



---

## THE UNITED NATIONS AND THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

**Dr. VENKATA RATHNAM**

Faculty of History, Assistant Professor Contract, Nizam College, Hyderabad.

### ABSTRACT

*The UN charter recognize that everyone has the right to lake part in the Government of his country directly or indirectly through freely chosen representative. The UN has consistently advocated that addressing the issue of equal rights for women is a means to solving a number of socio-economic problems, including uncontrolled population growth and non-sustainable development. It is now widely accepted that investing in women leads to higher economic growth, belter health and higher education for entire nations.*

*Equality is the cornerstone of every civilized society which aspires to democracy, social justice and human rights. The United Nations charter was the first Global treaty which called for equality between women and men. This commitment was openly debated at the Global level in the quest for the full enjoyment by women of their human rights.*

### INTRODUCTION:

The UN charter, in its preamble, declared their faith m me fundamental human rights, in the dignity and worth of human person in the equal rights of men and women and of nations large and small. The UN charter goes on to proclaim that one of the purposes is to achieve International cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all people without distinction as to race, sex, language or religion. The provision of the charter regarding equal right of women have been further refined and developed in a great number of International human rights instruments by adopting International laws and treaties on women's rights. The UN has set a common standard for measuring how societies advance equally between men and women. The UN charter recognize that everyone has the right to take part in the Government of his country directly or indirectly through freely chosen representative. It has equalize the status of men and women in the enjoyment and exercise of political rights in accordance with the provision of the United Nations and of the universal declaration of human rights W omen shall be entitled to vote in all elections on equal terms with men without any discrimination.<sup>1</sup> Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.<sup>2</sup> They will be entitled to hold public office and to exercise all public functions established by national law on equal terms with men without any discrimination.<sup>3</sup>

Until the late 1980s few authors, academics and human rights experts within the United Nations or regional bodies addressed the question whether women were enjoying the human rights guaranteed to them in the Universal Declaration and the two Covenants on 'civil and political rights' and 'economic, social and cultural



rights.<sup>4</sup> When, in the course of the UN Decade for Women (1976-85), the International Convention on the Elimination of All Forms of Discrimination Against Women (hereafter, the 'Women's Convention') was adopted in 1979, its preamble remarked that despite the existence of numerous covenants and conventions developed over a long period of time, discrimination against women was endemic. The Decade for Women had come about in response to the overwhelming evidence that post-colonial 'development' was not benefiting women when measured in terms of political participation, wealth, health and education.<sup>5</sup> As an instrument invoked by women's groups and interpreted by its monitoring committee (Committee for the Elimination of Discrimination against Women or CEDAW), the Women's Convention had considerable effect<sup>6</sup> but this could have been far greater if states had not entered so many reservations<sup>7</sup> and if mainstream human rights jurists had paid it the attention it merited.<sup>8</sup>

The UN has concentrated on securing equality, development and peace for women and all members of society. A series of global conferences and summit meetings sponsored by the UN since 1990 has brought consensus on actions to be taken in support of the advancement of women as part of comprehensive international goals. The result of the 1993 UN Human Rights Conference in Vienna was the declaration that women's rights are human rights. In this regard, the platform for action, adopted by 189 delegations at the Fourth World Conference of Women in Beijing in 1995 constitutes a comprehensive action plan for economic and political empowerment of women for achieving the UN objective of full equality for women. Women are denied the enjoyment of their political and civil rights generally and on an equal basis with men; they also suffer violations of their economic, social and cultural rights. The obstacles women face that are particular to their sex. Both de jure and de facto discrimination and violations of rights must be made visible, recognized and examined. UN action for the advancement of women has taken four clear directions: promotion of legal measures, mobilization of public opinion and international action, research and training, and direct assistance to disadvantaged groups. Legally binding UN conventions, or treaties, have helped to define and promote women's human rights. All states parties are committed to honouring the provisions of such treaties and providing women with legal protection. These legal instruments include:

- The ILO convention on Equal Remuneration (1951) establishes the principle and practice of equal pay for work of equal value.
- The convention on the Political Rights of Women (1952) commits member states to allow women to vote and hold public offices on equal terms with men.
- The Convention on the Nationality of Married women (1957) aims at protecting the right of a married woman to retain her nationality.
- The UNESCO convention against Discrimination in Education (1960) paves the way for equal educational opportunities for girls and women.



- The convention on consent to marriage, minimum age for marriage and registration for marriages (1962) decrees that no marriage can occur without the consent of both parties.
- The convention on the elimination of all forms of discrimination against women (1979).

The UN has consistently advocated that addressing the issue of equal rights for women is a means to solving a number of socio-economic problems, including uncontrolled population growth and non-sustainable development. It is now widely accepted that investing in women leads to higher economic growth, better health and higher education for entire nations. The UN devotes about 80 per cent of its work to development activities. Women are fast becoming key beneficiaries of aid in such areas as health, education and the environment. Since the 1990 World Conference on Education for All, 153 countries have joined in UN-led efforts to eliminate gender stereotyping in education and make education and empowerment of girls and women a key priority.

### **Measures to Eliminate All Forms of Discrimination Against Women**

The Convention on the Elimination of all forms of Discrimination against Women, adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

According to the Convention, discrimination against women is “...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 recognizing the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all its forms, including:

- To incorporate the principle of equality of men and women in their legal systems, 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 elimination of all acts of discrimination against women by persons, organizations or enterprises.



---

The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women. The Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.

In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity". As defined discrimination is understood as "any distinction, exclusion or restriction made on the basis of sex... in the political, economic, social, cultural, civil or any other field."<sup>9</sup> The Convention gives positive affirmation to the principle of equality by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."<sup>10</sup>

The legal status of women receives the broadest attention. Concern over the basic rights of political participation has not diminished since the adoption of the Convention on the Political Rights of Women in 1952. Its provisions, therefore, are restated in article 7 whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level." The Convention on the Nationality of Married Women -adopted in 1957 – is integrated under article 9 providing for the statehood of women, irrespective of their marital status. The Convention, thereby, draws attention to the fact that often women's legal status has been linked to marriage, making them dependent on their husband's nationality rather than individuals in their own right. Articles 10, 11 and 13, respectively, affirm women's rights to non-discrimination in education, employment and economic and social activities. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles and vital economic contributions, as noted in article 14, warrant more attention in policy planning. Article 15 asserts the full equality of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity "shall be deemed null and void". Finally, in article 16, the Convention returns to the issue of marriage and family relations, asserting the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property.

---



The Committee on the Elimination of Discrimination against Women (CEDAW): Convened for the first time in 1982, CEDAW is the treaty monitoring body for the Convention on the Elimination of All Forms of Discrimination against Women. It examines compliance with the Convention's provisions by States parties (currently 158). The Committee is composed of 23 independent experts, who are elected by those countries that have ratified the Convention. Members of the Committee, who are persons "of high moral standing and competence in the field covered by the Convention", serve for a term of four years and may be re-elected. The Committee can suggest specific measures as well as make general recommendations to the States parties on eliminating discrimination against women. The Committee reports annually on its activities to the General Assembly through the Economic and Social Council.

The Committee on the Elimination of Discrimination against Women is the mechanism established to monitor implementation of the Convention on the Elimination of All Forms of Discrimination against Women, its work in reviewing States parties' reports and in preparing general recommendations, and its contributions to international conferences and other events is essential to ensuring the enjoyment by women of their human-rights.

### **Women's Development and Empowerment**

The term "empowerment" has been overused in the 1980s and 1990's; it is used as a synonym for participation, for speaking out, or for meeting some basic need. In its undiluted form, however, it is an important concept. Key to the concept is power, but rather than substituting one dominant power for another, notions of empowerment here are used to imply "power to" and not "power over." Women need more power to control their lives, to meet their practical and strategic needs, and to shape the worlds in which they live in ways that are not themselves oppressive. Power can be thought of as a social relationship between groups that determined access to, use of, and control over the basic material and ideological resources in society"16. Those who are empowered are able to shape social relations so that resources are used for the benefit to everyone, especially those who are disadvantaged. Various definitions of empowerment for women 3x;st. Empowerment is a process of gaining understanding of, and control over, the political forces around one as a means of improving one's standing in society<sup>17</sup>. This requires awareness of one's situation, skill acquisition that enables change, and working jointly in effecting change. It involves "claiming equality" instead of waiting for others to provide it<sup>18</sup>. Empowerment can be used for social mobilization, changing women's state of mind, and gaining access to the bases of social power<sup>19</sup>. Networking and organizing are central to Friedmann's goals of political, psychological, and social empowerment processes, empowerment begins when women "change their ideas about the causes of their powerlessness, when they recognize the systemic forces that oppress them. And when they act to change the conditions of their lives<sup>20</sup>.



Empowerment as a Collective Process. Process and collectivity are central to empowerment<sup>21</sup>. Certain types of experiences will lead to feelings or self-confidence, and this self-confidence can generate more courage for women to venture into previously foreign arenas where they can exert pressure or challenge social situations that create difficulties for them<sup>22</sup>. Achieving positive results from such an endeavour is reflective of an empowering process. But individual efforts to effect change in one's life or environment, though important, are limited in scope and results. Collective efforts not only increase the numbers of individuals involved in a social action, they also provide contexts in which empowerment is more actively and energetically pursued. Collective action has the potential to create a stronger voice and sustain a more powerful challenge to discriminatory structures, and to elicit a more adequate response. Experiences of a collective nature can be more dynamic and achieve greater results in empowering the participants and effecting positive social change.

There can be no genuine development without the equal and meaningful participation of women in the development process. Thus, discrimination against women in access to health care, education, employment, property and land rights, inter alia, constitutes an obstacle to the realization of the right to development.

The importance of women's participation in the development process has been emphasized by the Working Group on the Right to Development. The Working Group discusses this issue regularly and indicates that the continuing discrimination against women, which prevents their full participation in economic, political, social and cultural life, constitutes a major obstacle to the implementation of the Declaration on the Right to Development. The empowerment and advancement of women, including the right to freedom of thought, conscience, religion and belief, thus contributing to the moral, ethical, spiritual and intellectual needs of women and men, individually or in community with others and thereby guaranteeing them the possibility of realizing their full potential in society and shaping their lives in accordance with their own aspirations.

For those women in paid work, many experience obstacles that prevent them from achieving their potential. While some are increasingly found in lower levels of management.<sup>23</sup> Attitudinal discrimination often prevents them from being promoted further. The experience of sexual harassment is an affront to a worker's dignity and prevents women from making a contribution commensurate with their abilities. The lack of a family-friendly work environment, including a lack of appropriate and affordable child care, and inflexible working hours further prevent women from achieving their full potential.

### **Women's Human Rights**

The Platform for Action reaffirms that all human rights of women throughout the life cycle- civil, cultural, economic, political and social, including the right to development - are universal, indivisible, interdependent and interrelated,

---



as expressed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. The Conference reaffirmed that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal enjoyment of all human rights and fundamental freedoms by women and girls is a priority for Governments and the United Nations and is essential for the advancement of women. They specifically highlighted human rights violations, such as violence against women, that are particular to women or gender-specific, and made clear that women's human rights are subject to violations in all spheres. Many women face additional barriers to the enjoyment of their human rights because of such factors as their race, language, ethnicity, culture, religion, disability or socio-economic class or because they are indigenous people, migrants, including women migrant workers, displaced women or refugees.

At present, three mechanisms deal with women's human rights as their primary concern: the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women.

In recent years, the Commission on Human Rights has emphasized the need to integrate the human rights of women into the mainstream of the United Nations human rights regime. In accordance with the mandate, the United Nations High Commissioner for Human Rights has the responsibility of protecting the effective enjoyment by all of all civil, cultural, economic, political and social rights.<sup>24</sup> In his activities, the High Commissioner has given special importance to promoting the equal status of women and respect for the human rights of women. The basic human rights treaties such as the International Covenants on Human Rights not only contain anti-discrimination provisions, but also identify areas of specific gender discrimination that require that States parties enact legal and administrative measures, including affirmative action, to achieve equality between men and women. The ratification and implementation of all human rights treaties would thus directly assist in promoting respect for women's rights.

### **Violence against Women**

Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. Taking into account the Declaration on the Elimination of Violence against Women and the work of Special Rapporteurs, gender-based violence, such as battering and other domestic violence, sexual abuse, sexual slavery and exploitation, and international trafficking in women and children, forced prostitution and sexual harassment, as well as violence against women, resulting from cultural prejudice, racism and racial discrimination, xenophobia, pornography, ethnic cleansing, armed conflict, foreign occupation, religious and anti-religious extremism and terrorism are incompatible with the dignity and the worth of the human person and must be combated and eliminated. Any harmful aspect of certain traditional, customary or modern



practices that violates the rights of women should be prohibited and eliminated. Governments should take urgent action to combat and eliminate all forms of violence against women in private and public life, whether perpetrated or tolerated by the State or private persons.

The primary victims of today's wars are civilian women and their children, not soldiers. The use of rape as a weapon of war has become more evident. In Rwanda from April 1994 to April 1995, estimates of the number of women and girls raped range from 15,700 to over 250,000. Worldwide, 20 to 50 per cent of women experience some degree of domestic violence during marriage. Each year an estimated two million girls suffer the practice of female genital mutilation.

The issue of violence against women and girls must be considered one of the greatest challenges in the coming decade. Violence against women exists in epidemic proportions in many countries around the world. In surveys conducted in various countries, between 10 and 69 percent of women reported having experienced domestic violence. By region, 10-35 percent of women in Latin America and 13-45 percent of women in sub-Saharan Africa have experienced physical intimate partner violence at some time in their lives. Non-intimate partner sexual violence also shows high global prevalence, with at least one in five women suffering rape or attempted rape during her lifetime. Worldwide, it is estimate that violence against women is a serious a cause of death and incapacity among reproductive — age women as is cancer, and it is a more common cause of ill-health among women than traffic accidents and malaria combined. The disempowering effects of violence against women are enormous.

Making progress since the womens conference, several countries have followed up their commitments with concrete measures to advance the status of women, examples of some recent action include:

Canada has introduced budgetary reforms benefiting women. Mexico has approved a national programme for women to promote equality. China is providing practical training to 10 million women in poor areas. In the USA, the president's interagency council on women has been formed and a \$ 1.6 billion six-year programme has been launched to fight violence against women. In Japan, a Council for Gender Equality has been set up to formulate long-term policies on gender. Cote d'Ivoire has set up a bank to extend credit to women. Many countries have adopted legislative measures to protect women's rights

The required policy framework for gender equality and empowerment of women is already in place; it is not more recommendations that we need. The Platform for Action contains many critical commitments which have yet to be implemented at national level. In most cases the legislative changes, policies, programmes and activities which are needed to ensure full implementation of the



goals of the United Nations on gender equality and the empowerment of women are already well known.

Positive actions have been taken in many countries with very good results. Efforts have, however, too often not been systematic and sustained. They have been adhoc and marginal, and not developed on the basis of a deep understanding of how critical gender equality is for development. The good practice examples that do exist are not shared systematically and the spin-off effects are poor. A large gap therefore continues to exist between policy commitments made at the Fourth World Conference and actual implementation at national level. The challenge ahead is to get the job of implementation done.

What can be done to move forward ? More than three decades of research, activism and innovation, have shown that achieving the goal of greater gender equality and empowerment of women is possible. It does, however, require explicit commitment, concerted action, adequate resources and clear accountability.

Are women better or worse off? The picture is mixed: a greater proportion of women are literate, and more of them are visible at high political levels. At the same time many women are poorer than ever before, and women's human rights are being violated on an unprecedented scale. Violence, rape, torture, rape, torture, humiliation, anger and anguish are all too familiar to women around the world.

Broadly, commissions dealing with any aspect related to women have stressed that gender-sensitive analysis should be an integral part of the development and monitoring of policies and programmes. Within their mandate, and for empowering women, in particular through access to productive resources, including education and training.

Mainstreaming constitutes a conceptual approach to an issue and requires that a gender perspective be applied to all issues in a coordinated work programme.

## **NOTES AND REFERENCES :**

The convention on political rights of women ratified by the General Assembly resolution 640(vii) of 20 December 1952, Article 1.

Indeed, it had not been a foregone conclusion, that the Universal Declaration would include the right to the equal enjoyment and exercise of rights by women as well as men; Latin American women leaders, such as Bertha Lutz, struggled alongside Eleanor Roosevelt to ensure women were written in, rather than out, from the beginning of the post 1945 human rights regime.

There are innumerable titles from this period, but the chief stimulus was Ester Boserup, *Woman's Role in Economic Development* (New York; St Martin's Press, 1970).



---

The main non-governmental body monitoring the convention is the international Women's rights action watch (IWRAP), published a monthly bulletin outlining case law on developments worldwide.

According to the annual review of its status published by Andrew Byrnes, the Women's convention is subject to more reservation than any other, and the UK has entered more than any other country CEDAW annually repeats the urgent necessity for governments to lift these reservations to ensure that its spirit and function are respected.

Human rights jurisprudence develop through the commonwealth, for example failed to make more than a footnote reference to the convention.

Convention on the elimination of all forms of discrimination against woman, UN General Assembly 1979 Article 1.

Morgen, Sandra, and Ann Bookman. "Rethinking Women and Politics: an Introductory Essay." In Ann Bookman and Sandra Morgen (eds.), *women and the Politics of Empowerment*. Philadelphia: Temple University Press, 1988, pp. 3-32.

Kindervatter, Suzanne, *Nonformal Education as an Empowering Process with Case Studies from Indonesia and Thailand*, Amherst: Center for International Education, University of Massachusetts, 1979.

Hall, C Margaret, *Women and Empowerment: strategies for increasing Autonomy*. Bristol: Hemisphere, 1992.

Friedman, John. *Empowerment: The politics of Alternative Development*. Cambridge: Blackwell, 1992,

Moser, Caroline O.N. *Gender Planning and Development: Theory, Practice, and Training*. London: Routledge, 1993.

Schuler, Margaret A., and Sakuntala Kadirgamar Rajasingham (eds.). *Legal Literacy: A tool for Women's Empowerment*. Washington, D.C. OEF International, 2004.