

Approaching rights at the intersection of gender, ethnicity and class

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Questions addressed

1. The potential of the rights-based approach in social sciences and social work that aims at understanding social inequalities as manifestation of injustices and at assuring the respect, protection and fulfillment of human rights
2. The production of social inequalities at the intersection of different power regimes (gender, ethnicity and class) – example: socio-spatial marginalization
3. The limited access to reproductive rights of marginalized Romani women (case study addressed by the documentary film *Red Poppies*, 2006)

**Rights-based approach
in social sciences and social work**

1. *framework that integrates the norms, principles, standards and goals of human rights into knowledge production practiced as action research, into social work and development*
2. provides social workers with a moral basis for their practice (social worker as human rights profession: the social worker might practice his/her activities in a way that realizes and safeguards human rights)
3. rights-based development means the elaboration and implementation of social and economic development plans and underlying public policies that respect, protect and fulfill human rights

4. analyzes and treats different types of inequalities as manifestations of unjust power regimes (it interprets inequalities as outcomes of structural marginalization, discrimination, and exploitation)

5. standpoint that analyzes and treats power relations producing inequalities from the point of view of the oppressed (social categories interested in changing these relations and the status quo)

6. *Embodies a social approach towards the integrated system of rights, including civic-political, socio-economic and cultural rights (it is not a legalistic approach to individual rights)*
7. *Combines theory with practice, or knowledge production with action for social change aiming at:*
- empowering the rights holders to claim their rights*
 - enabling duty bearers to meet their obligations*

RBA towards marginalization is a move away from giving charity based upon peoples' needs, and from a needs approach that treats individuals as objects of development interventions and focuses only on the immediate causes of marginalization

Rights-based approach is a framework that integrates the norms, principles, standards and goals of human rights into knowledge production (and social work, or into development)

Problems with RBA

Universalism or Western imperialism?, but:

- “human rights system” represent a **modern social practice** that embodies explicit intercultural and international recognitions of crucial conditions of personal and communal dignity and development, and imposes them as legal and moral norms
- the universalism of human rights is based on the ideas of a **shared humanity** and global citizenship
- the moral content of human rights can be affirmed by **diverse cultural moral traditions and sociopolitical systems**

Are there tensions between?:

- rights discourse as normative discourse and moral content:
“each person as human being is entitled having the right to...”
- scientific discourse as descriptive discourse

Feminist RBA

Aware of the situatedness of both rights-based discourse and knowledge production:

- rights systems are products of social actors and regimes, and they embody particular cultural concepts and material/political interests, however, they also suppose people's shared humanity
- knowledge production is not a neutral cognitive process but a social act informed, among others, by the knower's values and normative conceptions about the object of knowledge

Recognizing its own standpoint, a feminist RBA:

- makes explicit its norms and values when it addresses social relations as power relations from the point of view of the oppressed
- it compares the outcomes of power regimes to a frame of human rights
- on the base of this comparison it concludes that these outcomes are manifestations of injustices that violate human rights
- argues for the need of assuring both legally and socially, on the one hand the universal (individual) human rights, and on the other hand the particular rights of disadvantaged groups by the means of which they are empowered to access universal human rights

The rights-based approach embodies a social approach towards the integrated system of rights, including all the generations of human rights (it is not a legalistic approach to individual rights)

Three generations of human rights:

- civic-political (physical and civil security and civil-political liberties of the individual): protect the individuals against the state
- socio-economic (provision of goods meeting social needs, like nutrition, shelter, health care, education, and provision of goods meeting economic needs, like work and fair wages, adequate living standard, a social security net): puts duties upon the government to respect and fulfill these rights
- collective-developmental rights (self-determination of peoples, such as the right to the political status and the economic, social, and cultural development of groups; special rights of ethnic and religious minorities; rights of disadvantaged groups, women's, children's, refugees rights, Roma rights, rights of people with disabilities = claims of disadvantaged to get access to universal rights

Access to rights = effective opportunity to live in socio-economic conditions that enable the individuals, including those belonging to marginalized groups to make use of their legally recognized rights

These rights are embodied in different international conventions and treaties, which are supposed to be universal legal guarantees of protecting individuals and groups against actions and omissions that affect their life conditions, freedom and dignity

But different state actors (even if states ratify them) are not respecting these conventions and under different socio-economic regimes at the most they refer to the existence of formal legal system, to equality in front of law and the (in)ability of individuals to practice their rights and fulfill their obligations as citizens

Ex. European Convention on Human Rights, 1950; European Charter of Human Rights, 2000; European Social Charter, 1961/1996; Framework Convention for the Protection of National Minorities, 1999; European Racial Equality Directive, 2000; European Convention on the Exercise of Children's Rights, 2000; Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011;

The International Bill of Rights (Declaration of Human Rights; the International Covenant on Civil and Political Rights, 1966; the International Covenant on Economic, Social and Cultural Rights, 1966)

United Nations Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW", 1979); United Nations Convention on the Rights of the Child (1989); United Nations Convention on the Rights of Persons with Disabilities (2006)

The rights-based approach empowers the rights holders to claim their rights, and enables the duty bearers to meet their obligations.

- increasing people's ability of making appeal to legally assured rights
- raising knowledge about the causes of living conditions under which people cannot practice their legally assured rights
- awareness about people's entitlement to living conditions that enable them to make use of these rights
- creating conditions under which people are able to make use of their legally assured rights
- making appeal to the accountability of public authorities and of the state as legal and social provider of human rights and as developer (the legitimacy of the state is based on its respect, protection and fulfillment of the rights of its citizens)
- creating laws that guarantee human rights for all
- implementing public policies that re-balance the inequalities produced by structural forces

**Intersectionality of gender, ethnicity and class.
The case of socio-spatial marginalization**

Intersectionality

Integrated approach that analyzes:

- multiple identities, and multiple forms of inequalities and discrimination
- interaction of two or more forms of discrimination and inequality
- factors and actions (including policies, and non-action) that overlap and produce inequalities
- ways in which people experience multiple forms of discrimination and inequalities

Feminist theories of intersectionality

- gender, ethnicity and class:
 - sets of socially and culturally produced differences
 - systems of classification
 - social relations
 - power regimes
- patriarchy/sexism, racism and classism:
 - ideologies claiming that inborn or culturally fixed differences justify gender, ethnic/racial and class inequalities
 - gender disempowerment, ethnic stigmatization and economic dispossession are interacting and are (re)producing multiple privileges of some on the detriment of marginalization others

Interacting forms of inequalities and discrimination:

- gendered aspects of racial and class inequalities and discrimination
- racialized aspects of gender and class inequalities and discrimination
- class aspects of gender and racial inequalities and discrimination

Ex. Roma women living in poverty

- experience differently racial discrimination and inequalities than Roma men (differences between Roma women and men, due to how they are gendered within Roma communities)
- experience differently gender discrimination and inequalities than women belonging to majority population (differences between women due to how they are ethnicized/racialized)
- experience differently class inequalities and discrimination than women or men belonging to privileged social categories (due to the way in which they are subjected as poor)

The case of socio-spatial marginalization

Formation of poor urban neighborhoods on the geographic peripheries of localities where the majority of inhabitants are impoverished ethnic Roma

In many cases these neighborhoods are informal settlements and are situated nearby polluted environments

These neighborhoods are not only isolated, but also lacking access to public transport

The formation and maintenance of such disadvantaged housing areas violates several universal and special human rights (right to education, decent work, housing, and health care services; right to life; children's rights; women's rights; rights of persons with disabilities; Roma rights as human rights; right to non-discrimination; right to equal opportunities)

Example of "Roma communities" living nearby the Cluj landfill, or Pata Rat area

1. Structural factors that lead to socio-spatial marginalization

Economic transformations after 1990

- Privatization (but some people lack private property, or property rights over the land or dwelling where they live)
- Disappearance of manufacturer or industrial work, or of work altogether
- Precarious/unsecure, low paid jobs, informal economy
- Impoverishment of large part of population
- In-work poverty (lack of decent jobs)
- Polarization (huge disparities in incomes and social status)

Transformations of state

- State as guarantee of privatization and supporter of private companies
- Supporter of the marketization of all domains of societal life
- Withdrawal from the role of social service provider and developer
- Ideology of minimal (non-social, non-welfare) state
- Supporter of the privatization of housing stock and withdrawal from its role of social housing provider

Capital accumulation in the hands of real estate companies and banks

- Privatization of public space
- Real estate transactions and political clientelism
- Bank credit system
- Increase of prices of lands and dwelling

Economic and political interests of local authorities

- Neglecting the phenomenon of social exclusion
- Lack of economic and social development programs
- Neglecting poor housing areas
- Investing in some poor housing areas while neglecting the others according to electoral interests

Ideological reconfigurations – ideologies justifying inequalities

- Meritocracy
- Competition
- Explaining poverty by the inabilities of individual poor to live differently than in poverty or by a supposed culture of poverty
- Distinction between deserving and undeserving citizens
- Stigmatization of poor
- Infusion of racism into everyday and political discourses and practices:
 - Stigmatization of poor overlaps with the stigmatization of Roma (Gypsies associated with poverty, “Gypsies do not want to work”, “Gypsies are lazy”)
 - Poor and dangerous vicinities are associated with Roma neighborhoods (“Țigănia”), even if they are ethnically mixed
 - Roma deserve to live in polluted neighborhoods, “that is their natural environment”
 - Roma do not deserve to live in neighborhoods that are symbolically and economically important in the urban landscape
 - Racism is used to justify social inequalities, material deprivations and cultural stigma of Roma (it is in their blood, this is their culture)
 - Racism as self-defensive strategy even among poor (“we are poor, but we are deserving social protection, because we are not Gypsies”, “we are civilized/morally superior”)
 - Racism as scape-goating (Roma are considered being the foreign and polluted element of “Our” national body and soul that endangers “Our” social order and proper national recognition)

2. Manifestation of socio-spatial marginalization

Different and intersecting forms of segregation/
separated and unequal spaces

- Residential
- School
- Occupational
- Spaces for shopping, entertainment, recreation

3. How socio-spatial marginalization affects Roma women

- material deprivations (poor housing conditions, overcrowdedness of homes and lack of spaces of intimacy, difficult access to utilities including water and electricity) are putting a heavier burden on women as housekeepers = precarious housework (that in some cases are added to the precarious jobs they accept for a living/low paid, unsecure work, lack of any protection)
- ethnic/racial stereotypes are experienced by Roma women as caretakers (their role of taking children to school, physicians, or other public spaces, and facing forms of humiliation and discrimination due to their poverty and ethnic belonging)

- cultural conceptions about the role of Roma women:
 - biological reproduction
 - extension of male honor
 - cultural reproduction (“mother tongue”, guardians of community’s morality)
 - women’s duty to serve their men
 - double standards applied to women and men are “natural” outcomes of biological differences

Sexualization of Roma women: different forms of sexual violence affecting women due to the fact that they are women and Roma

- violation of their reproductive rights (sterilization, or on the contrary lack of access to birth control)
- forced prostitution (source of income, sexual exploitation)
- rape (lack of legal protection, moral support, stigmatization)