

**RESOLUTIONS OF THE INTERNATIONAL TRIBUNAL ON WOMEN`S RIGHTS  
VIENNA +20, BASQUE COUNTRY, 2013**

The Jury for the International Tribunal on Women's Rights (Vienna +20 - Basque Country, 2013) was convened in the city of Bilbao (Biscay, Basque Country) on June 7<sup>th</sup> 2013. It was comprised of Juana Balmaseda Ripero, Line Bareiro Bobadilla, Mari Luz Esteban Galarza, Juan Hernandez Zubizarreta, Meana Teresa Suarez, Luz Mendez and Cecilia Gutierrez Olea Mauleon; in the presence of witnesses, experts, prosecutors, international observers, guests of honor and convening organizations. The tribunal was held on the occasion of the 20th anniversary of the International Conference on Human Rights held in Vienna in 1993, within the framework of national and international regulations.

Evidence from the plaintiffs in regards to eight cases was heard in open court, as well as testimony from the feminist organizations representing and accompanying them, in addition to expert and prosecutor's reports. Allegations, evidence and demands were considered.

**CONSIDERING**

That this Tribunal, led by Mugarik Gabe and Basque feminist organizations, is another step in line with an established series of Tribunals in defense of the rights of women and girls, which began in Vienna in 1993. That these Tribunals have promoted participatory research processes, public condemnation, recommendations and proposals.

That each of the eight cases represent an embodiment of a capitalist, militarist and patriarchal system which can be understood in its economic, political, colonial, social, ideological, cultural and environmental aspects. That this is a system that maintains and reproduces violence against women in a specific and structural way, so that gender itself comes to signify violence.

That it is a system whose main objective is to maximize profit and economic growth, without considering that the ultimate goal of social and economic practices should be the sustainability of life which requires both material resources and relationships of solidarity, reciprocity and care in a socially and ecologically sustainable context.

That this international context is lends itself to the violation of human rights as well as

systematic impunity which affects, in a specific and structural way, women who are in many cases criminalized for their struggle in defense of these rights.

That this Tribunal has found violations regarding sexual, reproductive, civil, economic, social, labor, and cultural rights and, ultimately, the right to live in freedom and without violence.

That modernity has established a hegemonic model of femininity based on motherhood as a the only legitimate destiny for women. This is associated with the denial of women's desires and sexual pleasure following a strict heterosexual model. This model is instrumental for the maintenance of a series of dichotomies on which our society rests including production and reproduction, public and private space, work and care, reason and emotion.

### **ACKNOWLEDGING**

The bravery and courage of the eight plaintiff:

- Maria Garcia Perez (Navarre, Basque Country)
- Maria Teresa Rivera (San Salvador, El Salvador),
- Ines Arana (Donostia, Gipuzkoa, Basque Country)
- Mary (Medellín, Antioquia, Colombia)
- Oihana (Bilbao, Bizkaia, Basque Country)
- Look Atxa (Gipuzkoa, Basque Country)
- Claret Hermelinda Simon (Barillas, Huehuetenango, Guatemala)
- Alejandra Castillo (Barcelona, Catalunya)

And demonstrating solidarity with their demands for truth, justice and reparation, which may be understood as being symbolic of reparation for all women who have suffered similar injustices.

And considering indispensable the participation, resistance, organization and mobilization of women and the feminist movement against a system which expropriates their bodies and territories and directly undermines their rights.

### **DENOUNCES AND CONDEMNS**

Before public opinion and the international community: denounces and condemns the

non-fulfillment of International Law and internal laws regarding human rights; the persistence of barriers to access to justice; the political, economic, productive, financial, judicial, social and public health policies and practices promoted and developed by States and multilateral institutions which are contrary to justice.

Condemns the complicity between political and judicial power and the Catholic Church's hierarchy that prevents the proclamation and implementation of women's rights, especially in the case of the **Spanish and Salvadoran Governments**.

Condemns the **Colombian Government** for failing to defend women's rights to live free of violence and the rights of survivors of sexual violence to truth, justice and reparation. For failing to comply with its obligations to take effective measures - beyond political and policy rhetoric, in order to prevent sexual violence against women in the context of armed conflict. For not providing services to survivors, and not properly investigating crimes, as well as encouraging wide margins of impunity. And, for promoting and tolerating the existence of paramilitary groups that control and exercise specific violence against women.

Condemns the **Spanish Government** for failing to provide education that promotes women's right to make their own decisions about their own bodies, including the promotion of plural sexualities that are neither heterosexist nor determined by genitalia, but safe and pleasurable. For making abortion a crime instead of a standard procedure covered by the public health service.

For failing to comply with its obligation to guarantee the right of the victims of sexual and sexist violence to the truth - the recognition of abuse - as a necessary step towards obtaining justice and reparation. For breaching its duty to eliminate all obstacles for obtaining justice, continuing to subject women who report abuses to additional violence for reporting abuse, and for handing down criminal sentences to women who have defended themselves from attacks.

For neglecting its obligation to prevent, investigate and punish any form of torture or police abuse and, in particular, to implement the 2008 recommendation of the UN Rapporteur on the specific treatment of torture (physical, psychological and sexual) including sexual and sexist abuse, perpetrated by government officials.

For noncompliance with the recommendations of international and European organizations regarding torture prevention and for maintaining "opaque" spaces and periods of detention. These have included incommunicado detention and the absence

of a full guarantee of basic safeguards to prevent torture - which should include information about detentions being passed on to family and friends, examination by a doctor chosen by the prisoner and video recording of all interrogation sessions.

For regulating women domestic workers in an improper, biased and discriminatory manner; for failure to allocate sufficient public resources for the care of dependents; for not taking into legal consideration the right live with dignity though a reconciliation of working, private and family obligations; for not considering care and reproductive work as such, with the social rights that this would entail; for implementing migrant legislation which categorizes immigrant women as inferior, placing them in the weakest position in the transnational care chain; for allowing corporations and employers, through legal regulation and legal and administrative structures, to ignore the value and necessity of of women's work and to put profit making before women`s rights

For supporting politically, economically and diplomatically the Ecoener Hidralia Santacruz-Hydro company which violates human rights in the municipality of Barillas, Huehuetenango, Guatemala.

Condemns **the employer and his family** of the domestic worker whose testimony has been heard by this jury; for illegal hiring; for breaching minimum conditions for domestic labour; for blackmailing and pressuring the worker to carry out her work without her entitled breaks (daily, weekly and annual); for the psychological and emotional pressure which has led her to illness excluding her from the workplace; and for contributing to the multiple discriminations experienced by immigrant women.

Condemns **Uvescaya Pty Ltd**, in the business sector, for the use and abuse of work hours which make it impossible to enjoy recreation outside of work; for the non-compliance with laws related to the reconciliation of family life and work life.

Condemns the **Guatemalan Government** for consenting to and facilitating the establishment of the Ecoener Hidralia Santacruz-Hydro company in the municipality of Barillas, Huehuetenango, disrupting this community`s right to community integrity, including their traditional lifestyle and individual and community access to natural resources, especially water and land. For not respecting the community`s declaration against the exploitation of natural resources in their territory, in a context where this exploitation would undermine their right to live with dignity, in violation of the International Labour Organization's (ILO) Convention 169.

Because it fails to protect women's quality of life against the aggressions of the company, which include forced displacement dispossession of land; for collaborating with the company military, judicially and with police force, to carry out acts which have included attacks and threats against women; for consenting to and facilitating the criminalization of women who have organized and fought in defense of their territory by unjustified prosecutions of female community leaders; for collaborating in the destruction of decent living conditions for women, within their culture, including the right to their own language; for failing to have a legal system that protects the rights of indigenous women, and imposing instead one which criminalises them; for absolute disregard of women leaders' political participation in public and common affairs, and for punishing their "audacity" with repression.

Condemns the **Ecoener Hidralia Santacruz - Hydro company**, financed by Spanish capital, for the occupation of the territory of Barillas (Huehuetenango, Guatemala), for despoiling key natural resources which supply the necessities of the community such as water and land; for harassing, persecuting and victimizing women in the area; for altering living conditions, exacerbating health problems; for forcing people who live there to sell their land, leading them to forced displacement and for using multiple and various attacks and threats to achieve these ends.

Condemns the **Salvadoran Government** for banning and criminalizing abortion in all cases, contrary to the recommendations and observations of United Nations agencies and the Inter-American Human Rights framework; for endangering the lives and health of women; for not having a public system which ensures sexual and reproductive health; and for exercising state violence against women by criminalizing abortion and carrying out trials without constitutional guarantees, violating the right to presumption of innocence.

### **URGES NATIONAL GOVERNMENTS AND INTERNATIONAL INSTITUTIONS**

To guarantee the human rights of women - understood as universal, indivisible and interdependent - and to insist on prompt compliance with and enforcement of all relevant regulations. This means going beyond declarations of intent through policy and adequately financed practical measures. These measures must include the active participation of women and ongoing evaluation by women's organisations and affected women themselves.

To strengthen the international and regional systems for the protection of human rights and to guarantee due process. To prioritise respect and recognition of human rights in

the face of trade and investment regulation.

To pass regulations that oblige transnational corporations to respect human rights at all sites of operation which will include binding codes of practice and the creation of an international tribunal to judge and sentence the illegal practices of these corporations.

To update relevant regulatory frameworks and public policies in light of the observations and recommendations of the committees that oversee binding international treaties.

To implement the necessary mechanisms to ensure women's rights are respected, guaranteeing education and medical attention relevant to sexual and reproductive health and free access to contraceptives. To guarantee to women who desire it, access to safe and free interruption of pregnancy, considering this as simply one more service within the public healthcare system. To decriminalise all types of voluntary interruptions of pregnancy. To review the cases of women and health care workers who have been sentenced under abortion legislation, and annul their convictions.

To specifically sanction all types of sexist violence against women in all its forms and manifestations, committed by private individuals or representatives of the state. This includes the grave violation of human rights through commonplace, yet hidden, incidents of sexual torture. The state must assume responsibility for these abuses and put into practice mechanisms necessary for the prevention, investigation and punishment of this violence, and for the compensation of its victims and survivors.

#### **URGES THE COLOMBIAN GOVERNMENT**

To formulate and execute a public policy that will guarantee women who have been victims of persecution and sexual violence access to justice, with sufficient resources being made available, mechanisms for monitoring, and effective follow up. This policy should contain measures oriented towards prevention, and similar steps should be taken to remove barriers impeding the judicial system. The aim should be to guarantee the rights of women and the general population against the crimes carried out by United Self-Defence Groups of Colombia and other armed groups.

## **URGES THE SPANISH GOVERNMENT**

Faced with the proposed reform of abortion legislation announced by the party in government, to respect international conventions, treaties, pacts and conferences with respect to sexual and reproductive rights, and, consequently, with reference to human rights.

To include domestic workers in the General Social Security Regime, with the same rights including the right to unemployment benefits. To ratify the 189 Agreement of the ILO (International Labour Organisation) and to apply the recommendations developed with this organisation's support. Concretely, to eliminate informal dismissal by withdrawal of hours; to formalise work agreements by written contract from the beginning, in which all conditions are spelt out; to demand official inspections of labour conditions for women workers, and to regulate hiring through public employment offices.

To consider care work and reproductive labour, as well as paid women's work, legally and economically as work, with the related social protection that this entails. To reformulate and reinforce means for reconciling work, personal and family life, which will guarantee - in practice - living conditions and prioritise basic needs and the sustainability of life. That public administrators assume responsibility that public services will guarantee attention to responsibilities of care for dependants; that the determination of free time based on business hours is abolished, and that it be stipulated that work rosters be controlled in accordance with personal and family necessities rather than the promotion of consumerism. To repeal the reform of the labour market related to collective bargaining and the flexibilisation of contracts.

## **URGES THE GUATEMALAN GOVERNMENT**

To continue with the investigation of the aggression and persecution suffered by the women of Barillas, as a consequence of the establishment of the Econer Hidralia-Hidro Santa Cruz company, including the activities of civil and military personnel, to finalise the subsequent trial with guarantees to convict the guilty and recompence the suffering inflicted.

To respect integrally and absolutely the rights of the Qanjobal people, contained in the 169 Agreement and the Declaration of the Rights of of Indigenous People, concretely, the right to their natural resources and not the concession of these resources to any private entity; in particular, the cancellation of the concession awarded to the Ecoener Hidralia-Hidro Santa Cruz company, with the demand for payment for the economic damage caused to the community.

### **URGES THE SALVADORIAN GOVERNMENT**

To modify the penal code in accordance with regional international regulations, agreements, pacts and conferences, decriminalising abortion. It further urges the government to promote informed and scientific debate on this topic.

### **ACCORDINGLY, THIS JURY DEMANDS**

That María García Pérez (Navarre, Basque Country), be morally and economically compensated for not being allowed to terminate her pregnancy in a public health centre in the Autonomous Community of Navarre.

That the case of Maria Teresa Rivera (San Salvador, El Salvador), sentenced to 40 years in prison and initially accused of abortion and subsequently of infanticide, be reviewed.

That Inés Arana (San Sebastian, Gipuzkoa, Basque Country), is absolved of having committed any crime of violence for defending herself from her aggressor; and that she be morally and economically compensated

That a full and effective reparation be made to María (Medellin, Antioquia, Colombia), as a victim of persecution, sexual violence and forced displacement, and that those responsible be brought to justice.

That the investigation in the criminal case initiated by the accusation of police torture lodged by Oihana (Bilbao, Biscay, Basque Country) be reopened and that the facts be thoroughly investigated and that all proceedings carried out under suspicion of torture be set aside.

That the reduction in working hours requested by Miren Atxa (Gipuzkoa, Basque Country), a worker in the business sector, be accepted.

That a comprehensive and effective reparation be made to Hermelinda Claret Simon (Barillas, Huehuetenango, Guatemala); and that decisions made by the community are respected and that the area be demilitarised. This Jury also demands punishment for the crimes committed, and the withdrawal of the Ecoener Hidralia-Hydro-Santa Cruz company from Guatemala.

That the legal status of Alejandra Castillo (Barcelona, Catalonia), be regularized permitting access to all type of employment, and that her work experience be recognised.

In Bilbao, June 8, 2013