

Declaration of Human Rights from a Gender Perspective

INTRODUCTION

In December 1998 the United Nations Organization commemorated the 50th Anniversary of the Universal Declaration of Human Rights. Fully aware of the great transcendence of this event, CLADEM (the Latin America and Caribbean Committee for the Defense of Women's Rights), jointly with other regional and international organizations, presented to the Gender Issues Advisor of the United Nations' Secretary General, the text of the Declaration of Human Rights from a Gender Perspective, with close to 60,000 support signatures from persons and organizations throughout the world.

In the same manner that the 1948 Declaration constituted an ethical code for the second half of the 20th Century, we deem it necessary that in this day and age we should have a document that integrates the advances related to human rights achieved both in theory and in practice, since 1948, without invalidating in any way the conquests of the Universal Declaration.

Albeit the initial intention of the document was for it to be approved by the United Nations, by means of the conformation of a Commission on the Status of Women work group, and following a consultation process within CLADEM as well as to other organizations similar to ours, we have arrived at the conclusion that the way of promoting this document is by making it known as widely as possible as a didactic tool to interpret and work with the Universal Declaration of Human Rights.

The reason for taking this road is based on our belief that for our organization it is imperative that the document does not lose its current contents, something that has implied the participation and adhesion of thousands of organizations all over the world, especially of our region. Thus, we make available this document, which we consider a valuable instrument for training in the subject of women's human rights.

This proposal is being permanently de-constructed/constructed; it is a pedagogic and debate work tool. We hereby invite all men and women to continue contributing their ideas, particularly in the Development area – which we would now like to conceptualize as the Right to the enjoyment of the economic, social and cultural rights within the currently turbulent world context.

You may send your contributions to: oficina@cladem.org

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CLADEM

PREAMBLE

CONSIDERING that the contemporary formulation of human rights emerged within a historical context in which the concept of the human being was by and large limited to that of a male, western, white, adult, heterosexual and owner of assets.

CONCERNED that because of this limited conception of the human being, the rights of women, indigenous people, homosexuals and lesbians, children, the elderly, disabled people and other groups have been restricted.

CONVINCED that a holistic and inclusive concept of humanity is necessary for the full realization of human rights,

REAFFIRMING the indivisibility, universality and interdependence of human rights,

BELIEVING that, in the present context of mounting poverty, inequality and violence, it is crucial to strengthen and guarantee the full validity and interconnectedness of environmental, reproductive, economic, social and cultural rights.

STRESSING that the following Declaration in no way reduces the validity of the Universal Declaration of Human Rights, nor of any other international human rights instrument;

WE THEREFORE SUBMIT TO THE GENERAL ASSEMBLY the present draft declaration for its consideration in the elaboration of a Declaration for the 21st Century.

I. RIGHTS OF IDENTITY AND CITIZENSHIP

Article 1

1. All women and men are born free and equal in dignity and rights, with the guarantee of free and full exercise of their rights in the public as well as in the private sphere.
2. Every individual has the to enjoy all human rights, with no distinction based on race, ethnicity, age, sex, sexual orientation, physical or mental disability, language, religion, political opinion, national or social origin, economic position, birth or any other condition.

Article 2

1. All human beings have the right to their own identity as individuals, as members of groups with which they identify, as members of a nation and as citizens of the world, with the degree of autonomy and self-determination in all these spheres necessary to preserve their dignity and sense of self-worth. This right to identity shall not be negatively affected by marriage.
2. Slavery, servitude, and the traffic of women, girls and boys in any form, including those which take place within family relationships, are prohibited.

Article 3

1. All human beings share the same destiny in a community where their ethno - racial diversity should be lived with equality and should not mean superiority nor inferiority.
2. It is the duty of the State to formulate, execute and promote policies and measures that take into consideration multiracial and multicultural aspects of their populations, in order that these be respected.

Article 4

1. All human beings have the right to express ethno-racial diversity, prohibiting any cultural, linguistic, geographic, religious and racial discrimination.
2. All human beings have the right to protection against any act committed with the intention to destroy a group, partly or entirely, because of their nationality, ethnicity, race, gender, religion , sexual orientation or political opinion.

Article 5

1. Indigenous Peoples have the right to autonomy and self determination, to the maintenance of their political, legal, educational, social and economic structures and the cultural richness of their ancestors be respected.
2. Indigenous Peoples have the individual and collective right to participate in the decision-making process of their local and national governments.

Article 6

People belonging to ethnic, racial, religious or linguistic minorities have a right to maintenance their socio economic and cultural life; to establish their own associations, to practice their own religion and use their own language.

II. THE RIGHT TO PEACE AND TO A VIOLENCE-FREE LIFE.

Article 7

All persons have the right to a violence-free life and the enjoyment of peace in both the public and private spheres. All forms of violence against women constitute a violation of their human rights.

Article 8

1. Migrants or refugees, as well as all persons in a situation of vulnerability, have the right to specific protection measures against violence.
2. Rape, sexual slavery, forced prostitution, forced sterilization, forced pregnancies and other sexual abuses in armed conflict situation, constitute crimes against humanity.

Article 9

Every citizen has the right to a national budget aimed at the promotion of peace by their governments, including measures towards the reduction of military expenditure, the elimination of all weapons of mass destruction, the reduction of armaments to the strict needs of national security, and the reassignment of these funds towards sustainable human development.

III. SEXUAL AND REPRODUCTIVE RIGHTS.

Article 10

All human beings have the right to autonomy and self-determination in the exercise of their sexuality, which includes the right to physical, sexual and emotional pleasure, the right to freedom in sexual orientation, the right to information and education on sexuality and the right to sexual and reproductive health care for the maintenance of physical, mental and social well-being.

Article 11

1. Women and men have the right to decide on their reproductive life in a free manner and to exercise the voluntary and safe control of their fertility, free from discrimination, coercion or violence, as well as the right to enjoy the highest levels of sexual and reproductive health.
2. Women have the right to reproductive autonomy which includes access to safe and legal abortions.

IV. RIGHT TO DEVELOPMENT

Article 12

1. All human beings and nations have the right to participate in a sustainable human development, and to enjoy its benefits.
2. Decisions regarding national priorities and allocation of resources shall prioritize the eradication of poverty and the full realization of economic, social and cultural rights, including physical and mental health, education, work, housing, food, equitable distribution of income and access to land, credit, technology, running water and energy.

Article 13

The housework, the provision for the needs of the family, the raising and education of children, including after separation or divorce, are a right and a duty for every woman and every man.

Article 14

1. Everyone has the right to a dignified and lucrative work; the free choice of work; protection against unemployment; safe, equitable and satisfactory working conditions and an adequate standard of living that includes rest and recreation.
2. All persons have the right to enjoy the same opportunities and treatment in relation to: access to services of vocational training and employment; job security; equal remuneration for work of equal value, social security, and other social benefits.

V. ENVIRONMENTAL RIGHTS.

Article 15

Transgenerational responsibility, gender equality, solidarity, peace, respect for human rights and cooperation among States are the basis for the achievement of sustainable development and the conservation of the environment.

Article 16

1. All women and men have the right to a sustainable environment and a level of development adequate for their well-being and dignity.
2. All women and men have the right to access technologies sensitive to biological diversity, to the maintenance of the essential ecological processes and life conservation systems in industry, agriculture, fishing and pasturing.

Article 17

1. All persons have the right to participate actively in local, national and international environmental management and education.
2. The environmental policies shall aim to:
 - a) Provide consumers with suitable information, comprehensive to persons of all ages, linguistic origins, and degrees of literacy.
 - b) Promote the elimination of chemical products and pesticides which are toxic and dangerous to the environment, reducing health risks that affect people both at home and at work, in urban and rural areas.
 - c) Foster the manufacturing of products that respect the environment.
 - d) Support the recovery of eroded and deforested lands, of harmed hydrographic basins and of polluted water supply systems.