

### **Introduction**

Human rights are rights claimed against the State and society by virtue of being a human being. There is a strong commitment to equality between women and men in international human rights law. However, the human rights of most people have been continuously violated all around the world. Since all civilizations have been patriarchal, regardless of the overall human rights conditions maintained in a society, women have been subject to more human rights violations than men. Women constitute the poorest and the least powerful segments of their communities. They are denied equal access to education, job training, employment, leisure time, income, property, health care, public office, decision-making power and freedoms, as well as control over their own body and life. Cultural norms, laws and philosophies, including those that are considered progressive and emancipatory, have usually discriminated against women. Attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights. Women around the world nevertheless regularly suffer violations of their human rights throughout their lives, and realizing women's human rights has not always been a priority. Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination. Because of human rights, everyone is entitled to equal dignity, regardless of their age, sex, race, beliefs or religion.

### **The Human Rights Framework in practice**

Since women constitute half the world's population and are entitled to all human rights on an equal basis with men, the focus is on: public and political life, sexual and reproductive health and rights, the right to an adequate standard of living, violence against women, migration, conflict and crisis, and access to justice. Across all of these, education and the family context are particularly pertinent. The right to education is recognized in the International Covenant on Economic, Social and Cultural Rights (art. 13), the Convention on the Rights of the Child (art. 28), the Convention on the Elimination of All Forms of Discrimination against Women (art. 10) and the Convention on the Rights of Persons with Disabilities (art. 24). Besides calling for non-discrimination in the enjoyment of the right to education and free universal primary education, human rights law also requires States to address the particular obstacles that girls and women

face in accessing education, such as early marriages, pregnancies, child labour and violence. The needs of girls suffering from multiple forms of discrimination - e.g., with disabilities, from poor or rural areas and belonging to minority communities—should also be considered. The right to equality between men and women in marriage and family life is also recognized in various human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Nationality of Married Women, and the Convention on Consent to Marriage, Minimum Age for **Marriage and Registration of Marriages.**

Women nevertheless lag behind men in the enjoyment of rights related to the private sphere. In many countries, women are forced to enter marriage, they do not enjoy the same rights with regard to guardianship and adoption, they are not allowed to transfer their nationality to their children and husbands, and they do not have equal legal capacity. The Convention on the Elimination of All Forms of Discrimination against Women requires State parties to take "all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations" (art. 16). This includes ensuring the same right to enter into marriage with free and full consent and to freely choose a spouse, the same rights and responsibilities during marriage and its dissolution and with respect to their children, and the same personal rights as husband and wife, such as the right to choose a family name, a profession and an occupation.

Rights related to access to property and sexual and reproductive health are also covered by this provision. In its general recommendation No. 21 (1994) on equality in marriage and family relations, the Committee on the Elimination of Discrimination against Women called on States to resolutely discourage any notions of inequality of women and men in the private sphere which are affirmed by law, religion or custom.

The Committee also noted that States should prohibit polygamous marriages as they contravene a woman's right to equality with men and can have serious emotional and financial consequences for her and her dependants.

### **Women's Rights as Human Rights**

Gender equality is at the very heart of human rights and United Nations values. A fundamental principle of the United Nations Charter adopted by world leaders in 1945 is "equal rights of men and women", and protecting and

promoting women's human rights, is the responsibility of all States. Yet millions of women around the world continue to experience discrimination:

- Laws and policies prohibit women from equal access to land, property, and housing
- Economic and social discrimination results in fewer and poorer life choices for women, rendering them vulnerable to trafficking
- Gender-based violence affects at least 30% of women globally
- Women are denied their sexual and reproductive health rights
- Women human rights 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, as are the particular risks they face in conflict situations
- Moreover, some groups of women face compounded forms of discrimination - due to factors such as their age, ethnicity, disability, or socio-economic status - in addition to their gender.

Effectively ensuring women's human rights requires, firstly, a comprehensive understanding of the social structures and power relations that frame not only laws and politics but also the economy, social dynamics and family and community life.

Harmful gender stereotypes must be dismantled, so that women are no longer viewed in the light of what women "should" do and are instead seen for who they are: unique individuals, with their own needs and desires.

**The International Framework**

Discrimination based on sex is prohibited under almost every human rights treaty - including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which under their common article 3 provide for the rights to equality between men and women in the enjoyment of all rights.

In addition, there are treaties and expert bodies specifically dedicated to the realization of women's human rights:

**The Convention on the Elimination of Discrimination Against Women (CEDAW)**

Considered the international bill of rights for women, the Convention defines what constitutes discrimination against women and sets an agenda for national action to end such discrimination. It was adopted by the United Nations in 1979 and came into force on 3 September 1981.

**The CEDAW Committee**

Oversight of the Convention is the task of the Committee on the Elimination of Discrimination against Women, a group of 23 independent experts on women's rights from

different States that have ratified the Convention. Countries that are parties to the Convention must submit reports detailing their compliance with its provisions every four years. The Committee (the treaty body) reviews those reports and may also hear claims of violations and inquire into situations of grave or systemic contraventions of women's rights.

**The Special Rapporteur on violence against women**

In 1994 the United Nations resolved to appoint a Special Rapporteur - an independent expert - on the causes and consequences of violence against women. The Special Rapporteur investigates and monitors violence against women, and recommends and promotes solutions for its elimination.

**The Working Group**

In 2010 the Human Rights Council established a Working Group on the issue of discrimination against women in law and in practice to promote the elimination of laws that discriminate against women and/or have a discriminatory impact on them.

**Gender Inequality : A Global Issue Today**

Widespread gender inequality still exists globally despite of substantial national and international measures that have been taken towards gender equality. Only four out of over 135 nations have achieved gender equality including Costa Rica, Cuba, Sweden, and Norway. Yemen was scored the lowest across all dimensions. Measures of gender equality include access to basic education, health and life expectancy, equality of economic opportunity, and political empowerment. Although there have been evident progresses, many alarming issues regarding gender discrimination still prevail today; therefore, total gender equality must be made a global priority as a fundamental step in both human development and economic progress.

The degree and causes of gender inequality vary throughout the world. Noticeable crimes against women consist of violence, femicide (murder of women), and rape (war rape). Honour killing, one such offense, is when a female member of a family is killed for the perception of having brought dishonour to the family. It has become a massive issue in countries such as Pakistan and the Muslim Middle East, and is on the rise. Approximately 5,000 women in India suffer from bride burning each year due to insufficient dowry payment - money given to the husband by bride's family. These actions are not only unlawful violence against women, but also towards the whole of humanity.

Sex-selective abortion is yet another major disaster of gender inequality as it fuels human trafficking, demographic imbalance, and sexual exploitation. India and China, the two most populated nations on Earth, both informally maintain this practice of preference for male child birth over female. Undoubtedly, sex-selection is a

violation of the right to life and has distorted the natural sex ratios of 50/50 in countries in which it is practiced. National and international measures are at work but they are not sufficient to minimize and eliminate gender inequality. In India, the Prevention of Immoral Traffic, the Dowry Prevention Act and the Sati Act aim to prevent widow burning. Indeed, China and India are both fighting feticide and infanticide.

From an economic viewpoint, gender discrimination is also a major impediment to growth as it prevents countries from reaching their maximum productivity potential. Although women constitute 40% of the global work force, there are still many who are unpaid family workers in the informal sector. Those who do work are generally paid much below that of male workers, despite being equally capable and skilled. Due to these obvious restrictions, many countries experience loss of productivity that amounts to 25% due to gender discrimination. According to one study, Japan's GDP will gain by 15% if employment gender discrimination is adjusted. Gender discrimination is costly to nations across the globe and forces women to suffer the severe emotional and economic repercussions.

Beyond the economic costs, gender inequality also has severe individual and societal losses for a nation. While the female sex constitutes slightly more than 50% of the population, only 14 of the total 200 governments, or 7%, are headed by women. An adjustment of this inequitable representation will go a long way to correct global gender inequality.

The evidence of gender discrimination is rooted in history, tradition and culture. Gender inequality is a highly debilitating stigma and leads to detriments of women's psychology of their worth and dignity to themselves and to society.

#### **Gender Discrimination in India: A closer look**

Attaining gender justice is not an easy task in India. From time immemorial, a girl child has been considered as an unwanted entity and a burden who the parents would not mind doing away with. Discrimination against women begins even before her birth. The gruesome evils of female feticide and infanticide prove how brutal the world could be to women. Though the Indian constitution provides equal rights and privileges for men and women and makes equal provision to improve the status of women in society, majority of women are still unable to enjoy the rights and opportunities guaranteed to them. Traditional value system, low level of literacy, house hold responsibilities, lack of awareness, non-availability of proper guidance, low mobility, lack of self confidence family discouragement and advanced science and technology are some of the factors responsible to create gender disparity in our society. The most important causes of gender disparity are discussed here.

1. Poverty: In India of the total 30 percent people who are below poverty line, 70 percent are women. Women's poverty in India is directly related to the absence of economic opportunities and autonomy, lack of access to economic resources including credit, land ownership and inheritance, lack of access to education and support services and their minimal participation in the decision making process.

2. Lack of literacy: Despite the notable efforts by the countries around the globe that have expanded for the basic education, there are approximately 960 million illiterate adults of whom two thirds are women. Educational backwardness of the girls has been the resultant cause of gender discrimination. The progress towards education by girls is very slow and gender disparities persist at primary, upper primary and secondary stage of education. More over girl's participation in education is still below 50%.

3. Economic Dependence: Women are not able to resolve the conflict between new economic and old domestic roles. In both rural and urban India, women spend a large proportion of time on unpaid home sustaining work. Women are not able to respond to new opportunities and shift to new occupations because their mobility tends to be low due to intra-house hold allocation of responsibilities. Time spent in bearing and rearing of children often results in de-skilling, termination of long term labour contacts.

4. Social Norms: Women are not free from social customs, beliefs and practices. Men are perceived as the major providers and protectors of a family while women are perceived as playing only a supportive role, attending to the hearth. The anti female social bias is the main cause of gender disparity in our society. The typical orthodox mentality is present even in this modern era leading to sex determination tests and abortion in an illegal way.

5. Social Outlook: Though many social activists and reformers carried their crusade against all social odds to restore honour and dignity to women, attitudinal disparities still hunt our rural masses. Despite pronounced social development and technological advancement, women in our society still continue to be victims of exploitation, superstition, illiteracy and social atrocities. The social stigma that women are housekeepers and should be confined to the four walls of the house is perhaps a viable cause of gender disparity.

6. Ignorance: Most of the women are unaware of their basic rights and capabilities. They even do not have the understanding as to how the socio-economic and political forces affect them. They accept all types of discriminatory practices that persist in our family and society largely due to their ignorance and unawareness.

Implications for The Society

We believe that the equality of women and men is a facet of human reality and not just a condition to be achieved for the common good. That which makes human beings human - their inherent dignity and nobility - is neither male nor female. The search for meaning, for purpose, for community; the capacity to love, to create, to persevere, has no gender. This has profound implications for the organization of every aspect of human society.

To proclaim equality is not to deny that differences in function between women and men exist but rather to affirm the complementary roles men and women fulfil in the home and society at large. The acquisition of knowledge serves as “a ladder for human ascent” and identical education for women and men should be provided. The education of girls is particularly important because, although both parents have responsibilities for the rearing of children, it is through educated mothers that the benefits of knowledge can be most effectively diffused throughout society.

Reverence for, and protection of, motherhood have often been used as justification for keeping women socially and economically disadvantaged. It is this discriminatory and injurious result that must change. The great challenge facing society is to make social and economic provisions for the full and equal participation of women in all aspects of life while simultaneously reinforcing the critical functions of motherhood.

Only when women become full participants in all domains of life and enter the important arenas of decision-making will humanity be prepared to embark on the next stage of its collective development.

**Women Empowerment :** A solution to all gender related issues

To “empower women” means to authorize power or increase the overall position, status and condition of women in every spheres of life.

Empowerment of Women would result in better and more developed society. When women contribute equally along with men for the benefit of society, the world would surely become a better place to live.

The nature of our society has been patriarchal through centuries. The improvements in women's position in the past decades naturally will bring resistance from such a male dominated society. The few areas of concern like violence, independent decision making and long term financial security will also be addressed with time. For that to happen, today's woman should continue to continue to confide in herself, assert herself boldly and use education, employment and the resulting financial independence in her pursuit for happiness.

There are several ways to empower women; some of them are discussed below:

1. Safe workplaces: Women can be empowered through the creation of safe working environment. The workplaces should be safe for the female members of the society. People will like to send their daughters and wives to work if they are assured of safe environment at workplaces.

2. Women education: By educating women, economy of the country increases. It has been seen from the last few decades that involvement of educated women in various activities, help the country to move towards economic and social development.

- Female education contributes towards health and well-being of the family.
- By getting education, women also contribute to the national income of the country.
- They can afford to offer quality nutrition to their children.
- Educated women are considered active in politics as well.
- They know their rights and are able to defend themselves better.

3. Raising voice where needed: Women can be empowered by decreasing the gender inequalities or disparities in all sectors of the society especially in education sectors. Knowledge about rules and regulations, policies, their rights; next level scientific approach to do their tasks, must be provided. Financial aid should be available to them to start their business/ higher education/ job etc.

4. Vocational training: Proper training should be provided to women for better results.

5. More job opportunities: There should be greater number of part-time job opportunities. In India, mostly women are housewives so they do not get any opportunity for full-time work. Hence, more part-time and flexible jobs should be created so that more and more women get engaged into commercial activities

Article 15 of the Indian Constitution states that the state shall not discriminate any citizen on the grounds of only sex. The irony is that there still is widespread discrimination which is a form of injustice to women. Hence at the onset of the new millennium let this generation be a historic example by putting an end to the gender – based discriminations by unfurling the flag of gender justice in all our action and dealings.

If women get equal opportunities like men, they can work in every field like men. Today if she lags behind a little, it is not her fault but the fault of traditions which have suppressed them for centuries, owing to this, her own thoughts like also hang around only familial life and her nearest environment also does not provide favourable conditions.

To further promote gender equality, there need be increased education for women, improvements in public

health, more child care facilities, and availing women equal voice in cultural, social, economic and political spheres of public life. Without equal representation of women's voice in policy-making and institutions, decisions are often more advantageous for men and therefore inefficient to the nation as a whole.

The remedy would have to emanate from the cultural tradition of citizenry; accordingly, the collaboration of local communities, institutions, national authorities and international bodies is essential to influencing change and promoting the value of women. They all must act in concert with respect to communication, education, leadership, and cultural norms and traditional values in order to shift the attitude and mindset of the population in favour of gender equality - respecting mothers, daughters, sisters who are equal partners in this global scenario.

Promoting the entry of greater numbers of women into positions of prominence and authority is a necessary but not sufficient step in creating a just social order. Without fundamental changes in the attitudes and values of individuals and in the underlying ethos of social institutions, full equality between women and men cannot be achieved. A community based on partnership, a community in which aggression and the use of force are supplanted by cooperation and consultation, requires the transformation of the human heart.

### **Conclusion**

Women's rights are human rights. They cover every aspect of life - health, education, political participation, economic well-being and freedom from violence, among many others. Women are entitled to the full and equal enjoyment of all of their human rights and to be free from all forms of discrimination - this is fundamental to achieve human rights, peace and security, and sustainable development.

Yet serious gaps and violations remain in every region of the world today and progress has been unacceptably slow, particularly for the most marginalized women and girls. Discrimination in the law persists in many countries. Women do not participate on an equal footing with men in politics. They face blatant discrimination in labour markets and access to economic assets. The many forms of violence directed explicitly towards women and girls deny them their rights and all too often their lives. Unacceptably high levels of maternal mortality continue in some regions. Unpaid care workloads continue to limit women's enjoyment of their rights.

Protecting women's rights must be embedded in national law and policy firmly anchored in the international human rights standards. Equally important is that laws are implemented, such as through ready access to courts and an expectation of a fair hearing. Women need to know their rights and have the power to claim them. Social

attitudes and stereotypes undercutting gender equality must be challenged and changed.

Through the Beijing Declaration and Platform for Action, 189 UN Member States agreed to take action across these areas. The Declaration makes strong commitments to uphold women's equal rights and end discrimination. The Platform includes women's human rights as one of 12 critical areas of concern. It specifies steps to fully implement all human rights instruments, especially CEDAW, to ensure equality and non-discrimination under the law and in practice, and to achieve legal literacy. The realization of women's human rights is critical to achieving progress in all areas of concern of the Platform for Action.

Women's human rights are more widely understood and championed today, but that needs to be the reality for every woman and every girl.

No discrimination, No violations, No exceptions!

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