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**A JOURNEY OF WOMEN'S HUMAN RIGHTS**

**Abstract**

*The paper aims to discuss Human Rights from the perspective of women's rights. The women's movement across the globe is at varying stages of development. This is largely due to the difference in the socio-economic and political factors across various countries. The Movement in the west has reached a mature stage while that in the east is still trying to hold ground. The paper aims to discuss the concept of Human Rights, the progress women's right movement has achieved and what needs to be done for furthering the cause of women centric development, the various stages of development in women's rights, and where we stand today.*

*Keywords: Human Rights, Women's right, movement, development, feminism*

**Introduction**

Theories of Human Rights have wider scope as compared to natural rights. They are beyond the concept of state. It is largely based on Human Reason and the moral values of a society. The vision of Human liberation is built on the concept of Human Rights. The concept thus originates from the voices of the oppressed group against the dominant classes. There were oppressed entities at some point of the duration of the evolution of political structures who have found solace within

the idea of Human Rights. The labour movement in the early 20<sup>th</sup> century and the women's right movement have drawn such attention. The aim on this paper is to discuss the journey of women's human rights.

The journey of women's human rights cannot be studied without studying the ideological development of feminist theories. The women's liberation movement has its base in world war I where they got an opportunity to work in factories on account of the shortage of labour as most men were deployed on war fronts. This economic agency provided a much-needed thrust for the women's suffrage movement across Europe. The demand was for the right to vote to participate in the democratic system and have political representation in the decision-making of the state. After WWII, international institutions arose to give a platform for ending the atrocities of previous generations. This included empowering the newly freed colonies at a global platform and the oppressed classes and the communities. This led to the formation of UNHRC. The UNHRC was formed in 2006 It led to the declaration of two international covenants on socio-economic and civil rights. Equal rights for men and women are guaranteed by the United Nations Charter. An International treaty on Convention for Ending Discrimination Against Women (CEDAW) has been ratified by 188 countries. The Beijing Declaration and Platform for Action declares to end all forms of discrimination. It has also declared 12 critical areas of concern on gender discrimination.

### **Human Rights are Women Rights**

Human Rights are entitlements by the virtue of being human. It is much more comprehensive than the concept of civil and political rights offered by the state. One such Human Right is the fight to end all sorts of discrimination such as race, religion, gender, etc. Human Rights are broader than natural rights. Natural rights come from an obligation to the state. They are largely considered negative in approach. However, Human Rights has its basic theories of moral rights. They are based on the human rationale of treating everyone equally. The

### **Important milestones of the women right's movement**

1. Right to vote: The women suffrage movement began in the late 19<sup>th</sup> century gaining momentum in the early 20<sup>th</sup> century. New Zealand became the first country to allow equal voting rights to men and women alike. This precedent led to demand for equal voting rights across the world. Most countries in the world allow equal voting rights to both men and

women across the eligible age group. However, countries like Syria have still forbidden women from active engagement in political process. In spite of gaining such universalization, there remain fundamental bottlenecks that prevent women from actually exercising the right. Even today women miss exercising their right to vote because of migration on account of matrimonial ties away from their maternal side. They are reluctant to go to the election office and make required amends in place of residence. In Islamic countries where women follow strict pardah are denied voting because of identity verification that requires showing their face to election officials.

2. Right to education: The right to education is a human right. The International Covenant of Economic, Social, And Cultural Rights guarantee the right to education without any discrimination under A. 12 and A. 13. The Convention on the Rights of the Child allows for positive discrimination for the weaker section for bringing in equality. The Conventional Person with Disability under A. 6 requires governments to take steps to meet the unique educational needs of girls, who are more likely to face prejudice. In India, the 86<sup>th</sup> Constitutional Amendment makes it a fundamental right under A. 21-A of the Constitution of India. However, the number of school dropouts in girls is comparatively higher than adolescent boys.

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3. Right to work/employment- The two world wars of the 20<sup>th</sup> century paved the women into the working class of society. As men went on the fronts, women were expected to work in factories. This paved the way for women's roles to shift from caregiver to breadwinner. Today equal opportunity for both men and women is a human right. The UN Charter of Human rights ensures non-discrimination thus providing women with equal opportunities in the economy.

These were much discussed issues of 20<sup>th</sup> century and we have been able to achieve considerable development. The fight for rights has moved from these preliminary rights focused on political structure to socio economic right providing women with more choice for themselves.

## **Fight for rights**

### **1. Right to equal Remuneration-**

The UN Human Rights Office of High Commission has adopted Convention on Equal Remuneration, 1951. The Convention provides for equal pay to both men and women for work of equal value. However, Iceland was the first country in the world to announce a policy requiring companies with more than 25 employees to verify they pay equal wages to men and women doing equivalent labour. According to UN Women, women only get paid 77 cents for every dollar a man earns<sup>1</sup> i.e. to say a pay difference of 23%. The situation is grim in developing and underdeveloped countries where the majority of women are employed as labourers or work in micro, small or medium enterprises. For example, in India, the concept of equal remuneration is found in the Directive Principles of State policy which forms Part IV of the Constitution. This part is non-enforceable which makes it difficult to ensure that both men and women are paid equally. Women receive 19 percent lower wages than their male counterparts.<sup>2</sup>

### **2. Reproductive and right over the body**

Women's sexual and reproductive health is linked to a number of human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination. Women's right to health encompasses sexual and reproductive health, according to the Committee on Economic, Social, and Cultural Rights (CESCR) and the Committee on the Elimination of Discrimination Against Women (CEDAW). This means that states are responsible for ensuring that women's sexual and reproductive health rights are respected, protected, and fulfilled.

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<sup>1</sup> <https://www.unwomen.org/en/news/in-focus/csw61/equal-pay>

<sup>2</sup> <https://www.livemint.com/money/personal-finance/what-is-gender-pay-gap-and-why-is-it-so-wide-in-india-11575356633900.html>

### **Causes and consequences of sexual and reproductive health violations**

Women's sexual and reproductive health and rights are frequently violated as a result of deeply ingrained attitudes and societal ideals about women's sexuality. Women are frequently valued primarily on their potential to reproduce due to patriarchal conceptions about women's duties within the family. Early marriage and pregnancy, as well as repeated pregnancies spaced too closely apart—often as a result of efforts to create male kids due to a desire for sons—has a catastrophic effect on women's health, with potentially fatal effects. As a result, women are frequently blamed for infertility, face ostracism, and are subjected to a variety of human rights violations.<sup>3</sup>

According to General Comment 22 of the CESCR, states should "repeal or eliminate laws, policies, and practices that criminalize, limit, or undermine access by individuals or a particular group to sexual and reproductive health facilities, services, goods, and information."

### **3. Women Trafficking**

Human trafficking is a worldwide issue that manifests in a variety of forms. Women and girls who have trafficked experience high rates of physical and sexual violence, including homicide and torture, as well as psychological abuse, horrible working and living circumstances, and acute deprivation while in transit.<sup>4</sup> Poverty, girls' low social standing, a lack of education, weak or non-existent anti-trafficking legislation, and a lack of law enforcement are all factors that contribute to the trafficking of girls.<sup>5</sup> The COVID-19 catastrophe, according to the Secretary-report General's on trafficking in women and children (A/75/289), will push 47 million more women and girls into poverty, increasing their susceptibility and danger of trafficking.<sup>6</sup> According to the UNODC's 2016 Global Report on Recognized Victims (PDF), women make up 51% of victims, while men make

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<sup>3</sup> <https://www.ohchr.org/en/issues/women/wrgs/pages/healthrights.aspx>

<sup>4</sup> <https://www.apa.org/advocacy/interpersonal-violence/trafficking-women-girls>

<sup>5</sup> [https://leadershipfoundations.org/catalysti/girls\\_trafficking.html?gclid=CjwKCAiAhreNBhAYEiwAFGGKPARpL1mLwYyfoaBf7rXUHxNjiNHM61A8br920xz39kSSJGnY3bZrJR0C2MkQAvD\\_BwE](https://leadershipfoundations.org/catalysti/girls_trafficking.html?gclid=CjwKCAiAhreNBhAYEiwAFGGKPARpL1mLwYyfoaBf7rXUHxNjiNHM61A8br920xz39kSSJGnY3bZrJR0C2MkQAvD_BwE)

<sup>6</sup> <https://www.unwomen.org/en/news/stories/2020/12/op-ed-trafficking-in-women-and-girls-is-moving-online-due-to-covid-19>

up 21%, girls make up 20%, and boys make up 8%.<sup>7</sup> The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was established on March 26, 2007. UN. GIFT aims to mobilize state and non-state actors to end human trafficking by reducing potential victims' vulnerability and the demand for all forms of exploitation, ensuring adequate protection and support for those who fall victim, and assisting in the prosecution of criminals involved, all while respecting all people's fundamental human rights.

Too far, 140 nations have signed the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, which supplements the Palermo Convention against transnational organized crime.<sup>8</sup> During the COVID-19 crisis, the UN Women's Generation Equality campaign is raising awareness of the need for global action to address funding shortages, ensure vital services for survivors of violence, focus on prevention, and collect data to improve life-saving services for women and girls.<sup>9</sup> States like the United States have already started implementing law enforcement officer awareness programs. Furthermore, non-governmental organizations (NGOs) play a vital role in raising awareness about and monitoring human trafficking all over the world.

#### 4. Violence against Women

Women all throughout the world are affected by violence against them. It has an impact on women's health, their ability to fully engage in society, and their sexual and reproductive health and rights, as well as causing severe physical and psychological harm to both women and their families.

Women in practically every aspect of their lives, including the home, school, employment, the street, government institutions, and during times of conflict or tragedy, are subjected to violence in almost every country, regardless of rank, class, age, caste, or religion. Throughout a woman's life, she is subjected to violence, which affects both girls and elderly

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<sup>7</sup> <https://www.ohchr.org/EN/Issues/Trafficking/TiP/Pages/Index.aspx>

<sup>8</sup> <https://www.ungift.org/about/>

<sup>9</sup> <https://www.unwomen.org/en/news/in-focus/end-violence-against-women>

women. Specific groups of women, on the other hand, face prejudice in a variety of ways.<sup>10</sup> Furthermore, women and girls with impairments, particularly intellectual disabilities, are more likely to be sterilized for medical reasons.<sup>11</sup>

International standards identify violence against women as a form of discrimination, and nations are required to take reasonable steps to prevent, investigate, and punish any acts of violence against women perpetrated by any actor, including both state and non-state actors. Women have the same human rights and fundamental liberties as the rest of the population. International human rights treaties obligate state parties to take proactive measures to ensure that women's human rights are safeguarded under the law and to eliminate discrimination, inequality, and practices that impair women's rights. Under international human rights legislation, women may be entitled to additional rights, such as reproductive health care.

Because women are a particularly vulnerable group, they are accorded special status and protection by the United Nations and regional human rights organizations. International human rights treaties prohibit gender discrimination and require states to safeguard and realize women's rights in all areas, including property ownership, freedom from violence, equal access to education, and political participation.

Around 35% of women in the world have been subjected to violence at some point during their lives.<sup>12</sup> In an Indian study of almost 10,000 women, 26 percent reported their spouses had physically mistreated them at some point in their lives.<sup>13</sup> The incidence could be as high as 45 percent, according to a study from Uttar Pradesh.<sup>14</sup> A crime against women is registered every three minutes, according to the National Crime Records Bureau.<sup>15</sup> Every six hours, at least two women are sexually raped, and a young married lady is beaten to

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<sup>10</sup> Discriminatory laws and practices and act of violence against individuals based on their sexual orientation and gender identity, A/HRC/19/41 (2011), para. 29.

<sup>11</sup> Thematic study on the issue of violence against women and girls and disability, A/HRC/20/5 (2012), para. 22.

<sup>12</sup> World Health Organization Fact Sheet No 239. *Violence against Women, updated*. 2013. Oct, [accessed on November 22, 2013]. Available from: <http://www.who.int/mediacentre/factsheets/fs239/en> .

<sup>13</sup> Jeyaseelan L, Kumar S, Neelakantan N, Peedicayil A, Pillai R, Duvvury N. Physical spousal violence against women in India: some risk factors. *J Biosoc Sci*. 2007;39:657–70. [PubMed] [Google Scholar]

<sup>14</sup> Jejeebhoy SJ. Wife-beating in rural India: a husband's right? Evidence from survey data. *Econ Pol Wkly*. 1998;33:855–62.

<sup>15</sup> National Crime Record Bureau. [accessed on July 30, 2014]. Available from : <http://ncrb.gov.in/index.htm> .

death, burned, or driven to suicide. Domestic abuse affects 28.4 percent of pregnant women, which is frightening.<sup>16</sup> As a result of abuse, women face social isolation, unemployment, loss of money, poor self-care, and failure to provide childcare, which is a severe worry.

## 5. Female infanticide

Female infanticide is the intentional killing of a child, whereas female feticide (or fetal murder) is the intentional killing of a female fetus. In the past, female infanticide was practiced on a global scale.

In the twenty-first century, such practices are still common in many Asian and Middle Eastern countries, Sub-Saharan Africa, and the Asian diaspora in the United Kingdom, the United States, and Canada. Female infanticide is particularly widespread in India, Nepal, Bangladesh, Pakistan, China, South Korea, Singapore, and Taiwan. Its roots can be traced back to China's first millennium.<sup>17</sup>

Female infanticide and feticide are extreme forms of gender discrimination that occur often and threaten to exterminate females in the civilizations where they occur. There are no precise or accurate data on female infanticide or feticide, unfortunately. Both of these practices are carried out in secret, and most states' regular statistical systems do not allow for their documentation. The global sex ratio imbalance, with fewer females per 1,000 males, could be viewed as a symptom of increased female infanticide and feticide. Female feticide, infanticide, and other forms of gender discrimination are blamed for the high death of females at all stages of life, as indicated by the missing status of countless women (about 100 million women are claimed to be missing worldwide in general, there are 105 women for every 100 men, however, the ratio is lower in several countries: 93 for India and Pakistan, 94 for China, 97 for Egypt and Iran, and 95 for Bangladesh. Prejudice against female children has long been fueled by patriarchal society's preference for sons, as well as the presence of dowry. Due to their lack of education, low financial production, and lack

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<sup>16</sup> Khosla AH, Dua D, Devi L, Sud SS. Domestic violence in pregnancy in north Indian women. *Indian J Med Sci.* 2005;59:195–9.

<sup>17</sup> <https://www.encyclopedia.com/international/encyclopedias-almanacs-transcripts-and-maps/female-infanticide-and-fetal-murder>

of participation in high-profile professions and positions, women have been devalued. Refusing to give birth to a female child or denying her the right to live because she is a woman has had a far-reaching impact on society. It has an impact not only on communities where such practices are frequent, but also on national and international communities where female infanticide and feticide are not. Kidnappings of young women, forced marriages, sex crimes, wife purchasing, frustration-related psychological illnesses, and an increase in prostitution are all examples of social instability brought on by these countries' excessive female-to-male gender ratio. Some of these effects have already been documented in China. Female feticide is on the rise, and infanticide is still common, making the international community's commitment to women's empowerment and the abolition of all types of sex discrimination difficult to achieve.

#### **6. Women health, hygiene and sanitation.**

The right to water and sanitation is seen as a prerequisite for all other human rights. However, 2.1 billion people worldwide do not have access to safe drinking water at home, 2.3 billion do not have access to basic sanitation, and 1 billion defecate in the open. Women and girls are disproportionately affected by a lack of basic water, sanitation, and hygiene services due to their needs during periods of increased vulnerability to infection surrounding menstruation and reproduction.

Water, sanitation, and hygiene services access have been measured in rural and urban areas, as well as by country wealth quintiles and gender. However, data on the challenges faced by women and girls, the opportunity costs of these loads, and female empowerment in terms of water, sanitation, and hygiene decision-making and autonomy are lacking.

Women's water-fetching obligations and time-use burden, as well as the health and economic repercussions, are the key focus areas. Women's health suffers as a result of this practice, which includes spinal injury, neck pain, spontaneous abortion due to high and unusual workloads, and caloric loss. Girls have less time to complete their education when they carry water across long distances. Water fetching responsibilities add to the stress of unpaid household work, limit time available for other income-generating activities, and limit the time available for leisure and non-essential activities.

The relationship between the provision of sanitation and gender-based violence and mental stress. According to new research on sanitation-related gender-based violence, women and girls who are forced to defecate openly or use communal sanitation facilities face a number of risks.

Reports from Ethiopia, India, and refugee or internally displaced persons camps in Guinea, Haiti, Kenya, Liberia, the Philippines, Sierra Leone, and Somalia document physical and sexual harassment and assault by non-partners, fear of sexual violence and harassment, and stress faced by women and girls while using shared sanitation facilities or defecating openly. More research on the prevalence of sanitation-related gender-based violence, as well as the relationship between water and sanitation access, gender-based violence, and health, is required. According to new research on water, sanitation, and hygiene insecurity, and mental health among Ethiopian women, as measured by the World Health Organization (WHO) self-report questionnaire, water insecurity was predictive of psychological discomfort. According to research conducted in rural India on a sanitation insecurity measure that evaluates sanitation interventions for physical and social context, unmarried women and women without a functioning latrine had a higher sanitation insecurity score, which was associated with distress and poor mental health.

The third topic is women's water, sanitation, and hygiene needs during menstruation, pregnancy, and caregiving, as well as their implications for health, education, and psychological stress. Women require more water for hydration, sanitation, and cleaning during menstruation, pregnancy, the postnatal period, and when caring for sick family members or young children. If these basic needs are not met, women and girls will be unable to participate equally in society.

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sanitation, and cleanliness. Women and girls are unable to engage equally in society if these basic needs are not provided.<sup>18</sup>

## **7. Impact of climate change on women**

According to anecdotal data, women are more likely to notice and be vulnerable to the consequences of climate change on their lives.

Due to a multitude of social, economic, and cultural challenges, women are particularly vulnerable to climate change. Seventy percent of the 1.3 billion people living in poverty are women. In cities, women are the heads of 40% of the poorest households. Women produce 50% to 80% of the world's food while owning less than ten percent of the land.<sup>19</sup>

Women have limited access to and control over environmental products and services, have little role in decision-making, and are not involved in environmental benefit distribution. As a result, women are less equipped to deal with the effects of climate change.

Women are often in charge of gathering and preparing food, collecting water, and procuring heating and cooking fuel. As a result of climate change, these responsibilities are becoming increasingly difficult. Droughts and floods, for example, disproportionately affect the poor and vulnerable – women account for 70% of the world's impoverished.<sup>20</sup>

According to the IPCC [International Panel on Climate Change], climate-related risks exacerbate gender disparities, resulting in higher workloads for women, occupational dangers both indoors and outdoors, psychological and emotional stress, and higher mortality than men.<sup>21</sup>

Gender-based violence and exploitation are on the rise, according to the International Union for Conservation of Nature, as resources dwindle, the terrain becomes increasingly inhospitable, and climate change intensifies (IUCN).<sup>22</sup>

### **Improving women's adaptation to climate change**

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<sup>18</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6560376/>

<sup>19</sup> <https://www.un.org/en/chronicle/article/womenin-shadow-climate-change>

<sup>20</sup> <https://www.indiaspend.com/women-may-be-more-vulnerable-to-climate-change-but-data-absent/>

<sup>21</sup> <https://www.globalcitizen.org/en/content/how-climate-change-affects-women/>

<sup>22</sup> <https://www.globalcitizen.org/en/content/how-climate-change-affects-women/>

Despite their fragility, women have portrayed not only as victims of climate change but also as active and effective actors and proponents of adaptation and mitigation. In order to achieve this goal and increase women's adaptive capacity worldwide, particularly in developing nations, the following ideas must be addressed:

Climate change's gender-specific implications should be identified and addressed in adaptation efforts, notably in sectors such as water, food security, agriculture, energy, health, disaster management, and conflict resolution.

Inequalities in access to resources including financing, extension, and training services, as well as information and technology, should be taken into account.

When planning and supporting development projects, women's goals and needs must be considered. At the national and municipal levels, women should be involved in the provision of financing for climate change efforts.

Funding organizations and donors should consider the special conditions of women while creating and adopting climate change adaptation technologies, and do all possible to remove the economic, social, and cultural hurdles that hinder women from benefiting from and implementing them. Participation of women in the creation of new technologies can help to ensure that they are adaptive, appropriate, and durable. Advances in gender equality at the COP21 [21st Conference of the Parties] can help climate action succeed.<sup>23</sup>

At the national level, gender views should be included in national policies and strategies, as well as linked sustainable development and climate change plans and actions.<sup>24</sup>

#### **Reasons for failure in the women Right's movement:**

1. North South divide- Women cannot be said to be a homogenized group based on sex alone. The developed north has problems much different from the developing south. The developing nations are still dealing with preliminary issues such as poverty, hunger, literacy, sanitation, hygiene, etc. Therefore, the women's rights movement has taken a back foot. Also, another major cause is the colonial legacy of the developing nations, the

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<sup>23</sup> <https://www.iucn.org/resources/issues-briefs/gender-and-climate-change>

<sup>24</sup> <https://www.un.org/en/chronicle/article/womenin-shadow-climate-change>

women's suffrage movement wasn't that strong in the colonies as they received equal voting rights as newly independent nations in the mid of the 20<sup>th</sup> century.

2. Cultural differences- The religious and cultural difference restricts women's unionization at a global level. The problem of Women in Muslim-dominated countries is different from that of the West. While the Western Women may view the headscarf as a symbol of religious oppression towards women, the followers of the religion believe in the privatization of one's sexuality as one way of life different from that of the west. These different perspectives often cause hindrances in the consolidation of the global women's rights movement.

### **Conclusion**

The journey of the Women's Human Rights movement has been remarkable. It started with a demand for political rights in the form of women's demand for the right to vote, right to representation, right to equality and non-discrimination, etc. The movement ahead should be for economic rights such as providing equal pay for equal work, providing social benefits such as maternity and child care facilities. The focus should also shift to changing behavioral practices such as sharing household responsibilities between both men and women to release women of the dual role. These changes can be achieved by unifying women's voices from across the globe.