

ANNUAL REPORT 1999 OF THE OFFICE OF THE SPECIAL RAPPORTEUR FOR FREEDOM OF EXPRESSION OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

C. Women and freedom of expression

The Office of the Rapporteur for Freedom of Expression would like to stress the relationship that exists between the situation of women and its impact on the right to freedom of expression and information. The Commission has noted that the member States must endeavor to eliminate any type of measure that discriminates against women leaving them less than full and equal partners in their country's political, economic, public and social life. The American Convention on Human Rights recognizes the right to equality and nondiscrimination as pillars of strong and healthy democratic systems in the hemisphere.⁵⁷

Although the situation of women has undergone significant change, as they have acquired rights and protections under domestic laws and international human rights treaties,⁵⁸ *de facto* and *de jure* discrimination against women has not stopped.⁵⁹ In its Report on the Status of Women in the Americas,⁶⁰ the Inter-American Commission on Human Rights urged the member States to amend or abolish all laws that have the purpose or effect of discriminating against women, to work toward eliminating the practices and structural barriers standing in the way of women's full assimilation into national life, and to allocate adequate resources to achieve those ends.⁶¹

⁵⁷ See IACHR, Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L/V/II/92 rev.3, May 3, 1996. Article 3(k) of the Charter of the Organization of American States upholds as one of its principles "the fundamental rights of the individual, without distinction as to race, nationality, creed or sex."

⁵⁸ That document gives a general idea of the system and includes texts of instruments, norms and statutes related to human rights. See also the Convention on the Elimination of All Forms of Violence against Women, December 18, 1979, 19 I.L.M. 33 (1980).

⁵⁹ The civil codes of some countries still have laws on the books that deny a woman's right to administer conjugal assets, that limit her parental authority over her children, and that authorize a spouse to prohibit his wife from obtaining employment outside the home. (See the María Eugenia Morales de Sierra Case with the Inter-American Commission on Human Rights, March 1998).

⁶⁰ On March 6, 1998, the Inter-American Commission on Human Rights named one of its members, Dean Claudio Grossman, to serve as Special Rapporteur for women's rights. The Report of the Inter-American Commission on Human Rights on the Status of Women in the Americas, adopted March 6, 1998.

⁶¹ See Report of the Inter-American Commission on Human Rights on the Status of Women in the Americas", OEA/Ser.L/V/II.100 of October 17, 1998, p. 16.

Full exercise of the right to freedom of expression and information is essential to ensuring that women's human rights are protected and respected. Full and unrestricted exercise of this right will allow women to play a greater and more active role in denouncing abuses and in finding solutions that mean greater respect for all their basic rights. Silence is the best ally for perpetuating the abuses and inequalities that have been the lot of the women across this hemisphere.

There are a number of reasons why women suffer inequality in the hemisphere. This report will mention those that have a direct bearing on exercise of the right to freedom of expression and information. They are women's inequality in educational opportunities, violence against women and the need for women to become more politically involved.⁶²

The lack of equal access to education is a direct violation of women's right to seek and receive information. In the more impoverished sectors of society, a woman's role has been largely confined to the home, thus diminishing the opportunity she has to receive an education that would increase her chances of participating in public life and seeking employment in a variety of areas.⁶³

Statistics from the Social Development Division of the Inter-American Development Bank's Sustainable Development Department reveal major discrepancies between male and female literacy rates across the world: "In 1990, only 74 women knew how to read and write for each 100 men with those skills. . . . Throughout the world, 77 million girls aged between 6 and 11 do not attend primary school, a level much higher than the corresponding figure of 52 million for boys."

Violence or fear of violence also curtails women's freedom of expression and information.⁶⁴ Intimidated by the violence, women frequently opt not to report incidents of

⁶² Other practices also affect women's freedom of expression. This report concentrates on these three because they are deemed to be the ones with the greatest impact on free expression. Nevertheless, the discrimination against women in the labor area also affects freedom of expression and information. Discriminatory policies on the part of businesses and corporations are tolerated in some countries, and these policies have the effect of limiting women's chances for an equal role in public life and give them less of a voice in opinions and decisions.

⁶³ Statistics developed by the Division of Social Development of the Inter-American Development Bank's Sustainable Development Department reveal significant discrepancies between men and women with regard to literacy levels worldwide: "Global literacy statistics show that in 1990, there were only 74 women for every 100 literate men. Schooling statistics show a similar trend worldwide, 77 million girls of primary school age (6-11 years old) are out of school, compared with 52 million boys." See, Mayra Buvinic, *Women in poverty: a global problem*. Washington, D.C., July 1998-No. WID-101.

⁶⁴ In December 1993, the United Nations General Assembly approved the Declaration on the Elimination of Violence against Women. Article 1 defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

violence to the authorities, remain in seclusion and do not participate in society.⁶⁵

Estimates are that in this hemisphere, anywhere between 30 and 70 percent of adult women with partners are subjected to psychological or physical abuse.⁶⁶ At the same time, in some States of the hemisphere adequate measures have not been taken to protect women from violence and prevent it. In some instances, cases of domestic violence reported to the police have been treated as minor offenses, and attempts have been made to dissuade the women from reporting future abuses on the grounds that these are private matters. In some cases, the police have refused to act on the complaints or to offer precautionary measures to protect the victim.⁶⁷ Such actions and attitudes relegate women to a subordinate and degrading role, silencing their ability to express themselves and leaving them helpless to take action, thus perpetuating the circle of violence, abuse and discrimination.⁶⁸

It is by active political participation in the democratic institutions of the State that freedom of expression and information plays a basic role in bringing about the needed changes within institutions and society in general, the changes that will improve the lot of women in the hemisphere. This is why it is crucial that greater political participation for women be assured.

As long as women do not play an equal role in political life, democratic, pluralistic societies will never prosper and intolerance and discrimination will only worsen. Women's inclusion in communication, decision-making and development processes is crucial if their needs, opinions and interests are to be factored into policies and decisions. Women's access to greater political participation in places where decisions are made will further

⁶⁵ The Pan American Health Organization emphasized that according to studies done in a number of Latin American countries, estimates are that only between 15 and 20 percent of the incidents of intrafamily violence against adult women are reported. CEFEMINA, 1994. *Mujeres Hacia del 2000: Deteniendo la Violencia*, San José, Costa Rica: Programa "Mujer No Estás Sola" CEFEMINA: in *La ruta crítica que siguen las mujeres afectada por la violencia intrafamiliar*, Pan American Health Organization, Research Protocol, p. 5 (Washington, 1998).

⁶⁶ Inter-American Development Bank. Sustainable Development Department. Publication: *Violence in Latin America and the Caribbean: A Framework*, March 1999.

⁶⁷ Human Rights Watch Report 1999: Violence Against Women. At www.hrw.org (Women's Human Rights p. 2).

⁶⁸ At the regional level, in Article 5 of the Convention of Belém do Pará" or the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, adopted by the General Assembly of the Organization of American States on July 9, 1994, the States recognize that violence against women prevents and nullifies the exercise of their fundamental rights.

respect for other basic rights, thereby ensuring the advocacy and defense of policies, laws and practices that protect the rights and guarantees that affect them.⁶⁹

As the Commission pointed out in its Report on the Status of Women in the Americas, there is a sense in the region that for true democracy, women must have a greater role in decision making, and that access to a country's political life does not end with nondiscriminatory exercise of the right of suffrage.⁷⁰ The member States are urged to encourage women's participation in political life and decision-making in the public and private arenas. Unless and until all members of society participate fully, freedom of expression and information will be in jeopardy.

⁶⁹ A statistical study into worldwide female participation in parliaments conducted by the Inter-Parliamentary Union revealed that women occupy only 15.3% of the available seats in the upper and lower chambers of the congresses of the Americas. See <http://www.ipu.org/wmn-e/world.htm>.

⁷⁰ IACHR, Report on the Status of Women in the Americas, published October 13, 1998.