

## **Los Derechos Humanos de la mujeres en la cultura de paz multicultural**

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The close relationship between peace and Human Rights has been repeatedly confirmed... Being aware of it, it is necessary to focus the spaces that are disputed by gender and multiculturalism, presenting what is the real place of Human Rights, in particular the Human Rights of Women... And what is that?

Human Rights Law has accommodated women and girls as a group with specific rights. With the arrival of the “Human Rights for Women” international protection was made to a group previously ignored. Taking into account both progress and the constraints of the International Conventions on Human Rights requires talking about its contribution to the construction of a global concept on *gender* and the safeguarding of specific rights on a global level, having a major role the CEDAW (Convention on the Elimination of All Forms of Discrimination against Women). Besides, the inclusion of gender approach as a concern in the International Community could contribute to a misunderstanding of it, identifying its key demands with a certain position in the hegemonic culture, western culture. Nothing further than the truth: now a days It is impossible to understand human rights of women apart from the different cultural conceptions of women, since feminism is not one but several, global but not globalized.

Women Human Rights are now a universal established body formed by different Conventions and Declarations. Even the UN Charter recognized that the consecution of “equal rights of men and women” is a fundamental principle and the responsibility of States. The result has been a better position for women and girls in the International Community, in many places around the world. But it remains still unclear whether different cultures feel the entire body of Women Human Rights as valid. We don't have to forget that cultures anyway are patriarchal and conservative, consequently reluctant to promote the access to equality of traditionally subordinated groups. Nevertheless, we must reject the universalist position of human rights and have a cultural-sensitive approach. Not easy!

It is necessary to establish a universally accepted minimum, that maybe could be inferred from the reservations to the Convention made by States of different regions? Is that possible? The problem with that is that International Conventions have been used by States as mere tools to project an international modern representation of them.

CEDAW, as I said before, is an International Human Rights Treaty that focuses on Women's Rights. It follows three principles: substantive equality, non-discrimination and State obligation. And here it is the interesting fact: The CEDAW Convention is one of the most widely ratified in the world, but key articles of the Convention have been reserved by the majority of States parties. Regarding State Obligations, ratifying the Convention means that the State parties have agreed to take measures to improve women's status in their country.

Nevertheless, reservations have had a negative impact on the effectiveness of so-called Women's Human Rights, by creating a space between formal rights and the reality of life for these women, whose basic rights such as reproductive rights or nationality or marriage rights are still considered controversial or prohibited in many countries. In this sense, we can say that gender has been a bargaining chip in the *realpolitik* that underlies the Human Rights Law. A high number of articles to CEDAW Convention have been reserved by States for all over the world. So this is the way I understand this: here there is only one very culture: Patriarchy.

I have brought the model of the Philippines in the CEDAW because is a "non western culture" example but with a proactive role in the CEDAW adoption. The Convention have had a positive impact in Filipino women, just to refer one example the Republic Act 9710. But there are some issues as the invisibility and marginalization of indigenous women and rural women, access to justice or reproductive healthcare that requires urgent attention from the Government. So, It is not a question of non-western culture, It is again an example of hegemonic groups in front of marginalized groups.

In line with this idea, Taking into account a *non-western cultural region*, I did a research about the integration of Women Human Rights in Asia, and in fact it has been really difficult to integrate the CEDAW principles in the ASEAN Human Rights Charter, but in 2010 finally was created the ASEAN Commission on the Rights of Women and Children (I have to say this is not a good signal when we mix "women" and children") Anyway, the result has been very poor, due to different development of

ASEAN countries it has been definitely more difficult to implement a gender perspective into their regional context. (As an evidence, we can look at this and see the ASEAN reservation trend). So, Women Human Rights are declared in every culture not they are far from affected their lives no matter what culture they are.

Besides, as my second point, moving to peace culture: It has been confirmed that gender equality benefits transitional societies building processes and contributes to their stability and to the rule of law. Women, Peace and Security agenda reveals that thinking about Security now without having a gender perspective is an act of stupidity. And if we talk about, security, about multiculturalism, about Human Rights we have to consider Islamist Terrorism.

In particular, due to the time I have, I will only refer to anti-terrorist strategies. I would like to point out the need to implement a gender perspective human-rights sensitive approach in anti-terrorist strategies; they have been traditionally gender-blind policies, not taking into account the specific situation of women and girls, and its particular beliefs and cultures.

As well in the UN: An example can be the UNSCR 2178 (2014) or the 2332 (2016). The Resolutions lacks of a gender perspective and a coherent approach, in conformity with the Women, Peace and Security agenda. In this sense, the UNSCR 2242 (2015) “Calls **to integrate gender as a cross-cutting issue** throughout the activities”.

Call

Ha sido repetidamente confirmada la relación indisociable entre la paz y los Derechos Humanos. Igualmente, ha sido confirmado que la igualdad de género beneficia la construcción de sociedades transicionales y contribuye a su estabilidad y al Estado de Derecho. Precisamente por esta relevancia es necesario delimitar los espacios que se disputan el género y la multiculturalidad, evidenciando cuál es realmente el lugar de los Derechos Humanos, específicamente de los Derechos Humanos de las Mujeres.

Bien es cierto que el catálogo de derechos humanos que existe en la actualidad ha sido creado tomando una perspectiva marcadamente *occidentalista*, por razones tanto teóricas como prácticas. Prácticas porque en 1948 Naciones Unidas era una organización de sólo 58 Estados, y muchas partes del planeta estaban precisamente bajo el influjo colonial de algunos de los miembros de la organización. Teóricas porque podemos considerar que la tradición de compilar catálogos de derechos fundamentales es exclusiva de occidente, careciendo el resto de “culturas” de un concepto ideológico-legal similar (RIBAS MATEOS, 2002: 119).

La aspiración del derecho internacional de los derechos humanos es global y contiene un grupo de derechos básicos no derogables. Sin embargo, desde una perspectiva antropológica, los derechos humanos deben ser entendidos desde la multiculturalidad. Esta necesidad viene dada precisamente porque los derechos humanos son de aspiración universal pero de tradición occidental y, como consecuencia última, de ellos se deriva una concepción estrictamente individualista que entra en confrontación con las perspectivas *comunitaristas* de otras culturas.

Aunque pueda parecer controvertido preconizar la multiculturalidad de los derechos humanos desde el internacionalismo, no existe ninguna contradicción en admitir ambas premisas sobre derechos humanos. Tanto es así, que la propia Asamblea General de Naciones Unidas declaraba esta visión antropológica en su Resolución 55/91 sobre Derechos Humanos y Diversidad Cultural.