women's action forum خواتین محاذِ عمل

MINUTES OF WAF NATIONAL MEETING ON WOMEN'S RIGHTS AS HUMAN RIGHTS - LAHORE 11-2-1993.

CONCERNS:

WAF national meeting on Women's Rights as Human rights was held in Lahore on 11th February and was attended by WAF members from Karachi and Islamabad.

The meeting looked at specific recommendations that other Asian groups/NGOs are forwarding and endorsed two in principle though there were further comments on those.

A few women are expected to participate in the PREPCOM in Bangkok 25 - 27 March, 1993 and will be briefed on WAF's position. At least two will be going to Vienna.

All decisions and positions arrived at are preliminary and will be finalized by each chapter's general body and then fine-tuned.

General comments on Universal Declaration of Human Rights, International Convention on Civil and Political Rights and other instruments of human rights.

1. All of these documents define rights with the male being accepted as the norm and therefore exclude much of women's experiences and the violations of women's rights.

1.1. There is an unacceptable dichotomy between the private and public domain where only the public is accepted as an arena where 'legitimate' violation of human rights occurs. Secondly there is the artificial dichotomy between state actors vs individuals, in which the only violations acknowledged are those perpetrated by the state. We feel that the state must assume responsibility for individual acts that violate human rights. Thus, human rights standards etc must include violations of women's human rights in the private sphere and also of acts perpetrated by individuals.

2. In the preamble to our reformulation/statement, we shall clearly state the above as well as formulate the following ideas:

While everyone has the right to their culture (we do not want indigenous peoples or minorities to have their cultures wiped out) culture, religion or other ethnic identities cannot be used to deny/negate individual rights. Where there is a conflict, diversity would have to be sacrificed for the sake of the universality of human rights.

3. **Nation-States**

3.1. Possible conflict between demanding the state to intervene in the field of domestic violence but not wanting it to interfere , eg, Hudood Oridinances and other such laws. General consensus was to state that the right to life, safety and health is a prior right to that of privacy.

3.2. While everyone has the right to their culture, culture, religion etc cannot be used as an excuse for depriving people of their individual human rights.

3.2. Complaints mechanisms/institutions:

Question was raised as to who we could go to in the event of a violation of women's human rights, especially if our own state connives at or is responsible for this. The International Court of Justice only allows states to take other states to court. Though everyone was agreed that we would like to see a forum where grievances and complaints could be taken up, the form of such a forum was not decided, particularly in light of the fact that:

(a) the UN system was criticized as ineffective and therefore the Asian NGOs statement endorsed.

(b) While it was agreed that the right to safety and life etc. precedes the right of states to monopolize what is deemed to be legitimate violence, the problem remains of whether and under what circumstances we accept the authority of a supra-state entity - additionally raising the question of state sovereignty in this regard. Agreeing that we should not glorify the state, it was decided that these issues would need further discussions and we should work with other Asian NGOs in the field.

But it was agreed that enforcement and investigative mechanisms should be strengthened for the Convention for the Elimination of Discrimination Against Women.

3.3. This leads to the question of what does 'good governance' imply for women, what do we mean by this etc. This is still being worked on. However some ideas:

Does the majority rule of systems eg US and Britain with regular elections etc in fact provide for all people expressing their opinions. The essential question is one of how much decision-making powers people have and not one of simple 'decentralization' etc. It is vital for women to have decision-making powers at the basic social unit levels -ESSENTIALLY IT IS A BASIC HUMAN RIGHT OF PEOPLE TO GOVERN THEMSELVES, must explore possibilities and alternatives NOT JUST A QUESTION OF EXERCISING VOTING RIGHTS.

There was also the issue of questions arising from

A) The conflicts that may exist within one state between tribal customary, religious and state laws.

B) Laws often do not incorporate justice and how and where do we address this.

RECOMMENDATIONS:

All Human rights documents, particularly the Declaration of Human Rights and the ICCPR need to be interpreted in the light of CEDAW. All language must be changed to reflect the realities of women and the violations of their human rights.

Reformulation with attention to language has been taken on by Lahore.

PREAMBLE to the WAF statement is still being worked up on the basis of the above and the following decisions:

WITH RESPECT TO SPECIFIC ARTICLES OF THE DECLARATION:

(apart from changing the language everywhere)

Art. 3: to add: "and protection by society and the State"
-this was brought up by a woman who is a single person

entity and felt there was not adequate coverage since the only protection is provided to the 'family' and she is a unit.

Art. 4: to insert after "slavery": patriarchy and the slave trade"

add clause ii:

ii: "No one shall be subjected to trafikking or to exploitation through prostitution.

Art 5: to read:

"No one shall be subjected to **any form of** torture, **either physical or mental**."

ii): No one shall be subjected to any form of violence either in the private or public sphere by the state, groups or individuals.

iii): No one shall be subjected to any form of sexual violence, especially rape, in the private or public sphere.

Art 6: to be understood in the light of CEDAW Article 15.

Art 12: delete: "no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation".

This because honor and privacy are two concepts that are responsible for more violations of women's human rights than anything else. And because this clause clashes with Article 3 of the UD of HR.

2nd sentence to read: "Everyone has the right to the protection of the law against **arbitrary** interference of attacks **against their individual privacy".**

Art 14: add to clause 1: **"and gender violence"**

Art 15: to be understood and interpreted in the light of CEDAW Art 9.

Art 16: to read:

1. Individuals (replaces men and women) of full age.... nationality, **sexual difference** or religion, have the right (`to marry and' is deleted) to found a family.

orientation

2. 2nd sentence of VDHR to be removed from clause (1) and inserted as 2nd sentence of clause 2. **"The shall be** entitled..."

3. The family is **one of the** (delete natural and) fundamental group units of society and (delete is) **all forms of the family are** are entitled to protection..."

This was one of the most problematic for us. The replacement of men and women with 'individuals' is in recognition of people who are neither men nor women and discriminated against.

The reason for removing sentence 2 from clause 1 is to NOT make marriage a necessity for recognition of a family.

Art 17: insert in clause 1 and 2: "personal" to property.

Art 25: Everyone has replaced by "All individuals have"

(Clause 1) insert after "medical care" **parental leave and benefits** .. widowhood to be replaced by **"death of spouse"**

(Clause 2) "Motherhood and childhood" to be replaced by **"Mothers and children"**. People are most incensed that it is the institution rather than the individuals who are being protected.

Art 26:

Clause 2: Insert "gender sensitivity" to sentence: It shall promote understanding, tolerance, **gender sensitivity** and friendship..."

Clause 3: **Parents and guardians shall be free** to replace "Parents have a prior right".

Clause 4:

iv: **"Education shall not be used to serve the interests of any particular religion or ideology".**

Art 27: Clause 2 to be entirely replaced by:

"(ii) All individual will have free and equal access to all forms of intellectual knowledge".

Logic of this being the moves of the north to appropriate all knowledge through copyright laws, depriving south countries of access to even ideas.

Add: **iii) All human and other species have the right to freedom from exploitation in the interest of scientific research".**

This would be cross referenced to the Helsinki Declaration: Protection of Human Subjects Against Biochemical Research. Original declaration in 1964 extended in scope in 1991.

Art 29: clause 2 "morality" to be replaced by **"ethics"**

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Health: the issue of reproductive rights will be dealt with in the preamble and not be asked for as a separate clause/article. Along the lines of being defined as women having the means and environment to enjoy good health and to choose an option from alternatives available. This will be linked to the WHO 1978 Declaration of Primary Health Care, of which all states are signatories including Pakistan.

One of the South Asia initiatives suggests making case studies of 9 countries including Pakistan, WAF has agreed to try and put something together in time for the Bangkok meeting.

New World Order and economic structures:

to be recognized in the preamble and also the impact of capitalism on women especially 'south' women who provide the cheapest international labour. In this the economic structures and systems are seen as integral part of the question of human rights which cannot be dichotomized.

Finally one suggestion was that a monitoring system be established as a check on women's rights, and states should be ranked on this, and be accountable to this system. Within a country women's groups could use the same indicators to monitor women's status.