



The United Nations and Women's Human Rights

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The concept of human rights is closely related to human worth and dignity. Human rights are the rights that are held simply by being a human being. And because “being human”, human rights are universal and inalienable¹. There are many expressions like ‘inherent rights’, ‘natural rights’ or ‘fundamental rights’ that are used interchangeably to explain the rights possessed by human being. In their basic meanings, human rights refer to the “availability of such conditions which are essential for the fullest development and realization of the innate characteristics which nature has bestowed his/her with as human being.”²

Although, the concern for human rights became popular in 20th century, it has its roots in different forms since the dawn of civilization. The notion of human rights as ‘natural rights’ can be traced back to the ancient Greek play ‘Antigone’³. The Stoic philosophers explained the nature of human rights as “the rights which every human being possess by virtue of being human’.⁴

The medieval period, which roughly ranges from 13th century to the treaty of Westphalia (1648), was not much conducive for the promotion and observance of human rights. But the concept of human rights could not be subsided for too long. It gained its importance once again with the rise of the notion of natural rights under social contract doctrine. The British Bill of Rights (1689), followed by American Declaration of Independence (1776) and French Revolution (1789) have given a further impetus to the development of the concept of human rights.

The modern day concept of human right is essentially the product of the post-Second World War era. The horrors of World War II and the atrocities carried out by Nazi Germans on Jews during intra-wars period forced the victorious powers to do something for the respect of human rights and fundamental freedoms for all. The universal acceptance



of the “Four Freedoms” proclaimed by the President Roosevelt (1941) and the inclusion of human rights provision in the UN Charter (1945) further widened the scope for global protection of human rights.

UN Charter and Human Rights

The United Nations, since its inception, has been “a primary catalyst”⁵ for the world wide promotion and protection of human rights. The provisions concerning human rights run throughout the UN Charter “like golden thread”⁶. The preamble of the UN Charter sets a natural tone of the spirit and agenda referring to human rights. It begins with; “We the people of United Nations... reaffirms faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights for men and women...”

Besides, there are almost six other references to human rights that are found in the UN Charter. Article 2 of the UN Charter envisages one of the purposes of the UN as “to achieve international cooperation...in promoting and encouraging respect for all without distinction as to race, sex, language and religion.” Article 55 also provides that “with a view to the creation of peaceful and friendly relations among nations...the United Nations shall promote...the universal respect for, and observance of, human rights freedoms for all without distinction, as to race, sex, language and religion.”

In the pursuance of these aims, Article 13(1) empowers the UN General Assembly to initiate studies and recommendations for purpose of “... assisting in the realization of human rights and fundamental freedoms for all without distinction as to race,sex,language or religion.” Besides, the ECOSOC, set up under the UN General Assembly, is also empowered “to make recommendations for the purpose of promoting respect for, and observance of human rights and fundamental freedoms for all.” Article 68 further empowers ECOSOC to set up commissions...for the promotion of human rights. Finally, Article 73 of the UN Charter identifies a basic objective of Trusteeship system as to encourage respect for human rights and fundamental freedoms for all without distinction, as to race, sex, language and religion.”

Thus, the UN Charter make elaborate provisions for the promotion and observance of human rights for all without distinction as to race, sex, language and religion.



Journey of Women's Rights under the UN Auspices

Women constitute half the humanity and contribute to every sphere of life at par with men. But, there is no country in the world where women are treated as equal with men. They compose the poorest and the least powerful segment of the population across the globe. They are denied equal access to economic resources, education, employment, health care and political power.⁷

The most common ground on which the discrimination is made is gender; which refers to “the socially constructed roles played by women and men that are assigned to them on the basis of their sex.” A systematic analysis of human history reveals that ‘gender’ has always been a decisive factor, in all societies, for division of labour and allocation of rights and responsibilities.

The inequalities based on gender pervade every aspect of social life and affect all the sections of society, but women are particularly more vulnerable. They have affected women's chance of survival and security in fundamental ways. That is why, in spite of their equal work, ability and contribution; no society has been able to grant equal status to women.

The concept of human right stems from the basis of equal concern for all. Therefore, “human rights are not worthy of name, if they exclude the female half of the humanity.” The UN does not only reaffirm its faith in equal rights for men and women but also recognizes the importance of some gender specific approach towards the realization of equal human rights to women.

Therefore, soon after its creation, the UN established in 1946 a Commission on Status of Women (CSW) to promote women's rights and equality by setting standards and formulating international conventions. In the first two decades of its operation, the CSW mainly focused on mapping out the legal status of women in different member states. During this period the major conventions passed by the UN and its agencies are⁸-

1. Conventions for the suppression of traffic in person and the exploitation of the prostitution of other (1949)



2. Equal remuneration for women and men workers for work of equal value (1951)
3. Convention for political rights of women (1952)
4. Discrimination in respect of employment and occupation (1958)
5. International convention against discrimination in education (1960)

The first critical change in the thinking concerning the status of women came in late 1960s, when women's role in family planning and birth control was recognized in connection with the problem of population growth. The Tehran Declaration issued after the First International Conference on Human Rights (1968) recognized the access to family planning as a new basic human rights to women.

However, it was not until the 1970s, that UN agenda really started specifically addressing the concerns of female half of humanity. Now, the formula adopted was to integrate women into development. Women were seen as resources and their contributions were sought to enhance the development process and to make it more efficient. For this purpose, it was considered necessary to improve the status, nutrition, health and education of women. Accordingly, the UN General Assembly declared year 1972 as the International Women Year and the First World Conference on Women held in Mexico City (1975). The theme of conference was 'equality, development and peace'; which became the basis of UN actions for women's issues in the following years. Subsequently, the UN General Assembly declared the years 1976-1985 as the UN Decade for women.

The main accomplishment of Mexico Conference was the acceptance of the first treaty of women's right in the form of 'The Convention on the Elimination of all forms of Discrimination against Women' (CEDAW); which was adapted by the UN General Assembly in 1979. It emphasizes that "discrimination against women is inconsistent with human dignity and the welfare of society and constitutes an obstacle to the realization of potentialities of women." Since its ratification in 1981, the CEDAW has almost been working as the Charter of rights to women against their discrimination. This convention has twin objectives of prohibiting discrimination and ensuring equality⁹. It also made a provision for the creation of a Committee of Expert to oversee the implementation of CEDAW through the examination of periodic reports submitted by the state parties and by



making recommendations accordingly. The Mexico Conference initiated a series of conferences on women. The Second Conference on Women held in Copenhagen in 1980; which laid emphasis on education, employment, and health of women.

The Third World Conference on Women held in Nairobi in 1985 to review and appraise the achievement of the UN Decade for Women. The Nairobi Conference adopted the 'Forward looking Strategies for the Advancement of Women Towards the year 2000. These strategies specifically recognize women as "intellectual, policy-makers, planners and contributors, and beneficiaries of development"; and called upon member states and UN system to implement them in practice.

Another important achievement of Nairobi Conference was the creation of UN Development Fund for Women (UNIFEM). The UNIFEM has focused its activities on four strategic areas: reducing feminized poverty, ending violence against women, reversing the spread of HIV/AIDS among women and girls, and achieving equality in democratic governance in times of peace and war. Working in association the UN Development Programme (UNDP), UNIFEM provides direct financial and technical assistance to low-income women in developing countries, who are striving to raise their standards. It also funds activities that bring women into main stream development decision- making.

To provide financial assistance to the female-owner of micro-enterprises, a global financial organization, The Women's World Bank was also established in 1980. By serving as a guarantor, the Bank encourages the commercial banks to women entrepreneurs who lack property or collateral and therefore denied credit. The micro credit opportunities for poor women created by the Bangladesh Grameen Bank have become a model to several other countries in this regard.

Women's Rights as Human Rights

In early 1990s, the issue of women's rights took a new dimension as women started raising voice against the male biases inherent in the international human rights law and in its interpretation. They argue that women face many human rights violations particular to them (e.g. rape, forced, honor crimes, genital mutilation, and dowry burning etc.) on daily basis but these violations are not addressed in the international human right discourses¹⁰. They also criticized the artificial division of life into public and private domain and the



remedy of human rights applying only to public domain; where state is seen as the violator. Therefore, the motto of international women's movements became "Women's Rights as Human Rights."

In response to the demand of international women's movement; in 1992, the CEDAW Committee had to issue a general recommendation that although the wording is not explicit, the provisions of violence against women are indeed covered under the CEDAW (1979). Further, the Commission on Status of Women drafted a "Declaration on the Elimination of Violence against Women" in 1993.

However, women's rights as human rights could get a full recognition only at the Second World Conference on Human Rights held in Vienna in 1993. The final document adopted at Vienna contained a chapter entitled 'The Equal Status and Human Rights of Women'; which spells out:**11**

- The full and equal enjoyment by women of all human rights should be the priority of governments and for the UN;
- The equal status of women and the human rights of women should be integrated into the mainstream of UN system-wide activities;
- The UN system and member governments should work towards "the elimination of violence against women...the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice, eradication of any conflict which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.
- The violations of women's human rights in situations of armed conflicts are the violation of the fundamental principles of international human rights and humanitarian law. All violations of this kind...require particular effective response.



The conference also called upon the UN General Assembly to adopt the “Declaration on Elimination of Violation against Women” and urged the member states to combat violence against women in accordance with its provisions. The conference also welcomed the plan for appointment of a special rapporteur on violence against women and introducing the right of petition through an Optional Protocol on CEDAW (1979).

The women’s human rights movement received a new impetus at the Fourth World Conference on Women held in Beijing in 1995. The ‘Platform for Actions’ adopted the Conference affirms that “women’s rights are human rights and are inalienable, universal, individual, and interdependent by nature.” It calls upon all governments, organizations and individuals to promote and protect the human rights of women, through the full implementation of all relevant human rights instruments, especially CEDAW (1979).

The Beijing Conference also identified ‘12 Critical Areas’ of actions which require the special attention on part of member governments in order to empower the women. They are: women and poverty, education and training of women, women and health care, violence against women, women and armed conflicts, women and access to economic resources, women in power and decision- making, institutional mechanism for the advancement of women, human rights of women, women and media, women and environment, and the rights of girl child. The ‘Platform for Actions’ broke “new ground by devoting considerable attention to ending violence against women; valuing the unpaid work of women in home, on family farms, in business and in the community; and calling for equal property and inheritance rights for women their equal representation in media.”¹² Following the conference, the Commission on Status of Women was mandated to review regularly these ‘areas of critical concern’ and play a catalytic role in the follow-up to the conference.

In 1999, the UN General Assembly adopted the ‘Optional Protocol’ to the CEDAW which empowered the individuals to bring their cases of violations to the attention of the CEDAW committee. Another important development for women has been the acknowledgement of the fact that in spite of being more sufferers of conflict and war; women are not integrated into peace initiatives. Thus, on October 31, 2000, the UN Security Council unanimously adopted a resolution on ‘Women, Peace and Security’.



Further the outcome assessment of Beijing Conference, known as Beijing +5 and Beijing +10, highlighted the negative impact of globalization and spread of HIV on the status of women.

UN's Contribution towards Women's Human Rights

The chronicle journey of women's right under the auspices of the UN itself signifies the contribution of UN towards the promotion and protection of women's right. The former UN Secretary General B B Ghali once asserted, "Few causes promoted by the UN have generated more intense and wide spread support than the campaign to promote and protect the equal rights of women."¹³ The UN's contribution towards women's rights can be put as under:

- The UN has helped to create a historic legacy of internationally agreed strategies , standards, programmes and goals to advance the rights of women world wide.¹⁴
- The UN has been at the forefront of developing international law at global and national level. The formulation of conventions like the CEDAW have compelled the member governments to make some laws against the gender discrimination constituting the obstacles to the realization of women's potential.¹⁵
- The UN has also made a remarkable job of reminding the world that human being inhabiting this earth include women also and they have equal right to be treated at par with men.¹⁶
 - Besides, The UN has also been successful in raising the importance of women's issues by integrating them into the mainstream of UN system-wide activities.

Problems before the UN

Despite the fact that the UN has been striving hard towards the realization of equal rights of women, it could not act with its full potential. The main constraints in the realization of UN's goal towards women's human rights have been:

- Non-ratification of women's related conventions by the member states¹⁷. It is distressing to see that "the member states, besides, oral promise and lofty claims, have not taken serious measures to implement women related conventions and declarations



honestly.”¹⁸ The position of developed and developing nations in this regard is no more different. In fact, many states have not ratified the women’s related conventions. For instance; The USA, one of the most prominent advocates of women’s rights, has not so far ratified the 1979 Convention on the Elimination of Discrimination against the Women, the global treaty exclusively dealing with the rights of women.

- Lack of effective and committed monitoring agencies to keep watch on the measures taken by member states towards the implementation of women’s rights¹⁹. The UN system has a provision of establishing the Committee of Experts corresponding to each UN convention to monitor the measures taken by the member states towards the realization of human rights; but the biases inherent in the working of experts especially while dealing with the issues of their own states and the inconsistencies between the actual position and the reports submitted to the UN committee by the member states often hamper the UN’s initiatives towards the realization of equal rights to women.

- Critics sometimes also blame the UN system for the marginalizing the women’s issues by delegating them to separate and less funded agencies.²⁰

Conclusion:

The above discussed constraints do not mean that the UN has ceased to be an important organization for the promotion and protection of Women’s human rights. In fact, the UN has been and would be the only galvanizing force for this purpose in today’s largely insecure world provided that it shall evolve some compulsive means to force the member states to implement the conventions, declarations and covenants regarding women’s empowerment and gender equality. Besides, some effective and committed monitoring agencies should be set up with the branches in every region/sub-region /cluster of states to keep a watch on measures taken by the respective countries towards the implementation of the UN conventions on women’s rights.

But, as the UN can only do whatever it is allowed to do by the member states. Therefore, the real responsibility comes to the academic institutions, think tanks, other research institutions and well aware population of member states who can compel their governments to ratify the women’s rights conventions and take concrete steps towards their implementation. Now as we have a new beginning in the form of establishment of



Women's seat at the UN, there is a need to carry forward the movement of the equal rights for women across all lines, divisions and boundaries.

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