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International Human Rights of Women

SHAIKH NAIYARA ATEEQUE¹

ABSTRACT

Celebration of international women's day is to attain equality between men and women and to discriminate all forms of unjust, unfair and discriminatory practices against women carried across the globe covered under societal norms or religious superstitions. women around the world have been experiencing various challenges right from the birth itself, some girls being killed because of their gender while some buried alive however if she manages to be a part of this world a big question mark of right to education is in front of her and finally when she grows up to be women the life becomes even complicated putting into question even her right to reproductive health. The point of discussion in this paper is what are the rights of women across the globe. The rights of women were declared as human rights but is its application being executed. what are the various conventions and declarations for women's rights, that have certainly eased out the path of development for women?

I. INTRODUCTION

It is the fundamental right of a women to enjoy freedom similar to the other individual. international human rights treaties require state parties to require steps to make sure that women's human rights law is being followed, so as to eliminate the discrimination, inequalities and other practices that have a negative effect on women's rights. There exist various institutions, organizations and agencies that are committed to figure for the rights of girls. it's observed that since past women are the individuals that are facing atrocities be it publicly or privately. On both levels regional and international levels. this paper brings into light rights of girls across the world and also the problems faced by women.

II. HUMAN RIGHTS OF WOMEN

The human rights of women, there exist various regional and international instruments that specialize in right issues. organizations like international labor organization [ILO], lawyers committee for human rights and etc. focuses on various issues referring to violation of human rights respectively. particularly the one treaty which focuses on women's rights is UN

¹ Author is a Student at A K K New Law Academy Pune, India.

Convention on the Elimination of all varieties of discrimination against women [CEDAW]² which was adopted by UN general assembly also referred to as international bill of rights for women within the year 1979 and came into force on 3rd September 1981. it had been for the primary time confirmed by the UN world conference on human rights held in Vienna that the women's rights were human rights.

The [CEDAW] which is that the international bill of rights for women accommodates preamble and 30 articles, its preamble says that "extensive discrimination against women continues to exist" and such discrimination "violates the principles of equality of rights and respect for human dignity". its main aim is to eliminate discrimination against women. the article 1 defines discrimination as any distinction, exclusion or restriction made on the basis of sex in the political, economic, social, cultural, civil or any other field. article 3 says that the States parties to take "all appropriate measures, including legislation, to make sure the complete development and advancement of girls, for the aim of guaranteeing them the exercise and delight of human rights and fundamental freedoms on a basis of equality with men. Women have the proper to vote similar to the other existing human hence article 8 talks that woman are guaranteed the rights to vote, to carry public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level.

Often, it's noticed that the status of women is named their marital status only meaning that they're identified on basis of their husbands only, they have an independent status yet so this issue is addressed in article 9 which states that parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure particularly that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. States Parties shall grant women equal rights with men with respect to the nationality of their children. Articles 10, 11 and 13, respectively, affirm women's rights to non-discrimination in education, employment and economic and social activities.

CEDAW is that the only human rights treaty that affirms reproductive rights of women. Out of 193 member nations of UN 188 are a part of this treaty as of 2014. which was one in every of the foremost ratified international treaties. Which also imposes that the state parties must submit periodic reports to the state countries on status of women from time to time of their respective countries. its optional protocol establishes procedure for individual complains and alleged violation of the state convention by the parties in addition as sets a committee to

² <https://www.un.org/womenwatch/daw/cedaw/>

conduct an enquiry on serious cases of abuses this protocol has been signed by the 80 states. Various states have made reservation to CEDAW so as to limit its domestic application. As states have various religious laws and it'd contradict CEDAW.

Women rights are applicable in both spheres private and public, but as far as government intervention comes into picture, they will little doubt impose restrictions on discrimination held publicly but often are known to be weak in terms of personal. because the discrimination of women privately world as in homes and among relatives is finished on basis of religion or other reasons the women are forced to cover them in most of the cases for the sake of family's reputation. Mostly the women are threatened by making her believe that the society wouldn't except her and she can't stand independently.

III. INTERNATIONAL CONVENTION AND DECLARATION ON WOMEN'S RIGHTS

When it comes to convention on women's rights there is a long list of conventions since the 19th century from which the Seneca falls convention was the first women's right convention held in Wesleyan chapel, New York in the year 1848, its main aim was to discuss the condition of women in social, civil and religious terms as well as the rights for women. some important conventions³ are as follows:

(A) Convention on political rights of women (1954)

It talks about basic international standard for women's political rights. It was with the aim that everyone has the right to take part in government of his country, directly or indirectly through freely chosen representatives and have the right to equal access to public services and desiring to equalize the status of men and women. it is in accordance with the provisions of UN charter and of Universal Declaration of Human Rights. It consists of 11 articles of which article 1 of the convention talks about the right to vote of women in all elections on equal terms with men, without any discrimination.

(B) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1964)

It consists total 7 articles which states that both men and women of full age have the right to marry and start a family and it also emphasizes that consent of both the parties is important. it also makes it compulsory for all the states to take the responsibility of abolishing the ancient practices and laws which do not consider consent and allows the child marriages and also

³ Unesco.org. 2021. *Conventions and Declarations | United Nations Educational, Scientific and Cultural Organization*. [online] Available at: <<http://www.unesco.org/new/en/unesco/themes/gender-equality/resources/conventions-and-declarations/>> [Accessed 26 July 2021].

practices like marrying a girl before puberty in order to have complete freedom of choice. the convention talks about charging penalties for such activities and orders the states to establish civil or other register in which all the marriages will be recorded.

(C) Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974)

The declaration was proclaimed by the general assembly .it prohibits any sort of attack or bombing on civilians and especially on the most vulnerable group of society that are women and children. Condemns use of chemical and bacteriological weapons in the course of military operations. further it states that using such weapons violates the Geneva protocol of 1925. It talks about that all the efforts should be made by states to spare children from armed conflicts, military operations and war and also prohibits prosecution, torture, degrading treatment and violence against civilians and especially women and children.it also criminalized activities such as all forms of repressions ,imprisonment ,torture ,shooting ,mass arrests ,forcible eviction etc. women and children who find themselves in a war like situation in emergency conditions will not be deprived of shelter, food and medical aid under the provisions of Universal Declaration of Human Rights, International covenant of civil and political rights and other international law for child and women .

(D) Declaration of the Elimination of Violence against women (1993)

Proclaimed on 20 December 1993 consists of total six articles. It recognized that the violence against women was an obstacle between the ultimate aim of achieving the development and peace. the declaration recognized that the violence against women was a historical manifestation of unequal power between men and women that certainly leads to domination of men over women. It found out that there was a need to define violence against women's and defined it in its **article 1** as

“Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm, or suffering to women, including threats of such acts coercion or arbitrary deprivation of liberty whether occurring in public or private life”.

1. Article 4

States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against

women and.⁴

And also talks about that the specialized agencies of UN must contribute in their ways to recognize and realize violence against women in their respective areas.

(E) Beijing Declaration and Platform for Action

Was adopted at the UN's Fourth World Conference on Women (Beijing, China, 1995). The conference identified various critical areas of concern in each area the problem was diagnosed and solutions were proposed for the action to be taken by the agencies.

The critical areas of concerns raised were

1. *Women and the environment*
2. *Women in power and decision-making*
3. *The girl child*
4. *Women and the economy*
5. *Women and poverty*
6. *Violence against women*
7. *Human rights of women*
8. *Education and training of women*
9. *Institutional mechanisms for the advancement of women*
10. *Women and health*
11. *Women and the media*
12. *Women and armed conflict*

(F) Protocol to The African Charter on Human and Peoples Rights on The Rights of Women in Africa (2003)

Also known as Maputo protocol as it was adopted in Maputo, Mozambique in 2003 by the African union later in the year 2005 consists of total 32 articles. It is a legal binding framework it holds the African government to account for continued gross violation of rights of women and girls in Africa. which talks about women's right to take part in political process, having the right to social equality with men, women's have the right to take reproductive decisions hence it talks about autonomy of women in reproductive decision making and also to put and

⁴ Ohchr.org. 2021. *OHCHR | Declaration on the Elimination of Violence against Women*. [online] Available at: <<https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx>> [Accessed 26 July 2021].

end to female genital mutilation.

(G) Convention on preventing and combating violence against women and domestic violence (Istanbul convention) 2014

the convention was adopted by the Istanbul government in the year 2011 and came into force 2014 it says that violence against women on the basis of gender is violation of human rights. it states that it is the duty of the states to run awareness raising campaigns, to train professionals. to grant the police authority to remove the preparator of domestic violence from their homes making available helpline that runs 24/7. the convention also criminalizes various forms of violence against women including in its domestic violence as well. the convention said its not possible for one institute to control everything hence there should be establishment of NGO and other organizations and also sets up monitoring mechanism that consist of 2 bodies

1. GREVIO (group of experts on action against violence against women and domestic violence)

Consists of experts in the field of human rights, gender equality, violence against women and is an independent body .it work is to publish reports on measures taken by the countries and if needed sets up enquiry procedure as well.

2. The committee of parties

The committee consists of representatives of the parties of conventions. the committee adopts recommendations on measures to be taken on issues addressed in the GREVIO report. And also examines the recommendations by the report and supervises its own recommendation as well.

IV. LANDMARK JUDGMENTS ON WOMEN'S RIGHTS

1. Muller v. Oregon, 208 U.S. 412⁵

The supreme court of US held an Oregon law of 1903 which prohibited women from working more than 10 hours in one day. the case was about a laundry owner Muller who was charged in 1905 of permitting a supervisor to require Mrs. E. Gotcher to work more than 10 hours and was fined \$10. The attorney for the state wrote a brief known as Brandein brief 113 pages long that talked about data on negative effects of long working hours on both men and women. the court came to a conclusion and wrote that a woman “is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not

⁵ Justia Law. 2021. *Muller v. Oregon, 208 U.S. 412 (1908)*. [online] Available at: <<https://supreme.justia.com/cases/federal/us/208/412/>> [Accessed 26 July 2021].

necessary for men, and could not be sustained.” However, some of the activists were of the idea that this decision might restrict to some extent economic opportunities of women.

2. Adkins v. Children's Hospital, 261 U.S. 525⁶

In 1918 the congress established a wage board which sets up a minimum wage for women in the district of Columbia which was recognized as violating the freedom of life, liberty property hence, the board was invalidated by the supreme court of US.

3. Reed v. Reed ,404 U.S. 71 1971⁷

Sally reed a single mother of adopted child skip after the suicide of her son without a will challenged in the court that Idaho’s law was discriminatory. according to the law when more than one person was equally qualified to administer an estate males must be preferred to females. Along with her attorney Allen Deer, Ruth Bader Ginsburg joined who authored the case brief. finally, the supreme court of US invalidated the law, which violates the Equal Protection Clause of fourteenth Amendment of US constitution.

4. Vishaka & Ors vs State of Rajasthan & Ors on 13 August, 1997⁸

Bhandari devi a social activist was working for a case of child marriage in village Rajasthan, India she tried a lot but was unable to stop the marriage later when villager came to know about the fact that bhanvari devi tried to stop the marriage 5 men among the villagers brutally gangraped her. A PIL was filed by a women’s rights organization known as ‘Vishaka’ which focusing on the enforcement of the fundamental rights of women at the workplace under the provisions of Article 14, 15, 19, and 21 of the Constitution of India. The court held that sexual harassment at the workplace was indeed violative of the fundamental rights. The court also held said “Gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognized basic human right and set up guidelines also known as Vishakha guideline to foster all sexual harassment <https://supreme.justia.com/cases/federal/us/404/71/at the Workplace>.

5. Gaurav Jain vs Union of India & Ors on 9 July, 1997⁹

A PIL was filed asking for directions of setting up of provisions of separate schools with vocational training facilities and separate hostels for children of prostitutes. SC quoted the Fundamental Rights and deliberated that education and training be given to the fallen women

⁶ Adkins v. Children's Hosp., 261 U.S. 525 (1923)

⁷ Reed v. Reed, 404 U.S. 71 (1971)

⁸ (1997) 6 SCC 241

⁹ [1997] 8 SCC 114

and their children so that they may also lead a dignified life which they are worthy of. It was realized that they needed to be rescued, and ordered to set up rehabilitative home for them. The society was called out to make amends and curb trafficking in women.

V. ISSUES FACED BY WOMEN IN THE WORLD

1. Poverty

It is no doubt that women have come forward in various fields and even in male dominated societies they are growing rapidly, this is a scenario of developed regions but in various developing regions across the globe one can find that majority of women are facing poverty .and the main reason behind it is our societal and cultural norms that have certainly burdened women putting into question her capabilities. adding to it the society appears to be gender specific in terms of jobs, in today's world still men receive higher salary than women for the same work. In fact, women are obliged to work for house along with their office work and it's an unwritten rule that it's the duty of women to do household chores which makes her work for free.

2. Education

Even in the 21st century girls are facing problems in acquiring education in some countries. In India despite of the all the policies for girl's education the literacy rate of women is still less than men. there are several organizations working for women's education around the world.in some regions of the world girls have to leave their education in the middle and marry to fit in societal norms.

3. Contribution to economy

According to a survey women's contribution is less in economy and women constitutes 70 percent of the poor population. it is found that women's salary still lags behind men's salary. in MENA region it is found to lag by60-70 percent.

4. Violence against women

Although various laws exist against violence but it is estimated that globally one third of women face violence either by being beaten up, raped or abused in other way. also increased number of women in work areas have increased the number of sexual harassment cases. All the factors that are responsible for such violence is either child marriage, marriage without consent, lack of education etc.

5. Problems due to armed conflicts

Women that are affected due to war, conflicts face problems such as rape, forcible marriage, labor, human trafficking, sexual servitude, intentionally spread of HIV. most of the women are exploited during war period related to their reproductive or gender responsibilities. But it's not only restricted up to here in some situations women ought to be a part of violence.

VI. CURRENT SITUATION OF WOMEN IN PANDEMIC

With an increase in the covid – 19 cases there was seen an increase in the violence cases against women in the pandemic. as all were locked inside their homes the women were found more prone to violence, according to various surveys conducted it revealed that rape cases of wife by her husband, rape of a daughter by family members. in some cases, everything was happening in front of family and they found themselves helpless. this time even the frontline workers were being targeted, there are instance of doctors and nurses being raped. Because of the pandemic schools and colleges were shut down and everything started online so the families who couldn't afford online education performed child marriages. Since various workers lost their jobs so they went to their respective villages and young girls were married to them forcefully. various essential services shops were even closed hence women faced the issue of shortage of sanitary napkins. Violence Cases of men beating women also increased. overall, the pandemic was nothing but a nightmare to most of the women that was long lasting. One good thing that happened was the reliance on women was given greater emphasis around the world.

VII. CONCLUSION

There exist various laws and conventions that have focused on the rights of women which have proven to be beneficial to women at various points. large number of agencies and organizations are trying their best but it is observed that despite the fact there are various organizations working to safeguard the rights of women. still there are majority of women who cannot take advantage of the rights. the rates of violence against women are not decreasing unfortunately it seems it have increased in recent year. Hence there is a need of educating women about their rights and more strict provisions are needed.

VIII. SUGGESTION\RECOMMENDATION

Women across the globe are not aware of the right that they possess. one reason can be lack of education. This can be solved by making more woman aware about their rights which will help in reducing the number of violence and other cases against women.

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