

HUMAN RIGHTS OF WOMEN IN 21ST CENTURY- AN OVERVIEW

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Abstracts:

Women equally possess certain birth rights as human rights equal to men. They are eligible to enjoy basic, minimum fundamental rights. They are equally capable and competent with that of men in every field of day to day activities. But due to social, economic, political and cultural disparities and dilemmas, it has become very impossible to woman to live freely in this 21st globalised century. Women are still victims of violations at home, society, and state, national and international level. Therefore, this paper will analyze the impact and implementation of legislations vis-à-vis women at national and international perspective. It will also provide suggestions for better enjoyment of human rights of women.

Keywords: *women, victims, dilemmas, implementation, enjoyment*

Human Rights originate from the self-respect and significance of human being. Human rights are inherently available to all human beings. They are natural in a human person. But they are recognized and protected by the legal systems of all the civilized states. They are the result of harsh experience of the Second World War that led to all nations to agree to an international uniform norm of human rights.¹ After the Second World War, they accepted the importance and worth of human beings and they became the subject of the International law. They did not meet any difficulty in achieving harmony for preparing the universal norms of universal application. The notion of equality and non-discrimination on the ground of gender finds its place in all international instruments

dealing with human rights.² Women who comprise half of humanity are frequently subjected to mistreatment and violations of human rights. The International Instruments direct an obligation on the member States to integrate provisions for the elimination of sex prejudiced and discriminatory laws and practices and for granting equivalent rights to women with those of men. All differences, limitations and prohibition which are present traditionally, impairs the true enjoyment by women and implementation of rights of women by states. The documents have initiated to provide fundamental freedoms by the Convention on the Elimination of All Forms of Discrimination against Women, 1979. It also required the Member States to

¹ **Roland Burke**, *Decolonization and the Evolution of International Human Rights*, University of Pennsylvania Press, 2010. P. 264

² Tenzin Gyatso, H.H. the XIVth Dalai Lama, *Human Rights, Democracy and Freedom* available at <http://www.dalailama.com/messages/world-peace/human-rights-democracy-and-freedom> accessed on 28th February 2016



take steps to eliminate all customs, traditions and sacred practices that discriminate against women.³

In 1993, the landmark, World Conference on Human Rights declared Vienna Declaration and Programme adopted by the states: "Human rights of women and girl child are inalienable, integral and indivisible part of the universal human rights." The programme also focused on the equal and full participation of women in all aspects of public life. At international level, other than this, there numerous international documents vis-à-vis the rights of women adopted by United Nations. One of the main purposes of the United Nation was the realization of global co-operation in promoting and protecting the respect for human rights and essential freedoms for all without distinction as to race, sex, language or religion including that of women. Since the beginning, United Nations had concerned of the enjoyment of equal rights by men and woman.⁴ Human Rights and fundamental freedoms are accessible to all persons without distinction as to sex.' The United Nations Charter requires the United Nations not to place any restrictions on the eligibility of men and women to participate in any capacity in any of its organs.' The recognition and understanding of human rights and the rights of women were considered as one of the procedures of achieving co-operation and unity with the nations. The charter of the United Nations is dedicated to the promotion and achievement of human rights and unless

these rights and freedoms are guaranteed to all men and women without any distinction as to race, caste, language or religion, there cannot have tranquility or security.

Therefore, it is a duty of every state as well as individual to promote and protect of rights of women. They are entitled to guarantee the equal enjoyment and protection of all human rights and fundamental freedoms that include among others:⁵

- The right to life;
- The right to equality;
- The right to liberty and security of person;
- The right to equal protection under the law;
- The right to be free from all forms of discrimination;
- The right to the highest attainable standard of physical and mental health;
- The right to just and favourable conditions of work;
- The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

The Constitution of India provides to every citizen of India equality of status and of opportunity as well as justice in the form of social, economic and political. Inequality on the ground of sex has been eliminated and women belonging to diverse religions and races have the same status before the law.⁶ Law is accessible only to those who look for

³ <http://www.un.org/womenwatch/daw/cedaw/> accessed on 14th February 2016

⁴ Jose Ayala Lasso, Human Rights In The United Nations: The Achievements So Far And Challenges Ahead, UN High Commissioner for Human Rights, IJPS

⁵ <http://www.drustvo-sos.si/violence-against-women> accessed on 16th February 2016

⁶ Comparative study of anti-discrimination and equality laws of the US, Canada, South Africa and India, http://ec.europa.eu/justice/discrimination/files/comparative_study_ad_equality_laws_of_us_canada_sa_india_en.pdf accessed on 20th February 2016



it, and even to those who seek it, law is sometimes unsighted. Often law is not faithful to the realities of life; it rather follows the logic of proofs. In India, there are number violations against women takes places because they still prefer not to seek the law for lack of awareness, lack of accessibility, lack of financial capacity, lack of seriousness by government machinery, etc. The laws have been, despite of several obstacles, being adopted by parliament to curb dilemma against the Indian women. But in many respects, it is almost totally incapable to alter the social reality, the purpose for which they were created. This social reality is a complex set-up of acutely ingrained beliefs and customs evident in various slights and evident aspects of rural life in this vast country. The law is inaccessible to these areas and to people who necessitate them most. Protective discrimination in favour of women is too insignificant in India. However, as per national familiarity in India, this was one of the most successful experiments that covered the social change in favour of the scheduled castes and tribes. But there are certain contradictory views as well in relation with protective discrimination of women. It led to research based upon scientific, ideological and intellectual forms. The most recent burning issue of women's rights was of reservation bill of women in parliament. Other than that there are number violence's that is faced by women in their day to day activities. In the social activities, there are violations in realtion with health, welfare faced by women. The violations against women results into physical, sexual or psychological destruction or suffering to women.

In the 21st century, women are still fighting for the issues like marital rape, sexual abuse, sexual harassment at work, trafficking in

women and girls with purpose of sexual and other forms of exploitation, forced prostitution, abortion of female foetuses and infanticide of baby girls, traditional practices harmful to women such as genital mutilation, forced or too early marriage, widow burning, honour killing, acid attacks, stoning, war rape, and other. Apartfrom this, cultural patterns, especially in harmful influences of particular traditional practices or customs, education systems, religious beliefs adds more hindrance to life of women.⁷

Therefore, the recognition of human rights is not only sufficient but the effective protection of those rights shall be required by strict laws and its implementation. It is also an essential to to discharge of duties to protect and promote rights of women by United Nations, municipal governments, the police, employers of private and public institutions, families, friends. It is also important to create awareness for and maintain for human rights of women. Therefore, there are certain suggestions listed below :⁸

1. It is important to work more effectively towards Implementation of legislations and policy to eliminate all forms of discrimination against women and to provide equal opportunities.
2. It is necessary to ensure suitable actions to repress all forms of trafficking of women and operation of prostitution of women.
3. In this era, the state shall deliver suitable reservations policies with

⁷ <http://www.drustvo-sos.si/violence-against-women> accessed on 20th February 2016

⁸ http://www.un.org/womenwatch/daw/csw/csw53/statements_missions/Fida.pdf accessed on 20th February 2016



- equal opportunities as men in various possible fields.
4. Government should grant that women have the similar rights as men and regarding the nationality of their children.
 5. Government shall take measure to make sure that women have the equal opportunities in all perspectives of an education and training.
 6. Government can take measures to eliminate discrimination in employment so as to ensure that women have the equal right to work, the equal right to the same training and employment opportunities as men and the right to receive equal pay for work of equal value.
 7. Government should take all appropriate measures to eliminate discrimination against women in the field of health care to ensure women and men have equal access to health services including family planning and provide appropriate health services in relation to pregnancy and to grant free services where necessary.
 8. Government should ensure that women have equal access to family benefits, forms of financial credit, including bank loans and mortgages, and the same rights as men to participate in recreational activities, sports and cultural life.
 9. Government should take all appropriate measures to ensure that the particular needs of rural women are met and to ensure rural women have access to health care services, training and employment opportunities, and social security schemes.

To summarize the human rights of women in 21st century, it can be said that, they possess certain birth rights but it is also essential to cherish and enforce them. They could possess, purchase, sell property, engage in trade, donate and inherit property, bring lawsuits and could do so without the help of a man. Other than, they are equally entitled to work, education, protection from sexual abuses, protection from violence's against domestic violence, contradictions & lacunae with respect to some aspects of the law. for development of any society, it is equally important to sustain the rights and interests of all women.⁹

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<http://www.ohchr.org/Documents/Publications/training9chapter13en.pdf> accessed on 21st February 2016