

Realising Women's Economic and Social Rights through Community Development

Women's Economic and Social Human Rights

'A roof over one's head, safe drinking water, nutritious food, accessible education, adequate health care, a dignified and secure livelihood: these are not only development goals, they are basic human rights,' *Association of Women's Rights in Development (AWID)*

What are Economic and Social Rights?

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is the primary source of economic and social rights internationally. These include:

- *The right to education*
- *The right to health*
- *The right to housing*
- *The right to food*
- *The right to water*
- *The right to work*
- *The right to social security*
- *The right to an adequate standard of living*
- *The right to a healthy environment*

Everyone has the right to enjoy these rights without discrimination based on their "race," sex, language, religion, political or other opinion, national or social origin, sexual orientation or other status. Women are guaranteed equal enjoyment of these rights with men.

The ICESCR was adopted unanimously by the United Nations General Assembly in December 1966 and came into force January 3, 1976. This covenant was one of two that were drafted with the purpose of giving legal effect to the Universal Declaration of Human Rights (UDHR) - the founding document of international human rights law - which was developed nearly 20 years before. The other is the International Covenant on Civil and Political Rights (ICCPR). Originally, the UN Human Rights Commission intended for there only to be one treaty, but the cold war prevented this

from happening. The United States and Europe stressed the importance of civil and political rights (e.g., the right to participate in political processes, freedom of expression). By contrast, the communist bloc prioritized economic, social and cultural rights (e.g., the right to employment, education, shelter, health). The compromise was therefore the creation of two separate instruments. (Source: AWID)

A new AWID publication, *Achieving Women's Economic and Social Rights*, outlines how the blatant disregard for human rights by both governments and non-state actors results in a difficult and untenable situation for many women around the world. As AWID's report points out, the creation of two separate human rights instruments has resulted in economic,

social and cultural rights remaining second-class to civil and political rights and being viewed as aspirational, rather than enforceable by law. In recent years, however, courts in some countries, notably India and South Africa, have directed governments to implement economic and social rights in some cases. And there is currently an upsurge of interest by community organisations globally in human rights-based approaches, with a particular emphasis on the realisation of economic and social rights. Increasingly, communities are looking to international human rights as an empowering framework for challenging exclusion, marginalisation and disempowerment and as part of the development of alternative structures to challenge oppression.

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Participants and facilitators, Economic, Social and Cultural Rights with a Focus on Women training course, June 2006.

About Banúlacht

Banúlacht is a feminist organisation and part of a global women's movement and, as such, is committed to political action. Banúlacht believes in justice and equality for all women and men and in relationships of solidarity between women North and South. (We use the terms North and South, rather than "First World/Third World" or "Developed World/Developing World," which imply superiority and inferiority.) At the heart of our approach is the belief that change is possible and necessary. The name "Banúlacht" is derived from the Irish word for women, bean, and means "of women" or "related to women."

Banúlacht's development education work explores such issues as poverty, alienation, disadvantage and injustice through a global lens and from a gender perspective. We carry out workshops and short courses with women's organisations in Ireland on themes such as gender and development, women and the economy and women's human rights. We have a particular focus on the framework of international human rights agreements. We aim to highlight the work of women's organisations in the South to challenge gender inequalities locally and globally.

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A human rights approach in feminist activism is not new. Women's organisations have worked for many years for the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women and the Beijing Platform for Action.

In no country of the world do women enjoy human rights equally with men. Women suffer systematic discrimination resulting in deep patterns of inequality. Barriers faced by women include a disproportionate burden of care-giving work, discriminatory cultural laws and practices, widespread violence and lack of information and services related to family planning and reproductive health. Such barriers are inextricably linked to women's lack of economic independence, low social status and under-representation in or exclusion from decision-making. (Banúlacht Feminist Principles)

Southern women face particular barriers linked to global inequalities and to the violations of human rights by both governments and non-state actors. Policies that are imposed on governments of the South by international financial institutions as a condition of loans—policies such as the privatisation of water and cuts in public spending—have gendered impacts. They

violate economic, social and cultural rights by denying access to resources, services, education and health care. In addition, by placing ever heavier burdens of care and productive work on women, they affect women's health, encroach on their time and make it ever more difficult for women to pursue economic independence and to participate in leadership roles in community, local, regional and national policy-making.

Nonetheless, women have been organising to challenge gender injustices. This Banúlacht Gender and Development Bulletin focuses on women's economic and social rights and the links between these rights and community development. We focus in particular on organisations that work to build the capacity of women at grassroots level to use human rights frameworks to challenge injustice and demand their economic and social rights.

A recent example of such work is a course on Economic, Social and Cultural Rights with a focus on women held in June 2006. The Women's Human Rights Alliance came together with the Irish Human Rights Commission, Dignity International and Banúlacht to run this course, which covered the framework of the UN human rights

instruments, with a particular focus on the ICESCR and CEDAW. The course used case studies from Dignity International to explore the successful community-based activism of women's organisations in Indonesia and the Philippines. Most rewarding, if also most arduously, participants worked in groups to make presentations on specific aspects of women's human rights—namely, older women's rights, lone parents' rights, violence against women and women's health. While participants found engaging with the conventions challenging, the overall feedback was that the experience was enlightening and empowering. Twenty-three women from community development organisations participated.

This Bulletin is designed as a follow-up to this course. With a combination of thought-provoking articles, a "beginner's guide" to economic, social and cultural rights, and cases studies from Tanzania, Peru and Costa Rica, it is intended as a resource for community development and women's organisations in Ireland, making links between community development processes in Ireland and the South. In building the capacity of those at grassroots level to make these links and to demand their rights, women's organisations are playing a key role in developing women's empowerment and promoting gender equality.

Women, Poverty and Human Rights

Every person has human rights no matter where she or he lives or what his or her sex, "race," or ethnic origin may be. Every adult and young person has needs that must be met if she or he is to live in dignity. Poverty seriously compromises human dignity because it means that people do not have the income and the resources to "participate in activities which are considered the norm for other people in society" (www.welfare.ie). Thus fundamental human rights are violated. This approach to defining poverty recognises that poverty involves exclusion from participation in society, lack of power, as well as unequal distribution of resources, and is critical to an understanding of women's poverty and in helping to find ways to tackle it.

More than one billion people live in poverty around the world, and the vast majority of them are women. Global patterns are mirrored locally. In Ireland, in 2004, 23 per cent of women experienced income poverty compared with 18 per cent of men. This means that nearly a quarter of women live below €185 per person per week. Lone parents and their children are most at risk, with nearly half of lone parents (most of whom are women) at risk of poverty and most likely to go without basic necessities. Older women also experience high levels of poverty.

The poverty such women experience violates their human rights, particularly women's human rights to non-discrimination and equality. When women are economically dependent on men, they are made vulnerable to poverty. When women do not have equal access to employment opportunities and are paid less than men for equal work, they are made vulnerable to poverty. When women face barriers to education and training and have an unequal share of responsibility for caring, their ability to earn an income and to be protected from poverty is greatly compromised. Discrimination against women combines with other forms of discrimination (class, marital status, ethnicity, age, disability, sexual orientation) in a gendered way.

The United Nations has agreed that poverty cannot be tackled without the respect for and protection and fulfilment of all human rights—including civil, political, economic, social and cultural rights—and without the recognition of substantive equality between women and men. Ireland is a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of



Community development in Clondalkin, Dublin. Photo: Derek Speirs/Report

Discrimination against Women (CEDAW), among other treaties. By signing and ratifying international human rights treaties, Ireland has agreed to be bound by their terms and therefore has an obligation to incorporate these treaties and their standards into Irish law. Like many other states, Ireland has been reluctant to give economic, social and cultural rights full effect in their constitutions, legislation or policy.

However, communities are increasingly challenging this reluctance and using recognised and agreed international human rights standards to hold governments to account. The added value of a human rights approach is that it places women and communities in poverty at the centre of social change. These groups are empowering themselves to help hold government to account. To achieve this, they are gaining an understanding of their rights. By linking the international standards that these rights aim to protect with the problems in their local community, they can determine whether local providers are fulfilling their obligations. In this way,

they are gathering evidence of gaps in provision in a systematic way.

Communities are changing experiences into solid facts that can be used to hold different levels of government accountable for their actions. They are engaging in dialogue, using rights language and drawing governments' attention to the obligations they signed up to in the ICESCR and in CEDAW and the recommendations made by UN monitoring bodies that remain unfulfilled, such as the provision of affordable childcare, stronger action to eradicate pay discrimination and the need for a gender impact analysis of all social and economic policies.

Poverty strips people of their human dignity. The adoption of a human rights approach by communities, including women's groups, aims to empower and mobilise people in poverty to hold the government accountable for its obligations to respect, protect and fulfil human rights.

Fidelma Joyce

Policy Liaison Officer
Combat Poverty Agency

A Community Worker's Perspective on Human Rights Based Approaches



Maeve Ni Liathain (Partnership & Practice of Rights), Crea Nolan (Longford Women's Link), Pauline Ennis (ACCESS 2000) presenting a case study, June 2006 course.

"We the peoples of the United Nations determined..." Hearing this phrase from the Preamble to the UN Charter some three-quarters way through a human rights training course infused life and meaningful possibility into what otherwise seemed a purely legalistic framework for applying international human rights standards.

Article 1 of the Universal Declaration of Human Rights states that "All human beings are born free and equal in dignity and rights." This statement is not aspirational, but it clearly recognises the inherent human rights and equality of all human beings. Article 1 of the International Covenant on Economic Social and Cultural Rights (ICESCR) expands on this: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." The ICESCR brings human rights directly into community development work and exemplifies the complexity and diversity of "peoples" and "cultures."

Human rights based approaches (HRBA) draw on the same cornerstone principles as community development - namely,

empowerment, participation, non-discrimination/inclusion, and accountability. In addition to these familiar terms, some new key concepts seem particularly relevant to my community work:

In a world of interconnectedness, we all act on behalf of one another, making us both "human rights holders" and "duty bearers," with the State being the ultimate "duty bearer."

- ***Each State has a "duty to respect, protect, fulfil" human rights.***
- ***States must adhere to "minimum core obligations" of human rights.***
- ***"Justiciability" enables people to counter disempowerment practices by using the law.***
- ***"Progressive realisation" means we can develop a culture of human rights to realise current human rights and enable new ones to emerge.***
- ***"Documenting violations" entails gathering evidence of people's lived experiences, which cannot be denied.***
- ***"Substantive" equality, particularly with regard to women's human rights, allows for temporary positive discrimination.***

These concepts provide ways to hold the State accountable for fulfilling human rights. They enable one to hold local authorities and state agencies accountable for their obligations as laid out in their strategic plans. As a community worker and "duty bearer," I have explicit responsibilities to the communities with whom I work. Arguments in support of community "needs," justice and equality are strengthened when backed by a recognised human right. Documenting violations to provide evidence for the need for human rights, as well as articulating and translating human rights standards accurately become essential skills of community workers. Another key skill is assisting local communities to understand and express these standards, so they can use them credibly and influentially at all levels of society.

Paradoxically, the states that have signed the various international conventions are the ones that have inherently unequal and unjust systems and structures. Behind these structures lies the belief that all human beings are not born free and equal in dignity and rights.



Candy Murphy (One Family), Aileen Foran (Ringsend Action Project), Helen Stapleton (Women Together Network), Eileen Ahern Burke (Athlone Community Taskforce), Finola Brennan (Donegal Women's Network) and Mairead Lynch (Southwest Kerry Women's Association), Economic, Social and Cultural Rights with a Focus on Women, training course, June 2006.

Human rights approaches may not offer the best analytical tools to understand inequalities, such as those found in global power relationships and in the neo-liberal market economy, as well as class and gender inequities. It is therefore essential that community workers have a reflective self-awareness of their position in power, as well as a critical view of the contradictions and (often invisible) power dynamics that human rights may come packaged in. Social and cultural development within an Irish and Western worldview is secondary to the type of economic development where profit is predominantly the bottom line and the market is seen as the antidote to all society's ills. The human rights framework does not in itself challenge this ideology of neoliberalism, which profoundly undermines the realisation of human rights.

Core to all human rights is their universal, indivisible, interdependent and interrelated nature. Yet individualism is the dominant mantra of the Western world, and Western worldviews dominate the debate on human rights. How then can the notion of "human" guide international human rights standards? Paradox, contradiction and complexity underlie the human condition. It is up to us ("we the peoples...") to develop our own understandings of what it means to be

human, particularly with regard to the exercise of power, and to undertake the uncomfortable and hard work of developing a culture of human rights that will challenge the inherent contradictions and inequalities within our societies' structures.

My own understanding of what it means to be human is informed by the African expression "Ubuntu." This "speaks of the very essence of being human... it means my humanity is inextricably bound up in yours. We belong in a bundle of life. A person is a person through her people... I am a human because I belong. I participate, I share... I belong in a greater whole which is diminished when others are humiliated or diminished..." This sits very well with the idea of the interconnectedness of human rights.

To keep my intuitive antennae alert, I draw on expanded understandings of power. These understandings describe the power of potential to shape our world. This is the "power within," the power and value inherent in all human beings (a concept so little used and understood and yet it links well to the concept of human rights existing in us all). "Power with" means participatory power that works at the intersection of ambiguity and risk. Mindful "participatory power" is alert to how the "power within" all of us may work to support those

who are disadvantaged. The pervading understanding of power, however, is "power over" - the ever familiar "controlling power" that dominates our world. "Power over" comes in various forms, such as "unconscious rank," "visible power" (which affects women's lives at three interacting levels in the public, private and intimate realms), "hidden power" and the more difficult to recognise "invisible power," which is nevertheless the most crucial to "see" and engage. If one uses "power with" - the power of participation - without alertness to the different kinds of power, one may very well inadvertently collude with "power over" and worsen the situation of those very people one wants to support.

I am inspired and encouraged by Eleanor Roosevelt who wrote the following in 1953: "Where, after all, do universal human rights begin? In small places, close to home... the world of the individual person; in the neighbourhood [s]he lives in; the school or college [s]he attends; the factory, farm, or office where [s]he works... Unless these rights have meaning there, they have little meaning anywhere... [and] we shall look in vain for progress in the larger world."

Marie Corcoran-Tindill

Marie was a participant in the training course on Economic, Social and Cultural Rights with a Focus on Women, June 2006.

Economic, Social and Cultural Rights and Women

Economic, social and cultural rights have a particular significance due to the disproportionate effect of poverty and social and cultural marginalisation on women. Inequality with respect to the enjoyment of economic, social and cultural rights is a central fact of women's lives in every country in the world and is a central manifestation of women's lesser social, economic and political power. Ongoing inequality in the sphere of economic, social and cultural rights contributes to the continuing subordination of women and makes them especially vulnerable to violence, exploitation and other forms of abuse.

International Human Rights Standards

■ The Universal Declaration of Human Rights

recognizes the right to work, the right to an adequate standard of living, the right to housing, the right to food, the right to medical care, the right to social security, the right to rest and leisure, the right to necessary social services, the right to security in the event of unemployment, and the right to education. All of these rights are to be realized on the basis of non-discrimination.

■ The Vienna Declaration and Platform of Action

recognizes that "the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community."

■ The Convention on the Elimination of All Forms of Discrimination Against Women

recalls that "discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity..." This Convention also provides specific standards related to gender equality in the spheres of education, employment, health care, and other areas of economic and social life.

■ The International Covenant on Economic, Social and Cultural Rights

recognizes "the equal right of men and women to the enjoyment of all economic, social and cultural rights" and prohibits discrimination based on, among other things, one's sex.

Economic, Social, and Cultural Rights are Women's Rights

■ Right to Economic Equality

Globally, experts estimate that women are 70% of the world's poor and that they own only 1% of the world's wealth. Poverty, particularly for women, is more than income deficiency. The World Health Organization has noted that women continue to lag behind men in control over essential resources including cash, credit, property, land, wealth and access to material goods. They are also disadvantaged by other forms of impoverishment in areas such as literacy, education, skills, employment opportunities, mobility, political representation, and pressures on their available time and energy linked to gender role responsibilities. For these reasons, women are often poorer relative to men of the same household and social group. Women's disproportionate poverty and economic inequality also effectively compromises their full enjoyment of other human rights, including their rights to food, water, housing and to the highest attainable standard of health, among others.

■ Right to the Highest Attainable Standard of Health

Gender discrimination and unequal power relationships between women and men in the home, workplace, and community may negatively affect a woman's health in a number of ways. A woman may be exposed to specific forms of gender-based violence, including domestic violence and rape, which can negatively affect her physical, sexual and psychological health. Throughout the world, violence against women is the leading cause of injury for women of reproductive age. Girl children and adolescent girls are also often vulnerable to sexual abuse by older men and family members, placing them at risk of physical and psychological harm and unwanted and early pregnancy. Some traditional practices such as female genital mutilation also carry a high risk of death and disability. Additionally, gender discrimination is integrally linked to women's experiences with HIV/AIDS. This discrimination renders them more vulnerable to HIV, as they are unable to protect themselves from infection.

■ Right to Education

In every region of the world, women are much less likely than men to be literate, and women make up two-thirds of all illiterate people. Two-thirds of the 130 million school aged children without access to primary education are girls. In more than 45 countries, fewer than 1 in 4 girls are enrolled in secondary school. This situation is in part caused by the necessity of child labor to contribute to the household income. Lack of education reduces women's access to political and economic opportunities, and promotes practices such as child marriage.

■ Right to Food

According to the World Food Program, more than 840 million people throughout the world, most of them in developing countries, are chronically hungry. In many countries, the distribution of food within the family is skewed in favor of men and boys, with women and girls getting the lesser share, both in terms of quality and quantity. This occurs even though women produce 80 percent of the food in Africa, and more than 50 percent of the farm output in South Asia.

■ Right to Housing

UN-HABITAT estimates that over 1 billion people live in inadequate housing, and women in particular are especially vulnerable to housing poverty. For many women throughout the world, housing represents not only a place to live, but is a central place of employment and social interaction, and a place to care for children and produce food for the family. However, women face discrimination in many aspects of housing, including housing policy development, control over household resources, and rights of inheritance and property ownership. Security of tenure is also often denied to women through the application of gender-biased law, customary laws, tradition and dominant social attitudes, domestic violence and financial barriers. A woman's precarious relationship to her housing may make her more likely to experience harassment and sexual violence from landlords or from others on whom she depends for her housing security.

■ Right to Water

According to the World Health Organization, approximately 1.1 billion persons in the world lack access to a basic water supply. Throughout the world, women are the primary collectors, transporters, users, and managers of domestic water. In many developing countries, households may spend hundreds of hours a year on water collection alone. Women often have to walk great distances to a water source, and the collection of water can expose women to gender-based violence, especially if the source of water is in a vulnerable area or collection takes place after dark.

■ Right to Work

Some of the most critical problems in the area of women and work concern the unequal work burden women shoulder because of expectations related to their familial and domestic responsibilities and their employment outside the home women's unpaid domestic labor and ghettoization in low-paid sectors, and women's disproportionate representation in the informal employment sector - often a site of exploitive, unprotected, and unhealthy working conditions gender-based discrimination and sexual harassment, which severely limits women's job opportunities and the ability to make choices regarding work unequal pay for equal work or for work of equal value

■ Cultural Rights and Women's Rights

Inequality in the enjoyment of human rights by women throughout the world is often deeply embedded in tradition, history and culture, including religious attitudes. While respect for diversity and for diverse forms of social and cultural expression and identity must guide all human rights principles, equally important is the recognition of the dignity and worth of women as full human beings. International human rights law has repeatedly stressed that women's human rights cannot be violated on the grounds of cultural or religious norms. The Convention on the Elimination of All Forms of Discrimination Against Women places an obligation on states to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

Source: www.amnestyusa.org/women
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Indivisibility of Human Rights: A Broken Promise?



Jerald Joseph of Dignity International with participants, *Economic, Social and Cultural Rights with a Focus on Women*, training course, June 2006.

reality in the world today is that billions of people are living in subhuman conditions and are denied a life of dignity.

What Went Wrong? Distorted Vision of Human Rights

Human rights have been equated with and understood to mean only civil and political rights, while economic, social and cultural rights have been mistakenly pushed to the background, undoubtedly due, at least in part, to the temporary division of our planet into ideological blocs, one of which has come to dominate the others.

Subsequent to the signing of the Universal Declaration in 1948, human rights fell victim to the ideological conflict between the East and West. The ideological conflict affected the drafting of the International Bill of Rights, and, as a result, the intended treaty was divided into two separate documents that later became the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). This split was a catastrophic mistake because it undermined the very nature and characteristics of human rights. Due to the dominance and influence of such superpowers as the United States, which only recognises civil and political rights, human rights became erroneously equated with only civil liberties and political freedom. Moreover, civil and political rights were largely ignored on the other side of the global ideological divide.

Up until recently, even the largest human rights organisations, such as Amnesty International and Human Rights Watch, only concentrated on civil and political rights. Because these organisations are often viewed as representing the worldwide human rights struggle, people have come to believe that what these organisations fight for is the sum total of the human rights agenda.

Other international agreements, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) and the Convention on the Rights of the Child (CRC, 1989), tried to put all human rights - civil, political, economic, social and cultural - into a single document. However, by then, the damage had already been done.

The Promise of Human Rights

The Universal Declaration of Human Rights (UDHR, 1948) is one of the most visionary, unifying, compelling documents of our time, providing a strong moral and legal basis for a life in dignity for all. It is based on two core values: dignity and equality. Human rights define the basic standards necessary for a life in dignity. The “universality” of human rights means that, at least with respect to the right to live in dignity, all human beings are equal. This is the case whatever one’s physical characteristics, “race,” sexual orientation, or gender.

With the Universal Declaration, the international community established a set of key principles that states have agreed to abide by. First, human rights are inalienable. This means that you cannot lose them because they are linked to the very fact of human existence. Second, rights are indivisible, interdependent and interrelated. This means that different human rights—be they civil, political, economic, social or cultural—are intrinsically connected and cannot be viewed in isolation from each other. The enjoyment of one right depends on the enjoyment of many other rights and no single right is more important than the rest.

The Universal Declaration of Human Rights heralded a new era. It promised us a world free from fear and a world free from want. However, almost 60 years after the signing of the Universal Declaration, and not withstanding the significant gains made in the area of civil and political rights, the



Aye Aye Win, Director of Dignity International

What Is the Solution?

First, it is important to end the artificial divide between civil and political, and economic, social and cultural (ESC) rights and recognise ESC rights as human rights. Poverty is a violation of human rights. When economic, social and cultural rights are not respected, all human rights suffer. Very often violations of ESC and civil and political rights are interrelated in the same way. None of these human rights can be fully enjoyed without the others also present. ESC rights are not just programmatic aspirations for when economic times are good. They are real rights that can be respected and protected right now, as well as progressively realised.

Second, it is important to take the next fundamental step and recognise that human rights work, human development work and human security work are also all inseparable. Human development, human security and human rights all constitute core elements of human dignity. Human development is freedom from want, whereby people are able to acquire the necessary socio-economic opportunities and resources to liberate themselves from the struggle for daily survival. Human security means freedom from fear, whereby human beings are protected from violence and torture and live in a peaceful context. Human rights not only encompass protection of fundamental freedoms and basic legal entitlements, including a functioning state and the rule of law, but they also provide an authoritative moral and legal framework to achieve human development and human security.

Traditional human rights work that concentrated on only civil and political rights distanced itself from human development work. However, the increasing recognition of economic, social and cultural rights as real human rights by the human rights community and the move towards

human rights-based approaches by the development community are bringing the two communities closer together. Given development workers' firm rooting in the poorest communities and their focus on issues of human dignity of the poorest, there is a clear opportunity to make human rights relevant for all.

The transformative potential of human rights can be achieved if people know their rights and claim their rights. Human rights education and learning is critical in this respect.

Human rights education and learning can help us make a fundamental paradigm shift in our work. A person living in poverty is not a recipient of charity but a bearer of basic human rights, which have been violated. Recognition of this shifts the affected person from a position of weakness to a position of strength, from a position of powerlessness to a position of empowerment. Human rights education and learning, especially for the most vulnerable communities, is critical in this.

Working with a national NGO and a host of community-based organisations, Dignity International is involved in a project called "Get Up–StandUp–Stand Up for Your Human Rights" (inspired by the Bob Marley Song) in the people's settlements in Nairobi. The project aims to strengthen and expand community leadership on human rights, and community ownership and leadership is critical to the project. The starting point of the project is not human rights theory but the reality that the communities face every day, including such primary concerns as water, sanitation, employment and livelihoods. Working from these concerns, we can take the steps to make links with international human rights instruments, rather than the other way round.

It is important to invest in those in the frontline of the human rights struggle. No one has more of an interest in ending poverty than people living in poverty. Human rights offer the best framework to eradicate poverty and bring about lasting social change. Rather than allowing the existing framework to become a dead body of international law, we need to prioritize work at the level where it matters most - to foster understanding, ownership and leadership for human rights in those living in the frontline of the human rights struggle.

Aye Aye Win

Co-founder, Executive Director
Dignity International

<http://www.dignityinternational.org>

Dignity International was founded in October 1999 largely by the communities directly experiencing poverty and social exclusion who felt that there was a need for a global human rights movement to promote and defend economic, social and cultural rights on par with civil and political rights - a human rights movement that would defend the human rights of the poorest and most vulnerable in our societies.

Working for Women's Economic, Social and Cultural Rights in Tanzania

The Tanzania Gender Networking Programme (TGNP) was established in 1993, when women's organisations and groups in Tanzania were preparing for the Fourth UN World Conference on Women to be held in Beijing, China. The organisation is successful by acting as a catalyst and change agent in major campaigns on economic, social and cultural human rights issues, such as land reform and water rights.

At the local levels, TGNP works in partnership with networks of community-based organisations and women's rights groups to organise and advocate on women's rights issues. TGNP's support and leadership ensures that these grassroots women's groups can claim a space to participate in national campaigns and that their voices are heard both by the government and other NGOs.

In 1996, TGNP was instrumental in the formation of FemAct, a Feminism Activism Coalition with a membership of more than 50 feminist, human rights and gender advocacy organisations. From 1997 to 1999, FemAct engaged in a parliamentary lobby campaign for women's land ownership rights, an issue for Tanzanian women because the majority of them are excluded from land ownership and inheritance.

Women and Land Rights

In many patrilineal societies in Africa, customary and statutory laws prevent women's ability to inherit, own and manage land. Discriminatory customary laws allow women only to use land under the supervision of a male guardian, such as their fathers or husbands. In such cases, women's rights to own, inherit, manage and control land, though recognised in international human rights law, are not observed. Denying women, who are the main producers of food and cultivators of land, their full property rights leads to dire social and economic consequences. Women who are denied the right to use land lose their main source of income generation. In parts of Africa, where HIV/AIDS is a prevalent and growing epidemic, women's inability to own and manage land only



Mary Rusimbi (right) at the TGNP Gender Festival 2005

exacerbates the problem. (Source: draft publication, A Gender Guide to World Bank and IMF-Mandated Economic Reform Policies, by Suzanna Dennis, with Elaine Zuckerman, forthcoming at Gender Action www.genderaction.org.)

During the land lobbying campaign, TGNP and FemAct worked in partnership with networks of community-based organisations and women's rights groups at local level to ensure that they were part of the campaign. TGNP supported local groups through developing their knowledge of the human rights and legal issues relating to women and land. TGNP also worked with these women's groups to build their organisational capacity so that they themselves could enhance the visibility of the issues locally and engage in lobbying to bring about legislative change. Women were encouraged to document their experiences in relation to land rights, creating a series of case studies which were incorporated into the national-level campaign. These case studies were instrumental in the success of the national-level campaign: They provided concrete evidence to policy makers, including parliamentarians, of the ways in which women, especially in the rural areas, were suffering due to gender inequalities in land distribution and ownership.

The campaign was successful, resulting in the enactment of two progressive pieces of land legislation which prohibit customary laws that exclude women from property ownership.

This campaign was and continues to be a huge achievement for the women's rights movement in Tanzania. Unprecedented public awareness of the issue was created: For the first time, the discussion on gender inequalities and women's rights to land became key topics in public discourse. Media attention to the issue generated a broader public engagement and activated public debate on the issues raised.

The involvement of grassroots women in articulating their issues in relation to land rights and presenting their issues to parliament were major achievements in the successful lobby for the enactment of a progressive law. Participation in this campaign has brought about a new confidence among women's groups, especially those at local levels, in their capacities to organise for change.

TGNP sees that women at local level are now more and more engaged in organising themselves. They are demanding that local leaders, men and communities listen to their voices and take account of their issues. They are claiming more space for women in leadership. And they are continuing to engage in national level campaigns, such the current national campaign against the privatisation of water run by TGNP and its FemAct partners.

By Mary Rusimbi, Executive Director, Tanzania Gender Networking Programme

For more information on TGNP's Water For Life Campaign, see: <http://www.tgnp.org/water/water.html>

Women's Economic, Social and Cultural Rights Tribunals in Latin America

There are many different strategies for implementing human rights. What they all have at their core is an understanding that rights are not mere benefits, charity or rewards of economic development. Human rights, rather, are entitlements based on an international consensus of what is required to live with dignity - entitlements that people have solely by virtue of being human. Communities worldwide have adopted a range of creative strategies to demand accountability for human rights. The following case study is an example of how women in Latin America have adapted judicial models to advance women's rights outside the formal court system.

Women in Latin America have set up a wide range of tribunals in order to articulate violations of their economic, social and cultural rights and to demand restitution and compensation for the violations. One of the most famous of these is the Peruvian Tribunal for the Economic, Social and Cultural Rights of Women, which was established in October 2003 as a process encompassing vindication, knowledge production and the claiming of rights from a feminist perspective. Other tribunals have also been held in Bolivia, Chile, Ecuador and Colombia, followed by a larger, regional tribunal held in July 2005.

The methodology of these tribunals has two phases. The first phase occurs before the tribunal starts when information about the tribunals and women's rights is disseminated to various popular venues and radio stations, and capacity-building tools on women's economic, social and cultural rights are created. The second phase is the Tribunal itself, the format of which is modified in each country, but which always draws on the judicial model of gathering facts relevant to specific cases and presenting them publicly for adjudication.

The National Tribunal in Peru included testimonies that exposed the reality being lived by lesbian women, women affected by the mining industry, women working in agricultural export industries and domestic workers. It also unveiled the workings of the Peruvian health system with respect to denying therapeutic abortions and



Women's Human Rights Tribunal, Peru

performing forced sterilizations. For each case brought forward, the facts and the legal arguments about the human rights implications were presented, and a verdict was issued. The Ministry of Health sent a delegation to respond to each case. Although the Ministry of Women and Development did not attend, they nevertheless committed to send written documentation to the organizers explaining how they would address the exposed human rights violations and what measures they would take to ensure women's enjoyment of their economic, social and cultural rights in the future. In addition, the verdicts identified the responsible parties in each case and put forward recommendations on how to remedy the violated rights.

Maria Ysabel Cédano of the Counseling Center for the Defense of Women's Rights (DEMUS), a Peruvian nongovernmental organization, was one of the organizers of the National Tribunal in Peru. She believes that the tribunal was a tremendous success and points to the following achievements:

Economic, social and cultural rights are now embedded not only in feminist and women's organizations and movements but also in other social movements, including those that deal with labour rights and "race," among others.

Many people now understand women's economic, social and cultural rights issues and concepts, including between 450-500 women from low income neighbourhoods who attended.

The documentation from these cases can now be used in national and international courts, as well as for other advocacy purposes.

Economic, social and cultural rights have been put on the public agenda with a gender perspective because of the extensive media coverage the tribunals received.

Cédano also identifies several obstacles, including securing adequate funding, getting the organizations involved to give priority to economic, social and cultural rights, and the lack of specialists in these types of rights within the country. She nevertheless anticipates that the tribunals will have many spin-offs, including further documentation and knowledge-building efforts, as well as increased international cooperation and understanding of how these rights violations are systemic and global.

Case study reproduced from Achieving Women's Economic and Social Rights: Strategies and Lessons from Experience, by Alison Symington, Shareen Gokal and Tania Principe, the Association for Women's Rights in Development (AWID), 2006. Available to download from: www.awid.org.

Taking to the Streets in Costa Rica: The Energy Combo

In recent years, boisterous protests against the privatization of essential services (such as water, electricity and telecommunications) have taken place all over the world. In Costa Rica, for example, protests, strikes and blockades erupted in March and April of 2000 around the Congress's passage of a draft-law commonly known as "The Energy Combo," which was intended to expose the state-owned Costa Rican Electrical Institute (ICE) to private and foreign competition. The government had previously controlled public services and resources, guaranteeing social insurance and health services to 90% of the population as well as providing inexpensive electricity, water and telecommunications to 95% of the population. It was feared that with the passage of the Energy Combo, the broad access to basic services that the government had been able to provide would be supplanted by profit-driven, private operations that did not prioritize equality of access or protect natural resources.

When the issue first arose, thousands of citizens turned up in the legislative assembly to listen to the debates regarding the combo. The next day, however, they were shut out; in frustration, they took to the streets to protest. Here they were met with police brutality and arrests.

Feminists, who had taken a strong stance in support of the demonstrators, convened 50 groups in response, and collectively they issued a strong public statement in support of the state electricity company, ICE, and against the police repression.

Meanwhile people continued to take to the streets (over 100,000 people marched in the streets of the capital, San José), while rural communities organized protests and barricades throughout the country. Public workers declared an indefinite national strike until the issue was resolved in support of the public utility. This sustained public pressure to withdraw the draft law eventually resulted in government representatives agreeing to meet with social groups on April 4, 2000.

The draft law was then sent to a Special Mixed Commission formed by the National Congress that included representatives of political parties, businesses, the Catholic Church, environmental groups, students, and ICE workers. After listening to these groups, the Commission proposed a new law that would give ICE the exclusive rights to



generate, transmit, distribute and market electricity. This law, known as the "ICE strengthening law" would protect ICE as a state-owned enterprise.

Talking about the protests, Maria Suarez from the Feminist International Radio Endeavor (FIRE) of Costa Rica, notes that "a mobilization that began as a protest against one neo-liberal measure in the country expanded into a profound and holistic agenda: to expose the erosion of democracy, denounce the rise of neoliberalism, and assert the right to communicate."

Today, the same groups are mobilizing to fight against a proposed free trade agreement with the United States, in addition to their continuing activism against the privatization of the electrical utility, which has yet to pass. The political climate in Costa Rica, however, has changed dramatically in recent years, with the swearing in of president Oscar Arias, who is known for his neoliberal economic agenda. This has made the situation more difficult for activists. Arias is once again seeking to privatize many Costa Rican institutions, including ICE. Indeed, in April 2006, Arias confirmed his intention to get rid of the draft "ICE strengthening law" in favour of a newer draft law for telecommunications that reflects his commitment to the Central American Free Trade Agreement (CAFTA). This law would in effect privatize all of Costa Rica's telecommunications systems, and effectively undo the work accomplished

with the previous regime. Following this announcement in May 2006, several thousand protesters marched to demand that Costa Rica not ratify the Central American Free Trade Agreement (CAFTA), drawing on their earlier successful activism.

Despite setbacks, people are continuing to fight and are cautiously optimistic.

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