



General Assembly

Distr.: General
24 May 2011

English only

Human Rights Council

Seventeenth session

Agenda item 8

**Follow-up and implementation of the Vienna Declaration
and Programme of Action**

Written statement* submitted by the Marangopoulos Foundation for Human Rights (MFHR), 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 1996/31.

[16 May 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Promoting human rights and fundamental freedoms through a better understanding of traditional values of mankind

The Vienna Declaration and Programme of Action is a much more significant document than generally considered. It complements the Universal Declaration of Human Rights and suggests certain methods of implementation which may be effective for promoting all human rights and particularly equality of sexes without discrimination worldwide.

Women have suffered too much in the past in all countries – including countries sharing the western civilisation. Half the population of the world was simply subject to the wishes and desires of the other half. In some parts of the planet, this belief has been mostly set aside; in others it still reigns supreme. The Vienna Declaration places particular emphasis on and contains a significant number of paragraphs stipulating the eradication of such beliefs, which in certain countries retain the form of traditional practices based on customary principles and values or even on legislative provisions.

It has to be noted that the Vienna Declaration stipulated expressly for the first time the fundamental principle that wherever there still exist principles and practices not in conformity with the internationally recognised human rights, the latter must prevail (Vienna Declaration and Programme of Action, chapter I, paragraph 5). It was in fact through the tacit application of this principle that assorted barbaric practices against socially and economically disadvantaged categories of the population, the most numerous of which are women, have been gradually abolished worldwide. Honour killings, in breach of the primordial right to life enshrined in article 6 ICCPR; the deprivation of inheritance rights in breach of article 15 CEDAW, the exclusion of women from all or most of the remunerated professions in breach of article 6 ICSECR and article 11 CEDAW; school attendance for boys only in breach of article 13 ICSECR and article 10 CEDAW while women and girls stayed at home (or in the fields) so that they may continue to be financially dependent in breach of articles 6-7 ICSECR and article 11 CEDAW, all happened for long centuries everywhere – including countries of the western civilisation – and were abolished in others by the silent application of a social mechanism to put them aside.

The gradual abolition of such customary practices liberated women and allowed them to enjoy, albeit not as yet fully, their human rights without discrimination. Nevertheless, in some countries – and, unfortunately, not just a few – for historical reasons, among which we should not forget colonisation, women continue to suffer from affronts to their human rights, rights enshrined in the Universal Declaration on Human Rights and international conventions, all of which constitute perhaps the greatest achievement of international cooperation, aiming at the substantive humanisation of the human species.

Some remarks on present inequalities

1. It is imperative that more attention should be paid to the social side of the issue. As a rule, the ‘free will’ of the women suffering these discriminations does not exist. It must be understood that the social pressure in order to abide by historic, religious and cultural traditions and customary practices is much stronger than the pressure brought about by the law. A few examples illustrate the point:

(a) Honour killings. A father kills his daughter for having extramarital relations although he knows that he will – and certainly does not want to – end up in jail;

(b) A mother performs genital mutilation on her daughter (in breach of articles 7 and 24 ICCPR), knowing full well that otherwise she will not be able to marry within her

society and, as she is deprived of inheritance rights and is not allowed to have a remunerated profession, she will have to resort to prostitution.

(c) In certain parts of the world, women must wear a burqa, a full face veil (in breach of articles 3 and 10 CEDAW), otherwise they risk social exclusion and probably even repudium by their husbands (in breach of article 23(3) ICSECR and 16 CEDAW).

2. From the study of the evolution of human societies it is clear that without setting aside obsolete customs, principles and practices in breach of human rights and gender equality in particular, humankind cannot progress. It is impossible to eradicate practices, such as the wearing of a full veil, female genital mutilation (in breach of articles 10 and 12 CEDAW), child weddings, especially of pre-pubertal girls (in breach of article 23 ICCPR and 16 CEDAW), without changing the mentality of the people and especially setting aside the mentality of discrimination. Consequently, the same rules must apply and be enforced on both sexes and not on women only: it is not possible to have death by stoning for adulterous women only, nor grant the possibility of repudium to men only, nor inheritance rights for boys only to the exclusion of girls. It is true that there are still numerous practices applicable to both sexes that the CAT considers as inhuman or degrading treatment or even torture but there is no doubt that discriminatory penal rules against women are much more numerous.

Conclusions and proposals

In order to promote human rights and fundamental freedoms for all people, and particularly for women, we consider imperative that we maintain our course of action and especially:

1. To promote and enforce the international mechanisms of judicial and quasi-judicial protection against all infringements of the internationally recognised human rights of women for equal treatment without discrimination.

First, we consider imperative to further promote State compliance with the resolutions and general comments adopted by the UN human rights treaty bodies, and especially CEDAW. Further actions to promote the wider ratification of the Optional Protocol to the International Covenant on Social, Economic and Cultural Rights would also be useful. In addition, the wider ratification of the Statute of the International Criminal Court would further ensure the fundamental rights of women, systemic breaches of several of which constitute crimes against humanity and war crimes (articles 7(1)(g)-(h) and 8(2)(b)(xxii) ICC Statute).

2. To teach human rights at school from the earliest possible age, with special emphasis on the equality of sexes in accordance with article 5 CEDAW. The simple knowledge of law is not enough. Respect for human rights is a way of life.

3. To compile a list of all applicable by country customary practices contrary to internationally recognised human rights (either provided by law or not).

4. To act in advance and effectively, according to article 5 CEDAW, in order to preclude the dissemination, implementation or tolerance of practices in breach of the fundamental human rights of women even in areas of the world, where the intensity of the problem is not as yet evident: e.g. wearing a full veil in public areas or having female genital mutilation performed by qualified doctors in western countries.