countries where this model shows a satisfactory growth index, it is accompanied by statistics of very high social costs. For example, in Chile, the distribution of resources has worsened; 10% of the affluent control 45.8% of all wealth, as compared to 34.8% previously.

One of the most pressing issues in this panorama is child labor. Some experts call child labor a strategy of survival, but this expression gives a misleading impression and diverts attention away from the tragedy of child exploitation. In Sao Paulo, Brazil, alone, 500,000 children live and work in the streets. Child prostitution is also soaring. A recent study found that in Bogota, Colombia, there is a 60% increase in the prostitution of girls since 1990.

To understand the different impacts of poverty on women and men, it is necessary to start with the sexual division of the labor market existing in most of the poor families of the region. Through the traditionally assumed roles we are able to see a pattern of access to remunerated work and capital. According to available data, in all the countries of the region, women in 95% of the cases carry out the domestic work. As for the remunerated work, 65% of men and 35% of women have access to it. In official surveys housewives are registered as inactive, but the work they achieve every day is socially and economically necessary.

Studies carried out in the region define poverty as a set of privations that impede people from satisfying their fundamental human needs (Bravo, 1998). These needs can be divided in different areas: subsistence, protection, affection, understanding, participation, leisure, creation, freedom and identity.

According this broader definition of poverty, it means not only access to material goods, but also access to decisions. In addition, we have to think that today men take 96% of the decisions in the world (Peter Mayor, Chief of UNESCO).

Meanwhile, international financial institutions like the World Bank and the IDB do not take women seriously. They have only token commitments and little answers to big problems. Year after year, the same projects are repeated, but now with different language, including politically correct and gendered words. All this is only make-up; there are no significant changes in women's daily lives.

B. Negation and Invisibility of Sexual and Reproductive Rights

Negation and invisibility of sexual and reproductive rights means difficulty in naming them as rights and lack of adequate mechanisms to grant them.

C. Violence against Women

We have advanced in the legal arena. Now, we have not only national laws but also an Interamerican convention. But the governmental commitment is only symbolic because very few governments have assigned an adequate budget to implement these laws.

III. Mechanisms

Besides the important obstacles experienced in the region, there exists the urgent need to improve international regional mechanisms. Major difficulties exist in obtaining sanctions for violations of human rights and reparations for victims.

At the same time, the international regional mechanisms should be improved to offer more expeditious and effective justice. There is no reason why, in this era of electronic progress, the justice system cannot be reformed to serve the cause of human rights. Moreover, the extensive centralization of the Interamerican human rights machinery should be corrected by creating subregional offices that would allow citizens quicker access to international justice.

After the very slow process of examining the validity of people's complaints, the Interamerican Commission of Human Rights decides on the next steps to follow. Only states and the Commission itself are entitled to submit complaints to the Interamerican Court of Human Rights. As a consequence of these slow processes, and of a lot of procedural requirements, only a very small number of cases (one case for

every 1,500 communications) reach the Court. This gives victims the impression that the Commission acts as too tight a filter and that the Court is merely cosmetic.

Commitments to address gender discrimination are still very weak. The position of Gender Rapporteur should have an appropriate budget according to the dimension of the task that it should face, such as the elimination of discrimination against women. The Rapporteur should give more emphasis to women's life conditions rather than formal equality. Funds must be granted to women's organizations to accompany the monitoring process. The Interamerican system should demonstrate more than token commitments to human rights.

IV. Human rights from a gender perspective

The incorporation of the gender perspective into the analysis and exercise of human rights has opened the door to other transformations.

There exists now, however, a different time of globalization and postmodern deconstruction. The death of great modern ideas and ideologies has been announced. Therefore, what can move Latin American women to write a *Declaration of Human Rights from a Gender Perspective (Declaration)*? Could it be that they have not heard the trumpets that announced the end of the story?

Perhaps yes. In any case, these women are not afraid because a story has ended that did not make them visible in the first place.

The catastrophic discourse that currently exists cannot prevent us from reviewing national and international laws that, at any rate, are applied and continue to be applied to us. For this reason, we have allowed ourselves to discuss theories, to revise legal texts, to examine the right to have human rights. The deconstruction and reconstruction of this knowledge is not only necessary, but also indispensable in the case of the human rights of women.

As with all things that belong to the dominant culture, legal discourse is ideologically contaminated and infiltrated with stereotypical visions of gender. Therefore, it is material that is learned, internalized and unlearned, as any other cultural norm. It is only after a description of this apparatus of deconstructing the specific manipulations, how it functions, and the structures of power, of the experiences of resistance that face women, that we will construct a new model to unlearn and relearn.

In the same way that the 1948 *Universal Declaration* has constituted the ethical letter of the second half of the 20th century, we consider it necessary that today, on the threshold of the new millennium, States approve another document of international protection that, without invalidating the achievements obtained in the former, integrate the advances developed hitherto.

We consider that the concept of human rights is of a historic nature and that its emergence has been strongly associated with an idea of the human being centered

in the image of the occidental, adult, heterosexual male owner of assets, which has led to the restriction of the rights of women, Indigenous people, homosexuals, children, old people, disabled people and other groups.

We also take in consideration the indivisibility, universality and interdependence of human rights, and that in the present world context of mounting poverty, inequality and violence, it is crucial to adequately strengthen and guarantee the full validity of human rights, focusing on the environmental, reproductive, economic, social and cultural rights.

V.

This is the task that CLADEM has been working on for the past several years and of which this *Declaration* is an example.

How was this idea of writing a *Declaration of Human Rights from a Gender Perspective* born? Here is a brief chronology:

- December, 1992: Women from different organizations came together at the satellite conference La Nuestrá in San Jose, Costa Rica, organized the work for the Latin American Preparatory Conference of the Vienna World Conference on Human Rights and transformed the 1948 *Universal Declaration* from a male-centered Spanish language into a female-centered Spanish language. After the impact of a lecture on the use of a female-centered language in the *Universal Declaration*, the question was asked: "Why not write our own Declaration of Human Rights?" A drafting commission was formed and the first draft emerged.

- January-May, 1993: CLADEM Regional Office agreed that the *Declaration* should be assumed as a proposal of the entire network. This proposal was discussed and approved. CLADEM printed the *Declaration* and began to disseminate the proposal.

- Since then and until December, 1997: Suggestions, critiques, and comments from more than 180 organizations and people from all over the world were received. The draft was discussed in all international conferences. With these inputs, a last version that incorporates a women's perspective was prepared, printed, and presented to the United Nations Human Rights Commission in Geneva.

- December, 1997: The United Nations Human Rights Commission asked CLADEM to reduce the presented text to 1,500 words so that it can be accepted as a non-governmental organization document with advisory status in the March, 1998 session. This synthesis occurred and was finally incorporated with the document number E/CN.4/ 1998/NGO/3.

The *Declaration* consists of an Introduction, Preamble, and articles grouped into five thematic categories:

1. **RIGHT TO CITIZENSHIP:** Among other things, the right to citizenship, independent of civil status, sex, sexual orientation, race, ethnicity, social origin, or other conditions.
2. **THE RIGHT TO PEACE AND A VIOLENCE-FREE LIFE:** The right to a violence-free life, in both the public and private sphere, the participation of women in resolving armed conflicts and the building of peace.
3. **SEXUAL AND REPRODUCTIVE RIGHTS:** Reproductive autonomy and self-determination in the exercise of sexuality. That includes the right to safe and legal abortion, and the right to freedom in sexual orientation.
4. **RIGHT TO DEVELOPMENT:** Among other things, the right and responsibility of all women and men to care for and educate their sons and daughters, to fulfill the work of the household, and to provide for the necessities of their families, including those affected by divorce.
5. **ENVIRONMENTAL RIGHTS:** Where outlined, among other things, that all women and men have the right to a sustainable environment and that gender equality is a basis for the achievement of sustainable development and environmental conservation.

CLADEM invites all women and men to read and support the *Declaration*, sending signatures and cards of support to the regional office in Lima, Peru. We do not want to replace the 1948 *Universal Declaration* that consists of an ethical code for humankind. However, we believe that it is necessary today, on the threshold of the new millenium, that States approve another document of international protection of human rights that integrates the advancements realized in the thinking and experience of human rights since 1948, without invalidating, in any form, the achievements of the *Universal Declaration*.