

# Celebrating Rights

**E**verywhere, people remembered the 50th anniversary of the United Nations' Universal Declaration on Human Rights, the document recognised by the world as the standard for individual rights and freedoms. The remembering was mostly celebratory, and for good reason. The struggle for human rights had been an arduous one and to come this far is a cause to be jubilant.

Women, despite the many gaps that remain in the legal doctrine of human rights, celebrated the significance of the 50th anniversary of human rights. They marked the importance of the event in different manners, but all in ways that resonated with their continuing effort to imbue human rights with new meanings.

Most notable among these new meanings is the Declaration of Human Rights from a Gender Perspective. Developed by the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) and other regional and international organisations, the document incorporated perspectives on gender and ethnicity that gained prominence since the Universal Declaration's adoption in 1948. At the 53rd UN General Assembly, CLADEM proposed the declaration for adoption by Member States of the United Nations as an elaboration of the Universal Declaration for the 21st century.

Among those proposed for adoption is the right to autonomy and self-determination in the exercise of one's sexuality. This includes "the right to physical, sexual and emotional pleasure [and] the right to freedom in sexual orientation." The document also proposes the right of women to "reproductive autonomy which includes access to safe and legal abortions."

More than ever, women—and men—need to rally behind such a campaign to have these

rights recognised in international human rights doctrine and fight the backlash unleashed by patriarchy. This backlash was most evident at the 1998 International Criminal Court (ICC) conference where gender, despite headway made at the Fourth World Conference on Women, had become a dangerous concept.

Because of the prejudice by some delegations against gay and lesbian individuals, the ICC statutes ended up defining gender as "two sexes, male and female, within the context of society," in contrast to gender as including the social expectations placed on women and men to conform to certain stereotypes. In their effort to prevent international legal recognition of same sex relations, Arab states and the Vatican repeatedly raised concerns about the inclusion of gender-based persecution within the definition of crimes against humanity. Some countries, despite proof on the existence of rape camps in Bosnia and the existence of "comfort women," still refused to declare forced pregnancy as both a war crime and a crime against humanity.

The intervention of other countries, notably Bosnia and Herzegovina, enabled the inclusion of forced pregnancy in the final text of the ICC statutes. However, the definition was limited to the confinement of a woman forcibly made pregnant with the *intent of affecting the ethnic composition of any population*. Thus, the focus of the crime is taken away from the violation of a woman's human right and placed on the woman's ethnicity. It is a definition far narrower than that sought by the Women's Caucus.

Some say that what happened at the ICC was a setback. It may be. But when did setbacks ever stop us women? We will simply continue to stake and raise our banners high at every possible front of the struggle for women's human rights.