

## The United Nations

# Working at the Grassroots?

**R**ight at the start of a forum on gender orientation organized last year by a church-based program for workers of an export processing zone south of Manila, the Filipino women who attended eagerly declared that they had come to learn from the resource persons about their rights.

No wonder. Many of the mostly single female workers did not feel right when their supervisors compelled them to work overtime at night and on Sundays. Some were prevented from relieving themselves in toilets during worktime, forcing them to bring plastic bags where they could urinate. Others were forced to continue working despite painful menstruation. Alleged violation of company rules and regulations (sometimes unwritten) could cost them their promotions or even their jobs.

Numerous stories of cruelty are told by men and women working inside the so-called export processing zones. A husband is made to choose between his job or his family if he asks permission to take time off to attend to his wife's delivery of their child. A pregnant woman starts bleeding but is not permitted to leave her workplace. A married worker finds out she is the first to go when her company shifts to automation or "resizing."

The picture is multiplied a million times over across the globe as grassroots women reel from the impact of globalization. Unfortunately, many are unaware of their rights, a recognized "constraint which hinders their exercise of the rights enshrined by both national laws and international standards," said Jane Youyun Zhang, special adviser on women workers' questions to

the International Labor Organization (ILO) in Geneva, Switzerland.

In early 1996, ILO released a modular training package and information kit on Women Workers' Rights, developed to support awareness-raising and training activities in this area at the national level. The training package was first published in 1994.

The materials in the training package constituted one of the major ILO contributions to the Fourth World Conference on Women held in Beijing in 1995.

Disseminating information about these rights is vital for improving the status of women in society, Zhang said. The package has been translated into French and Spanish, with the German and Dutch versions being prepared, and an Arabic translation being planned.

### HOW MANY HAVE BEEN REACHED?

But one year after the package's release, how many women have received such training about their rights? How many government labor bodies have multiplied or adopted the materials into their workers' training curricula? How many non-government organizations have at least attempted to incorporate them into their workers' training modules? How many grassroots women's organizations have been sent copies? How many women worldwide are aware of and will fight for their human rights?

Katarina Tomasevski in the book *Women and Human Rights* (1993) has this to say: "If it were possible to conduct a survey of the extent of knowledge of those rights that are universally recognized and therefore should be universally respected, the results would



without doubt show that information about human rights is restricted to those who are able to exercise and enjoy them. The availability of human rights information is inversely correlated with the need for it: where needs are greatest, information is least."

In Manila, the United Nations Children's Fund (UNICEF) communications officer Dr. Teresa Habito Stuart says that after almost 50 years since the Universal Declaration of Human Rights was presented to the people of the world, "many for whose empowerment this Declaration was intended hardly know of its existence and are not fully aware of the moral aspiration it contains for the promotion of human dignity and democracy."

Indeed, millions of women worldwide are unaware that there are international instruments they can use for their own protection.

#### NUMEROUS INSTRUMENTS

There is no dearth of international instruments that protect women's human rights. If one were to count the number of United Nations instruments on the subject matter, one would say that women must be special.

In its Blue Book Series, the *UN and Human Rights 1945-95*, the United Nations said it has "always affirmed that women's rights are fundamental rights, that women should be guaranteed full participation on an equal footing in all aspects of political, civil, economic, social and cultural life and that the elimination of all forms of gender-related discrimination is one of the international community's highest priorities."

The covenants, conventions, treaties and other instruments cover almost all aspects of a woman's human rights—from the right to choose her nationality, abode, education, job, spouse and number of children to the right to enter into contracts, etc.

#### WHAT'S IN CEDAW FOR US?

The Convention on the Elimination of Discrimination Against Women (CEDAW) is considered as the international bill of rights of women. CEDAW brings together in a comprehensive treaty the provisions of existing UN instruments concerning discrimination against women.

Also called the "Women's Convention," CEDAW establishes the international standard for the promotion and protection of women's human rights. It contains 30 articles. The first five outline the general premises of eliminating discrimination and the general obligations undertaken by States ratifying the Convention. Articles 6-16 outline specific areas of rights and government obligations. The last 13 articles detail the implementation of CEDAW through the Committee on the Elimination of Discrimination Against Women composed of 23 members.

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#### BUT HOW USEFUL ARE THEY?

It is precisely the number of instruments, as well as provisions and resolutions in other UN instruments, that point to the highest priority given to the protection of women's human rights.

Note, for example, that in 1990, the Commission on the Status of Women saw a number of "serious obstacles hindering the advancement of women and recommended steps to remove them."

Among the Commission's suggestions regarding the de jure and de facto inequality which continued to exist between men and women, is "for countries to exert efforts to make women more aware of their rights."

The suggestion came eleven

## You have the right...

1. to self-determination
2. to non-discrimination
3. to the prohibition of apartheid
4. to effective remedy for violation of your rights
5. to the prohibition of retroactivity for criminal offenses
6. to the prohibition of imprisonment for indebtedness or contractual obligations
7. to procedural guarantees in criminal trials
8. to life
9. to physical and moral integrity
10. to the prohibition of torture and of cruel, inhuman or degrading treatment or punishment
11. to the prohibition of slavery, forced labor and trafficking in persons
12. to recognition of your legal personality
13. to liberty and security
14. to the prohibition of arbitrary arrest, detention and exile
15. to freedom of movement and residence
16. to seek asylum
17. to privacy
18. to freedom of thought, conscience and religion
19. to freedom of expression
20. to freedom of peaceful assembly
21. to freedom of association
22. to marry and found a family
23. to protection as a mother and as a child
24. to a nationality
25. to work
26. to food
27. to social security
28. to enjoy the highest standards of physical and mental health
29. to education
30. to participation in cultural life

Source: Katarina Tomasevski, *Women and Human Rights*, 1993.



years after the approval in 1979 of the Women's Convention, which as of February 1997, had been ratified by 156 countries.

Note also that as far back as 1974, the UN Development Fund for Women or UNIFEM, a voluntary fund, was already established by the Economic and Social Council, and assigned to identify the obstacles for women and to recommend promotional, educational and other measures to mitigate the problems.

And in 1976, the International Research and Training Institute for the Advancement of Women (INSTRAW) was created to research ways to monitor and appraise the effects of programs and projects on women's integration into development activities.

The lack of enforcement of the conventions on women's human rights does not come as a surprise. During its 50th foundation year in 1995, the UN admitted that even the implementation of the Conventions [on human rights] "has serious difficulties."

#### STATE RESPONSIBILITY

Many States have not yet ratified many of the instruments. Only half of the UN members have ratified the two Covenants of 1996 (on civil and political rights, and on human rights, economic, social and cultural rights), and 20 percent have accepted the Optional Protocol.

"Those who have ratified the Conventions often fail to meet their commitments, report on time or not at all. In some cases, failure to report is due to lack or absence of resources to gather information or compile the reports. For others, late reporting shows a lack of political will by States for implementation," the 1995 UN report on human rights revealed.

"Overlaps and inconsistencies have also made the current system for the protection of those rights less than transparent," the UN admitted. "Many factors make it difficult to have a clear interpretation of these mechanisms

and which prevent them from being fully effective."

The report suggested that it may be necessary to harmonize the various human rights conventions as a corollary to the streamlining of the treaty-making bodies.

This had earlier been pointed out by Marsha Freeman of the University of Minnesota, in her report "Human Rights in the Family: Issues and Recommendations for Implementation" published in 1993 by the International Women's Rights Action Watch.

Freeman said: "As more countries have ratified the Women's Convention and submitted their reports, it has become clear that elaboration of Convention standards would be helpful to both governments and the non-governmental community concerned with Convention implementation."

Clear standards are basic in reducing confusions in interpretation, but these should be useless if not disseminated to the grassroots women, which compose the greater majority of women worldwide.

#### GRASSROOTS ACTIVITIES

Whether vague or overlapping, UN instruments are already there and can only be effective when used by those for whom they were created. Peoples worldwide can challenge their own governments to enforce the instruments which their countries are signatories of.

To recognize human rights violations, basic knowledge of human rights is "indispensable," Tomasevski says. Grassroots women's organizations can involve themselves in human rights information and education campaigns for their members and the public at large. The UN declared 1994 up to year 2003 as the UN Decade for Human Rights Education.

UNICEF's Stuart told elementary school principals at a human rights forum in Quezon City in the Philippines, sponsored last May

# Protecting Human Rights

1. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949);
2. Convention on the Political Rights of Women (December 20, 1952);
3. Protocol of October 23, 1953, adopting the 1926 Slavery Convention;
4. Standard Minimum Rules for the Treatment of Prisoners, adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders (1955);
5. Supplementary Convention Against Slavery, Slave Trade and Practices Similar to Slavery (1956);
6. Convention on the Nationality of Married Women (January 29, 1957);
7. Convention to Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (November 7, 1962);
8. International Covenant on Human Rights, On Economic, Social and Cultural Rights (1966);
9. International Covenant on Civil and Political Rights (1966);
10. Convention on the Elimination of Discrimination Against Women (December 18, 1979);
11. International Convention for the Protection of Human Rights of All Migrant Workers and Their Families (1991).



## MAIN POINTS

### Convention on the Elimination of Discrimination Against Women (CEDAW)

**Article 1 DEFINITION OF DISCRIMINATION.** Any distinction, exclusion or restriction made on the basis of sex, which has the purpose or effect of denying equal exercise of human rights and fundamental freedoms in all fields of human behavior.

**Article 2 POLICY MEASURES TO BE TAKEN TO ELIMINATE DISCRIMINATION.** Embody the principle of equality in national constitutions, codes or other laws, and ensure its practical realization.

- ◆ Establish institutions, including tribunals, to protect against discrimination.
- ◆ Ensure that public authorities and institutions refrain from discrimination.
- ◆ Take measures to abolish discrimination by any person, organization or enterprise.
- ◆ Abolish all existing laws, customs and regulations that discriminate against women.

**Article 3 GUARANTEES BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ON AN EQUAL BASIS WITH MEN.**

**Article 4 TEMPORARY SPECIAL MEASURES TO ACHIEVE EQUALITY.** Temporary special measures may be adopted and must be discontinued when equality is achieved.

- ◆ Special measures to protect maternity are not considered.

**Article 5 SEX ROLES AND STEREOTYPING.** Social and cultural patterns must be modified to eliminate prejudice and customary practices based on assumptions of superiority or inferiority sex-role stereotypes and notions of the inferiority or superiority of either sex.

- ◆ Discriminatory practices based on the inferiority or superiority of either sex shall be eliminated.
- ◆ Ensure that family education teaches that men and women share a common responsibility in raising children.

**Article 6 PROSTITUTION.** Measures shall be taken to suppress all forms of traffic in women and exploitation of prostitution.

**Article 7 POLITICAL AND PUBLIC LIFE.**

The right to vote in all elections and be eligible for election to all elected bodies.

- ◆ To participate in formulation of government policies at all levels of government.
- ◆ To participate in non-government organizations.

**Article 8 PARTICIPATION AT THE INTERNATIONAL LEVEL.** The opportunity to represent their country

at the international level and to participate in international organizations.

**Article 9 NATIONALITY.** Equal rights to acquire, change or retain their nationality.

**Article 10 EDUCATION.** Equal access to education and vocational guidance at all levels.

- ◆ Equal rights with respect to the nationality of their children.
- ◆ The same curricula, examinations, standards for teaching and equipment; encouragement of coeducation.
- ◆ Equal opportunity for scholarships and grants.
- ◆ Equal access to continuing education, including programs designed to eliminate the literacy gap between women and men.
- ◆ Elimination of stereotyping in education and textbooks.
- ◆ Measures for reduction of female dropout rates.
- ◆ Equal participation in sports and physical education.
- ◆ Equal access to health and family planning information.

**Article 11 EMPLOYMENT.** The same employment rights as men, including the right to work and equal selection criteria.

- ◆ Free choice of profession, employment and training.
- ◆ Equal remuneration and benefits, including equal treatment as to work of equal value.
- ◆ Social security.
- ◆ Occupational health and safety protection.
- ◆ Prohibition of dismissal on the basis of pregnancy or marital status.
- ◆ Maternity leave.
- ◆ Provision of social services to support the combination of family and work responsibilities.
- ◆ Special protection against harmful work during pregnancy, with a requirement to review protective legislation in light of scientific developments.

**Article 12 HEALTH CARE AND FAMILY PLANNING.** Equal access to health care.

- ◆ Appropriate pregnancy services.

**Article 13 ECONOMIC AND SOCIAL BENEFITS.** Equal access to family benefits; loans and credit.

- ◆ Equal right to participate in recreational activities, sports, cultural life.

**Article 14 RURAL WOMEN.** Recognition of the particular problems of rural women, the special roles they play in economic survival of families and of their unpaid work.

- ◆ Ensure their equal participation in development.
- ◆ Right to participate in development planning and implementation.
- ◆ Access to health care and family planning services.
- ◆ Right to benefit directly from social security.
- ◆ Right to training and education, including extension services.
- ◆ Right to organize self-help groups and cooperatives.
- ◆ Right to participate in all community activities.
- ◆ Right to access to credit, loans, marketing facilities, appropriate technology, and equal treatment in land and agrarian reform and resettlement.
- ◆ Right to adequate living conditions—housing, sanitation, electricity, water, transport and communications.

**Article 15 EQUALITY BEFORE THE LAW.** Guarantee of the same legal capacity as men—to contract, administer property, appear in court or before tribunals.

- ◆ Contractual and other private restrictions on the legal capacity of women shall be declared null and void.
- ◆ Freedom of movement; right to choose their place of residence and domicile.

**Article 16 MARRIAGE AND FAMILY LAW.** Equal rights and responsibilities with men in marriage and family relations.

- ◆ The right to choose a spouse and enter into marriage only with free and full consent.
- ◆ Equality during marriage and at its dissolution.
- ◆ The right to choose freely the number and spacing of children; access to information, education, and means to make that choice.
- ◆ The same personal rights as husband; right to choose family name, profession, or occupation.
- ◆ Equal rights and responsibilities regarding ownership, management and disposition of property.
- ◆ A minimum age and registration of marriage.

**Articles 17-22 ESTABLISHMENT AND FUNCTIONS OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW).**

**Articles 23-30 ADMINISTRATION OF THE CONVENTION.**

Source: *International Women's Action Watch*, October 1995



13 by the non-government Crossroads Publications, Inc., that the "combined efforts for rights education should include educators who develop methodologies, rights advocates who bring in the content, NGOs, the media, artists, writers and storytellers who can creatively sensitize students, their families and communities."

Declaring in her keynote speech that "human rights education is in itself a human right," Stuart added: "ignorance of one's rights is itself a human rights violation. Let us remember that the positive relationship between active awareness of human rights and the realization of these rights have been acknowledged worldwide."

While stressing children's rights education in her talk, Stuart also spoke of human rights education for women, who are the primary nurturers of children.

She urged educators to "expand opportunities to draw upon our existing exchange networks; support, widen and strengthen these networks, encourage the development of creative educational projects, methods and materials, with a view towards adaptation and dissemination of the best practices in human rights education, promoting worthwhile proposals and continuing to interact, share talents, learnings and resources."

#### **ORGANIZING WORKER CAMPAIGNS**

Tomasevski for her part exhorted organizations to review whether all rights that should be guaranteed are recognized in their countries, in the constitution and laws. They can then join forces to demand that the minimum international standards be observed.

The information-education campaign is best if linked with local campaigns and relevant to the grassroots groups. "Having the laws is only the beginning," said Annie Delaney of the Textile, Clothing and Footwear Union of Australia.

In her paper "Homework in the Global Economy" delivered before the plenary NGO Forum in Beijing in 1995, Delaney said women must organize and "create a groundswell of awareness among unions, workers, consumers, and the media for the laws to become enforceable and relevant to women workers."

Women workers in export processing zones can, for example, organize their own unions that will struggle for the rights of both male and female workers, citing UN-International Labor Organization (ILO) instruments and their own national statutes, if these are embodied, for the right of workers to organize. As soon as the union is organized, information-education campaigns on their rights and welfare can be launched, to include ILO modules in particular.

A research-documentation team can then be simultaneously set up, either by a supportive NGO or by the union itself, which can take charge of documenting violations to their human rights. Or a women's committee can be formed to specifically address women's issues within the union. The union can validate the research findings, present their demands to the local bodies in charge of enforcing the standards, such as departments of labor, government human rights agencies, or women's committees, if there are such agencies in the government. If after exerting all efforts to bring up the demands and/or charges to government and even the media, the worker leaders, with their legal counsel can then elevate their demands to the ILO and other UN bodies for their government to abide at least by the minimum standards.

The process will be long and tedious, as well as expensive and hazardous. In the process, the union itself could be harassed and eventually waver in its resolve as one by one, active union members could be expelled with the flimsiest of reasons. But only with the

consolidated strength of the union, supported by NGOs, legal counsel and international organizations, will the fight for the enforcement of international standards to grassroots workers issues be addressed.

#### **PEASANT WOMEN AND CEDAW**

As for peasant women, Article 14 of CEDAW recognizes the particular problems of rural women, the special roles they play in economic survival of families and of their unpaid work, ensure their equal participation in development, their right to participate in development planning and implementation, access to health care and family planning services, right to benefit directly from social security, right to training and education, including extension services, right to organize self-help groups and cooperatives, right to participate in all community activities, right to access to credit, loans, marketing facilities, appropriate technology, and equal treatment in land and agrarian reform and resettlement, right to adequate living conditions—housing, sanitation, electricity, water, transport and communications.

Rural women whose families are being driven away from their homes because of government and private development projects can also use CEDAW to assert their right to adequate living conditions and housing with concerned national government bodies.

Government agencies may, on the other hand, cite provisions in its current development programs to justify their demolition sprees. In this case, local rural women's groups can try networking with national and international organizations working on similar issues and problems, so that their case can be elevated to the UN level.

Information is said to be power. With grassroots women learning about their rights, their empowerment cannot be far behind. ☺