

WOMEN RIGHTS VIS-À-VIS HUMAN RIGHTS

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1. Introduction to the concept of Human rights

Human Rights means certain rights which are considered to be very basic for an individual's full physical, mental and spiritual development. It refer to the “basic rights and freedoms to which all humans are entitled”. These are the rights that every human being automatically qualifies for at birth. They cannot be denied because of the colour, of one's skin, religion, age or other personal factors. Human Rights are those irreducible minima, which belong to every member of the human race when pitted against the State or other public authorities or group and gangs and other oppressive communi-ties. Being a member of the human family he has the right to be treated as human once he/she takes birth or is alive in the womb with a potential title to personhood. Evolution of Human Rights after all depends on evolution of mankind.

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The concept of Human Rights, though very old, got an impetus only after the adoption of the *United Nations Charter* in 1945 and the *Universal Declaration of Human Rights* in 1948. The Universal Declaration recalls that the 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.

Human Rights is a dynamic concept and endeavours to adapt itself to the needs of the day. Further, Human Rights attain new dimensions and connotations with the march of the society. That is why the definition and understanding of the term depends much upon the social, economic, cultural, -civil and political conditions and opinions prevailing in a given society at a given time. -These developments also give rise to further aspirations of the people to be able to exercise their rights of equality and justice in its finer aspects.

But in all societies, women do not enjoy these rights to their full extent. This is due to gender inequality, direct and indirect discrimination, coercion and violence. While both women and men suffer from specific human rights abuses, much of their experience of human rights is gendered. The women are abused and experience torture, imprisonment, slavery, displacement, discrimination and other violations, simply for fact that they are female.

2. International Norms and Human Rights of Women

For a long time the Human Rights discourses were gender blind and almost ignored the fair sex because men alone participated in public life and therefore were supposed to bear the brunt of the State oppression, so did not spell out women's rights as human rights. From the Magna Carta in 1215 to American Constitution in 1789, the Human Rights did not recognize the special needs of the women. The women faced flagrant abuses everyday, every hour, in every region in the world. The human rights of women were being abused with impunity, they face discrimination and deprivation of her fundamental rights in every walk of her life. It was the *Universal Declaration on Human Rights* in 1948, which for the first time recognized women's rights as human rights. One of the great milestones in the protection of women's human rights was the adoption by the United Nations General Assembly in December 1979 of the *UN Convention On Elimination of All Forms of Discrimination against Women (CEDAW)*, The Convention laid the foundation and universal standard for women's equal enjoyment without discrimination of civil, political, economic, social, and cultural rights. The CEDAW provides that women be given rights equal to those of men.

Subsequent approval of new UN treaties, declarations, and mechanisms had advanced the recognition and protection of women's human rights. Since 1979 many organizations have emerged throughout the United States and around the globe to

promote awareness of women's human rights and to advocate for their defense.

The World Conference of Human Rights (1993) at Vienna, which was one of the main turning points in women's rights for the first time, recognized the gender-based violence against women, In public and private life 'as a human rights concern. The Vienna Declaration specifically condemned gender based violence and all forms of sexual harassment and exploitation. The conference concluded that:

"Human rights of women and of the girl child are inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil economic and cultural life at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community". The Conference urged upon governments, institutions, inter governmental and non-governmental organizations to intensify their efforts for protection and promotion of human rights of women, and the girl child.

The subsequent UN Conference and regional meetings, especially the *Fourth World Conference on Women held in Beijing* the September 1995 concluded that issues critical to the future well being of the women of the world in terms of resources development, protection of environment, establishment of peace, improvements of health and education depend on the adjustment of the status of women. For this it suggested a multi pronged,

integrated approach.

Therefore the global framework of Universal Human Rights has provided legitimacy to all those working towards equal rights for women and has given them tools by specifying the nature, meaning, content and implications of Human Rights of Women.

3. Violence against Women is a Human Rights Issue

According to a leading lawyer, Catherine MacKinnon, Professor of Law, University of Michigan:

“Human rights principles are based on experience, but the experiences have not been those of women. What most often happens to women escapes the human rights net. Whether in peacetime or in war, at home or abroad, in private or in public, by or side or by the other side, man's inhumanity to woman is ignored.”

Gender based violence is a form of discrimination which seriously inhibit women's ability to enjoy rights and freedoms on the basis of equality with men. Therefore efforts have been made at the International level to prohibit violence against women and sex discrimination, which was first, incorporated in the *U.N. Charter of 1945 and later reiterated in the Universal Declaration of Human Rights of 1948. The International Covenant on Civil and Political Rights and The International Covenant on Economic, Social and Cultural Rights, 1966* guarantees equal protection of the law to both sexes.

Convention on Elimination of Discrimination Against Women, 1981 specifically states that "for the purpose of present Convention, the term 'discrimination against women' shall mean 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 their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civic or any other field."

From these words if interpreted logically many aspects of domestic violence can be derived. The words like *distinction*, *restriction*, *nullifying the recognition*, *enjoyment* and *exercise* make a complete sketch of violence against women in the line of discrimination.

The Declaration on Violence against Women, 1993, is a mile stone for the countries for enacting laws on domestic violence. "Violence against Women" is defined as 'any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'. Article 2 of this Convention further goes on to explain the forms in which violence is manifested. The Article states that "violence against women" shall be understood to encompass:

(a) *physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female*

children with household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) physical, sexual and psychological violence occurring within the general occurring community including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) physical, sexual and psychological violence perpetuated or condoned by the perpetuated State, wherever it occurs.

The three parts definition by the Convention focuses on all the aspects of violence against women. This clearly takes into account domestic violence or violence against women in intimate relationships as an inherent issue that needs to be addressed as a human rights violation.

Thus, 'women rights' refers to those rights that have been recognized by the global community and protected by international legal instruments for improving the condition of the women and making women feel that they are humans and not a commodity. This concept of women's human rights has opened the way for women around the world to ask hard questions about the official inattention and general indifference to the widespread discrimination and violence that women experience everyday.

4. Conclusion

Thus, in all societies, women do not enjoy these rights to their full extent. This is due to gender inequality, direct and indirect discrimination, and coercion or violence. While both women and men suffer from specific human rights abuses, much of their experience of human rights is gendered. This is, the way in which women are abused and experience torture, imprisonment slavery, displacement, discrimination and other violations are often specifically shaped by the fact of being female.

So, do you think that women rights are different from human rights? The answer is “no” as what we term as women rights are basically the human rights of a women. These rights are necessary for the respectable living of the women. Some say that women are given additional rights in terms of women rights but that is not the case. What we categorize as “women rights” are indeed the “human rights of women”. 'Women's rights' are nothing but a recognition of 'women's human rights' because the women and girl child face additional human rights violation solely or primarily because of their sex.

The time has come to protect the human rights of women, to raise our voices against the discrimination of women. To conclude, I would like to quote the preamble of *Convention on the Elimination of All Forms of Discrimination against Women*, which states that

"The full and complete development of a country, the welfare of the world and the cause of peace required the maximum participation of women on equal terms with men in all fields."

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