

FROM RECOGNITION TO REALITY

Women's Participation, Human Rights and the Rule of Law A Civil Society Perspective

Carolina Lizama Rojas

President & Founder, Fundación Mujer, Derechos y Cuidados (MUDECU) — Chile

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Opening

Good morning.

I would like to begin with a simple reflection: the existence of a right does not necessarily mean that people are able to exercise it.

Recognizing rights in our laws is essential. But the real challenge begins when those rights have to move from paper into people's everyday lives.

From civil society, we often see that gap. Rights may be formally recognized, yet people still face procedures that are difficult to understand, lack of information, delayed responses, barriers to access, or protection mechanisms that do not always work when they are truly needed.

That is why, when we speak about the rule of law, we should not ask only which rights legislation recognizes. We should also ask: Can people exercise those rights on equal terms? Can they access justice when their rights are violated? Can they trust institutions to respond?

Experience also produces knowledge

This reflection, for me, is not merely theoretical.

I am the President and Founder of Fundación Mujer, Derechos y Cuidados — MUDECU — a civil society organization in Chile. Through our work, we have participated in legislative and public-policy discussions, particularly those related to the rights of caregivers.

And we have learned something fundamental: formally opening a space for participation does not necessarily mean that every voice entering that space is recognized on equal terms.

During our participation in a legislative discussion on care, we experienced a situation in which what we, as women from civil society, could possibly know about the issue under discussion was questioned.

That experience left me with a question that reaches far beyond our organization: What forms of knowledge do we consider legitimate when we build laws and public policies?

Technical knowledge is necessary. Legal knowledge is necessary. But there is also the knowledge of those who live every day with the consequences of what we are trying to regulate.

Experience also produces knowledge.

Recognizing this does not mean replacing specialists or the responsibility of institutions. It means understanding that a public policy may be technically sound and still encounter barriers that become visible only when we listen to the people who will actually have to exercise those rights.

Participation does not end when a law is passed

Our experience has also taught us that passing a law, although a fundamental step forward, is not the end of the road.

Implementation comes next. Regulations, protocols, procedures and administrative decisions follow, and these will ultimately determine how a right reaches people in practice.

From civil society, therefore, we believe that processes for implementing and regulating laws that directly affect the exercise of rights should include effective mechanisms for the participation of organized civil society and a gender perspective.

People who live a particular reality every day can identify barriers that are not always visible from within institutions.

And I would like to leave one very simple idea: Participation should not end when a law is passed. It should continue when that law becomes reality.

Participation also means being able to disagree

But there is another dimension we need to examine.

It is not enough to ask who is invited to participate. We must also ask under what conditions they are able to do so.

This is especially important when we speak about women's participation. And I am not referring only to women who hold political office. I am also speaking about women who exercise leadership in civil society organizations, human rights organizations, communities and local territories.

To participate meaningfully means being able to speak. It means being able to take a different position. It means being able to question a decision, represent the demands of others, and also say: "I disagree."

If a woman is formally present in a decision-making space, but when she questions, proposes or disagrees she faces intimidation, harassment, discrediting or attempts to silence her, then we must ask whether we are truly dealing with participation on equal terms.

A gender perspective should also help us examine these situations. This does not mean assuming that every conflict involving a woman constitutes gender-based violence. It means asking whether stereotypes, threats, harassment, unequal treatment or other barriers are affecting her ability to exercise her rights on equal terms.

From recognition to effective exercise

And here we return to the rule of law.

Participation, due process, access to justice and the protection of human rights are not separate issues.

A system of rights must also protect people when they exercise those rights, particularly when they express different opinions, participate in public affairs, represent others or question decisions.

From civil society, I would add another dimension: we should try to prevent people from having to reach the very last protection mechanism before their rights are heard.

We need institutions capable of listening earlier, incorporating effective participation, recognizing different forms of knowledge, and responding in a timely way when barriers emerge.

A gender perspective in implementation

A gender perspective is particularly important in this process.

A law may recognize a right for everyone and yet its implementation may have different effects.

Our experience working with caregivers shows this clearly. Many care responsibilities continue to fall disproportionately on women. As a result, apparently administrative matters — schedules, travel, procedures, access to information or requirements — can become real barriers to exercising a right.

So the question is not only: Does the right exist?

We must also ask: Who can actually exercise it? Who can participate? Who can get there? Who has access to the information? Who can afford to wait? Who is left out?

Closing

From civil society, our role is not to replace the State. Nor is it to replace those with legal, technical or academic expertise.

Our responsibility is to contribute another part of the knowledge: the experience of people and communities who live with the concrete consequences of the decisions that are made.

That is why I believe we must move from formal recognition to the effective exercise of rights.

This requires laws. It requires institutions. It requires due process and access to justice. But it also requires effective civil-society participation, a gender perspective, and spaces in which women can participate, lead and disagree without violence or fear.

Human rights become real when people can live them.

The rule of law is tested not only by the rights it recognizes, but by each person's ability to exercise them with equal protection, due process and access to justice.

And democracy is strengthened when participation does not end with the adoption of a law, but continues when that law becomes reality.

Thank you very much.