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COMMISSION ON HUMAN RIGHTS

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THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN: THE ROLE  
AND EQUAL PROTECTION OF WOMEN IN DEVELOPMENT

Written statement submitted by the Commission for the Defence  
of Human Rights in Central America, a non-governmental  
organization in special consultative status

The Secretary-General has received the following written statement,  
which is circulated in accordance with Economic and Social Council  
resolution 1296 (XLIV).

[15 July 1997]

1. The Commission for the Defence of Human Rights in Central America (CODEHUCA) is deeply concerned about the situation regarding the human rights of women and in matters relating to human development. For this reason, it wishes to urge Governments to implement and foster those rights, which are set out in legal instruments at both the regional and the international level.
2. Historically, the incorporation of new perspectives in human rights has necessarily entailed a process of reconceptualization of those rights. This creates a new paradigm in constructing the concepts of the integrality, universality and indivisibility of human rights. We cannot confine ourselves to a formal generality (of the rules) that might potentially involve inequality, because it fails to take account of the existing differences and the social disadvantages among various sectors and groups, especially in the case of women, as a result of discrimination, sexism, misogyny, feminicide, and therefore "it is a universality that is not equal and an equality that is not real".<sup>1</sup>

3. The processes of specifying those who enjoy human rights no longer look on the rights of human beings in general and in the abstract, but do so with reference to processes of gradual differentiation of persons in terms of their needs and interests, for the purposes of appropriate protection, recognition and promotion.<sup>2</sup>

4. In this respect, the processes of specification in modern international human rights law foster, by means of affirmative action and anti-discrimination legislation, a changeover from equality before the law to real equality. Accordingly, the generality or universality of the rules needs to be supplemented, and the obstacles that interfere with effective enjoyment of human rights, and thus with proper protection of them, must be overcome.<sup>3</sup>

5. The incorporation of this perspective in human rights stems chiefly from historical processes in which women have spoken out and become subjects of their own history and endeavour to be recognized as entitled to full rights. Two of the main endeavours in this process have been:

(a) The pursuit of equality, which, from the beginning of this century, especially in the 1950s, sought to eradicate discrimination against women. This became one of the main struggles of women throughout the world. Such discrimination was found essentially in the workplace, in view of the conditions that were inflicted above all on working women;

(b) The struggle to eradicate institutionalized violence against women, which has many social, cultural, political and family aspects, as well as an economic side, which includes development.<sup>4</sup> The situation that prevailed for many decades subjected women to non-recognition of their dignity as human beings and strengthened the social impunity which permitted gender inequality.

6. This law, and all matters pertaining to human development, as part of an androcentric culture (in which man and everything relating to the male acts as the point of departure), turned into a human paradigm, without escaping myths which, imbued with androcentrism, display, reinforce and perpetuate unsuitable kinds of relations which socially accentuate the inferiority of women compared with men.<sup>5</sup>

7. This alleged inferiority was used as a pretext to create many discriminatory rules - both political and socio-cultural. One of the consequences of this system of discrimination is the current division between public and private life; women were relegated to the private world, and were made responsible for reproducing family life and for all activities relating to this socially and economically devalued function.<sup>6</sup>

8. Women were excluded and their material and spiritual possessions were expropriated, and they were kept from the benefits of development policies even though it is well known that they have helped to sustain and strengthen economies, ranging from emerging "primitive" economies to the sophisticated forms of production typical of the capitalist world.

9. Clearly, the principle of equality is not unique or absolute: on the contrary it is construed in different ways, depending on the ethical, philosophical and ideological values and principles on which it is based. Women are taking up the challenge at this historic moment in time, in a world of changing economies, marked by policies of globalization in which it is impossible to view development for each and every country in isolation.

10. At the present time, the demands of women are to move ahead and to influence the structures of political power and above all the benefits of development in the broadest sense. For this purpose, new concepts are emerging and various ways and means are being proposed both regionally and internationally to come to the rescue of the "traditional economy", which in turn includes appropriate use of natural resources, as well as recognition of the concealed work done by women in the so-called "care economy".

CODEHUCA, therefore urges all Governments to fulfil summit and world conference agreements and, more particularly, the Beijing agreements.

11. To this end, we draw on the Beijing Platform for Action, a programme which is designed to create the necessary conditions to empower women in society, which makes a more accurate diagnosis of the situation of women in regard to their human rights and the question of development on an equal footing, within the very real confines involved in our societies from the standpoint of inequality and discrimination.

12. Therefore, CODEHUCA, as a regional human rights body, supports the approach of women who reaffirm that the participation of women in economic activity continues to increase rapidly, thereby producing the most significant change in the labour market in recent decades, and that the increase in women's share of paid economic activity has been one of the most outstanding features of the process of urbanization.<sup>7</sup>

13. CODEHUCA also endorses the views and action of women concerning sustainable development when they contend that:

"The challenge lies in creatively integrating in a process of sustainable human development, the feminine and the masculine, the personal and the political, the private and the public, the individual and the group, the social and the economic, the micro and the macro, the local and the national, the national and the regional, the regional and the global, the material and the human."<sup>8</sup>

14. On this basis, CODEHUCA will continue to urge Governments to comply with agreements, principles and laws based on equality and equity, which should also include human development with a gender perspective, for the purpose of building genuinely just and democratic societies.

Notes

1. Roxana Arroyo Vargas, "Algunos elementos de análisis para la reconceptualización de los derechos humanos de los niñas/os y adolescentes trabajadoras/es de la calle", United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (UNLAI), San José, Costa Rica, 1994.

2. On the topic of the processes of specification, see Gregorio Barra Martínez, Curso de Derechos Humanos Fundamentales, Universidad Carlos III, Madrid.

3. Roxana Arroyo Vargas, "De la no discriminación por razones de sexo al reconocimiento de la violencia como una violación de los derechos humanos de las mujeres", dissertation, Universidad Carlos III, Madrid, 1995.

4. Roxana Vasquez Sotelo and Giulia Tamayo Leon, "Violencia y Legalidad" in Sobre patriarcas, jerarcas, patrones y otros varones, UNLAI, Women, Justice and Gender Programme, San José, 1993.

5. On the topic of androcentrism in law, see: Alda Facio Montejo, "Cuando el género suena cambios trae: Metodología para el análisis de género del fenómeno legal", UNLAI, San José 1992 and "El derecho como Producto del Patriarcado", in Sobre Patriarcas, jerarcas, patrones y otros varones, op. cit.

6. On the topic of specialization and classification, see: Marcela Lagarde, Identidad de género, Centre for Democratic Participation and Development, Managua, Nicaragua.

7. "Agenda Política de Mujeres", San José, Costa Rica, 1997.

8. Ibid.

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