

PROPOSTA N.º P/39/APB/21
UNIVERSAL DECLARATION ON GENDER EQUALITY. A PROPOSAL

*Rui Nunes (Chair), Carla Serrão, Francisca Rego, Guilhermina Rego, Helena P. Melo,
Isabel Oliveira, Ivone Duarte*

The General Conference,

Conscious of the unique capacity of human beings to reflect upon their own existence, to perceive injustice, to assume responsibility, to promote tolerance and respect for the human person, to promote solidarity, to seek cooperation and to exhibit the moral sense that gives expression to ethical principles,

Reflecting on the effects of globalisation in a multicultural world, resulting in a strong demand for a universal response to the ethical, social, and legal implications of such an evolution,

Recognising that ethical values in such a multicultural context imply a multilateral approach and should be examined with due respect to the dignity of the human person and universal respect for, and observance of, human rights and fundamental freedoms,

Resolving that it is necessary and timely for the international community to state universal principles that will provide a foundation for humanity's response to the problem of gender equality, especially with regard to an ever-increasing demand for gender balance,

Recalling the Universal Declaration of Human Rights of 10 December 1948, the Universal Declaration on the Human Genome and Human Rights adopted by the General Conference of UNESCO on 11 November 1997, the United Nations Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979 and the Declaration on the Elimination of Violence Against Women adopted by the United Nations General Assembly in 20 December 1993,

Noting the United Nations International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights of 16 December 1966, the United Nations International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, the United Nations Convention on the Rights of the Child of 20 November 1989, the United Nations Convention on Biological Diversity of 5 June 1992, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the General Assembly of the United Nations in 1993, the UNESCO Declaration on Race and Racial Prejudice of 27 November 1978, the UNESCO Declaration on the Responsibilities of the Present Generations Towards Future Generations of 12 November 1997, the UNESCO Universal Declaration on Cultural Diversity of 2 November 2001, the Doha Declaration on the TRIPS Agreement and Public Health of 14 November 2001 and other relevant international instruments adopted by the United Nations and the specialised agencies of the United Nations system, in particular the World Health Organization (WHO),

Also noting, international and regional instruments in the field of gender equality,
Recognising that this Declaration is to be understood in a manner consistent with domestic and international law in conformity with human rights law,

Recalling the Constitution of UNESCO adopted on 16 November 1945,

Considering UNESCO's role in identifying universal principles based on shared ethical values to guide societal changes,

Aware that human beings are all equal and that any form of discrimination is an unacceptable practice,

Recognising that education is the basic tool to promote the welfare of individuals, families, groups or communities and humankind as a whole in the recognition of the dignity of the human person and universal respect for, and observance of, human rights and fundamental freedoms,

Recognising that health depends on psychosocial and cultural factors and is an essential driver for self-fulfilment, personal autonomy, and for the promotion of social cohesion at a worldwide level,

Also recognising that physical integrity is an essential dimension of personal identity and that protecting personal privacy – both physical and psychological – is a special valued human goal,

Bearing in mind that a person's identity includes biological, psychological, social, cultural and spiritual dimensions,

Also bearing in mind that cultural diversity is a source of exchange, innovation and creativity, and that it is necessary to humankind but, nevertheless, it may not be invoked at the expense of human rights and fundamental freedoms, namely to promote any kind of sexual and gender discrimination,

Recognising that an important way to evaluate social realities and achieve equity is to pay attention to the position of the vulnerable gender in the society,

Recognising that gender equality is a precondition for advancing development and reducing poverty, and requires a commitment to challenging and transformative approaches,

Stressing the need to reinforce international cooperation in the field of human rights and gender equality, taking into account, in particular, the special needs of countries where such values are less developed and embraced,

Proclaims the principles that follow and *adopts* the present Declaration.

General provisions

Article 1 – Scope

1. This Declaration addresses ethical issues and social practices related to gender equality, meaning a balance between women and men in every society, at a local and global levels. For the purpose of this Declaration, gender equality means that women and men have equal conditions for achieving

their full human rights and for contributing to, and benefiting from, economic, social, cultural and political development. Gender equality is therefore the equal valuing by society of the similarities and the differences of men and women, and the roles they play. It is based on women and men being full partners in their home, their community and their society.

2. This Declaration is addressed to all States. As appropriate and relevant, it also provides guidance to decisions or practices of individuals, groups, communities, institutions and corporations, public and private.

Article 2 – Aims

The aims of this Declaration are:

- (a) to provide a universal framework of principles and procedures to guide States in the formulation of their legislation, policies or other instruments in the field of gender equality;
- (b) to guide the actions of individuals, groups, communities, institutions and corporations, public and private;
- (c) to promote respect for human dignity and protect human rights, by ensuring respect for the life of human beings, and fundamental freedoms, consistent with international human rights law;
- (d) to foster multidisciplinary and pluralistic dialogue about gender equality issues between all stakeholders and within society as a whole;
- (e) to promote equitable access to education, knowledge, and cultural development, and also to healthcare and family planning, with particular attention to the needs of developing countries;
- (f) to safeguard and promote the rights of women and men in the overall society and also in special settings such as the labour market, as a common concern of humankind.

Principles

Within the scope of this Declaration, in decisions or practices taken or carried out by those to whom it is addressed, the following principles are to be respected.

Article 3 – Human dignity and human rights

- 1. Human dignity, human rights and fundamental freedoms are to be fully respected.
- 2. Equality of opportunities to social and economic goods is a fundamental way to promote human dignity.
- 3. Gender equality is crucial for women and men to realise their fundamental human dignity and their human rights.

Article 4 – Personal autonomy and individual responsibility

The person's autonomy to make decisions, while taking responsibility for those decisions and respecting the autonomy of others, is to be respected. For persons who are not capable of exercising autonomy, special measures are to be taken to protect their rights and interests.

Article 5 – Respect for human vulnerability and personal integrity

In any social interaction – namely in education and healthcare settings, as well as in the workplace and everyday life – human vulnerability should be taken into account. Individuals and groups of special vulnerability should be protected and the personal integrity (namely physical integrity) of such individuals respected.

Article 6 – Privacy and confidentiality

The privacy of the persons concerned and the confidentiality of their personal information should be respected.

Article 7 – Equality, justice and equity

The fundamental equality of all human beings in dignity and rights is to be respected so that they are treated justly and equitably. Equal opportunities to fundamental social goods should be fully promoted.

Article 8 – Non-discrimination and non-stigmatisation

No individual nor group should be discriminated against or stigmatised on any grounds, in violation of human dignity, human rights and fundamental freedoms.

Article 9 – Respect for cultural diversity and familiar background

The importance of cultural diversity and familiar background should be given due regard. However, such considerations are not to be invoked to infringe upon human dignity, human rights and fundamental freedoms, nor upon the principles set out in this Declaration, nor to limit their scope. It is considered as unacceptable any form of familiar violence.

Article 10 – Solidarity and cooperation

Solidarity among human beings and international cooperation towards that end are to be encouraged. Promote global solidarity by challenging global structural injustices.

Application of the principles**Article 11 – Access to education and knowledge**

1. Education and access to knowledge is a nuclear element to personal development, self-fulfilment and to social integration. Every endeavour should be made to use the best available tools to increase knowledge in an equal opportunity basis and to guarantee that all genders have access to the same level of education.
2. Opportunities for informed pluralistic public debate about the way to engage every child, male or female, in a continuous life learning process, should be promoted.
3. Access to adequate sexual education, including family planning, should be considered as a priority in health education.

Article 12 – Equity in healthcare access

1. The promotion of health and social development is a central purpose of governments that all sectors of society share.
2. Taking into account that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, gender identity, sexual orientation, ethnicity, language, religion, political ideology or other opinion, and civil, political, social or other status, society should advance:
 - (a) access to quality health care, because health must be considered a fundamental human good, independent of gender or sexual orientation;
 - (b) access to adequate nutrition and water;
 - (c) improvement of living conditions and the environment;

- (d) elimination of the marginalisation and the exclusion of persons on the basis of any grounds;
- (e) reduction of poverty and illiteracy;
- (f) protect all genders from sexual harassment, violence, mutilation, intimidation, retaliation, or other denial of their basic human rights.
- (g) access to reproductive health care from a broader perspective that is of concern to all genders, including sex education, contraception methods, reproductive technologies and consent.

Article 13 – Labour, social and political equality

1. States should take appropriate measures to guarantee that women have access to the same job opportunities as men.
2. States should take appropriate measures to guarantee that access to career progression and salary level should be the same for all genders.
3. States should take appropriate measures to ensure job security by allowing interruptions in work for maternity leave, parental leave, and family-related responsibilities.
4. States should take appropriate measures to eliminate and disclose unsafe working conditions, as well as ensure the health, safety and well-being of all women and men workers.
5. States should take appropriate measures to guarantee equitable access to political positions to all genders.
6. States should promote access to justice by negotiating equitable rules and processes for effective and sustainable changes, by influencing the form and function of institutions that deliver public services and regulate access to resources, and by empowering all people to challenge inequalities.
7. States should promote social justice and global solidarity by challenging global structural injustices and addressing the root causes of poverty and injustice.

Article 14 – Transnational practices

1. States, public and private institutions, professionals, civil society and academia associated with transnational activities should endeavour to ensure that any activity within the scope of this Declaration, undertaken, funded or otherwise pursued in whole or in part in different States, is consistent with the principles set out in this Declaration.
2. States should take appropriate measures, both at the national and international levels, to combat any form of gender discrimination, assuring a balance between women and men in all societal practices.

Promotion of the Declaration

Article 15 – Role of States

States should take all appropriate measures, whether of a legislative, administrative or other character, to give effect to the principles set out in this Declaration in accordance with the international human rights law. Such measures should be supported by action in the spheres of education, training and public information.

Article 16 – Gender equality education, training and information

1. In order to promote the principles set out in this Declaration and to achieve a better understanding on gender equality, in particular for young people, States should endeavour to foster human rights education and training at all levels, as well as to encourage information and knowledge dissemination programmes about these issues.

2. States should encourage the participation of international and regional intergovernmental organisations and international, regional and national non-governmental organisations in this endeavour.

Article 17 – International cooperation

Within the framework of international cooperation, States should promote cultural and scientific cooperation and enter into bilateral and multilateral agreements enabling developing countries to build up their capacity to promote the values and principles of this Declaration.

Article 18 – Follow-up action by UNESCO

UNESCO shall promote and disseminate the principles set out in this Declaration. Every five years a special committee designated by UNESCO should make a detailed report over the implementation and application of this Declaration.

If you would like to make any comments or suggestions, please send an email to: udgenderequality@gmail.com

Thank you.