

WOMEN AND HUMAN RIGHTS
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Definition of Human Rights

Human rights, as the term suggests, are rights which human beings have, simply because they are human. In legal terms, human rights are the freedoms, the immunities, and benefits that, according to modern international values, all human beings should be able to claim as a matter of right in the society in which they live. They cannot be bought nor bargained away. Human rights are rights inherent to all without distinction. There are various kinds of human rights – civil, political, economic, social and cultural. These rights are all interrelated, interdependent and indivisible.¹

Human rights are also considered as international norms that protect all people from severe political, legal, and social abuses. They are addressed primarily to governments, requiring compliance and enforcement.² These international norms become part of international law, in the form of treaties or international agreements. Once a state becomes a party to a human rights treaty, that state assumes obligations and duties to respect, to protect and to fulfill human rights.

Milestones in Human Rights

In the history of human rights, the first milestone document is the Universal Declaration of Human Rights, adopted in 1948 by the United Nations. This document is so important that it is now recognized as the foundation of what lawyers call international human rights law. The Universal Declaration has inspired the creation of many international human rights treaties, local laws and institutions.

After the issuance of the Universal Declaration, it became necessary to establish mechanisms for enforcing it. Accordingly, the UN adopted two treaties in order to translate the general principles in the Declaration into legally binding instruments. These are: the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights. The first covenant focuses on such issues as the right to life, freedom of speech, religion, and voting. On the other hand, the second covenant focuses on issues such as the right to food, education, health, and shelter.

Milestones in Women's Rights

These core human rights documents – the Universal Declaration and the two Covenants – each proclaim the entitlement of everyone to equality before the law and to the enjoyment of human rights and fundamental freedoms without distinction of any kind. But unfortunately, the fact of women's humanity, proved insufficient to guarantee women the enjoyment of their internationally agreed rights.³ Hence, under the broad category of human rights, the more specific category of women's rights developed around the world.

Tradition, prejudice, social, economic and political interests have combined to exclude women from prevailing definitions of "general" human rights and to relegate women to secondary and/or "special interest" status within human rights considerations. This marginalization of women in the world of human rights has been a reflection of gender-based inequality in the world at large and has had a formidable impact on women's lives.

It has contributed to the perpetuation, and indeed the condoning, of women's subordinate status. It has limited the scope of what was seen as governmental responsibility, and thus has made the process of seeking redress for human rights violations disproportionately difficult for women and in many cases outright impossible.⁴

This is why, after the three basic human rights documents, another milestone was laid with the adoption by the UN General Assembly of a convention limited only to women's rights. It is known as CEDAW, the acronym for the Convention on the Elimination of all Forms of Discrimination against Women. It is described as an international human rights treaty. It is unique, because it is the first major treaty that is exclusively devoted to the elimination of discrimination against women, in order that women shall actually enjoy and realize their human rights. It defines discrimination against women, and sets up an agenda for national action to end such discrimination.⁵

As the first major treaty on women's rights, CEDAW was followed by the Beijing Declaration and Platform for Action (BPfA), supported by 189 countries, including the Philippines. It covers twelve key critical matters of concern and areas for action including: women and poverty; violence against women and access to power and decision-making; unequal access to education and training; and unequal access to health care and related services. Finally, in the Philippines, the most recent milestone of women's rights is Republic Act No. 9710, or the Magna Carta of Women (MCW), which took effect on 15 September 2009.⁶ It is the most comprehensive Philippine law that explicitly adopts the framework of women's rights as human rights. This was the intent behind the amendments that I proposed during the Senate debate, and which are now integral parts of this law.

Women's Rights: The Reproductive Health Bill

This year, I filed Senate Bill No. 2378, entitled, "An Act Providing for a National Policy on Reproductive Health and Population and Development," which shall be known as "The Reproductive Health Act."

Many would agree that reproductive health is an important concern for women. I have been told that most of the CEU student population is female and only about 10% are male. However, this 10% should be as equally concerned about reproductive health. Since every maternal death is a family and community tragedy, the entire community must involve itself in reproductive health care.

More so, reproductive health goes to the very core of the rights of every individual to health in particular. Women's (and girl-children's) enjoyment of this and related rights such as the right to life should not be prejudiced. Risks faced by women, and their vulnerabilities related

to their child-bearing capacity or maternal function, are not recognized and addressed by prior laws. Experts from around the world now acknowledge that almost all maternal deaths could be prevented with appropriate care. Yet in the Philippines today, less than half of all deliveries take place with the assistance of a skilled birth attendant.

There are other alarming statistics, for example:

Everyday, eleven Filipino women die due to pregnancy and childbirth-related complications. Thus, the Philippines has one of the highest Maternal Mortality Rate (MMR) in Asia. Adolescent pregnancy is 30% of annual births.⁷

Reproductive health refers to the state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. This implies that people are able to have a satisfying and safe sex life; that they have the capability to reproduce; and the freedom to decide if, when and how often to do so, provided that these are not against the law. This further implies that women and men attain equal relationships in matters related to sexual relations and reproduction. A Pulse Asia survey released last November 30 reported that 80% Filipinos were aware of the RH bill and that more than majority of Filipinos (69%) are in favor of legislation on reproductive health.⁸ As a proponent of the RH bill, I would like to see this reported public support for the measure translate into a decisive force that will get the bill enacted finally into law.

Fight for Women's Rights

Ladies and gentlemen of CEU: the full status of women in society can only be achieved by blood, sweat, and tears. We must fight! Fight for the RH bill, fight for our rights, fight for our future! For as the poet said in the poem "Invictus:"

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate;
I am the captain of my soul.

ENDNOTES

1. <http://www.ohchr.org/en/issues/Pages/WhatareHumanRights.aspx>
2. Stanford Encyclopedia of Philosophy.
3. <http://www.un.org/womenwatch/daw/cedaw/history.htm>
4. Charlotte Bunch and Samantha Frost. Women's Human Rights: An Introduction in Routledge International Encyclopedia of Women: Global Women's Issues and Knowledge, Routledge, 2000.
5. UNIFEM, CEDAW at http://www.unifem.org/cedaw30/about_cedaw/
6. <http://www.ncrfw.gov.ph/index.php/magna-carta-of-women>
7. DOH/WHO/UNFPA.
8. Philippine Daily Inquirer, December 1, 2010, pp. 1 and 21.