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## YEARS OF A CHARTER

### The Universal Declaration of Human Rights

by Roxana Vasquez Sotelo

On December 10<sup>th</sup> 1998, the United Nations commemorated the fiftieth anniversary of the most important ethical and political instrument produced in this century. The Universal Declaration of Human Rights issued in 1948 was debated and adopted by consensus of the states, following their reflections on the horrors of the Second World War.

To issue a statement on human rights might well suppose discussing everything that has to do with humanity and, for this very reason, runs the risk of not discussing anything at all. Today there are various controversies going on around the subject of 'human rights'—controversies that imply, among other things, visions independent of politics, and of course, different political visions. Almost the whole of humanity agrees with the discourse on human rights. The dispute centers on how they are applied, in the name

of whom, and for whom. National and international powers have been involved in this discussion at various levels. What we should ask is why—in a world with such contradictory interests—a discourse, aimed so clearly at the defense of human rights as a task of the highest order, can become so generalised.

If we go through the history and doctrine of human rights, we will understand that an evolutionary vision underlies the exercise of these rights. Also, we note that, curiously enough, no reference

has been made nor has any emphasis been placed on the struggles involved in widening the concepts tending to generalise the notion of human rights.

The evolutionary vision that usually accompanies the discourses and changes in norms is based on the notion of progress, and this naturally implies considerable risks. The addition of rights to the list of those already existing may greatly help to gain recognition, at least formally, of new conditions. However, women know from experience that al-

though this path has led to a certain degree of success, the basic concepts that govern and guide these laws suffer from severe limitations.

A simple formulation such as “the violation of women’s rights is a violation of human rights” has involved a great

dubitable value of the 1948 Declaration and defending its validity—most of the rights set out in the Declaration are still far from being implemented worldwide—on examining it with new eyes, we note the limitations and omissions which occurred in the very historical context in which it was

rights, promoting and questioning our own truths vis-à-vis those of others, proposing an inclusive approach that will integrate differences while preserving them. Finally, the full validity of the Charter that since 1948 has called upon our capacities and skills as individuals in a community.

**HUMAN RIGHTS CANNOT BE STATIC. THE REAL WAY IN WHICH PEOPLE’S VALUES, SYMBOLS AND TRUTHS ARE CONSTRUCTED AND DECONSTRUCTED IS THROUGH THE JUXTAPOSITION OF DISCOURSES, AND IT IS WITHIN THESE COMPLEXITIES AND CONTRADICTIONS THAT WE ARE INTERESTED IN ACTING.**

struggle in legal terms, and serious resistance has had to be overcome. There is the argument, among others, that new frontiers should not be opened up regarding human rights in situations as complex as those we are undergoing, as this may involve the risk of losing the ground that had already been gained. This is a dangerous argument as it may lead to immobility and fear.

However, “in June 1993, on the occasion of the Vienna World Conference on Human Rights, women’s and girls’ human rights were incorporated into the Plan of Action. These were declared to be an unalienable, integral and indivisible part of universal human rights. Going even further, violence against women and all forms of sexual harassment and exploitation were declared to be incompatible with the dignity of the human being, and their elimination was requested. An important prejudice has been overcome that persisted on a theoretical level; that of the impossibility of the State responding to violation of human rights occurring in a private context.”<sup>1</sup>

While recognising the in-

formulated. The idea is to bring about a gender vision that would enrich and reinvent the definitions of what is human.

The right to a life free from violence, sexual and reproductive rights, environmental rights, the right to development, the rights of individual persons and peoples with reference to their racial and ethnic identity, constitute the legitimate discourses which we have created and recreated in line with these new horizons.

Human rights cannot be static. The real way in which people’s values, symbols and truths are constructed and deconstructed is through the juxtaposition of discourses (new, old/traditional, modern, etc.), and it is within these complexities and contradictions that we are interested in acting.

In defending human rights, a lot of hard work has to be done in at least three areas. First of all, the discourse proclaiming the priority of free and equal human beings in a world brandishing the flag of social exclusion. Secondly, definitions of concepts and arguments that increase or omit

On 10 December 1998, we commemorated 50 years of a Declaration that synthesized the affirmation of humanity against barbarity, a necessary and valid affirmation. Still needing to be heard, known and assimilated, it is a document to be defended and commemorated.

The validity of a proposal resides not only in its capacity to raise questions, but also in the possibility that it may be questioned and that it may give rise to dialogues with those with whom, for a long time now and from our multiple expressions, we feel profoundly involved and committed in the search for more just and human ways of living.

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Translated from Spanish by Victoria Swarbrick.

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<sup>1</sup> Contribution to the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights, CLADEM.