

January 1996

From Basic Needs to Basic Rights

Anita Xochitl Tellez

Follow this and additional works at: <https://digitalcommons.du.edu/djilp>

Recommended Citation

From Basic Needs to Basic Rights, 25 Denv. J. Int'l L. & Pol'y 216 (1996).

This Book Note is brought to you for free and open access by the University of Denver Sturm College of Law at Digital Commons @ DU. It has been accepted for inclusion in Denver Journal of International Law & Policy by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

From Basic Needs to Basic Rights

In the final section of the book, the editors shift from the underlying theme that international laws, seeking to further global environmental values, may serve to restrict the sovereignty of independent nation states. Instead, they suggest that some international laws may interfere with state policies, even those which have been formulated with the specific intent of protecting the environment. This apparent inconsistency takes the reader to Part VII, which summarizes the entire discussion of the "dynamically changing area" of global environmental protection law. The editors conclude that it is important to be aware of trends and innovations currently taking place, for it is only by remaining receptive to new ways of thinking that we will be able to resolve the issues evolving out of the concern for preserving our global environment.

This anthology addresses issues of fundamental importance to the area of international environmental law. The extensive "cut and paste" approach that the editors employed in the development of their text could have led to a disjointed discourse. On the contrary, the text is very readable and flows smoothly from one excerpt to the next. This unique approach to controversial legal issues may stimulate ones interest in international environmental law. But as the editors themselves suggest, this text may be more useful to the academic, than to the practicing attorney.

Vicki Spencer

MARGARET A. SCHULER (Ed.), *FROM BASIC NEEDS TO BASIC RIGHTS; Women, Law & Development International*, Washington, D.C. (1995); (\$21.00); ISBN 95-79859; 554 pp. (pbk.).

From Basic Needs to Basic Rights contains thirty-four articles, essays and case studies by women's rights activists and scholars from the international community. Various interpretations of existing challenges in the field of women's human rights along with suggestions by the authors for the development of solutions to those challenges are presented throughout the book.

A foreword by Noeleen Heyzer notes that while significant strides have been made in the area of women's rights, the majority of women and girls continue to remain excluded from fully participating in society and from the prevailing vision of "universal human rights."

The editor, Margaret Schuler, expounds on this theme by summarizing how the current international frameworks of law and policy have imposed limitations on the free exercise of women's rights. Schuler places emphasis on the fact that women's rights have made only minimal progress in penetrating the traditional paradigm of hu-

man rights. Consequently, Schuler considers full integration into the human rights system, with all its accompanying protective mechanisms, as the next goal for the women's human rights agenda. Moreover, she argues that respect for the principles of indivisibility and universality of human rights supports full integration and requires that the global community take a more active part in working towards this goal. According to Schuler, the instrumental tools needed to further integration include: an expansion of the current definition of human rights; an expansion of the existing scope of state responsibility and; an expansion of the effectiveness of the human rights system to enforce women's rights.

Like Schuler, the authors in *From Basic Needs to Basic Rights* also envision a new definition of human rights. The authors argue that by expanding and reformulating the traditional patriarchal character of human rights the goal of redefining human rights can be achieved. Additionally, the authors believe that strategies addressing advocacy and action can be developed once new interpretations of human rights are articulated.

Five vital themes of the women's human rights agenda are explored by the authors. They include: gender and hierarchy; economic and social rights; cultural, religious and ethnic identities; sexual and reproductive rights; and activism to advance women's human rights. This booknote summarizes selected articles and demonstrates the cross-section of scholarship and activism occurring in the global women's human rights movement today.

Included within the section on economic and social rights is an essay by Rebecca P. Sewall entitled "Reconstructing Social and Economic Rights in Transitional Economies." Sewall argues that by instituting a global economic shift towards a structural adjustment model international financial institutions and industrial nations have directed the economic and social rights of women in developing countries. The implementation of the structural adjustment model has been used in several countries undergoing market transition to free market economic systems and has frequently resulted in the abandonment of employment-based rights in those countries.

Sewall argues that this occurs because in command economy systems which have existed in areas like Central and Eastern Europe employment is considered to be a right, and in free market economies it is considered a privilege granted only when an individual gains access to the market. States undergoing transition typically lack any civil or political rights framework to protect women workers and citizens from excesses or wrongs occurring in the free market system. As a result, transitional states are left with inadequate mechanisms to protect and enforce rights.

The author suggests that solutions exist through changes in the

lending policies of international financial institutions. For example, anti-discriminatory contingencies on loan eligibility could theoretically protect women from discriminatory employment practices that occasionally arise in structural adjustment systems.

Included within the section on religious, cultural and ethnic identity & human rights is a paper by Sima Wali entitled "Women in Conditions of War and Peace: Challenges and Dilemmas." Wali notes that during war and times of conflict, women who are forced to migrate lack protection from their home country, and are therefore forced to rely on the international community and a destination host country for protection. International instruments that address refugee concerns provide little protection for displaced women and girls. Wali argues that the absence of protection from the international community contributes to women refugees becoming victims to some of the most egregious forms of human rights abuses.

Wali additionally argues that gender bias is created by the failure of these international instruments to distinguish between male and female refugees. The author posits that programs and policies which address the inherent powerlessness of uprooted women and girls and the adoption of universal humanitarian policies specifically addressing the needs of female refugees can both be effective methods to bias elimination.

Gita Sen's article, "Rights and Reproductive Technologies" explores the development and availability of reproductive technologies. Sen argues that social and economic circumstances such as class and race determine which reproductive technologies will be developed, how they will be tested, and where they will be distributed. Sen also argues that women living in areas unlikely to provide reproductive technologies or the medical services to accompany such technologies may be denied important human rights. The author suggests implementation of an ethical approach to the development, testing, and dissemination of reproductive technologies as a method of improving universal access to these services.

A common theme in these articles, and many others throughout the book, is the belief that the integration of women's rights into the human rights system can occur only through an expansion of the human rights paradigm. The push to develop a human rights definition incorporating the recognition of female refugees, legal structures protecting employment-based rights of females in transitional areas, and reproductive technologies currently unavailable to certain sectors of the population are all examples of actions that the authors believe will collectively result in the advancement of the international women's human rights agenda.

Anita Xochitl Tellez