

Transforming Reality

Women Using Human Rights in Nicaragua

by Barbara Wood

Comme beaucoup d'autres femmes dans le monde, les femmes du Nicaragua utilisent les concepts, le langage et les lois sur les droits humains dans leur travail afin d'obtenir l'égalité avec les hommes. Dans ce processus de conquête de leurs droits

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de femmes en tant que droits humains, ces femmes développent leur propre conception de la division sexuelle des droits humains et par le fait même elles contribuent grandement au mouvement international de transformation des droits humains.

Several women's human rights activists, such as Charlotte Bunch and Gladys Acosta Vargas have advocated the need for women to develop their own definitions of human rights according to their own life experiences. It is hypothesized that this reconceptualization of human rights from a gender perspective will result in a change to traditional definitions of human rights. A concrete example of this is the recent decision by the United Nations to recognize violence against women as a human rights violation.¹ It was the preparatory work of thousands of women at grassroots, national, and international levels during the two years leading up to the UN Human Rights Conference which ensured that women's human rights would be a priority issue. The UN decision on violence against women signalled an important shift in the manner in which human rights are defined and illustrates the way in which women are transforming traditional human rights concepts.

In August of 1994 I went to Nicaragua to talk with Nicaraguan activists about their work on women's human rights.² I wanted to record how they were applying human rights concepts, language, and laws in their work and to assess what impact that work has both on transforming traditional definitions of human rights in Nicaragua and toward achieving greater gender equality. During the two months I was in Nicaragua, I interviewed seven women involved with the issue of women's human rights as well as representatives from two human rights organizations.³ The information these eight women and one man shared

with me confirmed that Nicaraguan women are working to promote and defend women's human rights as a part of their work for greater gender equality, although more time and research are required to assess what the impact of this will be. Further, indications exist that work on women's human rights is affecting how human rights are defined in the Nicaraguan context, but the extent of these changes are not yet clear. The work on women's human rights in Nicaragua parallels the work being done by women in many other countries. As such, although not formally linked, Nicaraguan women are contributing to the international effort challenging traditional concepts of human rights.

Subjects not objects

Our evaluation is that women have developed their consciousness to be able to see themselves as subjects and not objects. (Yadira Rocha, IPADE)

Among the most common reasons given for educating women about their human rights is to increase their gender consciousness and self-esteem. Several women I spoke with reported that women are often surprised to learn that they possess inherent and inalienable rights as human beings. Understanding that these rights are equal to those of men is a revelation. Alicia Meneses of Servicios de Asesoría Legal para la Defensa de los Derechos de la Mujer, la Niñez y la Familia (SALMO) stated:

A population of passive women is what has brought us to the point where women put up with abuse from their partners. They accept it as something given. For me, this is fatalistic determinism. But we can change this. If a woman knows her rights she can say to her husband, 'If you hit me I am going to report it to the police.'

Through a process of popular education, often using theatre and situations from the women's own lives, women's centres and collectives are helping women to see themselves in a new and dignified light, as "legal subjects"⁴ with full human rights. For example, the Colectivo de Mujeres '8 de marzo' organizes a weekly workshop for what they call "basic gender training." These workshops are open to all women and cover various issues, including women's human rights.

Although difficult to quantify, this work of consciousness-raising appears to be having an impact on the broader society. For example, Yadira Rocha of Instituto Para el Desarrollo de la Democracia (IPADE) noted that many women leave the seminar on women's human rights

saying they want to go directly home and share what they have learned with their daughters. Guillermina Oporta of '8 de marzo' measures part of their achievement by the fact that many women who come to them seeking help have been informed about their human rights by friends and neighbours who have participated in '8 de marzo' workshops. Eva Molina of the Colectivo de Mujeres de Matagalpa said that many women who have been involved in their workshops organize themselves to support their neighbours who are victims of domestic violence.

Promoting collective action

From a focus on women's individual lives, the work of the organizations progresses to encourage action to promote and defend women's human rights. Meneses said that women knowing their human rights

has to have an effect because the opposite is to remain ignorant and unable to make changes. The first step needed is to transform the consciousness of individuals and the collective so that we can then transform reality.

In several organizations, such as the Colectivo de Mujeres de Matagalpa, women are invited to participate in groups to discuss and formulate proposals for laws to better protect women's human rights. '8 de marzo' is among the groups that train grassroots legal defenders, women who

accompany other women to the police or the courts and advocate on their behalf. The governmental women's organization, Instituto Nicaragüense de la Mujer (INIM), organizes training programs with police and with judges. Patricia Obregon of INIM sees this training as important, not only so that the authorities can better understand violence against women, but also so that women may have allies within the system. Training programs with the police have also been organized by '8 de marzo' and the Colectivo de Mujeres de Matagalpa.

Campaigns to increase community awareness are also important projects of the women's movement. In November 1994, the Red de Mujeres Contra la Violencia (Network of Women Against Violence), a network of approximately 15 organizations and numerous individuals, joined in the international campaign of "16 Days of Action Against Violence Against Women," a campaign linking November 25, International Day Against Violence Against Women, with December 10, International Human Rights Day.

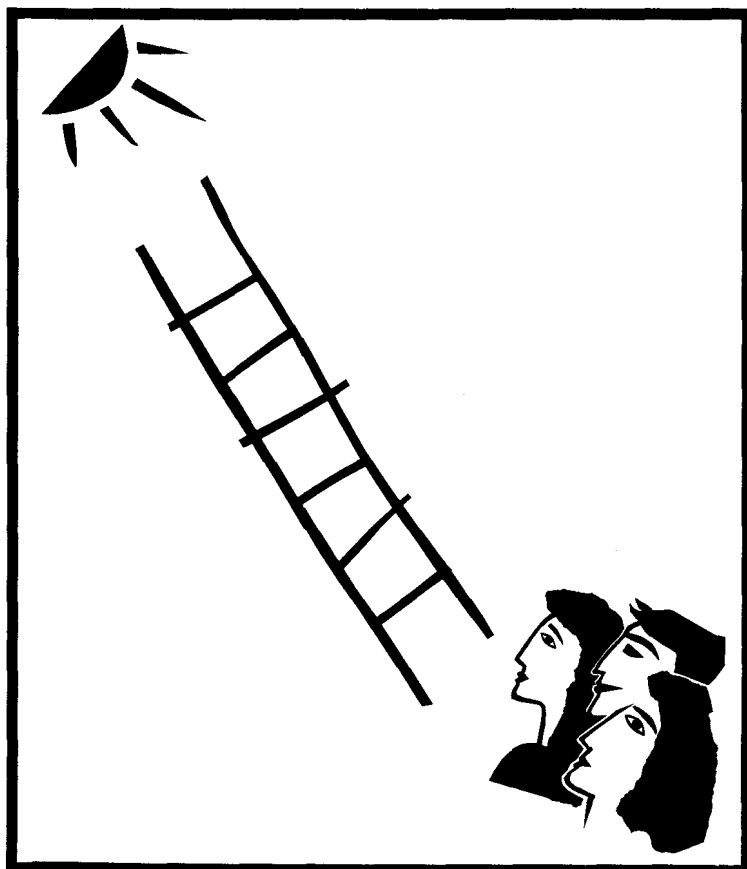
Building new rights

Our conception of human rights is very broad. It is not restricted to what is included in the human rights instruments. (Eva Molina, Colectiva de Mujeres de Matagalpa)

The women I spoke with evaluated their work of educating women and promoting action for the defence and promotion of women's human rights as important. However, no one considered that the work was enough. All recognized that this work does little to challenge the male-centred focus of human rights. Accordingly, all of the women with whom I spoke are engaged in work which aims at developing a new, gender-based concept of human rights.

For example, in IPADE's workshop on women's human rights they lead the participants through a process which first identifies the responsibilities of each woman in her daily life. From there women are asked to imagine how they would like their lives to be. Inevitably women identify what are, in fact, human rights—a decent house, enough food to feed their families, access to health care, to send their children to school, etc. Women then learn that most of these "wishes" are contained in human rights law. Those items which are not included in existing laws are discussed and developed into "new human rights." The Colectivo de Mujeres de Matagalpa uses a similar methodology in their work. This approach empowers women as it validates their experiences and allows them to participate in a process of policy formation normally closed to women.

Some of the "new rights" which have been discussed and are now considered human rights by many women are related to health care, such as the right to know your own body, and to sexuality, such as the right to sexual pleasure.



Beverley Deutch

As well as building new rights, some current rights are being newly defined from a gender perspective. The right to life, for example, is redefined by IPADE as the right not to die from: domestic violence, illegal abortions, maternal mortality, sexual violence, female infanticide, or selective malnutrition (IPADE 30).

Obstacles in the road

One of the greatest obstacles that women mentioned in promoting and defending women's human rights is the fact that many international conventions which focus on these concerns are not included in Nicaraguan national law. In cases where national laws exist, the enforcement mechanisms are ineffective or non-existent. The women with whom I spoke pointed to the judicial system as one of the main causes of this, citing case after case where police officers or judges have failed to defend a woman's human rights. This lack of effective mechanisms to protect women's human rights creates a dilemma for lawyer and women's human rights advocate, Elizabeth Rodriguez. While believing in the right of women to know and exercise their rights, she is somewhat reluctant to raise women's expectations regarding human rights given the incapacity of the system to protect those rights. This concern was shared by many women with whom I spoke.

Despite the problem of the judicial system, some changes are occurring. In March 1994, President Violeta Chamorro opened a new police office, the *Comisaría de la Mujer y Niñez*. The *Comisaría*, seen by all the women interviewed as a positive beginning, is designed to attend to women and children who are victims of violence. But as Oporta of '8 de marzo' pointed out, it is a very small first step on the part of the authorities compared with the amount of work that women themselves have dedicated to the issue over the years.

Oporta described another problem which was repeated by each woman with whom I spoke. She said, "The problem is that we as women do not have laws. The laws were made by men for men." Although several groups do work on proposals for new laws, they recognize that only a complete revision of the Nicaraguan Civil and Penal Codes, both of which are based on Napoleonic law, will allow for the possibility of women to be fully included and protected.

Human rights as a *plataforma de lucha*⁵

No organization with which I spoke saw human rights as bringing an end to women's oppression. Everyone agreed that legal instruments alone do not solve the problems. Molina stated that international instruments remain only as words on paper until such time as women are made aware of them, push for their enforcement, and governments commit to their compliance. Human rights are seen not as an answer, but as a tool in the broader struggle for greater gender equality. In keeping with this,

work on women's human rights is only one element within the overall programs of women's groups. Where resources allow, work with women is an integral process, offering counselling, health care, legal services, and education on reproductive health, sexuality, human rights, and gender analysis. Human rights are included in many of these themes, employed as another device to educate and mobilize women and the wider public for greater gender equality.

Vilma Castillo of Puntos de Encuentro expanded on the idea that human rights alone are not enough to achieve real change for women. She believes that while a transformation of human rights is necessary, it must be a part of a complete social transformation in order to make a difference. According to Castillo, what is needed is a reconceptualization of social relations that recognizes differences without allowing those differences to justify the domination of one group over another. Human rights help to define some of what is needed for such a social transformation. She points to the counter reaction hampering the recognition of women's human rights as indicative of the revolutionary implications it represents to the social order.

As evidence of this, some women spoke of the backlash they have experienced from established interests for their work promoting women's human rights. For example, Molina stated that one of the greatest obstacles they face in their work is the reaction from the Roman Catholic Church, which promotes a return to conservative values and, therefore, the maintenance of women's subservient role.

Women in Nicaragua are active in the promotion of women's human rights through their broader work for greater gender equality. Although faced with some significant obstacles, their work is progressing and signs of change are evident. These signs include greater numbers of women participating in women's organizations and related activities, as well as a growing public awareness of women's human rights, particularly as they relate to gender violence. The work being done to create new human rights from a gender perspective is interesting and deserves further attention. The fact that women's human rights is part of a broader strategy of achieving greater gender equality is particularly important and makes the work of Nicaraguan women worthy of support and further study to determine the long term impact.

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⁵The 1993 UN World Conference on Human Rights held

in Vienna passed a resolution to recognize violence against women as a human rights violation. The resolution led to the appointment of a UN Special Rapporteur on Violence Against Women.

²An analysis of the current conjuncture and recent history of the Nicaraguan women's movement is important for understanding how work on human rights fits into the struggle for gender equality. Unfortunately, the scope of this article does not allow for such an analysis. Those wishing to read more on this are directed to the Introduction of Margaret Randall's book, *Sandino's Daughters Revisited*, Vancouver: New Star, 1994.

³Interviews were conducted with women from two grassroots women's organizations, the Colectivo de Mujeres '8 de marzo' and the Colectivo de Mujeres de Matagalpa; the governmental women's institute, Instituto Nicaragüense de la Mujer (INIM); an educational program on women's human rights organized by the Instituto Para el Desarrollo de la Democracia (IPADE); a women's legal assistance clinic, Servicios de Asesoría Legal para la Defensa de los Derechos de la Mujer, la Niñez y la Familia (SALMO); and a women's training and leadership organization, Puntos de Encuentro. In addition, I spoke with Elizabeth Rodriguez, a feminist lawyer who works with a national women's organization and who chose to speak as an individual. Members of two human rights organizations, Centro Nicaragüense de Derechos Humanos (CENIDH)

and the Comisión Permanente de Derechos Humanos (CPDH) were also interviewed.

⁴The term "legal subjects" is a direct translation from the Spanish and is generally used to indicate full equality with men of rights and responsibilities under the law. The term has also been influenced by the Sandinista Revolution of the 1980's which advanced the idea that Nicaraguans could be the subjects of, or in control of, their own lives and future.

⁵*Plataforma de lucha* is a common Spanish phrase which translates as "platform of struggle." It is used to describe one strategy within a broader plan of action to achieve defined overall goals.

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