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## Women’s Rights Conventions Mere Paper Tigers[[1]](#endnote-2)

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The history of women is one of repeated injuries against this social group, which has been campaigning for ages for a just social order based on the abolition of discriminatory practices against them and in favour of their male counterparts. At the first international conference on the rights of women held in July1848 in the United States of America, Elizabeth Cady Stanton, campaigner for women’s rights, presented a Declaration of Sentiments which enumerated areas of social life in which women were unjustly treated. These included legal, educational, religious, economic, political and family matters. More than 160 years later, women are still demanding their rights in a world where men continue to exercise “tyranny” over women in every aspect of life.

Today, women and men still live in an unequal world where gender disparities and unacceptable social inequalities dominate. Since 1975, there have been three World Conferences on Women addressing the social, economic, legal and political dimensions of women’s role and status in society. Held under the aegis of the United Nations (UN), these international conferences urged the global community to see the world “through women’s eyes”.

In keeping with the advice of the international women’s movement, a call for full equality of women and men has emanated from the United Nations which has worked with this movement in an attempt to realise that goal. For its part, the UN has crafted a number of conventions intended to correct the breach through concrete action to improve the status of women and to reverse the trend of discrimination.

Governments have been called upon to ratify these conventions which are intended to be instruments of human rights. However, while governments are being asked to ratify these conventions or to accede to them, there is no legally binding instrument or international body to monitor or ensure the implementation of the provisions of these treaties. One could argue that the United Nations Development Fund for Women (UNIFEM) would be an appropriate body to perform the monitoring function or to act as an international tribunal. However, the remit of the organisation is to promote and support women’s programmes. Furthermore, what could be seen as UNIFEM’s shift in focus from “women” in favour of “gender” has now placed the organisation in an awkward position with little moral authority to perform such a task, having to attend to issues of “women and men”.

We argue such because of UNIFEM’s preoccupation with “gender mainstreaming”, and, in our view, when “gender” is substituted for “women”, both the focus and debates are shifted away from understanding the system of male “tyranny” as a system which denies women their rights and their humanity. Hence, this new thrust of UNIFEM would hamper the ability of women to challenge the violation of their rights and the system which perpetuates such violations.

These rights are upheld in human rights and labour conventions, the most significant of which is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which was adopted by the UN General Assembly in 1979. CEDAW which sets up an agenda for national action to end discrimination against women defines discrimination as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

This comprehensive convention which has been described as “the international Bill of Rights for Women” has been ratified by 185 countries. By ratifying this convention, governments commit to undertake a series of measures to end all forms of discrimination against women and to ensure that their rights are human rights. What must be noted in the context of our discussion is that the UN has expressed, through its conventions, an ideal to be pursued, but it is an ideal which has proven to be elusive as there are no effective regulations or binding instruments to ensure that this ideal is translated into reality. Furthermore, while this convention is well-intentioned, it nonetheless, leaves women, throughout the world, open to the continued “tyranny” of men over them. This is witnessed in all areas of social life: the economy and poverty, education, health, politics and decision making, armed conflict and social issues including issues of violence against the person i.e. domestic violence and sexual offences.

Since we cannot discuss the violation of women’s rights in all spheres of social life because of the need for brevity, we will, therefore, discuss two critical areas of concern which we hope will aptly demonstrate our point. These are ‘violence against women’ and ‘women and work’.

Violence against women prevail in all societies and is an obstacle to women’s development as it violates and impairs their ability to enjoy quality life, human rights and fundamental freedoms. This pernicious social ill subjects women (and girls) to physical, sexual and psychological abuse that cuts across race, class and culture. In some instances the low social and economic status of women can be both a cause and a consequence of violence against them.

The term ‘violence against women’ as defined by the Beijing Platform of Action means “any act of gender-based violence which results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” This includes battering, incest, pornography, marital rape, dowry-related violence, rape, sexual harassment, trafficking in women and forced prostitution, forced sterilisation, forced pregnancy, forced abortion, female infanticide and prenatal sex selection.

This violence, in whatever form, is a manifestation of the historically unequal power relations between women and men and is essentially the product of cultural patterns which are rooted in relations of subordination and dominance. It is a culture in which men control both women’s bodies and all social institutions. In our reality, violence is used against those women who dare to breach “social rules” and so this violence is used to contain them women within the constructed parameters of their roles and behaviours. In the case of domestic violence, for example, which is increasing at an alarming rate worldwide, we find that a number of battered women (battered by husband, lovers, partners, boyfriends) end up dead.

We also note that as the world slips into social disorder, women and girls pay a heavy social cost in the form of systematic rape, murder, sexual slavery and forced pregnancy as a tool of genocide. The cases of Rwanda, Sierra Leone, Uganda, Bosnia and Kosovo come to mind as does the “epidemic” of rape experienced in the Democratic Republic of the Congo. A 2006 “Report from the Office of the Special Representative of the Secretary General for Children and Armed Conflict”, notes that in Haiti, it is estimated that up to 50 percent of girls living in conflict zones have been victims of rape and sexual violence.

In some instances, members of the UN Peacekeeping Forces have been accused of committing sexual crimes. In a 1996 UN study, “The Impact of Armed Conflict on Children”, Graca Machel, former first lady of Mozambique, pointed out that “In 6 of the 12 country studies on sexual exploitation of children in situations of armed conflict”, the arrival of UN peacekeepers “has been associated with a rapid rise in child prostitution”. There was also the case of Bosnia where there was a highly publicised case where UN troops were accused of direct involvement in procuring sex slaves for a local brothel. And some NATO soldiers have been linked to prostitution and forced prostitution in Bosnia and Kosovo.

Yet, there is no binding instrument of compliance to force governments to protect the rights of these women. Neither is there any place or body to which these women can complain, report their cases or seek redress for the violations against their person, or receive any convictions on such cruel acts of “sex” discrimination, precisely because they are women. Worse yet, there are no sanctions in place against those of the UN, established to protect the rights of the citizens of the world, who violate women and girls.

This gives little meaning to the principles of the 1948 UN Universal Declaration of Human Rights which speaks to rights and freedoms “without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Article 2); and the right to “life, liberty and security of person” (Article 3). In addition, these actions are in contravention of the Vienna Declaration and Programme of Action (adopted by the World Conference on Human Rights) which clearly states that “violation of human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law”.

No less significant are the 1949 Geneva Convention (as it relates to the Protection of Civilian Persons in Time of War) and the Additional Protocols 1977, with provisions that women should be especially protected against any attack on their honour, particularly those such as rape and enforced prostitution which are both degrading and humiliating.

Rights of women become more complex when mixed with religion and particular cultures. This calls for more vigilance on the part of the international community and the need to condemn the negative aspects of both culture and religious practices. For example, Sharia Law, which governs all aspects of the lives of Muslim women, call for the most draconian punishments for ‘crimes’ committed by women e.g. death by stoning for ‘adultery’.

In Pakistan rape is used as a weapon against one’s enemies. Feuds are settled through rapes and men take revenge against each other by raping each others mothers, wives, daughters, sisters and even female cousins. Sometimes women are gang raped and then paraded naked in the streets as a sign that justice has been served.

Next door in India, dowry deaths take place in the cultural tradition of that country. Dowry death takes place when a Hindu wife is killed or driven to committing suicide by her husband and his family for the simple economic reason of wanting more dowry. In 1962, the state introduced the Dowry Prohibition Act 1961 (with subsequent amendments), in an effort to eradicate the dowry system. This Act, however, remains largely unenforced. Thus, dowry deaths continue and very few men have ever been convicted of that crime. In India, bride burning or dowry deaths have become more the rule rather than the exception and seem to be socially sanctioned. These socio-cultural traditions severely restrict women’s choices and therefore limit their opportunities for any kind of equality or independence.

Generally ignored, also, are the promises of the International Labour Organisation (ILO) contained in its conventions and declarations. The ILO promises women workers an environment free from discrimination, equality of opportunity and treatment, acceptable working conditions and reasonable salaries and wages, social security, health and safety measures, opportunities for training and promotion, freedom from sexual harassment, equal remuneration for equal work of equal value and decent work and positive recommendations for workers with family responsibilities. However, there is evidence to show that the conditions of women workers in national economies and the international political economy have not changed significantly. The Beijing Platform for Action and the Beijing Declaration (1995) notes the trend in the area of women and work:

These trends have been characterized by low wages, little or no labour standards protection, poor working conditions, particularly with regard to women’s occupational health and safety, low skill levels and a lack of security and social security, in both formal and informal sectors. Women’s unemployment is a serious and increasing problem in many countries and sectors. Young workers in the informal and rural sectors and migrant female workers remain the least protected by labour and immigration laws.

Women, particularly those who are heads of households with young children are limited in their employment opportunities for reasons that include inflexible working conditions and inadequate sharing, by men and society, of family responsibilities.

In keeping with the observations of the Beijing Platform for Action and the Beijing Declaration we note for, example, the case of South Korea where women workers in a textile factory made an appeal to the public to support them in their long, hard fight against their inhumane treatment by the company’s management and the indifference of “the company-controlled trade union”. The situation of these women workers exemplifies that of women workers, particularly those in free trade zones, right across the world. Low wages, ‘work accidents’ and discrimination are usually the fate of migrant women workers in Bah’rain’s construction industry. The situation is the same in United Arab Emirates, Saudi Arabia and Qatar.

Even in Canada, ranked by the UN Human Development Index (UNHDI) as one of the ‘best countries to live’ migrant women workers are denied their rights. Daiva K. Stasiulis and Abigail B. Bakan in their work, Negotiating Citizenship: Migrant Women in Canada and the Global System, point out that the state encourages migrant women seeking a better life, to work without providing them with citizenship rights. Citizenship, therefore, becomes a contested issue. And in Barbados, also rated by the UNHDI as the ‘best developing country to live’, a recent consultation on the rights of women and children noted that women experienced serious sex discrimination, the violation of their rights and their attendant ‘gender’ ills both at home and the workplace, and in the formal and informal sectors of economic life.

In light of the above discussion, we feel that more positive steps, in the form of concrete and sustained action, need to be taken to ensure that women and girls are not subjected to discrimination as objects of exploitation. While we agree that the promotion and protection of all human rights and fundamental freedoms must be given priority treatment by the United Nations and local governments, we also feel that that existing conventions and declarations governing the well-being of women are merely “paper tigers” which have yet to achieve their goals. For unless the rights of women, as human rights, are fully protected and effectively implemented and enforced in national as well as international law, then the existing conventions and declarations will remain on paper only. As well, governments should be held legally responsible for any denial of the right of women to grow and advance in an environment and society where they are honoured and respected.

We are therefore proposing two related courses of action in the absence of an appropriate mechanism of recourse. One, local governments should translate the provisions of all human rights treaties into national practice, with the full recognition that women constitute a specific social group and therefore, require a ‘specific women’s option’. Two, that the mandate of the International Court of Justice be broadened to include a tribunal for women and to bring to judgment those governments which continuously breach the contractual provisions of international instruments of human rights in favour of women.

1. First published in *Abeng News: The Caribbean Voice*, January 28, 2009. [↑](#endnote-ref-2)