



Universality versus Cultural Relativity for the Human Rights of Women

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As we celebrate the 50th anniversary of the Universal Declaration of Human Rights there is a deep controversy, essentially spearheaded by nonwestern countries, challenging the universality of human rights principles on grounds of cultural and religious diversity. This debate is far from being only academic because it has profound legal and ethical implications. Before looking at it through the eyes of women, it is also important to examine the global context in which this discussion is taking place.

With the increased politisation of human rights in the post-cold war period, governments of the South have been led to challenge the legitimacy of principles of "universality" when these are used by the North to impose their domination on the South.

As a protest against the global economic and ideological hegemony of neoliberal politics all over the world, those who feel threatened by this process of globalisation are more and more inclined to affirm a culturally rooted expression of their identity, in terms of language, religion, tradition, memory, and arts.

In this context, there is a growing awareness that a new and truly universal approach to human rights must be promoted, one which does not impose values on some groups of people. While it is legitimate to redefine universality, fragmentation and conflicts within the human family may only be aggravated when values are rendered completely relative without common agreement on the basic principles of human rights.

There is abundant literature flourishing around these questions, and it is not the point here

to enter into detailed discussions. The debate will certainly continue in the years ahead, and hopefully will bring new and useful challenges to the concept of the universality of human rights. The contribution of women is essential in this regard.

Women's contributions are needed because the defense and promotion of the human rights of women is exemplary of the tensions existing between proclaimed "universal" principles and the reality of the economic, political and symbolic subordination of women, in almost all cultures of the world. A gender-specific approach to human rights is a powerful challenger to abstract universalism.

Human rights are proclaimed to be universal, inalienable and indivisible. How do these principles apply to the life experiences of women?

Universal means that human

rights apply to everyone by virtue of being human. It sounds obvious, but is it so? Remember that when the ideal of universality of human rights emerged in the 18th century, women were not mentioned anywhere. They were “forgotten” in particular by the French Revolution. *Les Droits de l’Homme*—as the French said—were really the rights of men as they were meant to apply to citizens only. The right to vote, for example, has been denied to women for decades.

Behind this concept, which was exported all over the world, is the division of human activities between “public” and

with the abuses and violations of citizens’ rights including detention, torture, extrajudicial executions and freedom of expression. The legal standards and mechanisms set up to protect these rights have benefited men and women in such situations. But it must be recognised that some specific abuses not experienced by men, like forced pregnancy, systematic rape, sexual slavery, were neglected in human rights work for a long time. Only recently has rape in situations of armed conflict been classified as a war crime.

The struggle has long been strenuous for courageous and

still a long way to go to effect and implement change both in policy and in people’s attitudes.

When women invoke the universality of human rights, they demand recognition of their humanity as women. This is different from claiming equality and nondiscrimination in reference to male norms. It says that women want their experience of life incorporated in all human rights standards and practices. It says that a uniform, “unisex” approach to human rights fails to address significant differences between men and women. Overlooking biological and gender differences is detrimental to the protection of



“private” spheres. The roles of men and women were assigned along this division. Men were to keep the monopoly of thinking, of expression and of action in the public sphere which was the place of interaction between state actors and citizens. Women were placed in the private sphere to produce, and reproduce, transmit customs and traditions and sustain family life in the home. This private domain escaped from state scrutiny and was not at all a concern of the Universal Declaration of Human Rights.

CONSEQUENCES HAVE BEEN TREMENDOUS FOR WOMEN’S HUMAN RIGHTS

Human rights advocates have been primarily concerned

resilient women to put women’s concerns on the world agenda. If we take the example of women from Korea, Philippines and other nations who were sexually enslaved as “comfort women,” the struggle still continues as Japan has not yet made an unconditional official apology for the crimes perpetrated against them by the Japanese Imperialist Army.

Due to the focus on human rights violations committed in the public sphere, the abuses on women perpetuated in the privacy of the home, by family or individuals, were rendered invisible. It was only a few years ago that the horrendous reality of domestic violence against women became recognised and put on the human rights agenda. There is

the human rights of women.

If the sweeping values expressed in the Universal Declaration of Human Rights apply equally to men and women, their implementation through norms, mechanisms and practices needs to recognise the diversity of life experiences of men and women within our common humanity. In addition, gender-specific approaches which ensure that they are truly universally applied must be adopted.

Inalienable means that it is impossible for anyone to abdicate her or his human rights, and also that it is impossible for anyone to deprive another person of her or his human rights.

This definition may sound rather abstract, but has very concrete illustrations for women.

There are too many examples, all over the world, of traditional practices and cultural prejudices which are damaging to women, physically and psychologically. One of the most notorious examples is the practice of female genital mutilation. The right to health or to the integrity of their body is still not considered as an inalienable human right of women in many parts of the world. It requires courage, strength and solidarity for women to claim the inalienability of their human rights against traditions, cultures and religions.

Fortunately, very encouraging steps were taken by the World Conference on Human Rights in Vienna in 1993. The Vienna Declaration on Human Rights recognises that freedom from violence against women is a

ing progress is taking shape now), once again women are the most affected. It is unfortunate that a hierarchy exists among human rights where civic and political rights are privileged both at the level of international mechanisms and of public advocacy. This was the result of cold-war politics, where the Western world strongly emphasised “individual” civic and political rights, while the socialist countries concentrated on the “collective” social, economic and cultural rights.

The priority concerns for women’s human rights are security, food, housing, health, education, work and economic development. Although it is important to protect civic and political rights, they are very distant from the lives of many women. Of course men and women alike living in poverty

their heavy heritage of cultural prejudices and discrimination, women know better than everyone else the gap which exists between the vision of a world where human rights would be universal, inalienable and indivisible, and the harsh reality of their lives. Women recognise that their rights as women are different yet equal to men. A gender-specific approach is required which takes into account women’s concrete life experiences as well as their own perspectives and input.

As an Australian feminist said: “We need a recognition of the female character of our existence—in particular when it is threatened in the private sphere—and we need a recognition of our right to have a public image of ourselves.” The



human right. The declaration states clearly that in case of conflict between women’s human rights and cultural or religious practices, the human rights of women must prevail.

Indivisible means that civic and political rights are equally important and interrelated with social, economic and cultural rights, as they all reflect different facets of the same existence.

If this definition is still largely theoretical, far from being implemented in practice for everyone (even though interest-

are deprived of their fundamental social and economic rights. But it is women who bear disproportionate burdens for being poor and marginalised. For them, the improvement of their social, economic and cultural status can be a major step to free them from dependence on men and to fully exercise their rights.

Fifty years after the proclamation of the Universal Declaration of Human Rights, culture, tradition, economic and political interests have combined to marginalise the human rights of women. With

reference to the universality of the human rights of women is based on the affirmation of their collective identity and calls for the acknowledgment and respect of this different identity. Equal in dignity and rights, in the elaboration of universal values and principles that would represent the highest common aspirations of all the human family in its diversity.

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