



Human Rights: A Gender Perspective

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Abstract: The modern age civilization guarantees certain degree of rights to every individual, along with certain duties. These rights are inherent to every individual and for this reason it is called 'Human Rights'. Human rights are very much essential for a 'good' & qualitative human survival. Human Rights are 'holistic' concept and there are certain basis essentials to quality a particular right as human right. In the context of human rights, women's rights assume greater proportion and are also a sensitive issue. The male dominated society often ignores the rights of the women and for which reason the women remain a vulnerable section of the society. This paper analysis human rights in a gender perspective and focuses on the international conventions particularly meant for it. The various conventions and conferences for women's development and upliftment have been discussed in the paper.

Key words: discrimination, politics, social dynamics

Introduction

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 right is the responsibility of all States. 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. 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.

United Nations came into existence in 1945, the United Nations Organization came into existence, which was later nomenclature as United Nations, to protect the life and liberty of human beings. However, prior to it much emphasis was laid upon to preserve and protect the human rights. The English Magna Carta of 1215, the Habeas Corpus Act of 1779, the bill of Rights of 1689, the American Declaration of Independence in 1776, the French Declaration of Human Rights of Man in 1789, the American Bill of Rights of 1791, the abolition of slavery in British Empire in 1833 and in America in 1862 and the German Constitutions of 1919 and 1949 are all based on the concept natural rights of all human beings and guaranteeing a certain degree of human rights.



Indian Efforts

Protection of Women's rights and against exploitation is now a Herculean task for the State. Effective and expeditious measures have to be taken in order to establish parity between the genders. After this has been achieved, process should be initiated to guarantee the human rights of every one. In India, the constitution is the supreme law of the land and it enshrines certain Fundamental Rights in Part III and has also prescribed certain principles, viz., Directive Principles of State Policy, contained in Part-IV, which the state should generally adopt while framing policies. These Constitutional provisions guarantee a certain degree of rights to women. Apart from these provisions various policies have been enacted by the legislature in order to ensure women's rights vis-à-vis human rights. Some of these legislations are Dowry Prohibition Act, 1961, amended in 1984 & 1986; Sati Prohibition Act, 1987; Indecent Representation of Women Act, 1986; Medical Termination of Pregnancy Act, 1971; Maternity Benefit Act, 1988; Equal Remuneration Act, 1987 etc., In order to guarantee gender equality and gender justice, the Central Social Welfare Board was established in 1953. The Department of Women and Child Welfare was set up in 1985 under the Ministry of Human Resources Development. The National Commission for Women was set up by virtue of an Act of the Parliament in 1990. Still there exist certain loopholes where affirmative actions are required. Empowerment of women is a major task and it needs immediate attention of all concerned for women's rights. Lack of political consensus is unnecessarily creating a hurdle in this matter. Women's reservation in

Panchayati Raj Institutions (PRI) and their participation in such institutions have proved that given the conditions women can come forward and can reap the benefits from such protective measures.

International Efforts

To talk of women's rights in the twenty first century is matter of grave concern and it proves somewhere there is an attitudinal fallacy to it. The United Nations has always affirmed that women's rights are fundamental rights, that women should be guaranteed full participation on an equal footing in all aspects of political, civil, economic, social and cultural life and that the elimination of all forms of gender related discrimination is one of the international community's highest priority. Concern for the women's fundamental freedoms has not only been expressly dealt in the Universal Declaration of Human Rights or the two International Covenants on Human Rights. The International Labour Organization adopted (i) Convention on Equal Remuneration for Men and Women Workers for work of Equal Value 1951 (ii) Convention concerning Night Work of Women employed in Industry, 1948 and (ii) Convention concerning Maternity Protection (revised) 1952. Similarly the UN General Assembly has adopted conventions specially concerning women. These are (i) Convention on the Political Rights of Women, 1952; (ii) Convention on the Nationality of Married Women, 1957; (iii) Convention against Discrimination in Education, 1960, prohibiting discrimination on account of sex; (iv) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962,



Prohibiting Child Marriages; (v) Convention on the Elimination of All forms of Discrimination Against Woman, 1979, and (vi) Convention on the Rights of Child, 1989 with special emphasis on girl-child. It is apt to mention here that India, though a party to all the above UN conventions, is not a signatory to the Convention on Marriages.

In 1986, the Declaration on the Right to Development was adopted by the UN General Assembly recognizing right to development as an integral part of human rights and fundamental freedom. The Declaration stressed on women's development and their active involvement in all spheres at human life.

CEDAW: The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 and came into force on 3 September 1981. It is the most comprehensive instrument of human rights of the women and contains more concrete provisions aimed at the real implementation of the rights already recognized. India has ratified the Convention on 9th July 1993. The Convention guarantees prohibition of discrimination and ensures equality to women. 'Discrimination against women was defined as any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women in the political, economic, social, cultural, civil or any other field.

UNIFEM: On the occasion of the International Women's Year, in 1974, the Economic and Social Council created a voluntary fund which later became the United Nations Development Fund for Women, 'whose mandate is to identify

and study trends and attitudes which present obstacles for women and to suggest promotional, educational and other measures designed to mitigate those problems'. Since 1985, UNIFEM has been aligned with United Nations Development Programme (UNDP) in order to expedite the process with an economic perspective. In 1976, the UN General Assembly created the International Research and Training Institute for the Advancement of Women with an object to evaluate the various programmes of women's development. The Commission on the status of women associates in International Research and Training Institute for the Advancement of Women. Under the auspices of the UN, the World conference of the International Women's Year was held in 1975 in Mexico City and it was decided to observe the decade of 1976-85 as United Nations Decade for Women. The Conference adopted the Declaration of Mexico on Equality of Women and their contribution to Development and Peace. The Declaration contained provisions for the all-round development of women.

International Decade for Women: The need to define, understand and implement women's rights gained global recognition during the International Decade for Women 1976-85. In 1980, the World Conference of the United Nations Decade for Women was held in Copenhagen. This conference dealt with three, major issues viz; 'equality, development and peace' and how to make better the living conditions of the women with a focus on their economic development. With the conclusion of the UN decade for Women, a Conference was held in Nairobi to review and appraise the achievements of the United Nations Decade for Women- equality,



development and peace. A Nairobi Forward-looking Strategies for the Advancement of Women was drawn in the conference and was 'based on the principle that an essential contribution to the strengthening of international peace and security would be made by the elimination of all forms of inequality between women and men and by the integration of women into the development process. It was also stressed that government should take initiatives for the total integration of women in all aspects of civil life in their countries.

Beijing World Conference on Women 1995: In September 1995, the Fourth World Conference on Women was held in Beijing. The Platform for action adopted in the Beijing Conference covered a wide range of dimensions for empowerment of women. It included the following:

- ❖ Action to protect and promote the human rights of women and the girl child as an integral part of universal human rights;
- ❖ Action to eradicate the persistent and increasing burden of poverty on women;
- ❖ Action to remove the obstacles to women's full participation in public life and decision making, at all levels-including the family;
- ❖ Action to eliminate all forms of violence against women;
- ❖ Action to ensure equal access for girl children and women to education and health services; and
- ❖ Action to encourage an equitable sharing of family responsibilities.

AFTER BEIJING CONFERENCE SITUATION

Human Rights of Women: Codified In Binding Form and Disregarded Every Day

Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments. The Platform incorporates the exact wording of the Vienna Declaration, adopted on July 12th, 1993 by the World Conference on Human Rights, in its own text. In line with the Vienna text, it continues that the human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights.

Vienna and Cairo: Human Rights of Women Apply without any Reservations

Both documents equally condemn any form of violence against women in armed conflicts and demand punishment for war crimes against women. Governments and the UN are both called upon to take urgent action to protect the human rights of women. The Platform talks of "lack of commitment by Governments" as the cause of the gap between the existence of rights and their effective enjoyment in public and private life. It places much more emphasis on the private sphere as a source of violence against women and demands protection from it. Prevention of discrimination in the case of public rights of participation is not enough.

Lack of Commitment Causes Gap between Norms and Reality: Unless the human rights of women, as defined by international conventions, are fully recognized and effectively protected, applied, implemented and enforced in



national law as well as in national practice,...., they will exist in name only.

Protection of the Human Rights of Women Inadequate: Discrimination and social exclusion will persist as long as a lack of awareness within the judicial system and under-representation of women in the justice and legislative systems continue, as long as violations of the human rights of women are not taken seriously, education about existing rights is insufficient and traditional attitudes remain unchanged. This will in turn perpetuate lack of enforcement of full legal rights because of their normative nature.

Strategies and Actions to be taken

The Platform demands in its strategic objectives, the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women". It demands not only equality under the law, but equality in practice and education with the aim of achieving legal literacy. All forms of gender specific violence constitute a violation of human rights. The Governments are urged to take actions to eliminate all forms of violence against women in private and public life, whether perpetrated or tolerated by the State or private persons". The commitments entered into in the catalogue of fifty-two actions to be taken are directed against the widening gap between documented rights and increasing violence against women, „resulting from harmful traditional or customary practices, cultural prejudices and extremism.

Violence against Women is the Crucial Problem: The United Nations

must intensify their efforts to implement de facto human rights of women and the girl-child, in particular because of the systematic and systemic nature of the violations. The human rights of all women and the girl-child must form an integral part of United Nations human rights activities. In order for the human rights of women to be genuinely implemented at the international level, the United Nations must be reformed.

Reform of the United Nations: The Platform wishes to close the still-existing gaps in the human rights instruments by the turn of the century. The Convention on the Elimination of All Forms of Discrimination against Women should be universally signed and ratified by the year 2000. States which have ratified the Convention should review procedures to ensure that they fulfill all the obligations set out in it (by the end of '95 149 States had ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), five more States had signed it. The Federal Republic of Germany ratified the Convention in 85).

Anti-discrimination Convention to apply universally by the turn of the century

International cooperation must be extended, including prosecution and punishment of those profiting from organized exploitation of women and children, with the aim of eradicating trafficking in women and children, prostitution and sex tourism. All States are strongly urged to accede to the Convention on the Rights of the Child of November 1989 in order to provide for equal rights for girls and boys world-wide (by the end of '95 187 States ratified the Convention, two more States have signed



it. The Federal Republic of Germany put it in force in 1992).

Combat trafficking in women and children: The Governments have declared their willingness to strengthen the United Nations with the aim of preventing female infanticide, of abolishing child labour and of stopping trade in children and human organs and child prostitution. Comprehensive human rights education programmes should raise awareness of their human rights among women and make men more aware of them.

Education on human rights to counteract ignorance and helplessness: Women engaged in the defense of human rights in women's organizations and feminist groups must be particularly protected and supported. They are playing a catalytic role with their grass-roots activities, networking and advocacy of women's human rights. The Governments are called upon to support them and enable them to continue their work. Human rights education must start at school. The Platform demands that appropriate programmes and school curricula should be designed to this end. Human rights education is also applicable to members of the armed forces.

Conclusion: These are just a few of the efforts made by the Government and other organizations for providing Human Rights. The mixed record of achievements in the past 20 years suggests that while some progress is being made. It is very slow and unstable, and simply not enough. Many of the promises made in Beijing remain unfulfilled and real gender equality eludes most women across the globe. If the Beijing declaration and platform for

action are to mean anything at all, political action must be taken, with suitable policies put in place and enforced. In short, for the sake of our mothers, sisters and daughters we must make it happen.

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