

Human Rights of Displaced Women

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June 24, 2012



This House of Parliament, has Lords and Ladies, working toward gender equality. It has witnessed property debates for centuries. Discussions centered on how to acquire and hold on to wealth and status to maintain a very high standard of living (of manor born). Probably, the small population of this house is a part of one percent. According to millions of citizens, the rest of the ninety percent of the world population have been recently in protest marches in a large number of cities across the developed and developing countries of the world economy.

At this moment in history, the majority of the population has an uncertain future as they are unemployed and have precarious jobs and whose livelihoods have become vulnerable and are in the balance in an increasingly unstable world economy. According to the latest figures of the United Nations Fund for Population Activities (UNFPA) approximately sixty percent of the population are women. They are not a minority, but they are treated as such in most countries in law and in practice. If women are the majority in most societies, this should mean that according to democratic principles, they should participate in major political decisions, particularly of declaring war and negotiating peace.

It is a remarkable feature of the beginning of the twenty-first century that the consequences of violence and conflict are touching almost all countries. The troika; globalization, privatization, and liberalization, have produced economic chaos and social disarray everywhere. According to the classical theory of “free trade”, commodities, capital and persons should move freely across international borders. But international reality shows that human labor has become a commodity and humans themselves are being trafficked. A large number of groups have become vulnerable to exploitation and sexual abuse and are being bought and sold spreading poverty and misery. The proportion of workers who are vulnerable to poverty is on the increase again, reversing the positive trends noted over the last few years. Discrimination has also become more varied, and discrimination on multiple grounds is becoming the rule rather than the exception. Such trends have been witnessed by equality bodies, which have received an increased number of complaints of workplace discrimination.

As a result of the intensity of violence at all levels since 2000, over two hundred million people - according to the UN – are on the move in search of better life, better wages, and dignity of life. According to some estimates, fifty percent of persons on the move are women and twenty five percent are children. This means that seventy five percent of people are forced to leave their homes without any certainty of security, income or shelter. If we were to make a provisional classification of different groups of women on the move, they could be classified as follows:

- Refugees/asylum seekers – involuntarily crossing country boundaries
- Migrants voluntarily crossing international boundaries
- Internally displaced persons – moving within country borders including indigenous people
- Women trafficking – also boys and men
- Statelessness – due to nationality laws and domestic violence
- Environmental migrants

Increase in the number of natural and man-made disasters and international conflicts has displaced millions of people across the borders in all the regions of the world. Among these millions, it is noted that large numbers are women and

children who have lost their homes, communities and countries. This displacement of large number of populations is creating a series of problems resulting in ethnic and religious wars. This situation, in turn, gives rise to shortage of basic foods as most farmers are not able to grow regular crops locally. Food prices are fixed internationally which increase according to demand and supply increasing poverty and hunger.

In addition to the increase in number of conflicts, women do not have access to wealth, as they are not able to exercise their right to own and control land. In most countries, earlier statistical calculations showed that women owned one tenth of the property compared to men in nineteen eighties and nineties. As for remuneration, on average sixty percent of women work in the economy depending on the region, country and community. In fact, the economic activities were to be re-defined, taking into the account reality of women, one would come to the conclusion that women perform two thirds of work hours globally. Most of the time whether in the labor market, house hold or farm, they are working longer number of hours compared to men. But, some of their activities are not defined as 'economic' which earlier excluded household tasks and farm work. Inside or outside the household, they are working on jobs which can be defined as "low pay" or "no pay".

It is a remarkable fact that women earn unequal wages than men in peaceful times when an economy is stable. But, when there is an economic crisis, as in the most regions today, women are even worse off. This shows how the poverty of women has been transferred from century to century. In this century as in other centuries, women are poorer than men everywhere in most countries and in almost all classes. It has taken women's struggle for equity more than five decades to prove that this global phenomenon is not necessarily connected to the type or form of the government- democracy or dictatorship or theocracy or capitalism or socialism. Everywhere, women do not have access to wealth in the form of capital or land or rights to property. It is only recently that in most countries that the top jobs in the corporate sector with higher salaries have become available to women. Still, the 'glass ceiling' has not yet broken sufficiently in the top jobs, which are still held by men.



Women's right to inherit property

In all civilizations, throughout the history, women did not have the right to inherit property directly in their own right. In the majority of the member states of the United Nations, legislation on the legal right of women to acquire land and inherit property has not yet been altered, modified, or enforced despite a number of International Standards and Conventions. In most countries, women's civil status has been considered inferior to men on the theory that men bear the burden of financially looking after the family. This mythology, which has continued in the patriarchal society for thousands of years, is about to be seriously dented. The right to inherit property particularly land is still not globally established but the feminist movement and the gender differences has made this equality one of the main platform of their struggle. Since women's access to wealth is limited and their status in most countries is inferior and substandard their economically are not accurately measured and is socially.

It is now being recognized that more and more women are now financially providing for the basic needs of the family as the economic crisis continues to affect more and more countries. The fact that there is a high rate of unemployment in both developed and developing countries means that women have been offered only the precarious and casual jobs in the informal sector. The financial burden of fulfilling the needs of the family has decisively shifted to women. But the censuses of several countries continue to consider men as the 'head of the household'. Currently in agriculture women perform a series of jobs from harvesting to collecting and storing grain. They also grow two thirds of the food of the world. Most women prepare and distribute food in the family. But they themselves go hungry. They eat least and last and are among the most undernourished in the developing countries.

For theological reasons in earlier history, the inheritance laws of most countries were twisted in favor of men. In most cases it is only when the son of the family dies that women inherit property, but that also not the larger share. For instance, in Islamic law the property rights of women are half and the wealth of the son are doubled. In Hindu law, women did not have the right to inherit property until 1951, which basically means to deprive them of owning land. In civil laws of many countries the right to inherit property by women has been changing and new laws are being drafted. In the ancient Hindu tradition, women had more or less equal rights until the beginning of seventeenth/eighteenth centuries. One of the ancient texts describes the qualities the woman is supposed to possess. Women were encouraged to join the army and the government. In addition, women were supposed to have following qualities (brave, expert, earn fame, chariots, scholars, prosperous, intelligent and knowledgeable, protector of family and society, illuminating, and provider of wealth,

food and prosperity).

The legal, economic and social status of the 60 percent women in most countries is inferior and substandard compared to men. For these reasons, women's access to national wealth and resources is limited. In most countries, financial assets and capital are not easily available to women due to outdated laws and practices. Women themselves as persons are considered to be 'human capital' in some economic theories. The economic contribution of women is not accurately measured in different economic sectors and is frequently undervalued in the formal sector of the economy. In the informal sector of the economy, various jobs are not yet quantified properly. In some countries the work of defining and measuring some jobs has just begun.

The main reason why women do not have adequate access to wealth is also due to the fact that they are not able to exercise their right to inherit legally in most legislation. In most civilizations, reference was given to the son in inheritance of property and women acquired property only when there was no male child. In countries where legislation was based on theology, women inherited half or less depending on the country. In countries which inherited Napoleonic Code[1], women also did not inherit property equally until the last three or four decades when some laws were changed or modified. Until recently, they were not able to buy land without the consent of the husband. In most countries of Asia and Africa, when they were decolonized, new laws were debated and adopted which reflected new concepts of gender equality in the sixties and seventies.

There is another hidden factor which has not yet emerged in the global economic debate which refers to the fact that in most countries women receive unequal wages in different sectors of the economy. According to a recent ILO report based on more than 100 countries surveyed, no country has yet achieved equality of remuneration in all its sectors. This Report shows that discrimination continues to be persistent and multifaceted. A major area of concern is of course unequal access to top jobs particularly in the corporate sector.

Earlier statistical calculations made by the ILO globally showed that women owned one tenth of the property compared to men. As for remuneration, 60 percent of women work in the economy depending on the region, country and community. In fact, the economic activities were to be re-defined taking into the account of reality of women, one can easily declare that women work most of the time whether in the labor market, household or farm. Some of these activities were not defined as 'economic' and therefore they were the jobs they were doing continue to receive unequal remuneration which can be described as "low pay" or "no pay". There have been a number of judicial decisions on unequal pay based on the laws which defined work of equal value in various ways. There was another interpretation which looked at comparable work between men and women to decide whether or not women should be paid the same pay as men in the same type of job.

Geneva, June 2012

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Note:

[1] Napoleonic Code, 1804, Article 818 The husband may, without the concurrence of his wife, claim a distribution of objects movable or immovable fallen to her and which come into community; with respect to objects which do not come into community, the husband cannot claim the distribution thereof without the concurrence of his wife; he can only demand a provisional distribution in case he has a right to the enjoyment of her property. The co-heirs of the wife cannot claim final distribution without suing the husband and his wife".

This speech was delivered during the UPF-WFPP European Leadership Conference, 'Human Rights and the Protection of the Dispossessed and Unempowered' June 15-16, 2012.