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## International Advancement and Protection of Human Rights for Women\*\*

PATRICIA IRELAND\*

Even a superficial glance through the relatively small amount of data and studies<sup>1</sup> which describe the status of women in the Americas leads one to the inescapable conclusion that many of women's basic human rights are denied them. The denial of women's human rights, universal in custom and practice, is also perpetuated and confirmed by many of the legal systems in the hemisphere.<sup>2</sup>

The increasing recognition of the disabilities imposed on women by customary social norms and law and the increasing international activity on behalf of women in recent years make relevant the consideration of the appropriateness and effectiveness of international action to deal with such problems. This paper will discuss the need for and the theoretical and practical problems involved in the international advancement and protection of human rights in general and human rights for women in particular.

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1. A lack of studies in particular on the economic status of women in Latin America has been noted in the OAS publication "Women in the Latin American Labor Force." OEA/SER.L.II.4, CEER/CIM/doc. 4/75 corr. In that study the Technical Unit on Social Development Studies, Department of General Development Affairs and Studies, points out that very few countries compile statistics on hours worked and wages earned and that even where such information is compiled in the aggregate, breakdowns by sex are often not available. Therefore, one of the recommendations of that study is that Latin American countries give due importance to such information. *See also, Masculine Blinders in the Social Sciences*, 55 SOC. SCI. Q. 563-656 (1974).

*Another complaint against existing economic data gathered in the various American countries is that it does not incorporate the value of women's work in the fields and in the home as a component of the gross national product of each country. The Special Committee for Studies and Recommendations of the Inter-American Commission of Women for the World Conference of International Women's Year (CEER/CIM) draft recommendations favor the establishment of new indices to incorporate recognition of the value of these contributions by women to gross national product. The Committee hopes that revised statistics will permit a new concept of the roles of men and women as beings of equal standing, equally responsible in the destiny of mankind. Draft Report of the Rapporteur (Committee 1) CEER/CIM/doc. 27/75 corr. 1.*

2. *See, "Denial of Basic Human Rights to Women," infra*, at 1.

## SOURCES OF LAW

Under article I of the U.N. Charter, one of the main purposes and duties of the organization is to promote respect for human rights and fundamental freedoms for all, and in articles 55 and 56 each member state pledges to take joint and separate action to achieve these purposes. Although there are conflicting opinions among member states, the International Court of Justice has made clear its view that the human rights provisions of the U.N. Charter are legal obligations of the member states.<sup>3</sup>

The Charter of the Organization of American States also affirms the fundamental rights of the individual and obliges member states to respect human rights.<sup>4</sup> However, it makes no provision for the promotion or protection of these rights.

Numerous sources of international law state the consensus which has grown since the adoption of the OAS and U.N. Charters with respect to the fundamental rights which governments should theoretically accord the individual. The first steps in the development of this law were the two international declarations on human rights — the Universal Declaration of Human Rights adopted unanimously by the U.N. General Assembly in 1948 and the American Declaration of the Rights and Duties of Man adopted in 1949 by the Ninth International Conference of American States. Although such declarations are generally viewed as non-binding, the U.N. General Assembly, in the 1949 Russian Wive's case, found the Soviet Union guilty of violating the U.N. Charter by taking action contrary to Articles 13 and 16 of the Universal Declaration.<sup>5</sup> A trend has been noted in legal writings to consider declarations of the U.N. General Assembly as at least subsidiary sources of law and perhaps as the first step in the formation of a customary law binding on the states.<sup>6</sup>

3. *Advisory Opinion on the Legal Consequences for States of the Continued Presence of South Africa in Namibia (Southwest Africa) Notwithstanding Security Council Resolution 276*, [1971], I.C.J. Rep. 16, 58.

The Ontario High Court has found conflict with the human rights provisions of the Charter to be a violation of Canadian public policy. *Re Drummond Wren*, [1945], 4 D.L.R. 674. However the California Supreme Court has specifically rejected the view that the Charter has become the supreme law of the land, citing a lack of mandatory quality and definiteness as proof of a lack of intent to create enforceable rights. See *Fujii v. California*, 242 P.2d 617 (Calif. 1952).

4. OAS Charter, Arts. 5, 13, 28-30.

5. See, 3 U.N. GAOR 722,745 (1948) (Sixth Committee); 3 U.N. GAOR, Part II, 55 (1949), U.N. Doc. A/C.6/315; Schwelb, *The United Nations and Human Rights*, 11 Howard L.J. 356, 363 (1965); Taubenfeld and Taubenfeld, *Achieving the Human Rights of Women: The Base Line, The Challenge, The Search for a Strategy*, 4 Human Rights 125,134 (1975).

6. See *Barcelona Traction Case*, [1970] I.C.J. Rep. 1 at 302-04 (Cammon, J. separate opinion).

The broadly stated human rights set forth in the Declarations have been further particularized in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the U.N. General Assembly in 1966 and in the Inter-American Convention on Human Rights adopted in 1969 by the Inter-American Specialized Conference on Human Rights. The substantive provisions of these documents which are relevant to women's status are discussed at pages 90-91, *infra*.

Of the above international agreements which would have application to the American countries, only the International Covenant on Civil and Political Rights has received sufficient ratification to enter into force. However, it has been suggested that the Inter-American Convention could still be useful as a source of law even if unratified.<sup>7</sup> The Inter-American Commission on Human Rights is charged with promoting and protecting human rights as set forth in the American Declaration of the Rights and Duties of Man.<sup>8</sup> Viewed as a gloss on or a corollary of the Declaration, that Convention may be used to give precision and normative content to the rights named in the Declaration.

An additional source of international law on human rights is the European Convention on Human Rights and Fundamental Freedoms, which entered into force on September 3, 1953. The Convention provides for the protection of substantive rights by a Commission on Human Rights and a Human Rights Court — the only one currently in operation.

Without exception, the documents mentioned hold that the basic human rights must be accorded to women as well as men. In addition, numerous treaties deal with women's right to equality in specific areas.<sup>9</sup> Nevertheless, women have been and despite certain progress still are denied

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7. Bergenthal, *The American Convention on Human Rights: Illusions and Hopes*, 21 Buffalo L. Rev. 121, 134 (1971); White, *Practice and Proceedings Before the Inter-American Commission on Human Rights*, 4 Human Rights 413, 423 (1975).

8. OAS Charter, Arts. 1-12, as amended by Protocol of Buenos Aires, OEA/Ser. A/2 (1967); [1970] 21 U.S.T. 607, T.I.A.S. No. 6847; Statute of the Inter-American Commission on Human Rights, Art. 2 in Sohn and Bergenthal, *Basic Documents on International Protection of Human Rights*, 209 (1973).

9. See, e.g., Convention on the Political Rights of Women 1953 (1952; 193 U.N.T.S. 135; in force, 1975 for 75 countries); The Convention on Nationality of Married Women (1957; 309 U.N.T.S. 65; in force for 42 states); The Convention and Recommendation on Consent to Marriage (1962, 1965; 521 U.N.T.S. 231; in force for 27 states); the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950; 96 U.N.T.S. 271; in force for 42 states); the UNESCO Convention Against Discrimination in Education (1960; 429 U.N.T.S. 93; in force for 62 states); the Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951; ILO No. 100; 165 U.N.T.S. 303; in force for 78 states); and the Convention Concerning Discrimination in Respect of Employment and Occupation (1958; ILO No. 111; 362 U.N.T.S. 31, in force for 82 states), as cited in Taubenfeld, *supra* note 5 at 138.

certain rights guaranteed to all human beings but primarily enjoyed only by men.

### DENIAL OF BASIC HUMAN RIGHTS TO WOMEN

The most flagrant violations of women's human rights are the crippling legal disabilities imposed on married women. Such violations were revealed by a preliminary version of a study paper — the "Comparative Document on the Legislation in Force in the American States in Regard to Family Law" (the "C.I.M. Survey") — prepared by the Department of Legal Affairs of the OAS on the basis of answers to a questionnaire completed by the delegates of twelve member states of the Inter-American Commission of Women.<sup>10</sup>

However, the legal disabilities of married women are certainly not confined to this hemisphere; they are among the most persistent forms of discrimination against women under the law. The annotated version of the Declaration on the Elimination of Discrimination Against Women, adopted unanimously in 1967 by the U.N. General Assembly after four years of debate, states that article 6 on the equal legal rights of women with respect to marriage, property and the family was one of the most controversial articles "indicating that the principle of equality of men and women as regards marriage and the family are not universally accepted."<sup>11</sup>

Both the U.N. Covenant on Civil and Political Rights and the American Convention on Human Rights provide for one of the most basic human rights, the right to a juridical personality. The right of married women to act individually in the courts is impaired by six of the twelve countries which responded to the C.I.M. Survey. In these countries the husband alone represents himself, his wife, and the family in legal matters. The wife may not be able to litigate with respect to common property or to testify in court without the consent of her husband. In addition, a married woman may lack the capacity to enter into a contract with her husband in the absence of judicial authorization.

The American Convention as well as the European Convention also provide for protection of property rights as part of the basic human rights.<sup>12</sup> Again the responses to the C.I.M. Survey reveal that the rights of a married woman to acquire, administer, and convey property are restricted in several of the American countries surveyed. The woman may need authorization from her husband or the courts to acquire property in certain circumstances

10. OEA/SER. L. II. 4 CEER/CIM/DOCK 7/75.

11. G.A. Res. 1763, 22 U.N. GAOR Supp. 16 at 35; U.N. Doc. A/16716 (1967). The annotated version is found in *Equal Rights for Women — A Call for Action*, U.N. Doc. OPI/494(1973) and is quoted in Taubenfeld and Taubenfeld, *supra* note 5 at 141.

12. The U.N. Covenant on Civil and Political Rights has been criticized for its lack of protection of property rights. See MacChesney, *Should the U.S. Ratify the Covenants — A Question of Merits not of Constitutional Law*, 62 Am. J. Int'l L. 912 (1968).

and may be deprived of the right to administer not only jointly owned, but also her solely owned, property.<sup>13</sup>

The developing international law on human rights, as evidenced by the international documents mentioned, also includes a prohibition of arbitrary interference with family and home life. Certainly the right to freedom from such interference is violated when the state dictates that the husband alone shall have authority over the children in a family or that while both spouses shall have equal authority over the children, the father's decision will prevail in case of dispute irrespective of the merits of his decision. The C.I.M. Survey reveals this to be the situation in many of the American countries. It is similarly arbitrary for the law to give preference in the appointment of guardians to the husband and other males in the family with a further preference for the paternal side of the family, irrespective of their capabilities. Decisions on the appointment of guardians are made on the basis of such preferences for men in seven of the eleven countries which responded to the Survey. Appointment on the basis of the best interest of the ward might be an acceptable alternative to this discrimination against women.

The laws of more than half of the countries surveyed provide that the wife's domicile be determined by her husband. Such laws violate a woman's right to freedom from arbitrary interference with family and home life as well as with her freedom of movement. In addition, a wife's domicile forms the basis of many important rights and responsibilities.

The right to work is also one of the basic human rights generally recognized in international law.<sup>14</sup> Yet in several of the surveyed countries, the law provides that a husband may impose restrictions and limitations on his wife's right to work outside of the home, practice her own profession, engage in industry, or conduct business.

The above are all examples of the violation of one of the most basic human rights, the right to equality before the law. The examples given are not meant to be an exhaustive list of all inequalities between men and women under the law of the various American countries. Such a cataloging is beyond the scope of this paper as is a complete discussion of the discrimination against women which stems from custom and practice in education, employment, social and family life.<sup>15</sup>

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13. For discussion of alternative methods of administering community property which do not require the impairment of the wife's juridical personality or property rights, see Riley, *Women and the Law of Community Property*, Proceedings of the Sixty-Ninth Annual Meeting of the American Society of International Law 25 (1976).

14. Art. 23, Universal Declaration of Human Rights, adopted December 10, 1948, G.A. Res. 217, 3 U.N. GAOR, Doc. A/810 at 71.

15. See "Women and the System of Formal Education in Latin America" OEA/Ser. L.II.4, CEER/CIM doc. 6/75 and "Women in the Latin American Labor Force," OEA/Ser. L.II.4, CEER/CIM/doc. 4/75 corr.

One reason for focusing upon discrimination against women under the law is that relative to the elimination of discrimination based on customary attitudes and practices which may take many years and require extensive re-education programs, the elimination of legal discrimination against women in most of the American countries could be accomplished quickly and at little cost. If governments are unwilling or unable to undertake action to ease de facto discrimination, perhaps they can be convinced to remove the legal impediments to the full equality of women especially if the role of women in the process of economic development is recognized.

Increasingly, international organizations are recognizing the interdependence of economic development and women's development. Resolution 2716 (XXV) of the U.N. General Assembly states one of the objectives of the Second U.N. Development Decade to be the encouragement of "the full integration of women in the total development effort." The OAS Inter-American Commission of Women has declared:

The situation of women cannot be separated from the problems of the integral development of their respective countries, since it is that which makes possible the complete fulfillment of the human being and promotes the development of the community. The future of our countries needs women for the achievement of that integral development.

Equality of rights for women is also inextricably involved in efforts to lower population growth so that growth in per capita income and welfare can be achieved. As women's education and employment opportunities improve, fertility rates can be expected to decline. As fertility declines, married women's talents and labor are more likely to be directed toward the market place where their output will be counted in gross national product.<sup>16</sup>

Thus, while protection of human rights for women, on the one hand, and economic growth and development on the other, are separate and distinct goals, they reinforce each other. The contributions of women are needed in the development process and if women are brought into that process and help shape the changes their countries are undergoing, then development can provide an excellent opportunity for achieving and maintaining equality of rights for women and men.

#### THEORETICAL AND PRACTICAL PROBLEMS INVOLVED IN INTERNATIONAL PROTECTION OF HUMAN RIGHTS FOR WOMEN

The Second World War brought increased recognition by the world community that the protection of human rights could not be left to the dis-

16. See, "Participation of the Women of the Rural Areas in Development," OEA/Ser.L.II.4, CEER/CIM/doc. 3/75; "Women in the Latin American Labor Force," OEA/Ser. L.II.4, CEER/CIM/doc. 4/75 corr.; Taubenfeld and Taubenfeld, *supra* note 5 at 142.

cretion of individual nations. But even prior to World War II, inroads had been made in the doctrines which conflicted with international protection of human rights. These theoretical stumbling blocks in international law were the doctrines of legal personality, sovereignty and non-intervention.

### LEGAL PERSONALITY

The traditional concept of the state as the sole subject of international law and the sole possessor of sovereignty was not without exceptions. Individuals too, had international duties and could commit offenses against the law of nations, for example, by piracy. Customary rules of war showed a concern for the rights of individuals as well, making distinctions between combatants and non-combatants and acknowledging that life should not be taken needlessly.

In 1928, the Permanent Court of International Justice, in *The Jurisdiction of the Courts of Danzig*, held that states could, by international agreement, make the individual the subject of international rights and duties enforceable at the individual's instance by national courts.<sup>17</sup> The widening of the concept of international personality in contemporary international law can also be seen in the recognition of the individual as the fundamental element in the national and international communities and in the recognition of the right of individuals to determine their own political futures.<sup>18</sup>

The further evolution of the position of the individual in international law can be seen in the practice of the various supranational institutions for the protection of human rights.

Individual communications alleging violations of human rights are received by the U.N. and are forwarded to its Sub-Commission on Prevention of Discrimination and Protection of Minorities by the Secretary General. The Sub-Commission agreed in 1971 on the admissibility of complaints from individuals or groups of individuals who could reasonably be presumed to have been victims of or to have had direct and reliable knowledge of violations of human rights. If a particular situation appears to reveal a consistent pattern of gross and reliably attested violation of human rights, the Sub-Commission refers it to the Commission on Human Rights.<sup>19</sup>

Twelve of the states which signed the European Convention have made the necessary separate declaration recognizing the jurisdiction of the European Commission on Human Rights to hear private complaints against them. These same states have also accepted the optional compulsory

17. Advisory Opinion on the Jurisdiction of the Courts of Danzig, [1928] P.C.I.J., ser. B, No. 15.

18. Lauterpacht, *Some Concepts of Human Rights*, 11 Howard L.J. 264 (1965).

19. Sohn and Buergenthal, *International Protection of Human Rights*, 842, 848 (1973); Coleman, *An Analysis of the Procedures of the United Nations Regarding Individual Petitions with Respect to Human Rights*, 4 Human Rights 217 (1975).

jurisdiction of the European Court of Human Rights. If the Commission makes a preliminary ruling of admissibility and acknowledges failure to reach a settlement, cases may be referred to the Court by the Commission, the state whose national is the alleged victim, the state complained against or the state which referred the case to the Commission. Thus, while individuals have no direct standing in the Court, they were given indirect access for the first time to an international judicial body for alleged violations of their human rights by the European system.<sup>20</sup>

The 1960 Statute of the Inter-American Commission on Human Rights was not originally intended to give the Commission competence to act on complaints by individuals. However, the Commission was entitled to adopt its own rules of procedure and from the beginning it interpreted its power under article 9 to prepare studies and reports on human rights and secure information from governments on the measures adopted as including the power to receive individual communications as information and to request either further information regarding the complaint or permission to make an on-the-spot investigation.<sup>21</sup>

The Inter-American Convention on Human Rights (which is not yet in force) goes further than the U.N. Covenants or the European Convention in its treatment of individual complaints. The right of individual petition against a state which has ratified will be automatic when the Convention enters into force. Interstate complaints, however may not be received until a state has separately declared its recognition of the Commission's jurisdiction to hear them. Buergenthal feels that this reversal of the traditional formula should be more acceptable to the governments involved. For while individual complaints may be more frequent than interstate, they also have fewer political repercussions, are less unpredictable and generate less public attention.<sup>22</sup>

#### STATE SOVEREIGNTY AND NON-INTERVENTION

A larger barrier to protection of human rights at the international level are the doctrines of state sovereignty and non-intervention.

The concepts of absolute sovereignty and independence of states were eroded somewhat by the doctrines of state responsibility and humanitarian intervention. The customary doctrine of state responsibility allows interposition by a nation on behalf of its citizens abroad when they are denied a right recognized by civilized nations or secured to them by an international agreement. Humanitarian intervention may be justified when morality demands that a state step into another's territory to stop cruel and oppressive treatment of its inhabitants.

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20. Sohn, *supra* note 19 at 1001.

21. Ball, *OAS in Transition*, 375 (1969).

22. Buergenthal, *supra* note 7 at 130.

Article 2 (7) of the U.N. Charter provides that nothing in the Charter shall authorize the U.N. to intervene in matters which are essentially within the domestic jurisdiction of any state. In the Dumbarton Oaks Proposal, this provision had been included in the section on pacific settlement of disputes. It was shifted in the Charter to be included among the United Nation's Principles and thus became a limitation on the entire organization rather than on the Security Council alone.<sup>23</sup>

In 1946, article 2 (7) was the basis for the objection by South Africa to the General Assembly's consideration of South Africa's treatment of Indians who were residents in and citizens of South Africa. The resolution adopted by the General Assembly noted that relations between India and South Africa had been impaired and were likely to be further impaired unless a satisfactory settlement was reached. Despite South Africa's objection that under article 2 (7) the matter was outside the U.N.'s competence, the General Assembly's resolution expressed the opinion that South African treatment of Indians should conform to obligations in force between the two governments and to relevant provisions of the Charter. It also requested the two governments to make reports at the next session.<sup>24</sup>

The extent to which U.N. recognition of the danger posed to international peace and security by denial of human rights has come to outweigh the doctrine of non-intervention in domestic affairs can be seen in its consideration of apartheid in South Africa and forced labor in East Europe. In 1952 in the General Assembly, fifty-eight of sixty members voted for one or both of the investigations into these matters which a century earlier would have been considered to fall within the exclusive jurisdiction of the states involved. Only South Africa itself and Argentina voted for neither.<sup>25</sup>

The doctrine of non-intervention has always been particularly strong in Latin America. These countries have feared intervention, first from European creditor-states in the early nineteenth century and later from the United States. The intense concern with guarding their sovereignty hindered the early development of any effective program for international protection of human rights among the American states. In 1945, the majority of governments in Latin America rejected Uruguay's proposal for collective action in defense of democracy and human rights against domestic tyranny as unacceptable collective intervention.<sup>26</sup>

The 1948 Charter of the OAS incorporated absolute non-intervention in articles 15-17. Article 15 prohibits all forms of intervention, direct or indirect, for any reason by a state or group of states. Under article 16, coercive measures of any kind, whether political or economic, are forbidden. Ab-

23. Sohn, *supra* note 19 at 591-92.

24. *Id.* at 558-61, 582.

25. Schwelb, *supra* note 5 at 363.

26. Ball, *supra* note 20 at 52.

solute inviolability of a state's territory is guaranteed by article 17 which prohibits even temporary military intervention or any measure of force taken by another state directly or indirectly on any ground.

Ironically, violations of the doctrine of non-intervention have been the impetus for more recent concern with human rights in the Inter-American system. In 1945, the Inter-American Conference on Problems of War and Peace had expressed its preference for international protection of human rights over the traditional doctrines of state responsibility and the misuse of diplomatic protection of citizens abroad.<sup>27</sup>

In the same way, in the Dominican Republic in 1960 the OAS preferred collective intervention in the name of human rights to unilateral intervention by the United States. The majority of states present at the Tenth Meeting of Consultation, convened to consider the struggle in the Dominican Republic, disapproved of the unilateral intervention by the United States as a violation of the OAS Charter and only agreed to internationalize the force (also a violation of the Charter) as the lesser of two evils. (Although the United States has pressed for creation of a permanent Inter-American force, subsequent revision of the Charter has not provided for one.)<sup>28</sup>

## CONCLUSION

Despite the increasing international recognition of the legal personality of individuals and the inroads which have been made into the doctrines of

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27. Cabranes, *The Protection of Human Rights by the Organization of American States*, 62 Am.J. Int'l L. 889, 893 (1968).

28. Ball, *supra* note 20 at 479.

The purpose of the Inter-American force in the Dominican Republic was to be to maintain the security of the inhabitants and the inviolability of human rights and to establish an atmosphere of peace and conciliation which would permit functioning of democratic institutions. At the request of the Secretary General, the Inter-American Commission on Human Rights also went to the Dominican Republic to help. Cabranes, *Human Rights and Non-Intervention in the Inter-American System*, 65 Mich. L. Rev. 1147, 1172 (1967).

In its work in the Dominican Republic, the Commission clearly went beyond its statutory powers to study, report and recommend. It secured the agreement of both factions to respect the principles of the American Declaration on the Rights and Duties of Man and inspected places of detention of both factions; it arranged neutral zones of refuge and permission for some political figures to leave the country; and it gained permission for the unloading of food and medicine from ships.

The Second Special Inter-American Conference subsequently approved this expanded role of the Commission by commending it for its past service. This Conference also explicitly authorized the Commission's practice of receiving individual complaints, acting on those charging violations of basic rights and making recommendations to the particular state involved. *Id.* at 1173.

The Commission carried on similar activities in 1969 when both El Salvador and Honduras invited it to investigate charges of violation of human rights during the so-called Soccer War. Sohn, *supra* note 19 at 1339.

state sovereignty and non-intervention, these theoretical barriers still block the progress of international advancement and protection for the human rights of women.

While women are the subject of many international declarations and treaties, no truly effective forum is provided in international law for consideration of complaints by or on behalf of women regarding violations of the rights guaranteed to them by these documents. The U.N. Commission on the Status of Women voted to discontinue consideration of communications relating to women after the U.N. Human Rights Committee and the Sub-Commission on Prevention of Discrimination and Protection of Minorities were authorized in 1970 under certain circumstances to consider communications by or on behalf of individuals.<sup>29</sup>

While it may be advisable to avoid the segregation of women's rights from human rights in general, this decision of the U.N. Commission on the Status of Women is unfortunate, as the U.N. Human Rights Commission has not been notably active in the area of women's rights. This may be in part because few complaints are filed regarding violations of women's rights or it also may be because the men on the Sub-Commission and its Working Group who screen complaints do not find the complaints regarding violations of women's rights to reveal "gross . . . violations of human rights and fundamental freedoms"<sup>30</sup> and therefore do not forward such complaints to the Human Rights Commission for further consideration.

Attempts to establish a more effective international forum for the investigation of women's charges of discrimination against them in violation of international law (and often in violation of their own countries' constitutions) will surely be met by cries of intervention. The recent responses to President Carter's increased concern and action with regard to human rights shows that the doctrine of non-intervention is far from dead.<sup>31</sup>

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29. Taubenfeld and Taubenfeld, *supra* note 5 at 151.

30. ECOSOC Resolution 1503 (XIVIII) adopted May 27, 1970, grants the Sub-Commission authority to appoint a Working Group to consider all communications and to bring to the attention of the Sub-Commission those which appear to reveal a "consistent pattern of gross and reliably attested violation of human rights and fundamental freedoms." Paragraph 1(b) Resolution 1 (XXIV) adopted August 14, 1971, by the Sub-Commission, provides that a communication will be admissible if there are reasonable grounds that they may reveal such a pattern. See, "An Analysis of the Procedures of the United Nations Regarding Individual Petitions with Respect to Human Rights," Report of the International Aspects Committee of the Section on Human Rights ABA, 4 Human Rights 217 (1975).

31. In response to accusations this year in U.S. Congressional hearings or State Department documents that they had violated the human rights of their citizens, five Latin American countries (Argentina, Brazil, El Salvador, Guatemala and Uruguay) have rejected all military aid from the United States due to what they feel amounted to a violation of their sovereignty. Chile withdrew from the aid program last year prior to congressional hearings which were expected to lead to the program's suspension.

Many of the reasons for the erosion of the doctrine of non-intervention in the general area of human rights do not exist in the area of human rights for women. Women traditionally have not been inclined to rise up against their oppression in violent revolution with all the international repercussion that such revolution entails, and violations of women's rights do not often result in serious disputes between countries or in unilateral intervention by one country into the affairs of another. In short, violations of women's human rights do not generally pose a threat to international peace and security, and the doctrine of non-intervention thus may be expected to remain a strong defense against attempts to establish international protection of women's rights.

Even if an effective forum for investigation of discrimination against women could be established, serious problems of enforcement would remain. The means of enforcement in the international legal system are quite limited, and it is difficult to imagine that two of the available means, military force or economic reprisals, will ever be used in support of equality for women. The effectiveness of the remaining means of enforcement, publicity of violations, and the force of world opinion, is highly questionable.

In view of the serious problems of implementation and enforcement of women's rights at the international level, consideration must be given to alternate approaches to the promotion of equality for women which may have greater efficacy. While support for the ratification of the various international agreements on human rights and for their application and enforcement on behalf of women should not be abandoned, a more immediate and effective approach may be to devise a model program for the advancement and protection of human rights for women which could be coordinated at the regional level but implemented within each country by its own citizens and residents.

Such a hybrid approach, not truly international and not wholly domestic, would have several advantages. By coordinating at the regional level the organizers of the domestic programs could learn from each other's experience and avoid repeating each other's mistakes. In addition, if the work at the domestic level is coordinated through a well-known and respected international or regional organization, it may be easier to obtain funding to implement the domestic programs. Finally, devising the model program with input from local individuals and organizations and implementing the program through them in their own country should help reduce any objections of intervention in domestic affairs which may be raised by the coordination and funding through a regional organization.