

Women's Rights: Journey and Challenges of International Human Rights Law

Introduction

Around the world, women are mistreated; they experience prejudice, violence, and loss of freedom that is difficult for many of us to even fathom. Millions of girls, for example, endure the trauma of female genital mutilation or are coerced into marriage. For this reason, nations from all over the world joined together to attempt and amend legislation to better safeguard the rights of women. The Convention on the Elimination of Discrimination Against Women (CEDAW) was one significant milestone in the process. Similar to a set of guidelines, this convention binds nations to ensure that women are treated equally in all spheres of life, including politics, the workplace, and education. Even though the majority of nations have committed to abide by these regulations, some—including the US—haven't done so yet (**Lopez, 2016**). Even though CEDAW has contributed to advancements, there are still many obstacles to be addressed, particularly in areas where women are subjected to violence, lack access to healthcare and education, and antiquated notions about gender roles. This essay will examine the ways in which international laws have developed to safeguard women's rights and will highlight significant rulings and accords that have aided in this process. This essay will examine the evolution of these international human rights legislation and how they have contributed significantly to the recognition and defence of women's rights. We'll also discuss some of the major issues that still need to be addressed, particularly in areas where women are disproportionately victims of violence, lack access to healthcare and education, or face barriers to equitable treatment due to cultural norms. By being aware of these obstacles, we can work towards improving the situation and guaranteeing that every woman has the same access to her rights as males.

Evolution of Women's International Human Rights Law (IHRL)

The progress of women's rights on a worldwide scale may be largely attributed to the development of IHRL. Starting with the Universal Declaration of Human Rights (UDHR) in 1948, successive significant events such as the Beijing Declaration and CEDAW have strengthened the legal structure against gender discrimination in 1979 (Chirwa, 2018). These advancements highlight a growing recognition of the specific difficulties faced by women and the importance of incorporating gender considerations into human rights frameworks. The enormous significance of international human rights legislation in advancing gender equality is demonstrated by the influence of international jurisprudence and the formation of specialised organisations such as the CEDAW Committee (Englehart and Miller, 2014). Global advancement of women's rights has also been greatly aided by civil society campaigning and state laws and policies that are in line with international standards.

Different legal frameworks for addressing gender inequality and discrimination against women

Legal frameworks are essential instruments for advancing gender equality and defending women's rights, and they have been crucial in tackling gender inequality and discrimination against women throughout the world. CEDAW is a notable framework that requires State Parties to take action to end discrimination against women in all areas of society. In order to achieve meaningful gender equality, CEDAW places a strong emphasis on the necessity of confronting cultural norms and stereotypes that support gender inequality (Englehart and Miller, 2014). In addition, national laws and policies that support international human rights standards—like CEDAW—offer formal means of preventing gender discrimination and advancing the empowerment of women. In addition, laws like the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (known as Belém do Pará Convention) (Spaccarotella, 2018) and the International Covenant on Civil and Political Rights help to combat gender-based violence and guarantee women's equal access to the legal system (Rights, 2002). These legislative frameworks serve as effective advocacy tools for women's rights activists and civil society organisations in their campaigns to promote gender equality and eradicate discrimination against women. They also clearly outline the obligations of governments.

Practical application and effectiveness

Implementation of CEDAW: Nations that have adopted CEDAW are obligated to provide regular updates on their efforts to end discrimination against women. The Magna Carta of Women, for example, was passed in 2009 as a result of the Philippines' implementation of CEDAW (Francisco, 2023). It advocates for women's rights in a variety of fields and requires gender mainstreaming in all government institutions. The experience of the Philippines shows how CEDAW acts as a spur for legislative changes meant to advance gender equality. Moreover, nations like Rwanda also implement CEDAW legislation advancing women's rights, resulting in notable advancements in women's empowerment and gender equality (Abbott and Malunda, 2016).

Impact of Domestic Violence Laws: In response to global legal frameworks like CEDAW and regional agreements like Belém do Pará Convention, numerous nations have passed legislation intended to combat domestic violence. A concrete example of the effectiveness of legal action in combating gender-based violence is the 2004 enactment of Spain's Organic Law on Comprehensive Protection Measures against Gender Violence, which has enhanced support services for victims and boosted the reporting of domestic abuse cases (Rosario, 2021). The Belém do Pará Convention serves as another case study that illustrates the practical implementation of legal instruments. With nations like Argentina enacting laws to protect women from domestic abuse and femicide, this convention has been crucial in tackling gender-based violence in Latin America. This shows the real influence that legal frameworks have in preventing violence against women (Kohen, 2014).

Judicial Interpretation of Gender Equality: When it comes to interpreting and upholding laws pertaining to gender equality, courts are essential. The historic ruling in *Vishakha v. State of Rajasthan* (1997) in India filled a legislative void and gave victims of sexual harassment in the workplace legal redress by guiding the creation of guidelines (Jha, 2016). Cases like the 2012 *Nirbhaya* case, which prompted widespread demonstrations and changed the laws around sexual assault, show how the judiciary may advance women's rights by interpreting the law and upholding it (Dey and Orton, 2016). Furthermore, the Council of Europe convention known as the Istanbul Convention has been essential in stopping violence against women and holding those responsible accountable (Hester and Lilley, 2014). As an example of how legal tools can motivate practical activities to defend women's rights and advance gender equality, nations like Spain have put this convention's provisions into practice to effectively combat gender-based violence.

Key legal framework: CEDAW

Women's rights have advanced internationally thanks in large part to legal frameworks and agreements like CEDAW. The comprehensive framework for advancing gender equality and preventing discrimination against women is provided by CEDAW, which was approved in 1979. Its provisions require State Parties to take action to end discrimination against women in all spheres of society, including the workplace, political participation, and education. The reporting system established by CEDAW, which mandates that State Parties provide regular updates on their implementation of the treaty's provisions, is one of the main mechanisms of the agreement (Englehart and Miller, 2014). This makes it possible to track and assess the initiatives taken by each nation to combat gender disparity. For instance, Mexico was urged to address the high incidence of violence against women by the CEDAW Committee in 2007. Mexico responded by enacting the General Law on Women's Access to a Life Free from Violence, which gave law enforcement specific training and safeguards against gender-based violence (Haney, 2012). In a same vein, the Supreme Court of India has applied CEDAW principles in significant rulings. In *Vishaka v. State of Rajasthan* (1997), the court adopted preventative measures based on CEDAW standards and acknowledged workplace sexual harassment as a violation of women's rights (Jha, 2016). The Court then affirmed women's reproductive rights in *Suchita Srivastava v. Chandigarh Administration* (2009), citing CEDAW to support women's autonomy over their bodies (Jain and Shah, 2020). These instances show how legislative and judicial action to defend women's rights is sparked by legal frameworks like CEDAW, which hold governments accountable and advance gender equality and women's empowerment.

Challenges in Implementation and Enforcement of CEDAW

Cultural, social, and economic variables frequently amplify the difficulties of implementing and implementing legislative frameworks and conventions that seek to advance women's rights. Unfortunately, these obstacles still exist, making it harder to eradicate discrimination against women and promote gender equality. The failure of governments to fully commit to and demonstrate political will in order to execute these tools is one such hurdle. Although many nations have ratified important human rights treaties like CEDAW, it is not always easy for them to put the wording of these agreements into practice. To illustrate the point, popular acceptability and political inaction in India contribute to the lack of implementation of laws that ban behaviours like female infanticide and dowry harassment. As a result, the women who

have been victimised do not receive justice, and the criminals enjoy broad impunity (Mullins, 2018).

The difficulties Rwanda has had with CEDAW are another illustration of these issues. The country made an effort to bring its legal system in line with CEDAW, but problems developed because people weren't involved enough in making the changes. It was difficult for Rwanda to successfully adopt and adapt international legal standards into its internal legal system. This inability to work together effectively hampered domestic enforcement efforts, highlighting the need for inclusive procedures in order to properly implement CEDAW. Furthermore, many states encounter the problem of the enforcement gap when it comes to CEDAW implementation. The promotion and protection of women's rights is greatly impeded by the fact that states routinely do not comply with CEDAW. The foundation for CEDAW is precarious because of structural flaws like under-enforcement and insufficient obligation mechanisms. There has to be a better implementation mechanism to close the enforcement gap that scholars have pointed out, which is why CEDAW is more commonly viewed as a cultural tool than a legal instrument (Abbott and Malunda, 2016).

Furthermore, entrenched gender norms and patriarchal mindsets are huge roadblocks. Discrimination and violence against women are deeply ingrained in many cultures because of long-standing cultural practices that uphold gender inequality. As an example, even though it is illegal, damaging cultural practices like female genital mutilation continue in some regions of Sub-Saharan Africa. It becomes extremely challenging to accomplish substantial change when community leaders and long-standing social norms oppose attempts to implement legal frameworks (Ahinkorah et al., 2023).

Disparities in wealth make it even more difficult to enforce rules protecting women. When it comes to education, job, and financial resources, women encounter more obstacles than men. This makes it harder for them to exercise their rights. Laws ensuring equal pay and opportunities for women are frequently not implemented in nations like Pakistan, where women's labour participation is limited owing to cultural and economic issues. Furthermore, women may be less likely to seek legal action when their rights have been violated if they are economically dependent on male family members. This can lead to further cycles of inequality and abuse (Jivan and Forster, 2009).

Global case studies provide a clear illustration of these difficulties. Even though women now have more legal protections in Saudi Arabia, such as the ability to drive and more political participation, long-standing patriarchal beliefs still limit women's independence and freedom. Under the guardianship system, women are deprived of their rights and gender inequality is perpetuated because they are required to seek permission from a male guardian before engaging in certain activities (Almhaidb, 2021). Similarly, traditional values and the emergence of the Taliban in Afghanistan constitute serious dangers to women's rights and safety, even if Afghan law prohibits such violence and discrimination (Samad, 2006).

Basically, legal frameworks and agreements face many hurdles that make global women's rights advancement difficult. Overcoming these issues requires fighting patriarchal views, adopting gender-sensitive laws, and empowering women socially and economically. Gender equality and women's rights worldwide can only be achieved by persistent advocacy, institutional reforms, and grassroots mobilisation.

Strategies for Addressing Challenges

A diverse strategy including different tactics suited to particular circumstances is needed to address the difficulties in putting into practice and upholding legal frameworks intended to advance women's rights. First and foremost, governments' political will and commitment must be fostered. Sweden is a prime example of this, as its national laws and policies have a strong dedication to gender equality. Sweden is a prime example of how political determination can result in real progress for women's rights. Its proactive approach includes laws like prolonged parental leave, quotas for women on corporate boards, and gender mainstreaming in government decision-making (Öhman et al., 2020).

Second, it is crucial to improve cooperation and partnerships between international organisations, governments, and civil society groups. For example, in Bangladesh, the United Nations Development Programme (UNDP) and local NGOs have collaborated to construct legal aid clinics for women, giving them access to legal aid and enabling them to pursue justice for rights violations. This cooperative strategy has shown to be successful in bridging the gap between legislative frameworks and grassroots implementation, guaranteeing the community-level upholding of women's rights (Ahmed, 2012).

Thirdly, in order to remedy the weaknesses and deficiencies in the current frameworks, institutional and legal reforms are required. The Domestic Abuse Act of 1998 in South Africa has a thorough legal framework that addresses domestic abuse and includes provisions for offenders to face fines, support programmes, and protective orders. The creation of specialised courts and support services for survivors has accompanied this legislative move, demonstrating how legal reforms can improve the defence of women's rights and access to justice (Govender, 2003).

In addition, the promotion of gender equality and the challenge of patriarchal views depend heavily on education and awareness-raising campaigns. The "One-Stop Crisis Management Centre" approach was introduced in Nepal with the aim of increasing public awareness of gender-based violence and giving survivors access to legal, medical, and psychosocial treatment. This community-based strategy highlights the significance of grassroots mobilisation in altering social norms by including local leaders, educators, and healthcare providers in the promotion of gender equality and addressing the underlying causes of violence against women (VOLZ, 2021).

In order to combat gender inequality, multi-stakeholder collaboration brings together a variety of players, including governments, companies, and civil society. Examples of this type of collaboration include the UN Women's Global Compact. Together, we can make real progress towards women's rights by enacting gender-sensitive company policies and other collaborative measures. The UN Women-launched "HeForShe" campaign, for instance, rallies men and boys to join the battle for gender equality, highlighting the effectiveness of group action in upending long-standing conventions and promoting inclusive communities (Puspita and Antoni, 2019).

Programmes that increase capacity, such as UN Women's "Training for Gender Equality," enable people and groups to successfully advocate (Enderstein, 2020). Government personnel, for example, can create policies that address gender gaps and promote more inclusive societies by receiving training in gender mainstreaming. The transformative power of legislative changes is exemplified by legal reforms like the United States' enactment of the Violence Against Women Act (VAWA) (Aday, 2015). By enhancing legal safeguards and providing additional resources for victims of gender-based violence, VAWA demonstrated the ability of the legal system to uphold the rights of women. Campaigns to raise awareness, like as the #MeToo movement, challenge damaging norms and mobilise public support. #MeToo has

sparked talks about sexual harassment and assault and amplified the voices of survivors, resulting in global policy changes and societal shifts (Onwuachi-Willig, 2018).

Another essential tactic for strengthening women's rights is economic empowerment. The Rwanda Women's Entrepreneurship Development Programme (RWEDP), one of the government's programmes to support women entrepreneurs, has significantly increased the participation and decision-making of women in the economy of Rwanda. These programmes have given women access to markets, training, and financial resources, enabling them to become change agents in their communities and promote sustainable development (Abbott and Malunda, 2016).

Ultimately, resolving cross-border problems and advancing women's rights internationally require international solidarity and cooperation. For instance, the EU's Gender Action Plan III seeks to integrate women's empowerment and gender equality into all external acts of the EU, such as trade agreements, humanitarian aid, and development cooperation. By forming alliances with governments, civil society groups, and other relevant parties, the European Union aims to utilise its resources and influence to advance gender equality and women's rights across the globe (Desmidt, 2021).

By integrating political will, legal reforms, community engagement, economic empowerment, and international cooperation, governments and other stakeholders can overcome the challenges of implementing and enforcing women's rights legal frameworks. These case studies show that context-specific tactics are crucial to global gender equality and women's empowerment.

Conclusion

Overall, the development of IHRL in acknowledging and safeguarding women's rights has been characterised by notable achievements, starting with the acceptance of fundamental texts like the UDHR and culminating in the creation of influential agreements such as CEDAW. Although there has been some progress, the continued existence of challenges in implementing and enforcing policies indicates the presence of deeply ingrained cultural, social, and economic obstacles. Nevertheless, through the implementation of a comprehensive strategy encompassing political dedication, legal modifications, community involvement, and global

collaboration, we can successfully surmount these challenges and make significant progress towards achieving gender equality. In our pursuit of a world where all women can fully exercise their inherent rights and liberties, it is crucial that we unwaveringly uphold the principles of human dignity, equality, and justice for everyone. By engaging in collective action and displaying unwavering determination, we can establish a future in which women's rights are universally acknowledged and respected.

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