



Human rights and women

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Abstract

Women play a significant role in society, and men's daily lives revolve around them. They have to be a mother, wife, homemaker, cook, teachers, friends, and sisters all at the same time. Women have the appearance of goddesses. The goddess of money and prosperity is Laxmi, the goddess of power and strength is Durga, and the goddess of wisdom is Saraswati. Women are the personification of wealth and power. Women's rights are significant because they allow women to obtain an education and earn a living. It gives them independence, which is necessary for every woman on the planet. Mohd Ali Jinnah said, "No nation can ever be worthy of its existence that cannot take its women along with the men. No struggle can ever succeed without women participating side by side with men. There are two powers in the world; one is the sword and the other is the pen. There is great competition and rivalry between the two. There is a third power stronger than both, that of the women." Human rights are fundamental rights that are available to all citizens around the world. Men always hold the belief that they are superior to society in our male-dominated culture. The Indian Women must deal with prejudice, unfairness, and disgrace. Despite the fact that women in India have more rights than men, their situation is nevertheless dire. However, many women and girls continue to experience sex and gender discrimination. Gender inequality is at the root of many issues that disproportionately affect women and girls, including domestic and sexual violence, low wages, limited access to education, and inadequate healthcare. This paper discusses the provision of rights for women, the challenges that women encounter, and how they deal with those concerns.

Keywords: human rights, fundamental rights, women

Introduction

"We've begun to raise daughters more like sons... but few have the courage to raise our sons more like our daughters."

---Gloria Steinem

The dignity of every human being is recognized and protected by human rights laws. Human rights regulate each person's interactions with others, their place in society, their connection with the state, and the duties that the state owes to them. Governments are prohibited from doing some things and are required to do others by human rights law. As they exercise their human rights, individuals have obligations to respect those of others. No organization, group, or person has the authority to act in a way that infringes on the rights of others.

Human rights are fundamental rights everyone has by virtue of being human. They are inherent and inalienable in every person regardless of their status in any society. Human rights cannot be granted or withdrawn or taken away. Women's and girls' rights are human rights. They cover every aspect of life i.e., health, education, political participation, economic well-being, and freedom from violence.

Women and girls are given full freedom and equal enjoyment in all aspects of their human rights and are free from all forms of discrimination. This is fundamental to achieving human rights, peace and security, and sustainable development. The Charter of the United Nations guarantees the equal rights of women and men. Almost all countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), described as the Women's international bill of rights.

In September 2015, the General Assembly adopted the 2030 Agenda for Sustainable Development which includes 17 Sustainable Development Goals (SDGs). Building on the

principle of "leaving no one behind", the new Agenda emphasizes a holistic approach to achieving sustainable development for all.

The new Sustainable Development Goals (SDGs) hold real promise to advance women's rights and include a specific goal (Goal 5) for gender equality. Goal 5 is more broad-based than the last gender goal and includes targets on ending gender-based violence, eliminating child marriage and female genital mutilation, and ensuring access to sexual and reproductive health. It also includes equal access to education, expanding women's economic opportunities, and reducing the burdens of unpaid care work on women and girls.

End all forms of discrimination against all women and girls everywhere

Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

Eliminate all harmful practices, such as child, early and forced marriage, and female genital mutilation

Recognize and value unpaid care and domestic work through the provision of public services, infrastructure, and social protection policies, and the promotion of shared responsibility within the household and the family as nationally appropriate

- Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life
- *Ensure universal access to sexual and reproductive health and reproductive rights* as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.

- Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources, in accordance with national laws
- Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women
- Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of *all women and girls at all levels*

The Convention defines discrimination against women as "...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 of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure the elimination of all acts of discrimination against women by persons, organizations, or enterprises.

Women's rights in India

Indian history has been greatly influenced by the contributions of women. Indian women enjoyed high status and gained more importance during the early Vedic Period. Women were worshipped as goddesses and had high status in the Indus Valley Civilization. They spend their lives freely without restrictions and boundaries. Women were treated with respect and regard in ancient India, where the patriarchal system was prevalent. During the Vedic period, women are allowed to get an education. Women were free to choose their partner through 'Swayamvara' or self-choice. The Rig Veda accepted a spinster's legal right to receive her father's estate. The Later Vedic period showed the decline of women's status in society. Women were only allowed to perform household chores. They relied on their parents before getting married, their husbands after getting married, and their sons following the husband's death.

Women's social lives witnessed significant transformations in the medieval Period. India was ruled by Delhi Sultanate and Mughal rulers. During this time, it was common for women to be dependent on their husbands or other male relatives. The only woman ruler who ruled over India was Razia Sultan. Female foeticides and female Infanticide were common at that time. Customs like Pardah System, Child Marriage, Sati, and Jauhar demonstrated the deterioration in the status of women during the medieval era. The defeat of the Mughals by the Britishers in the Battle of Plassey marked the beginning of British rule in India. The Christian missionaries were interested to provide education to the girls. Many reformers worked for the advancement of women throughout the British Raj, including Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, Jyotirao Phule, Pandita Ramabai, etc. Social reformers like Raja Ram Mohan Roy who abolished Sati in 1829 and Ishwar Chander

Vidya Sagar, who gave importance to the education of girls and the Remarriage of Widows. The prominent instances of women's empowerment in Modern India were Begum Hazrat Mahal and Queen of Jhansi, who contributed to the 1857 uprising against the British, and Annie Besant, Sarojini Naidu, and Aruna Asaf Ali, who contributed to the country's independence.

The Indian Constitution, which was adopted in 1949, contains several provisions that incorporate the principle of gender equality and non-discrimination. The Constitution recognizes human rights in the form of different fundamental rights and guarantees equal rights to men and women without distinction. The Indian Parliament also passed the Protection of Human Rights Act in 1993. The National Human Rights Commission was founded under the requirements of the act. Women who have experienced a violation of their human rights can file a complaint with the National Human Rights Commission.

Currently, the status of Indian women has changed significantly due to the expansion of literacy, which has helped them become more independent and aware of their rights, including the right to equal treatment, the right to property, the right to work, and the right to maintenance. However, the majority of women continue to be unaware of their rights, and as a result, they must endure harassment, exploitation, and injustice.

To ensure that women are protected and that their interests are protected, changes have been made to the Indian Evidence Act, the Code of Criminal Procedure, and the Indian Penal Code. In addition, a number of legislation specifically targeting women have been passed to safeguard their fundamental human rights. Such rules specify penalties for people who transgress the accepted human norms of conduct. The following is provided by these laws' provisions: Women's legal rights as an example of human rights.

Women's human rights under Indian constitution framework

- **Right to equality under article 14:** According to Article 1 of the UDHR, everyone is born free and with equal rights, and Article 7 establishes equality before the law. According to India's constitution, no one can be denied equality before the law or equal protection under the law on Indian territory, hence women have the same legal standing as males.
- **Right against discrimination:** Article 2 of the UDHR guarantees all rights and freedoms without any form of discrimination. Equal protection against discrimination is discussed in Article 7 as well. There is no discrimination based on any of the following factors: religion, race, caste, sex, or place of birth. Furthermore, no restrictions or conditions may be placed on: (a) assessments to businesses, public restrictions, hotels, or public entertainment venues; or (b) the use of wells, tanks, bathing Ghats, roads, and public resort areas that are wholly or partially maintained with state funds or designated for the use of the general public.
- **Right to equal opportunity in public employment:** Women are able to get equal opportunity related to public employment because there is equality of opportunity for all citizens, whether males or females, in matters relating to employment or appointment to any office under state. No discrimination can be made on the bases of religion, race, caste, sex, descent, and

place of birth, residence or any of them. However, government has authority to make rules for reservation.

- **Right to Freedom of Speech and Expression:** Everyone has right to freedom of speech and expression under article 19 of UDHR. Women can raise their voice for any matter affecting them by using their right under Article 19 (1) (a) of Indian Constitution which guarantees freedom of speech and expression to all citizens.
- **Right to work:** Everyone has the right to work under article 23 (1) of UDHR. Every citizens, whether, male or female, has the right to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- **Right to life and personal liberty:** Right to life, liberty and security of person has been recognised under article 3 of UDHR. Article 21 of Indian Constitution also provides right to live to all women and men as per their own choice by constitutional guarantee that no person shall be deprived of his/her life or personal.
- **Right against exploitation:** Article 5 of UDHR protects against torture or cruel, inhuman or degrading treatment. Indian Constitution under article 23 protects against human trafficking and bonded labour, which works as a shield for women's safety and ensures their right to work. For implementing the idea of this article, Indian parliament enacted the Suppression of Immoral Trafficking in women and girls Act, 1956 which was renamed as the Immoral Trafficking (prevention) Act, 1956.
- **Right to livelihood:** Article 39 (a) provides that the citizen, whether men or women, equally have the right to an adequate means to livelihood.
- **Equal pay for equal work:** Under article 39 (d) of the Indian Constitution ensures that the state shall provide equal pay for equal work for not only men but also women. UDHR under article 23(2) also provides such right.
- **Right to health:** Through article 39 (e), Constitution of India guarantees that the state shall direct its policy towards securing that the health and strength of workers, men as well as women and the tender age of children are not abused and none of them are not forced by economic necessity to enter occupation not suited to their age or strength. Article 25(1) of UDHR also provides right to a standard of living adequate for health and well-being.
- **Equal justice and free legal aid:** Under article 39A of the Constitution provides assistance to those who are unable to afford legal expenses of lawyers. So, the state shall secure that the operation of the legal system promotes justice, on a basis of which equal opportunity and free legal aid is given to all.
- **Just and Human Conditions of Work and maternity relief:** Article 42 of the Constitution directs that the state shall make provision for securing just and human conditions of work and for maternity relief.

- **Right of constitutional remedies:** In case of the violation of any of these fundamental rights, the aggrieved woman can move Supreme Court and High Court and file writ petition under Article 32 & Article 226 for seeking remedy but there is no such mechanism available in case of Directive Principles of State Policy, which are not enforceable by any court under writ jurisdiction.

B. Women's human rights protected under various legislations:

- **Right to live with dignity:** Under article 51 (A) (e), it is a fundamental duty of every citizen of India to reject the practices disrespectful to the dignity of women. Article 21 also confirms that every person has a right to live with dignity full. So, the women also have such right under which they can oppose the practices which are against their self-respect. As per legal provisions, No woman can be presented indecently in any publications, paintings, writings, and advertisement or in any other way, if it is done so, it will be an offence under the provisions of Indecent Representation of Women (Prohibition) Act, 1986.
- If any person pulls Dupatta, Sari or any piece of their dress, they can lodge a complaint under Section 354 of Indian Penal Code, 1860. In case of occurrence of such incident at work place, she can move her complaint under Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act. In rape cases, First Information Report can be lodged under Section 376 in which the name and the identity of the victim woman will be kept under secrecy and not to be disclosed because the disclosure of the identity of such aggrieved women is itself an offence under section 228-A of Indian Penal Code, 1860 punishable with imprisonment up to 2 years and fine.
- **Right to use earnings:** Women have the right to use the money as per their wish which they earn. In past centuries, women had the right only on the property called "Stridhan" but the enactment of Married Women's Right on Property Act, 1834, extended the definition of women's personal property which includes: (a) Earning or salary from business, profession or service, (b) Earning from scientific, literature or artistic skills, (c) Saving from salary or capital gain, and (d) Insurance policy of women. These all properties are included in their earnings which can be utilized by women as they wish.
- **Right to own property:** The Hindu Succession Act, 1956 conferred absolute ownership to Hindu women on the properties possessed by her under section 14(1). So, Hindu women have got full rights on properties earned or acquired by her in gift or will.
- **Right against discrimination in employment:** Article 23 (1) of UDHR provides everyone the right to work with free choice of getting an employment in just and favourable conditions. In India, discrimination on the grounds of sex or marital status in any employment, whether public or private, has now been outlawed by Sex Discrimination Act, 1975. The act applies to all employees of public as well as private sector. Apart from this, protection of articles 14, 15, 16 of the

constitution are also given to women against any discriminatory action by the state.

- **Right to get equal pay:** Article 39(d) of the Constitution confirms the right to get equal pay for equal work, recognised under Article 23(2) of UDHR, and directs the state to make policy for equal work for both men and women.
- The Parliament recognized right to get equal pay of women by enacting Equal Remuneration Act, 1976 which declares discrimination between woman and man employees unlawful by an employer pertaining to the terms of the employment contracts. Any woman employee may bring claims under the equal remuneration act if she is treated less favourable in compare to man regarding any terms or conditions of her employment contract.
- **Right against sexual harassment at work place:** The Supreme Court in its historic decision in 'Vishakha and other v. State of Rajasthan and Others' issued 12 guidelines and declared them as law under Article 142 because at that time there was no enacted law on the subject. After 16 years, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to empower all women against sexual harassment at work place. The act mandates all employers to set up internal complaint committee for Redressal of women employees' sexual harassment complaints, failure to which the employer may be fined up to Rs. 50,000. Apart from this, the Criminal Law (amendment) Act, 2013 has enlarged the scope of Section 354 of IPC which, now, also includes the sexual harassment at work place punishable with an imprisonment 1 to 3 years and /or fine. Any aggrieved women can file complaint under section 354 of IPC even for any unwanted touch or behaviour.
- **Right of maternity benefit:** To perform the biological role of child bearing, every woman needs to leave work for some period in which she requires financial support not only for her living but also to meet medical expenses. So, the law provides maternity benefit to the working women for their survival and to protect their health. The Maternity Benefit Act, 1961 regulates the employment of women employees in certain establishments immediately before and after child birth and provides them maternity benefit and certain other benefits. The act applies to all factories, mines, plantations whether public or private.
- **Right to claim maintenance:** The Code of Criminal Procedure, 1973 under section 125 recognizes woman's right to get maintenance from her husband. Section 18 of the Hindu Adoption and maintenance act, 1956 also provides such right to women from their estranged husband. By using these provisions, women can claim maintenance even during separation.

Other legislations for the protection of women's human rights

The Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, passed in 1994, forbids the use of pre-natal and pre-conception diagnostic techniques for sex determination and forbids the killing of female infants in order to guarantee that all women are born without prejudice.

The Domestic Violence Act was created to safeguard women against all types of domestic violence, including sexual, emotional, mental, and physical abuse. It was approved by the Indian legislature in 2005.

The Dowry Prohibition Act of 1961 makes receiving or paying dowry unlawful before, during, or after the marriage ceremony.

The Prohibition of Child Marriage Act, of 2006 forbids child marriage and designates it as a criminal offense.

The National Commission for Women was established by the National Commission for Women Act of 1990. The commission reviews the framework for the protection of women and submits periodic reports to the central government. Women can file complaints with the commission regarding the deprivation of their rights. The Women's Commission also contributes financially to legal proceedings involving women's rights problems.

Challenges For women

1. **Access to education:** Access to Education is a basic right for everyone. No discrimination on the basis of caste, color, creed, gender, and religion, etc. Through the 86th Constitutional Amendment "Right to Education" is added as a Fundamental right under Art 21-A and added as 11th duty of the Fundamental Duties. Under RTE, free and compulsory education to children between 6-14 years. According to UNESCO estimates, 129 million females are out of school globally, with 32 million in elementary school and 97 million in secondary education. After the control of the Taliban in Afghanistan, Women are not allowed to get an education. In Saudi Arabia, there is no educational system that allows men and women to be in the same classes.
2. **Employment opportunity:** Finding work is far more difficult for women than for men all around the world. Earlier, women could only work in a few professions, such as teachers and nurses. Women have the freedom to pursue any profession in the modern world. Because of patriarchy, women are subjugated by superiors in the workplace and by spouses at home. Previously, women's lives concentrated around housework and raising their children. Today women are overworked with both household duties and professional obligations. Women experienced worse working conditions than males in 2018 and were more likely to work in low-skilled occupations. In more than 90% of sub-Saharan countries, 89% of Southern Asian States, and approximately 75% of Latin American countries, women are also "more vulnerable" to informal professions without social security. The International Labor Organization (ILO) research states that "women are also frequently found in occupations that are the most vulnerable...such as in domestic, home-based, or contributing to family work."
3. **Gender-based violence:** The UNHCR defines Gender-Based Violence as "harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. Gender-Based violence (GBV) is a serious violation of human rights and a life-threatening health and protection issue." One of the most common human rights abuses worldwide is gender-based violence. It transcends all social, economic, and geographic borders. One in three women may reportedly encounter

physical or sexual assault at some point in their lives worldwide. According to World Bank, Intimate relationship abuse involving physical and/or sexual assault or non-partner sexual assault has affected 35% of women worldwide.

7% of women worldwide have experienced sexual assault by a person other than a romantic relationship. Up to 38% of female homicides worldwide are the result of an intimate relationship. Women have undergone female genital mutilation or cutting in 200 million cases. After COVID-19, India reported the highest number of crimes against women.

According to the National Crime Record Bureau report, kidnappings and abductions, rapes, domestic violence, dowry deaths, and assaults made up the majority of instances in 2021. In addition, 1,580 women were trafficked, 15 girls were sold, 107 women were acid-attack victims, and 2,668 women were victims of cybercrimes. Uttar Pradesh, a state in northern India, has more than 56,000 instances. Domestic violence is recorded under the legal term "cruelty by a spouse or his relatives," and it is routinely the most reported violent crime against women in India. In 2021, police received 137,956 complaints from women or roughly one every four minutes. It is a 27% increase from 2016 when 110,434 women sought police assistance.

4. **Health relates issues:** Women's health in India has always been a major concern. Poor nutrition, changing lifestyles, stress, domestic violence, misinformation about maternal health, inaccessibility to basic health care facilities, etc. When it comes to menstruation, women and girls face discrimination. In some parts of the world, Women are seen as filthy, untouchable, or a disgrace. 70% of adolescent females are Anaemic, and their difficulties are tied to menstrual health and cleanliness.
5. **Gender Inequality:** Gender inequality is discrimination among genders. The world is experiencing a patriarchal civilization in which males are superior to girls. Parents favor male children, while girls are denied basic rights like school and employment. The World Economic Forum released the Global Gender Gap Index in which India's rank is 135 out of 146 countries. According to World Bank study, almost one billion women lack legal protection against home sexual assault or domestic economic violence. Both have an impact on women's ability to thrive and live freely. In many nations, there are also no legal safeguards against the workplace, school, or public harassment. Without protection, women are routinely forced to make decisions that compromise and limit their ambitions in these areas.
6. **Glass ceiling:** The glass ceiling is a metaphor for the invisible barrier that women and individuals from other oppressed groups experience when attempting to advance in their careers. These are not formal business policies; rather, they are unsaid but tacitly understood biases established in organizational structures that prevent certain persons from ascending into top management roles, regardless of their abilities.

Tackle challenges faced by women

- **Right to Education:** "If you educate a man, you educate one person. If you educate a woman, you educate a nation." Brigham Young. Every citizen has the fundamental right to an education. The Indian Constitution includes a provision for the right to education. It entails offering free and compulsory education to children aged 6 to 14. There will be no discrimination based on caste, color, creed, gender, religion, or language. Even government provides free education to girls and provides scholarships for higher education. Even those students who are unable to take attend classes regularly in schools and colleges for those they provide open school education through National Institute for Open Schooling (NIOS) and open college education through University School of Open Learning (USOL) and Indira Gandhi National Open University (IGNOU).
- Women's commissions at the national and state levels, NGOs, and the Task Force for Women and Child Development should initiate an awareness campaign about legal rights, women's rights, human rights, and children's rights, population education, health education, environmental education, education about saving plans, disaster management, and rehabilitation programs.
- India suffered from a patriarchal society in which males were considered superior to females. Males are the sole breadwinners, while females are responsible only for household chores and child raising. We live in the twenty-first century, so there is a need to change masculine society's mindset. Nowadays, both genders are treated equally. Women's work should be prioritized as well. Husbands should respect and treat their working wives as equal partners. For her to feel less stressed and burdened, he ought to assist her in the home. Additionally, to lessen her stress and workload, she should be provided with the services of servants and cutting-edge, time-saving technology.
- Democracy is the ideal form of governance, in which citizens choose their representatives through the Universal Adult Franchise. The people hold the legislators responsible. For example, the government offers a variety of social programs to minorities, women, and the poor. In India, women enjoy a number of fundamental freedoms, including the right to choose their own careers, easy access to education, and political and economic rights. In contrast to Afghanistan, which is governed by the Taliban administration, where women are not permitted to attend schools or colleges. Women in Saudi Arabia are required to wear a hijab.
- To address domestic abuse cases, there is a special court with a female judge and magistrate in each district. The government is accountable for ensuring that existing laws are correctly applied. Police should receive training and sensitization on how to treat women who are in need with respect and courtesy.
- Creating systems to guarantee the protection of women across the nation should be a priority, as should educating women about existing government activities. Safety measures for women have been improved through the Panic Button and the Nirbhaya Police Squad. In order to provide secure workplaces for

women and create an enabling atmosphere that respects women's right to equality of status and opportunity, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, was passed.

The government has a responsibility to help women become financially independent so they can contribute to the advancement of the nation.

Conclusion

Gender equality is an essential human right. A woman has the right to live with dignity and freedom. Additionally essential to promoting prosperity and eradicating poverty is the empowerment of women. Women who are empowered boost the prospects for the future generation as well as the health and productivity of entire families and communities. Due to their heavy workloads, lack of authority, and influence, women are threatened with their lives, health, and general well-being everywhere in the world. Countries should take action to set up systems that ensure women have equal access to political involvement, equitable representation at all levels of public life in every community and society, and the ability to express their needs. Government and organizations should work to end any discriminatory practices against women while also aiding women in claiming their rights, especially those related to sexual and reproductive health. putting in place the necessary steps to increase women's capacity for earning income outside of traditional jobs, achieve financial independence, and guarantee women's equal access to the labor market and social security institutions. We require a fundamentally reformed society in which equal possibilities for advancement are provided to women so that they can co-exist with their male counterparts, contributing equally to all the variables necessary for the overall growth of society.

References

1. Jaiswal Sumit. Critical analysis of women's Human Rights and their violations in India, research gate, 2020.
2. <https://news.un.org/en/story/2019/03/1034221>
3. Pandey Geeta. Rising crimes against Indian women in five charts, World Asia News, BBC news, 2022.
4. Glick Hans. Issue affecting girls and women around the world, global citizen, 2015.
5. <https://samajho.com/upsc/women-related-issues-challenges-and-welfare-schemes/>
6. <https://beijing20.unwomen.org/en/in-focus/human-rights#:~:text=Women's%20and%20girls'%20rights%20are,from%20violence%2C%20among%20many%20others.>
7. <https://www.globalfundforwomen.org/womens-human-rights/>
8. <https://www.un.org/womenwatch/daw/cedaw/>