

Gender equality and non-discrimination

GARCÍA-VALDIVIESO, Celia*†

The Human Rights State Commission of San Luis Potosi, Mexico

Received July 15, 2015; Accepted October 29, 2015

Abstract

First I would like to refer to the National Development Plan 2013-2018, which states that one of the national goals is an inclusive Mexico, to ensure the effective exercise of social rights of all Mexicans that goes beyond welfarism, decrease inequality gaps and to promote wider social participation in public policies as a factor of civic cohesion

Gender, Equality, non-discrimination.

Citation: GARCÍA-VALDIVIESO, Celia. Gender equality and non-discrimination. ECORFAN Journal-Republic of El Salvador 2015, 1-1: 21-25

* Correspondence to Author (email: shelin70@hotmail.com)

† Researcher contributing first author.

This is closely related to what is laid down in Article First Constitutional 5th paragraph. Notes:

Any discrimination on grounds of ethnic or national origin, gender, age, disability, social status, health conditions, religion, sexual orientation, marital status or any other discrimination that violates human dignity is prohibited and has the effect of nullifying or impairing the rights and freedoms of individuals.

Then our Constitution, maximum legal system in Mexico in accordance with the theory and national and international human rights instruments prohibit:

- Discriminate against external and internal migrants, remember at this time to agricultural laborers working in conditions of disadvantage in the deregulation of this form of employment in the Federal Labor Law, also remember to Central American migrants who are passing by Mexico and are abused in their fundamental rights to work, to migrate, access to justice, peace and so on.
- Age discrimination is prohibited by the Constitution and know the situation of many young people who are denied the right to work for an alleged inexperience, described from adult centrism, are public knowledge the difficulties transiting life of older people and job insecurity and indifference that exists in institutions serving the extreme violence against children as in the case of people with disabilities sometimes are completely invisible in the formulation of public policy, when I read the prohibited grounds of discrimination.

- Also remember that the Constitution prohibits discrimination based on gender and think violence against women, specifically refer to the situation that makes visible the Special Report on Femicide recently presented the Ombudsman of San Luis Potosi, which states that in San Luis Potosi in 2010 killings of 35 women, 50 in 2011, 56 in 2012 and 34 in 2013 appeared to be the case that 41.2% of the cases occurred in the homes of the victims.
- Also the default camera potosina Local deputies who refused to legislate with respect to marriage of same sex, and so could account for the continued violations to the Constitution of this country that violate the right to non-discrimination .

Therefore, I want to pause here a question: What are discrimination and other human rights as a breach?

Following Jesus Rodriguez Zepeda, in his text "The other inequality, discrimination in Mexico" refers to discrimination as a culturally based and socially widespread conduct of contempt against a person or group of people based on prejudice and stigma associated a disadvantage undeserved, and that has the effect of nullifying or impairing both their rights and fundamental freedoms as their access to socially relevant opportunities for their social context. "

Discrimination has to do with the collective imagination and worldview of a group and that results in inequality of opportunity, essentially violates the right to equality and limits access to other fundamental rights.

Therefore we can conclude that discrimination is embodied in the actions of civil servants and public officials, academic and academic and civil society in general, as in this act tangible and conscious actions are not only present, they are also values, assessments, prejudices and stereotypes that we all have about the society in which we live and these also act to interact with and the other / as.

Discrimination has tangible effects but its roots are in the realm of ideas, culture - hence the issue of education is fundamental, striking and could serve as an example one of the findings of the National Survey on Discrimination in Mexico 2010 which shows that the higher education less discriminatory ideas, for example the survey says "Of all the people who refuse to live with a gay or lesbian only 8.7% are college level, while 39% are those with only primary education or less. "

Discrimination is always a predominant collective assessment on how to act, what is perceived as good, beautiful and true and mostly involves exclusivity, consequently resulting in the exclusion of those who are not within the parameters and criteria more powerful. (Simone de Beauvoir)

Discrimination is thus a relationship of domination between groups:

- Straight vs homosexuals.
- Employers vs employees.
- Men vs women.
- Citizens vs migrants.
- Adults vs children.

Zepeda Rodriguez mentioned:

It is an asymmetrical, mismatched interaction to function, takes shape and momentum in collective patterns of behavior fueled by values, attitudes, criteria, guidelines, preferences, opinions. This gives a structural dimension discrimination.

To permeate discrimination institutions becomes continuous and structural violation of fundamental rights that denies the dignity of each and everyone who participated is therefore important that those who are defenders of human rights, who are in the civil service, in academia, civil society, recognize and have elements that allow us to detect discrimination that sometimes appears veiled, subtle and blurred because it is diluted in institutional practices, outdated legislation, the customs, everyday jokes, etc.

Discrimination creates a systematic unfair distribution of rights, opportunities, resources, so we must fight and it is imperative to understand that the fight is not individual acts, not cyclical, but structural so the creation of inter holistic consistent strategies is essential the right to equality.

To date I think has not been fully understood by those who make public policy at all three levels of government and laws, discrimination and poor structural and structuring remains actions to combat discrimination against short-range involving individual efforts or as institutional but leave aside the mainstreaming of anti-discriminatory public policies or positive direction the mainstreaming of human rights in structuring the policies, as is the case of laws and regulations that appear as disjointed actions poor lack the ability to materialize, that is born as initiatives in agony or dead because although containing acceptable requirements of respect for dignity are ineffective for the culture that underlies the institutions.

At this point it should be recalled Zepeda concept of "Non-discrimination uplifting" who notes that are the strategies that have a defect does not consider that the fight against discrimination is a structural task and reduces the anti-discrimination agenda a discretionary action private or voluntary under the model of charity, charity or philanthropy.

But why talk of Discrimination based on gender and how gender discrimination attacks the right to equality under the Constitution and the protective legislation and international human rights?

It is pertinent at this point to distinguish the word sex and the word gender, in the first notion we refer to biological elements that have to do essentially with the reproductive systems of women and men and that there are only a biologist conception of the person, dialing from that logic differences that justify the way facing life events men and women, not the concept of gender is the cultural notion of the feminine and masculine in one place and a certain time and that belong to realm of ideas, customs, habits, beliefs can be changed continuously, and constitutes a fundamental part of the social structure as it gives way and ensures its eventual permanence, although there is always the possibility of change from the social mandates each gender, with categories that are so perennial belonging to the world of ideas that come just pointing the issue of discrimination.

To illustrate Simone de Beauvoir said "not born a woman: one becomes one" in his book *The Second Sex*.

The female has a meaning that goes beyond the biological fact as it also refers to a cultural and historical social condition that has served to justify inequality, injustice, oppression, exclusion and violence that has violated women for centuries and what we now call just so patriarchal culture that must be understood not as isolated or circumstantial but as an entire structure that determines causes and allows the systematic violation of human rights of women.

The patriarchal culture naturalizes discrimination against women and becomes invisible, the feminine and women association and its activities lack prestige of power and rights. The consequences it has brought discrimination among others are: that women have been and are the poorest of the poor, who bear the consequences of illiteracy and truncated education, and collective social violence suffer because they are women, violence sex, trafficking, beatings, humiliation and death for reasons of hatred.

Women live mostly like the other groups discriminated against three types of poverty that does not allow them to access their human rights: poverty of resources, opportunities and voice in its first article CEDAW defines discrimination against women distinction, exclusion or restriction based on sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of human rights in the political, economic, social, cultural, civil or restriction of women.

To remove the patriarchal system of which we speak is needed through education strongly question our practices in public and private spaces, but not only that but be prepared to lose privileges that historically have given men giving spaces of power and accepting new forms of solidarity, fair and collaborative relationships.

As explained above, not enough to amend or enact laws and treaties, the work is more profound cultural changes that recognize that human rights only become powers for women when we all appropriated and build required the desire to live them demand them and enjoy them. Will only be a reality when they live as powers and not new burdens and obligations, not only laws are required, it will be required to deconstruct the system that oppresses us, to recognize that women are entitled to all the rights, to direct our own lives, to live a life free of violence, work and wages in fair condition, migration, education, decide on our bodies but especially the right to live on equal terms with our partners.

In conclusion I can mention the following:

- a) Equality is an axiological disorder in the field of collective imagination and the resignation of objectives privileges.
- b) The practice of discrimination is connected with persistence ignorance and prejudice no more structuring process which constitutes a factor of change that the educational process.
- c) Discrimination is the denial of the human right to equality but in practice constitutes denial of many other human rights.
- d) Reducing poverty is an indispensable voice for poverty reduction and resource opportunities element.

References

Gammage, S. (2015). 12. Labour market institutions and gender equality. *Labour Markets, Institutions and Inequality: Building Just Societies in the 21st Century*, 315.

Greer, M. A. (2015). A study of: human rights as sustainable development as it relates to women's rights and gender equality (with a focus on Trinidad and Tobago).

Hearn, J., Lämsä, A. M., Biese, I., Heikkinen, S., Louvrier, J., Niemistö, C., ... & Hirvonen, P. (2015). Opening Up New Opportunities In Gender Equality Work.

Cornwall, A., & Rivas, A. M. (2015). From 'gender equality and 'women's empowerment' to global justice: reclaiming a transformative agenda for gender and development. *Third World Quarterly*, 36(2), 396-415.

Sandfort, T., Bos, H., Knox, J., & Reddy, V. (2015). Gender Nonconformity, Discrimination, and Mental Health Among Black South African Men Who Have Sex with Men: A Further Exploration of Unexpected Findings. *Archives of sexual behavior*, 1-10.

Svensson, E. M., & Edström, M. (2015). Freedom of expression vs. gender equality. *Tidsskrift for Rettsvitenskap*, (05), 479-511.

Koch, C., & Barzegarkouchaksaraei, S. (2015). Movement of Female's Rights in the World. *International Journal of Multicultural and Multireligious Understanding*, 2(6), 26-32.

Burman, M., & Johnstone, J. (2015). High hopes? The gender equality duty and its impact on responses to gender-based violence. *Policy & Politics*, 43(1), 45-60.