

## WOMEN HUMAN RIGHTS: A STUDY OF INTERNATIONAL AND NATIONAL PERSPECTIVE

Randeep Dhoot<sup>1</sup>,

<sup>1</sup> Randeep Dhoot (Assistant Prof.) Deptt. of Political Science, SDAM College, Dinanagar(Pb)

**Abstract**— Human rights being essential for all round development of the personality of the individuals in the society, be necessarily protected and be made available to all the individuals without any discrimination. Women's rights are an essential component of universal human rights. The idea of women's human rights provides a common framework for developing a vast array of visions and concrete strategies for change. Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. The development of women is of paramount importance and sets the pace for overall development. We should have a vision of empowering women with human dignity and contributing as equal partners in development in an environment free from violence and discrimination. The Government and society should promote social, economic and political empowerment of women through policies, programmes and create awareness about their rights and facilitate institutional and legislative support for enabling them to realise their human rights and develop their full potential of human personality. The paper includes various provisions and legislations related to women's human rights in national and international jurisprudence and how gender equality and women's empowerment accelerate the efforts to achieving sustainable development goals under the United Nations 2030 Agenda.

**Keywords**— Discrimination, gender equality, human rights, United Nations, violence.

### 1. INTRODUCTION

The preamble to the universal declaration of human rights adopted on 10 December, 1948 emphasises that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. The concept of human rights is closely allied with ethics and morality. Those rights that reflect the values of a community

will be those with the most chance of successful implementation. Human dignity is seen as the key concept in relation to the values related with human rights. Demands relating to respect, power, enlightenment, well-being, health, skill, affection and rectitude are other interdependent values which form the basis in the process of human rights creation. The concept of human rights have been evolving over the centuries. The international human rights regime and institutions are often viewed as part of an emerging global governance regime. International efforts to promote and protect human rights have greatly expanded in the last few decades. In today's world, the changes in the nature of social and economic relationships have impacted on the global society. Societies are today more fluid, people more mobile, traditional roles have been transformed and social norms have changed. The fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity.

The human right is a right which is universal in nature. In the words of Cranston, "Human right is a universal moral right, something which all men, everywhere, at all times ought to have, something of which no one may be deprived without a grave affront to justice, something which is belonging to every human being simply because he is human". Human rights being the natural rights of the people are those rights which guarantee dignity of the people. The people themselves are the main subject of human rights and fundamental freedoms. Human right stem from human dignity, something not granted to the people by the state or the law but which is nevertheless inherent, absolute, and basic right of the people.

### INTERNATIONAL HUMAN RIGHTS OF WOMEN

The advancement of women has been a focus of the work of the United Nations since its inception. The preamble of the charter of the United Nations sets as a basic goal to reaffirm faith in fundamental human rights, in the dignity and worth of the

human person, in the equal rights of men and women. Article 1 of the charter proclaims that one of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for the people without distinction as to race, sex, language or religion. The universal declaration of human rights had affirmed the principle of the inadmissibility of discrimination and proclaimed that all human being are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex. However, there continued to exist considerable discrimination against women primarily because women and girls face a multitude of constraints imposed by society, not by law. It violated the principle of equality of rights and respect for human rights.

The Commission on the status of women was established in 1946 as one of the functional Commissions of ECOSOC and has played a role both in standard setting and in the elaboration of further relevant instruments. The Convention on the Political Rights of Women was adopted on 31<sup>st</sup> March 1953. The Convention protects the Political Rights of Women. Under this convention, states are obligated to ensure that women have the right to vote in elections, to be elected to publicly elected bodies and to hold public office on equal terms with men. The international covenant on economic, social and cultural rights is a multilateral treaty which was adopted by the UN general assembly on 16 December 1966 and it came into force from 3 January 1976. The covenant recognizes positive rights such as the right to food, shelter, health, care and education.

The General Assembly on November 7, 1967 adopted a Declaration on Elimination of Discrimination Against Women and in order to implement the principles set forth in the declaration, the Committee on the Elimination of All Forms of Discrimination against women was established under Article 22 of the 1979 Convention on the Elimination of All Forms of Discrimination against Women. This convention is implemented by means of states' reports. It is composed of twenty three experts serving in individual capacities for four year terms. It held its first regular session in October 1982 and it reports

annually to the UN general assembly through ECOSOC. The committee has provided guidelines to states parties on reporting, whereby initial reports are intended to be detailed and comprehensive with subsequent reports being of an updating nature. Article 1 of the convention defines discrimination against women in the following terms: any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The optional protocol adopted in 1999 and is in force as from December 2000. It allows for the right of individual petition provided a number of conditions are met, including the requirement for the exhaustion of domestic remedies. In addition, the protocol creates an enquiry procedure enabling the committee to initiate inquiries into situations of grave or systematic violations of women's rights. In recent years the importance of women's rights has received greater recognition. The Vienna declaration and programme of action adopted in 1993 emphasised that the human rights of women should be brought into the mainstream of UN system-wide activity and that women's rights should be regularly and systematically addressed throughout the UN bodies and mechanisms. In addition, the general assembly adopted a declaration on the elimination of violence against women in February 1994, and a special Rapporteur- an independent expert- on violence against women, its causes and consequences was appointed in 1994. The committee on the rights of the child has also discussed the issue of the girl child and the question of the child prostitution.

United Nations Security Council Resolution 1325, on women, peace and security was adopted unanimously by the UN Security Council on 31 October, 2000. It calls for the adoption of Gender perspective to consider the special needs of women and girls during conflict, repatriation and resettlement, rehabilitation, reintegration and post-conflict reconstruction. The 10<sup>th</sup> anniversary of Resolution 1325 in October 2010 highlighted the increasing demand for accountability to UN Security Council Resolution 1325 on women, peace and security. Many expressed concern about

the fact that only 22 member states out of 192 have adopted national action plans. Women are still underrepresented, if not totally absent, in most official peace negotiations and sexual violence in peacetime and in conflict continue to increase. United Nations Security Council resolution 1820 was unanimously adopted on June 19, 2008. It condemns the use of sexual violence as a tool of war and declares that rape and other forms of sexual violence can constitute war crimes, crimes against humanity. CEDAW is a global human rights treaty that should be incorporated into national law as the highest standard for women's rights. It requires the UN member states that have ratified it to set in place mechanisms to fully realize women's rights. Demand for women's participation in decision making at all levels, rejection of violence against women, equality of men and women, protection of women and girls from gender based violence and that women's experiences, needs and perspectives are incorporated into political, legal and social decisions that determine the achievement of just and lasting peace are some points which are common on the Agenda of Resolutions 1325, 1820 and CEDAW.

The convention under Part III lays down a number of fields where States Parties are required to take steps to eliminate discrimination against women which includes the fields of education, employment, health care, economic and social life, women in rural areas, equality before law and marriage and family relations. Article 10 provides that women shall be provided same conditions for careers and vocational guidance as to that of men. Article 11 of the convention makes the provision that the states parties shall take all appropriate measures to eliminate discrimination against women in the field of employment providing the same rights, in particular, the right to work; right to same employment opportunities; right to free choice of profession and employment; right to equal remuneration; the right to social security; right to protection of health and to safety in working conditions. There shall be no discrimination against women on grounds of marriage and maternity. Article 12 makes provision to eliminate discrimination against women in the field of health care, access to health care services, including those related to family planning. The right to family benefits, the right to bank loans, mortgages and other forms of financial credit, the right to participate in recreational activities, sports

and all aspects of cultural life have been given under Article 13 of the Convention. Article 14 provided elimination of discrimination in rural areas such as to participate in the process of development planning at all levels. The other rights include to take benefit from social security programmes, to organise self-help groups. To have access to agricultural credit and loans and to enjoy adequate living conditions. Article 15 provides that states parties shall accord to women equality with men before the law. Article 16 of the convention provides that the right to enter into marriage, the same rights during marriage, the same rights and responsibilities as parents, the same rights on the number and spacing of their children, the same rights regarding the guardianship, wardship, trusteeship and adoption of children, the same rights as the husband and wife shall be ensured by the states parties.

The three conferences held during the UN sponsored international women's decade in between 1976 to 1985. The first conference was held in Mexico city in 1975, the second in Copenhagen in the year 1980 and the third was held in 1985 in Nairobi. The fourth world conference on women was held in Beijing in 1995. These conferences greatly enhanced international awareness of the concerns of women and provided the platform for invaluable links between the national women's movements and the international community. The United Nations General Assembly in 2000 convened a special session on women. The motive of this session was for gender equity, development and peace for the twenty-first century. It is also known as Beijing + 5 because it marked the fifth anniversary of the United Nations Fourth World Conference on Women, held in Beijing. The conference was attended by delegates from 189 governments and 2,600 non-governmental organizations, while more than 30,000 women and men attended the parallel NGO forum. One hundred eighty-nine countries endorsed the Beijing platform for action, which calls upon governments to take action in 12 critical areas of concern. Those areas are; women and poverty; education and training of women; women and health; violence against women; women and armed conflict; women and the economy; women in power and decision making; institutional mechanisms for the advancement of women; human rights of women; women and the media; women and the environment; and the girl child. Beijing+ 10 was

held in Geneva on 14-15 December 2004 at Geneva. The effective implementation of the goals and objectives of the Beijing Declaration and platform for action and the outcome of the twenty-third special session of the general assembly was reiterated by the 2005 world summit outcome. The summit resolved to promote gender equality and eliminate pervasive gender discrimination.

### **UN WOMEN JUSTICE REPORT**

UN Women's 2011 Report focuses on women's access to justice in every country around the world. The report looks at how many women hold seats in parliaments around the world? Which countries have laws against domestic violence, including marital rape? The flagship report of the UN's newest agency – UN Women – published on Wednesday, takes a close look at women's legal rights around the world.

The 2011 Progress of the world's Women: In Pursuit of justice report is a global survey of women's access to justice – looking both at legislation passed by governments and the steps taken (or not taken) to implement those laws. The "paradox" confronted by the report is that despite the recent and rapid expansion of women's legal entitlements, what is written in the statute books does not always translate into real progress on equality and justice on the ground. The report looks at which countries have passed special legislation on women's political rights and economic opportunities and on women's reproductive health and rights. It looks at which countries have laws against domestic violence, sexual harassment and marital rape. It catalogues data on development indicators related to women, and looks country-by-country at women's participation in politics.

Some highlights from the report:

- 139 Constitutions guarantee gender equality, 117 countries have equal pay laws, and 115 countries guarantee women's equal property rights
- globally, 53% of working women are in vulnerable employment and women are paid up to 30% less than men in some countries
- 125 countries outlaw domestic violence, but 127 countries do not explicitly criminalize rape within marriage
- around the world, 603 million women live in countries where domestic violence is not

considered a crime and more than 2.6 billion live in countries where marital rape is not a criminal offence

- 61 countries severely restrict women's rights to abortion
- 50 countries have a lower legal age of marriage for women than for men
- Rwanda has the highest share of women in parliament (51%), followed by Sweden (45%). In the UK, only 21% of parliamentarians are women, and in the US that figure is down to 17%
- the first woman elected to parliament was in Finland, in 1907

The year 2018-19 has been declared as a year of reform and renewal by the United Nations. According to the UN Annual Report: "... around the world, over 2.5 billion women and girls suffer the consequences of discriminatory laws and gaps in legal protections. Our new strategy on equality in the law seeks to fast track the repeal of discriminatory laws in 100 countries by 2023."

### **UNMILLENNIUM DEVELOPMENT GOALS AND WOMEN HUMAN RIGHTS**

The United Nations is now focusing its global development work on the recently-developed 17 Sustainable Development Goals (SDGs). Women have a critical role to play in all of the SDGs, with many targets specifically recognizing women's equality and empowerment as both the objective, and as part of the solution. Goal 5, to "Achieve gender equality and empower all women and girls" is known as the stand-alone gender goal, because it is dedicated to achieving these ends. Deep legal and legislative changes are needed to ensure women's rights around the world. While a record 143 countries guaranteed equality between men and women in their Constitutions by 2014, another 52 had not taken this step.

The UN Millennium Development Goals set specific targets to reduce poverty, including targets for increased gender equality in education, work, and representation. UN Women found that progress was uneven. Globally, more women are now in school and work. Yet girls are still more likely than boys to be out of school (particularly at the secondary level). And although the number of women in elected office has risen, they are still only 21.8 percent of parliamentarians. What's more, women's rights remain at risk in many areas

not addressed in the millennium goals – from violence against women to sexual and reproductive rights. And women who are already marginalized because of their race, caste, sexuality, income, or location see the fewest gains of all.

International women's day is observed annually on 8 March by many countries around the world. Women are recognized for their achievements without regard to divisions, whether national, ethnic, linguistic, cultural, economic or political. The United Nations General Assembly has designated November 25 as the International Day for the Elimination of Violence Against Women. The premise of the day is to raise awareness of the fact that women around the world are subject to rape, domestic violence and other forms of violence; furthermore, one of the aims of the day is to highlight that the scale and true nature of the issue is often hidden. The aim of this day is to put efforts to prevent and end violence against women at the global, regional and national levels against the sexual violence and rape. Besides International Women's Day and the International Day for the Elimination of Violence against Women, the UN observes other international days dedicated to raising awareness of different aspects of the struggle for gender equality and women empowerment. On February 6, the International Day of Zero Tolerance to Female Genital Mutilation is observed, February 11 is the International Day of Women and Girls in Science, June 19 is the International Day for the Elimination of Sexual Violence in Conflict, June 23 is International Widows' Day, October 11 is the International Day of the Girl Child and on October 15 the International Day of Rural Women is observed. The 2019 theme for the International Day for the Elimination of Violence Against Women is 'Orange the World: Generation Equality Stands Against Rape'. Like in previous years, this year's International Day will mark the launch of 16 days of activism that will conclude on 10 December 2019, which is International Human Rights Day.

#### **NATIONAL PERSPECTIVE**

The Indian constitution, in its Part III and Part IV which deals with the fundamental rights and directive principles respectively, makes provisions in accordance with the universal declaration of human rights. It is important that our approach in the constitution is not to follow the western concept

of rights but rather to act as a facilitator in promoting and protecting human rights which have been recognized by the whole world and formally codified by the UN covenants concerning the civil, political economic, social and cultural rights. The preamble to the constitution of India can be a prominent example for this. The Indian parliament has succeeded in its efforts to provide for reservation of seats to women in elections to the panchayat and the municipalities. According to article 243D(3), not less than one third, (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled up by direct election in every panchayat, shall be reserved for women and may be allotted by rotation to different constituencies. The same provision is made for the municipalities. Some acts (before and after independence) which have special provisions to safeguard women and their interests include: the Hindu Widow's Remarriage Act, 1856, child Marriage Restraint Act, 1929, the special marriage act, 1954, The Hindu Marriage Act, 1955, the Hindu Succession Act, 1956 with amendment in 2005, Immoral Traffic Prevention Act, 1956, Hindu Adoption and Living Act, 1956, The Maternity Benefit Act, 1961 amended in 1995, Dowry Prohibition Act 1961, National Women Commission Act, 1990, Protection of Human Rights Act, 1993 amended in 2000 and 2006, Prenatal Diagnostic Techniques (regulation and prevention of misuse) Act 1994 and Prohibition of Sex Selection Act, 2002.

The Beijing declaration and the programme of action had regarded domestic violence as a human right issue and a serious deterrent to development. In order to provide effective protection of the rights of women who are victims of violence of any kind occurring within the family, the Protection of Women from Domestic Violence Act, 2005 was enacted by the Parliament.

Government schemes such as Rashriya Mahila Kosh, National Nutrition Policy, Integrated Child Development Scheme, Indira Mahila Yojna, Reproductive and Child Health Scheme and some national policies like The National Policy for Empowerment of Women, A National Resource Centre for Women, Convention on the Elimination of All Forms of Discrimination Against Women, The Commonwealth Plan of Action on Gender and Development are the initiatives which are taken by

the governments from time to time. The National Commission for Women is a statutory body for women established in 1992 by Government of India under the provisions of the Indian constitution. It is a statutory body which reviews the constitutional and legal safeguards for women and recommends legislative measures, facilitates redressal of grievances and advises the government on policy making matters affecting women.

So far as the position of women in India is concerned, various constitutional provisions, different legislations at the national and state level, decisions given by judiciary, the national democratic policies, the sense of awakening in the certain section of women, the influence of feminist movements, all these have helped to initiate the women's liberation in India. But still we have miles to go before we can claim that there is gender justice in India. Despite all these efforts to promote the welfare of women, one has to admit that even now women in India are not treated with dignity. They are neither allowed, nor encouraged to enjoy their basic rights, and they are not accepted by men as equal to them. The pity is that the women themselves have not realized that they are equal to men. In India crimes against women, dowry deaths, honor killings, female infanticide and sex abortion, rapes, insult of modesty, human trafficking and forced prostitution, domestic violence, forced and child marriage, acid throwing, abduction etc., are such crimes which poses stumbling blocks in the path of attaining human rights for women.

### CHALLENGES

United Nations have made various efforts at international level to protect the human rights of women around the world. Many countries have made statutory provisions in their constitutions and also putting efforts through making laws to eliminate all kinds of violence and discrimination against women. Yet millions of women around the world continue to experience discrimination. There are still such laws and policies which prohibit women from equal access to land, property and housing. Economic and social discrimination results in fewer and poorer life choices for them and rendering them vulnerable to trafficking. Gender based violence affects at least 30% of women globally. In spite of providing human rights women are denied their sexual and reproductive health rights. Women human rights activists or

defenders are ostracized by their communities and seen as a threat to religion, honour or culture. Women's crucial role in peace and security is often overlooked. Though they have a number of political rights but they use the rights under the pressure of their family members. Moreover, some groups of women face compounded forms of discrimination due to factors such as age, ethnicity, disability and socio-economic status in addition to their gender.

Global Fund for Women exists to support the tireless and courageous efforts of women's groups who work every day to win rights for women and girls. These groups are working to ensure women can own property, vote, run for office, get paid fair wages, and live free from violence – including domestic violence, sexual assault, and harmful practices such as female genital mutilation. The U.S. administration's proposed cuts to foreign aid and stringent policies from abortion and refugee resettlement to climate change pose a direct threat to the health, dignity, and well-being of women and girls everywhere. This moment calls for energizing new efforts and focus on strengthening women's movements to help lead the charge for social change on the most pressing issues of our time. Global Fund for Women is committed to turning these challenges into opportunities for women to assert their leadership, action, and voice. By 2020, Global Fund for Women will ensure that movements for women's rights are powerful, influential, and achieving lasting gains.

### CONCLUSION

Protection and maintenance of human rights is a fundamental duty of every government. International organizations such as United Nations, International Human Rights Commissions, Regional Organizations, National governments at domestic level, Non-government organizations etc., can play a vital role in ensuring the implementation of human rights for women. The democratic countries must stand together and take necessary and even coercive actions to see that these fundamental human rights are adhered to by people, organizations and countries all over the world. The efforts done till now though have bettered the position of women however we have not reached the stage of fully protecting the rights. Women, on their part have been struggling through various organizations and movements to liberate

themselves from the clutches of the male dominated changing environment. Women and girls represent half of the world's population and, therefore, also half of its potential. Gender equality, besides being a fundamental human right, is essential to achieve peaceful societies, with full human potential and Sustainable development. Moreover, it has been shown that by empowering women the range of productivity and economic growth always gets impetus.

Unfortunately, there is still a long way to go to achieve full equality of rights and opportunities between men and women. Therefore, it is of paramount importance to end the multiple forms of gender violence and secure equal access to quality education and health, economic resources and participation in political life for both women and girls and men and boys. It is also essential to achieve equal opportunities in access to employment and to positions of leadership and decision-making at all levels. Only when women and girls have full access to their rights from equal pay and land ownership rights to sexual rights, freedom from violence, access to education, and maternal health rights, there will be true equality. Only when women will take part in leadership and peacemaking roles and have an equal political voice, the economies and countries will be transformed. And only then all women and girls will have the right to self-determination they are entitled to.

#### REFERENCES

- Rolv Ryssdal, Introduction in Kathleen E. Mahoney and Paul Mahoney (ed.), "Human Rights in the Twenty First Century: A Global Challenge" (Martinus Nijhoff Publishers, Dordrecht: 1993), p.3.
- Vienna Declaration and Programme Action (World Conference on Human Rights, Vienna); Preamble Clause 2.
- Bajwa G.S., "Human Right in India; Implementation and Violations", Anmol Publications, New Delhi, 1995.
- Agnes, Flavia, "Women and Law in India", Oxford University Press, 2004.
- Brownli, Iran, "Basic Documents on Human Rights", Oxford University Press, 1971.
- United Nations World Conference on Human Rights, 1993.
- United Nations Women Justice Report 2018-19.
- Council of Europe, The Istanbul Convention and the CEDAW Framework: A comparison of measures to prevent and combat violence against women.
- The European Court of Human Rights' case law factsheets on Violence against Women and Reproductive Rights (2014).
- ILO, ABC of Women Workers' Rights and Gender Equality
- OHCHR Prevent, Combat, Protect: Human Trafficking, (2011).
- OHCHR and WHO, Factsheet 31: Right to Health (2008).