CHAPTER V

INTERNATIONAL MOVEMENTS FOR THE PROTECTION OF HUMAN RIGHTS OF WOMEN

The movement for gender equality was still in its infancy at the inception of the United Nations in 1945. The United Nations Charter incorporates several provisions conferring equal rights to men and women. The Charter declares the organisation's faith in fundamental human rights and the dignity and worth of human person.

Most of the work of norms building and generation of public opinion in favour of women's right was done by the United Nations, which convened several Conferences to protect the human rights of women. Four world conferences were convened by the United Nations to develop strategies and plan of action for the advancement of women.

The first World Conference on the status of women was convened in Mexico City, which coincided with the 1975 International Women's Year. The main objectives of the conference were attainment of full gender equality and the integration of women in development and the overall advancement of women in different fields.

The plan of action set the minimum targets to be met by 1980. It focused on securing equal access for women to resources such as education,
employment opportunities, political participation, health services, nutrition and family planning.

The discussions and decisions in the Mexico City Conference led to the establishment of International Research and Training Institute for the advancement of women and creation of the United Nations Development Fund for Women to provide the institutional framework for research, training and operational activities in women development studies.

In the conference the delegates from Eastern Countries advocated peace, those from Western Countries advocated for equality and those from the developing countries sought for development. The conference has actually succeeded in uniting men and women from different nations for the advancement of women.

Copenhagen Conference, 1980

The second conference held at Copenhagen reviewed and appraised the plan of action of the 1975 World Conference on women. The conference recognised that the first step towards the achievement of equality was adoption of the Convention on the Elimination of All Forms of Discrimination Against Women. It resolved to remove all the obstacles to prevent the implementation of this convention. The conference also recognised that in order to attain the goals of equality, development and peace, women should be given equal access to all aspects of life. The conference identified a variety of factors that
contributed to the discrepancy between legal rights and the women's ability to enjoy the rights. The factors included the reluctant attitude of men in improving the status of women, non-recognition of the value of the contributions of women to the society, lack of awareness of women about their rights and opportunities and the lesser number of women in decision-making and in development processes. The Copenhagen conference recognised the need for taking strong measures to ensure women's ownership and control of property, inheritance, child custody, loss of nationality etc.

Nairobi Conference, 1985

The main objects of the third world conference on woman were equality, development and peace. The conference acknowledged the concern of the international community to achieve equality. It was of the opinion that further action was necessitated to improve the status of women. Facilitating participation of women in the developmental process was envisaged. At the same time it recognized the fact that the main obstacle to prevent participation of women in the developmental process was economic crisis and poverty.

The conference also recognized the fact that equality, development and peace are interrelated and the attainment of one automatically leads to the attainment of the other.

Employment, health and education constitute a concrete basis for equality, development and peace. To achieve this, the conference was of
opinion that there should be equal enjoyment of all human rights by man and woman and the participation of woman in all the decision-making and developmental process of the country. Apart from this the contribution of women to the welfare of the society and family must be recognized. Furthermore their strength and capabilities must also be fully acknowledged. The conference also recognized the fact that poor economic condition is the main obstacle hindering participation of women in the developmental process. The other obstacles include:

1. The social, economic, political and traditional practices
2. Devaluation of women’s productive and reproductive roles, which undermine the status of women.
3. The double burden of women having the major responsibility for domestic tasks and labour force.
4. Lack of adequate supportive services for working women.
5. Poverty.

A complete restructuring of the society and a change in the traditional, cultural and societal attitude that treat women as subordinate to men is needed to improve the status of women.

Basic Approach to the Formulation of Forward Looking Strategies

The conference in accordance with the recommendations of the Commission on the Status of Women gave special attention to women situated under vulnerable circumstances such as poor women in rural and women in
areas affected by armed conflict, elderly women, abused women, destitute women, women victims of trafficking and women in involuntary prostitution, women deprived of livelihood, women who are burdened with large families women in detention, refugee and displaced women, migrant women, minority women and indigenous women.

The conference recognised that the main reasons for inequality are poverty, cultural, traditional and social attitude of the society that justifies discrimination on the ground of physiological differences and unequal access of women to the power structure of the society.

The conference suggested the ratification of the Convention on Elimination of All Forms of Discrimination Against Women and to establish institutional mechanisms to redress the grievances against women.

It also suggested for the constitution of a law reform committee with equal representation of women and men from governments and non-governmental organisations to review and amend the laws, which discriminate against women. It was also recognized that laws on employment should be made to provide adequate protection to women.

In order to achieve equality, the conference identified various measures including encouraging efforts by government with resources and other agencies to formulate a comprehensive policy.
The conference also decided that measures should be taken to change the bad portrayal of women in the media and develop attitudes to portray positive aspects of women’s role and status in the intellectual and other activities. Steps also should be taken to control pornography and other obscene portrayals of women as sex objects.

The conference required the government to take effective steps to enable women to participate in formulating national policies and activities and in decision-making processes. Awareness shall be created among women as to the right to vote, to be elected and to participate in the political process at all levels in equal terms with men.

Role of Women in Development

The conference identified that economic situation; poverty, population growth and lack of appropriate machinery for the effective integration of women are the main obstacles to the participation of women in the developmental process. It was felt that women should be able to participate in all processes such as policy making, decision making etc. They should also be allowed to involve in all the social, economic and cultural activities of the country. In order to attain this, the conference stressed the need for sharing of responsibilities between men and women. It also expressed the need to eliminate gender bias in all developmental Programmes. Particular attention must be given to the restructuring of employment and educational system ensuring equal access to land.
The conference expressed the need to establish national machinery with adequate resources to integrate women effectively to the developmental process. The conference required the government to take measures to create awareness among women as to their right to participate at all levels of developmental process.

Government mechanisms should be established for monitoring and evaluating the effectiveness of institutional and administrative arrangements, plans and Programmes and projects to promote equitable participation of women in development.

Peace

International strife including war and armed conflict pose threat to gender equality. Women all over the world by nature always wish for peace and they wish to play important roles in international co-operation, amity and peace among different Nations. All obstacles at the national and international level in the way of women’s participation in promoting international peace and co-operation should be removed as soon as possible. Government should take measures to encourage the full and effective participation of women in negotiations on International peace and security.

Women situated in areas of armed conflict are subjected to all kinds of exploitation and governmental and non-governmental organisations alike should be encouraged to play an active role in the restoration of peace in areas of conflict, in accordance with the United Nation’s resolutions.
The conference required the government to take steps to increase the participation of women in international, regional and sub-regional level activities and decision making including those directly or indirectly concerned with the maintenance of peace and security and the role of women in the development and achievement of equality between man and woman.

The Nairobi Conference declared that all human rights issues should be women issues. Women's participation in decision making and handling of all human affairs was recognised not only as their legitimate right but as a social and political necessity that would have to be incorporated in all institutions of the society. The measures covered a wide range of subjects like employment, health, education, social services, industry, science, communication and environment.

The fourth conference on women was held at Beijing in 1995. The Beijing Conference apart from gender equality realised the need to re-evaluate the entire structure of the society and the relation between men and women within the society. According to the conference a fundamental restructuring of the entire society and all its institutions are essential to empower women and make women equal partners with men in all aspects of life. The whole idea was the empowerment of woman. The full realisation of human rights and fundamental freedoms are essential to the empowerment of woman. The conference was also of opinion that sustainable development and economic
stability are needed to have a just world respecting the human rights and fundamental freedoms of all people.

Employment

The conference suggested that man and woman should have the same right to work and receive equal remuneration and there should not be any discrimination based on sex while giving employment. Women should be given equal access to all employment, including employment, which requires skill and technical knowledge. The conference was also concerned with the benefits to be given to the women employees. They were, giving protection to casual and seasonal employees, maternity benefits, and parental leave after childbirth etc.

Health

Woman in the family is responsible for the health of all members of the family, but the health of women is often ignored by all the members of the family.

The conference felt that the government should take steps to ensure the participation of women in higher professional managerial positions in health institutions and health care services. Health education should be made available to the entire family not only through health care systems, but also through all appropriate channels and in particular the educational system.
Preventive and curative health measures including vaccination should be strengthened through combined measures and supportive infrastructure. Reproductive health of women must be recognized to ensure the health of women. Early pregnancies, which adversely affect the health of woman, must be avoided. Public and private sectors should enhance occupational health and safety.

Education

The conference recognised that education is the basic requirement for the protection of human rights of women and is essential to improve the health and nutrition of the family. Empowerment of women to enable them to participate in the decision making process of the society necessitates education. The conference realised the fact that educational facilities are denied to women due to various factors such as early marriages, pregnancies, domestic work, sexual harassment and lack of educational facilities etc. The conference urged the need to give equal access to boys and girls to educational institutions and allocation of adequate funds to eradicate illiteracy among women and thereby to eliminate inequalities between man and woman.

Beijing Declaration and Platform for Action

The platform for action is a document detailing all aspects of empowerment of woman. It requires detailed examination.
Chapter I of platform for action make the mission statement whereas Chapter II gives an overview of the status of women, the obstacles they confront, the world's political and economic situation as on 1995.

The internal areas of concern are discussed in Chapter III. Chapter IV (Para 45-285) contains strategic objectives and actions – This is further divided into 12 sections.

1. Women and Poverty (Para 47-68).
2. Education and Training of Women (69-88).
3. Women and Health (89-111).
4. Violence against women (112-130).
5. Women and Armed Conflict (131-149).
7. Women in power and decision making (181-195).
8. Institutional mechanism for the advancement of women (196-209).
10. Women and the media (234-245).

Chapter V contains institutional arrangements (286-344).

Chapter VI – deals with financial arrangements (345-361).
The success of the platform of action requires adequate mobilisation of the financial resources from the available resources and continued international co-operation and assistance.

Women and Poverty

The conference was concerned with poverty of women and realised that eradication of poverty is a critical factor in the empowerment of women. Women's poverty, the conference identified, is because of the absence of economic opportunities, lack of access to economic resources including credit, ownership of land, lack of access to education and minimal participation in the decision making process. In the family, poverty affects woman than man, as it is the duty or burden of the women to adjust the expenses of the house with the limited income. Poverty also force women into situations in which they are vulnerable to sexual exploitation. The conference also noticed that social security system in many countries is inadequate to eradicate poverty.

The conference suggested several measures to eradicate poverty and required the government to revise laws and administrative practices to ensure women's equal rights and access to economic resources among other things.

Education and Training of Women

It has been reiterated by the conference that education is a basic requirement for the empowerment of woman and for the maintenance of equality, development and peace. Educational facilities are denied to woman
due to many reasons such as early marriages, early pregnancies and the traditional and social attitude of the society.

The Beijing Declaration urged the need to have an educational system, which may enable the students to analyse and understand the negative and positive aspects of every action because now-a-days media has a powerful impact on young people both negative and positive. The declaration required the government to take urgent action to eliminate discrimination in education and to give equal access to man and woman and to take all steps to eliminate illiteracy among women.

Women & Health

Right to health, physical and mental is a human right of women, which is essential for the maintenance of equality, development and peace. Factors which adversely affect the health of women such as early pregnancies, sexual exploitation, rape, trafficking, forced prostitution, genital mutilation etc., must be avoided.

The reproductive rights of woman must be recognised and respected. They should be given the right to decide the number and spacing of the children. If adequate health facilities are provided to women, many diseases like breast cancer, cervical cancer and other cancers of the reproductive system could be prevented.
The Declaration required the government and other non-governmental institutions to take measures to provide equal access to health services to both man and woman. Declaration also required for taking preventive measures to eradicate sexual abuse and exploitation, trafficking and violence against women.

It also required the government to reinforce the laws, institutions etc., and promote norms that eliminate discrimination against women and encourage both men and women to take the responsibility for their sexual and reproductive behaviour and ensure full respect for the integrity of person and to ensure the conditions necessary for women to exercise their reproductive rights and eliminate coercive laws and practices.

Violence Against Women

The objectives of equality, development and peace can never be achieved if women are not free from violence. Violence against women means any act of violence such as sexual harassment, wife beating, assault, arbitrary deprivation of liberty etc., which result in or likely to result in physical, mental or sexual harm or suffering to women

The conference suggested various measures to eliminate violence against women. Among them the main important suggestion was to sensitise boys and girls about the cause, consequences and detrimental effects of violence in the family and society through the educational system. The
Educational system should be capable of promoting self-respect, mutual respect and co-operation between man and woman. The conference also emphasized the need to eliminate incidences in the media, which generated violence against women. Apart from this, new legislation, review of existing legislation etc were also suggested.

Lack of statistics on the incidence of violence against women including at work place, both in the public and private sphere stands in the way of designing efforts to prevent it. Awareness must be created among women as to the fact that violence against women is the denial of their right to enjoyment of the human rights. The Declaration also required the governments to take up special measures to eliminate violence against women particularly those placed in vulnerable situations such as young women, refugee, displaced women, women with disabilities and migrant women workers.

The Beijing conference required the governments not to invoke any custom, which prevents the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women 1979.

Women and Armed Conflict

The Vienna Declaration and Programme of action adopted by the World Conference on Human Rights states:
"Violations of human rights of women in situations of armed conflict are violations of the principles of human rights and humanitarian law".

Though armed conflict and terrorism affect the entire society, women and girls are affected more because of their lower status in the society. Human rights violation during armed conflict affects women of all ages making the refugees, migrant women, displaced women and those who have lost their relatives. They are also victims of murder, rape, terrorism, torture, sexual slavery, forced prostitution etc. They continue to be vulnerable to violence and exploitation while in flight, in countries of asylum and resettlement.

Considering the situations of women in armed conflicts, Beijing Declaration suggested measures to prevent the abuse of women during armed conflict. Some of the suggestions were:

1. Increase the participation of women in conflict resolution at decision-making levels.

2. Reduce the military expenses and the expenses saved there under may be diverted to activities to protect the rights of women.

3. Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations and
Provide protection, assistance and training to refugee women and other displaced women in need of international protection.

Women and Economy

There are considerable differences between men and women's access to and opportunities to exert power over economic structures in their societies. In major part of the world women are poorly represented in economic decision making including the formulation of financial, monetary, commercial and other economic policies as well as tax systems and rules governing pay.

The conference was of opinion that in countries undergoing fundamental political, economic and social transformation, the skills of women if better utilized could constitute a major contribution to the economic life of their respective countries. Their input should continue to be developed and supported and their potential further released. In many countries women workers engaged in employment are either not remunerated, or remunerated minimally. To realise full equality between men and women in their contribution to the economy, active efforts are required for equal recognition and appreciation of the work, experience knowledge and values of both men and women in the society.

Government is required to (1) enact and enforce legislation to guarantee the rights of women and men to equal pay for equal work or work of equal value (2) abolish discrimination in employment based on the physiological nature of man, take gender perspective policies and to empower women as
equal partners with men in all aspects (3) facilitate women's equal access to resources, employment, markets and trade (4) Provide business services, training and access to markets, information technology particularly to low income women (5) Strengthen women's economic capacity and commercial networks (6) Eliminate employment segregation and all forms of employment discrimination and to (7) promote harmonization of work and family responsibilities for women and children.

Women in Power and Decision Making

Participation of women in decision-making process is essential to the empowerment of women and for the attainment of equality, development and peace. The Beijing Declaration expressly emphasized the need to have a government with adequate representation of women with active participation in decision-making. Quite often women were not able to participate in the decision making process because of lack of time and due to the increased responsibilities in the house. The conference was of opinion that equal sharing of responsibility by man and woman not only provides time for woman to participate in the decision making process but also give her means to improve her health.

Institutional Mechanism for the Advancement of Women

The conference required the government to establish national machinery for the advancement of women and protection and promotion of their human rights. Many countries have such institutions but suffer from lack of adequate
suff, training, data and sufficient resources and inefficient support from political leadership.

Regional bodies concerned with the advancement of woman have been strengthened together with the international machinery such as Commission on the Status of Women and the Committee on the Elimination of Discrimination Against Women. However the limited resources available continue to impede full implementation of their mandates.

Human Rights of Women

The conference acknowledged the commitment and responsibility of the Nations to co-operate for the protection of human rights of women. The platform of Action reaffirmed that all human rights are independent, universal, indivisible and inter-related. The conference re-affirmed that human rights of women and girl child are inalienable and indivisible part of the universal human rights. The full and equal enjoyment of all human rights and fundamental freedom by woman and girl is a priority for governments and the United Nations and is essential for the advancement of women.

Unless the human rights of women embodied in the international human rights instruments are fully recognised and effectively protected, applied and implemented, they will exist in name only. There is a wide gap between the guarantee of rights and their enforcement.
Complex administrative procedures, lack of awareness within the judicial process and inadequate monitoring of the violations of human rights of all women coupled with under-representation of women in justice system, insufficient information on existing rights and persistent attitudes and practices perpetuate women's de facto inequality.

Co-operation is also needed to strengthen and rationalise the United Nations human rights system and to promote its effectiveness and efficiency taking into account the need to avoid unnecessary duplication and overlapping of mandates and tasks.

As already stated refugee women and other displaced women suffer continued abuse. Human rights education is essential for promoting an understanding of the human rights of women, including knowledge of recourse mechanism to redress violation of their rights. The conference suggested that human rights of women must be integrated into the mainstream and before a decision is taken by the government on any matter, its impact upon man and woman must be taken into consideration.

The government also should ensure that (1) there is no reservation incompatible with international treaty law and withdraw reservations that are contrary to the object and purpose of the Convention on the Elimination of All Forms of Discrimination Against Women or which are otherwise incompatible with international treaty law (2) governments shall also formulate plans and policies for the protection and promotion of human rights of women (3)
Develop comprehensive educational Programme to raise awareness among women of their human rights.

The Girl Child

The Convention on the Right of the child declares:

"State Parties shall respect and ensure the rights set forth in the convention to each child within their jurisdiction, without discrimination of any kind, irrespective of the child or his or her parents or legal guardian's race, colour or sex, language, religion, political or other opinion, national ethnic or social origin, property, disability, birth or status."

In many countries the girl child is discriminated against from her childhood to adulthood. The declaration requires the governments to take initiatives to make girls to participate actively and effectively. Equally with boys at all levels of social, economic, political and cultural leadership is to be ensured. The conference also expressed the need of man and woman to work together with youth to break persistent gender stereotypes taking into account the right of the child, and responsibilities, rights and duties of parents.

Educational facilities are often denied to the girl child and she is given less opportunities to learn, about the social, economic and political functioning
of the society with the result that she gets little opportunity to take part in the decision making process.

Young girls are often forced to prostitution even with the aid of the government authorities. The offer of a good job or marriage attract the young girls and their parents and they become victims of forced trafficking. There is failure on the part of the government to distinguish between voluntary prostitution and forced prostitution. They are also subjected to forced labour and vulnerable to sexual diseases and exploitation.

The conference required that:

(1) all barriers must be eliminated to enable the girls without exception to develop their full potential and skills through equal access to education and training, nutrition, physical and mental health care and related information

(2) Eliminate all forms of discrimination against girl child

(3) Eliminate negative cultural attitudes and practices against girls

(4) Promote and protect the rights of the girl child and increase awareness of her needs and potential

(5) Eliminate discrimination against girls in education, skills, development and training

(6) Eliminate discrimination against girls in health and nutrition

(7) Eliminate the economic exploitation of child labour and protect young girls at work
(8) Eradicate violence against Girl child

(9) Promote the girl child’s awareness of and participation in social, economic and political life

(10) Strengthen the role of the family in improving the status of the girl child.

Women and the Media

The conference was of the opinion that mass media can contribute to a great extent for the advancement of women. It has greater impact on the public attitude and behaviour of children especially the children and young adults. Therefore the conference urged the need to have a change in the negative and degrading portrayal of woman in the media as it affected her adversely and prevented her participation in the developmental and decision making process of the country. If women were given access to information technology, they can to some extent prevent the negative portrayal of women. The conference required the government to take steps to increase the participation of women in the decision making process in the media including the management, Programming education, training and research for the advancement of women and to make appropriate self regulatory mechanism to promote a balanced and non-stereotyped portrayal of women by the media. It also required the mass media and advertising organisations to develop professional guidelines and code of conduct to promote non-stereotyped images of man and woman to
prevent violent, degrading and pornographic materials concerning women in the media.

The conference also required the mass media and non-governmental organisations to work for the advancement of women. The mass media is required to disseminate information about the non-stereotyped role played by man and woman and the need to equal sharing of responsibility by man and woman. It also urged the need to create awareness about the human rights of woman and the need for elimination of all forms of exploitation and violence against women including domestic violence.

Women and Environment

An ecologically sound environment is desirable for the health of woman and girl child. Participation of women in the environmental decision-making at all levels as managers; designers etc., is essential for the maintenance of a healthy and pollution free environment. Equal access and information shall be given to woman about science, technology and economics for the purpose of enhancing their knowledge, skills and opportunities for participating in environmental decisions. Government shall take measures to reduce risks to women from environmental hazards and to empower women as consumers and producers so that they can take effective environmental actions along with men in their homes, communities, workplace etc. The conference required the government to support the development of women’s equal access to housing infrastructure, safe water, sustainable and affordable energy technologies such
as wind, solar and other renewable sources, energy planning and policy formulation at the local and national level.

Institutional arrangements for Implementation

The primary responsibility to implement the norms of the Declaration is on the government. Besides the government there is a wide range of institutions in the public, private and non-governmental organisations at the national, regional and international level. They are also responsible for the implementation.

During the United Nations Decade for Women (1976-1985) many institutions specifically devoted to the advancement of women were established at the national, regional and international levels. The United Nations Institutions specifically for the advancement of women include, International Research and Training Institute for the Advancement of Women (INSTRAW), United Nations Development Fund for Women (UNIFEM) and the committee to monitor the convention on the Elimination of All Forms of Discrimination Against Women, the Commission on the Status of Women, the Division for the Advancement of Women etc.

National Level Initiatives

The primary responsibility to implement the conference resolutions rests with the government at the national level. Raising of resources is one of the main hurdles in the implementation of the objectives. Sufficient resources
should be allocated to national machinery for the advancement of women as well as the institutions.

Where national mechanism for the advancement of women does not exist or where they have not yet been established on a permanent basis, government should strive to make available sufficient and continuing resources for such machinery.

The financial institutions such as World Bank, International Monetary Fund etc, shall provide available resources to the developing countries. United Nations system shall provide all forms of assistance to the developing countries for the implementation of the platform of action.

In order to empower women so as to make them participating in all decision making processes of the country, there must be a renewal, reformation and revitalization of the various organs of the United Nations system especially the Division For the Advancement of Women and other units and subsidiary bodies that have a specific mandate to promote the advancement of women. For this purpose relevant governing bodies within the United Nations systems are encouraged to give special consideration to the effective implementation of the platform of action, their policies and Programmes.

Follow Up to the Fourth World Conference on Women and Full Implementation of the Beijing Declaration and Platform for Action:

The General Assembly realised that international co-operation is necessary for the proper implementation of the Programme of action. The Assembly therefore invited the Economic and Social Council for monitoring
the progress of implementation of the Beijing conference with the help of other institutions. It also noted the need to raise funds for the effective implementation of the objectives. The Assembly appreciated the fact that recognition of human rights of women is essential for maintaining a just and humane world.

The General Assembly decided to assess and review the progress achieved and included in the agenda in its session started in 1996, an item entitled implementation of the outcome of the 4th world conference on women for the purpose of assessing the progress achieved in the Nairobi Forward looking strategies for the advancement of women.¹

It also recognised the importance of the Commission on the Status of Women to assist the Economic and Social Council.

The Assembly requests the Secretary General to report annually to the Commission on the Status of Women and to the General Assembly through Economic and Social Council, the measures taken and the progress achieved in the implementation of the Beijing Declaration and Platform for Action.

Vienna Declaration

The General Assembly of the United Nations decided to convene a world conference on human rights to assess the progress made by the

¹General Assembly Resolution 50/23 U.N. Document.
international community since the adoption of the Universal Declaration of Human Rights.

The other objectives of the conference were to identify matters that prevent the proper implementation of human rights and to find out means for the effective enforcement of human rights. The World Conference on Human Rights adopted the Vienna Declaration on 25th June 1993.

The conference focused its attention mainly on the protection and promotion of human rights in the international community. It was a unique opportunity to analyse the international human rights system and the machinery employed to afford its protection. The conference supported the view that human rights of women are universal, indivisible, interdependent and interrelated.

The conference concluded by adopting Programme of action to review and assess the rights of women especially those situated under special and vulnerable situations. The plat form of action deals with woman, minorities, indigenous people, children, persons with disabilities, refugees, migrant workers and prisoners. A chapter has been devoted to each group. Each chapter sets out the relevant international instruments pertaining to the group.

One of the objectives of the convention is full participation of women in all the activities in public and private life and the eradication of all forms of discrimination on the ground of sex. Vienna Declaration and Programme of
Action recognise that human rights of women and girl child are an inalienable and indivisible part of the universal human rights.

The conference required the governments to take steps to eliminate violence against women and sexual harassment and exploitation, as they are incompatible with the dignity and worth of the human person. International co-operation is required to eradicate discrimination against woman. The governments, institutions, intergovernmental and non-governmental organisations should work together to facilitate the access of women to decision making post and their greater participation in the decision making process. But the conference was not concerned with violence by private persons.

Increased Co-Operation on Efforts to Protect Human Rights, Equal Rights and Human Rights of Women within the United Nations System

The conference urged the need to strengthen the co-operation and co-ordination between the Commission on the Status of Women, the Commission on Human Rights, the Committee on the Elimination of All Forms of Discrimination Against Women, UNIFEM, the United Nations Development Programmes and other United Nations' Agencies for the protection and promotion of human rights. The co-operation and co-ordination should also be strengthened between the Centre for Human Rights and the Division for the Advancement of Women.

1 Vienna Declaration and Programme of Action. 1993 Para 38.
The participants urged the governments to give special attention to eliminate violence against women and welcome the appointment of a special rapporteur on violence against women at its fifth session.

The conference was concerned with the health of women and required the government to give access to women to health care services, family planning and access to education at all levels etc.

The World Conference urged the eradication of all forms of discrimination against women both hidden and overt. The conference required the governments to ratify the Convention on the Elimination of All Forms of Discrimination Against Woman and to withdraw all directions incompatible with the object and purpose of the convention, which are otherwise incompatible with international law.

International Conference on Population and Development

The United Nations Conference on Population and Development was held from 5th to 13th September 1994 at Cairo, Egypt. The objective was to achieve equality and to ensure the enhancement of women's contributions for sustainable development. The conference identified that empowerment of women by giving them education and their participation in decision-making process was necessary to meet their basic human needs.
The conference acknowledged that factors of population, health, education, poverty, patterns of production and consumption, empowerment of women and environment are closely interconnected and inter-related and the achievement of one resulted in the achievement of another.


U.N. sub-commission on Prevention of Discrimination and Protection of Minorities urged the need for eradication of all traditional, customary and religious practices, which affect the health of women and standing in the way of elimination of all forms of discrimination against women. Factors affecting the health of women such as genital mutilation, forced abortion etc., are violence against women affecting their health and are violations of the human rights of women. It expressed the need to implement all measures to prevent customary and traditional practices affecting the health of women.

It also extended the period of special rapporteur for a further period of two years, and suggested other measures and requested the Secretary General to transmit the final report of the special rapporteur to the Commission on Human Rights for adoption.

The Sub Commission on Prevention of Discrimination and Protection of Minorities

In its resolution 1995/26 of 24th August 1995, the Sub-Commission decided to consider the human rights of women and girl children under every
item of its agenda as well as in relevant studies undertaken by the Commission. It also considered human rights of women as the integral part of the universal human rights.

The Sub-Commission like the other conference stresses the need to take steps to eradicate all forms of exploitations, abuse, violence and discrimination against women. It also required the States to take measures for the effective implementation of the Declaration of Violence Against Women, taking into special consideration of women who are situated in special situations such as migrant woman workers, refugee women and women in conflict situations. The Conference also recognised the importance of the effective implementation of Elimination of All Forms of Discrimination Against Women. In short, the Conference recognised the need to eliminate all practices, which are incompatible with the dignity and worth of the human person. Governmental support for all the work in this direction was also emphasized by the Conference.


The international community had conducted several conferences and adopted several conventions and declarations for the protection and promotion of the human rights of woman. The United Nations Conference on Environment and Development (RIO DE JANEIRO, June 1992) was of opinion that effective implementation of these Programmes will depend on the active involvement of woman in economic and political decision making.
The conference proposed some action to be taken by the National Governments as indicated below:

1. Encourage the participation of women in the national ecosystem management and control of environmental degradation.

2. Increase participation of women in the environmental decision-making.

3. The promotion of women's literacy, education, training, nutrition, health, participation in key decision making processes and management of environment shall be included in all the policies and plan of action of the governments. The conference also recognised the equal reproductive rights of man and woman. It also required the governments to take all measures to prevent violence against women in all its forms.

4. To ensure that women and men have equal right to decide freely and responsibly the number and spacing of their children and have equal right of access to information and education to enable them to exercise their rights.

5. To adopt measures or strengthen measures to prevent violence against women and to take all necessary measures to prevent violence against women.

Activities

1. Government shall take all measures to eliminate illiteracy among women and to increase the participation of woman as decision makers, scientists, managers etc. for the purpose of empowering women.
1 Take measures to protect the physical, mental and reproductive health of women.

2 To establish the principle of equal pay for equal work.

3 To eliminate the persistent stereotyped attitude of man and woman through changes in socialisation patterns, media advertising and formal and non-formal education.

4 To take measures to ratify all relevant conventions pertaining to women and take all appropriate measures to implement the convention.

5 To review and suggest amendments to CEDAW by the year 2000 particularly provisions related to environment and development giving special attention to the issue of access and entitlements to natural resources, technology etc.

The conference also required the countries to take steps to prevent economic degradation in developing countries that generally affects the lives of women and children in rural areas. Environmental hazards resulted in drought, desertification, deforestation and other natural disasters. In order to avoid these calamities women could play an active role. But they are not allowed to participate in the decisions. In order to ensure that they are given adequate opportunities the international agencies have therefore encouraged to involve women in these activities.

The Conference also required the Secretary General of the United Nations to review the adequacy and efficiency of the United Nations'
institutions especially those institutions responsible for the protection and promotion of human rights of women such as the United Nations Development Fund for Women, International Research and Training Institute for the Advancement of Women (INSTRAW) etc. to strengthen environmental protection and to incorporate the role of women in Programmes and decisions relating to sustainable development.

Review of the Conference by the U.N. General Assembly

The U.N. General Assembly has called for a review of the progress made in five years since the Beijing Platform for Action was adopted. A special session was convened in New York from 5 to 9 June 2000 under the heading gender equality, development and peace for the 21st century. The special session provided opportunity for governments and civil society to share good practices and examined current challenges and obstacles encountered in the implementation of the Beijing Platform of Action. The review session helped to give a new momentum to political commitments to achieve women's empowerment and gender equality.

The United Nations and its various other specialised agencies have made considerable efforts to improve the status of women and for the protection and promotion of the human rights of woman. The inferior status assigned to women is because of the fact that there is division of labour between man and

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woman and because of inequality in access of woman to education and employment.

The United Nations Educational Scientific and Cultural Organisation has made several attempts to find out the causes or factors that denies access to education of women. It is concerned with giving education to girls, especially technical education, so that they are given access to skilled employment.

In 1973-74 UNESCO made arrangements with the ILO for a joint study to be conducted in five countries concerning education, training and employment opportunities for women.

The International Research and Training Institute for the Advancement of Women (INSTRAW) established by the Economic and Social Council was concerned with the protection, promotion and training of women in various fields. It also took step for the effective participation of women in all spheres of activities. It also imparted training Programmes especially in developing countries to enable women to assume leadership roles within their own countries and to increase their earning capabilities.

The Commission on the Status of Women

The Commission on the Status of Women is a functional body of the Economic and Social Council. The main function of the Commission is to make recommendations to the Council about the protection and promotion of human rights, about the problems requiring immediate action in the field of
human rights of women and to develop proposals to give effect to such recommendations. It is an intergovernmental body with a membership of 45 representing different countries. The members have a 4 years term. The Commission meets once a year for at least 8 days.

The Commission is concerned not only with the protection and promotion of human rights of woman but also with the opportunities available to women in exercise of these rights. It also tried to eliminate the discrepancies existing between the legal status of women in theory and the actual role played by them in practice.

In order to give effect to the provisions of the U.D.H.R. and to create an awareness among women about their full potential and to enable women to participate in all the developmental process, the United Nations organised a unified long term Programme for the advancement of woman and the Commission on the Status of Women was also invited to co-operate with the Programme. As part of this Programme the commission focused its attention to the role of woman in national development.

The main objective of the Programme as declared by the General Assembly included ratification and access of the relevant international conventions relating to the status of women, to take effective legal and other measures to ensure the full implementation of the Programme and to study the negative and positive aspects of the scientific and technical changes in the
status of women and the establishment of a permanent machinery for the review and evaluation of the women's integration into all sectors of life. The General Assembly also calls for the elimination of illiteracy, ensuring equality in literacy between sexes, equal access of boys and girls to education and vocational training, employment etc. Maternity leave, child care facilities, protection of the health of the mother and child were the thrust areas the Assembly focused its attention.

Since the beginning of its work in 1946, the commission was concerned with the legal status of women. On the recommendation of the Commission on the Status of Women, the Economic and Social council recommended the government to take all possible measures to ensure equality of rights and duties in family matters and to ensure to the wife the freedom to work outside the home. She shall also be given the right to acquire, administer and dispose of property equally with that of the husband.4

The limitations on the parental authority of the child that it exclusively belongs to the father excluding the mother is incompatible with the principle of equality of status and the council therefore on the recommendations of the Commission on the Status of Women recommended that State Members of the United Nations shall take steps to ensure equality between parents in exercise of rights and duties with respect to their children.5 It further recommended that with reference to the special characteristics of legislation in different countries.

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4 Res. 504 D (XVI) of July 1953.
5 Res. 587 D-11 (XX), 1955.
with respect to care, custody, education and maintenance, women shall have same right and authority as that of man.

(2) with respect to the administration of the property of the minor children, women shall have equal rights with that of men.

(3) In the case of dissolution of marriage both the spouses have equal rights with regard to the custody of the children.\(^6\)

The council on the recommendation of the Commission on the Status of Women also recognised the right of unmarried mothers and required the State to take adequate measures in favour of the unmarried mother, and children born out of the wedlock.\(^7\)

The General Assembly also called for ensuring paid maternity leave, child care facilities and facilities for the protection of the health of the mother and child.

It also took steps to ensure the reproductive freedom of the women including information on the ways in which women can benefit from family planning.

The Commission on the Status of Women found that in some legal system women have no right to take independent work without the permission of the husband and also that they do not have any right over the income earned by them. Hence it is recommended that governments shall take all necessary

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\(^6\) Res. 1207 (XLII) of 29 March 1967.

\(^7\) Res. 1514 (XI.VIII), 1970.
measures to ensure that married women have the right to undertake any independent work and to carry on and to administer and dispose of her earnings without the authorisation of the husband.

The Economic and Social Council on the recommendation of the Commission on the Status of Women\(^8\) resolved that state members of the United Nations shall take steps to ensure equality between parents in the exercise of rights and duties with respect to their children. The council also recommended the member states to take all possible measures to ensure equality between man and woman in the exercise of parental rights and duties.

Generally speaking, in private international law, the domicile of a married woman is that of the husband. This smacks of inequality. The women may suffer a lot in her marital and succession matters. The council therefore recommended that married woman would have independent domicile of choice.

In some legal systems the inheritance rights of women are not equal to those of men. On the recommendation of the Commission on the Status of Women, the Social and Economic Council recommended the government to take measures to ensure equality of inheritance rights to man and women by providing that men and women in the same degree of relationship to the deceased should be entitled to equal share in the estate and should have equal rank in the order of succession\(^9\). The capacity of the women to make a will, accept or refuse an inheritance and to be administrators or executors of estates

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\(^8\) Res. 587 D (XX) of August 1955.
\(^9\) Res. 884 D1 (XXXIV), 1962.
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8 Res. 587 D (XX) of August 1955.
9 Res. 884 D1 (XXXIV), 1962.
should not be affected by marriage and that the interest of the widow should be equal to that of widower.

Equal Pay for Equal Work

The Economic and Social Council on the recommendation of the Commission on the Status of Women adopted a resolution reaffirming the principle of equal pay for equal work as envisaged in the Universal Declaration of Human Rights. The Council called upon the Member States to implement the principle irrespective of nationality, race, language or religion.

The Economic and Social Council on the recommendation of the Commission on the Status of Woman forwarded recommendations to the International Labour Organisation regarding the principle of equal pay for equal work. It also recommended that wages should be given on the basis of work and not on the basis of sex and women should be given training and guidance and equal access to job opportunities as that of man. Abolition of all legal and customary practices, which restrict the principle of equal pay for equal work, was also recommended. Every effort should be taken by the governments to reduce the double burden of women that arise from the responsibility of women in work place and at home.

The Commission on the Status of Women also requested the Member States of the United Nations to grant equal educational rights to women with that of men irrespective of other considerations.
The Commission on the Status of Women and the Economic and Social Council have examined at regular intervals reports prepared by UNESCO on particular aspects of education of girls and women and adopted recommendations to member states on such subjects as access of girls and women to primary, secondary and vocational education and to the teaching profession.

Improvement of Health of Women

The Commission on the Status of Women in co-operation with world health organisation and United Nations Children Fund have given special attention to the health of women. It expressed the need to recognise the reproductive rights of women and access to women to adequate nutrition and health care for women and their children.

Role of Non-Government Organisations in the Protection and Promotion of Human Rights of Women

Non-governmental organisations have played an active role in the protection of the human rights of woman. The main function of the NGOs are gathering of information regarding the rights, the violations of the rights, finding out the obstacles that stand in the way of implementing the rights and defines new areas and issues which require reconsideration by the governments or requires legislation. It also helps the government in drafting the legislation. It tried to prevent abuses of human rights and to give redressal of the
grievances of the victim such as attempts to take missing person, visits to
detinues and trying to get human treatment to prisoners etc.

Most of the NGOs are specialised in certain areas of work such as
women's rights, refugee rights etc. They have also played an important role in
imparting literacy to the society by conducting seminars, consultations, training
etc. They gave special attention in the case of refugees and other displaced
persons.

The non-governmental organisations consistently condemn human rights
violations by the States as well as by private individuals. They recommend the
governments for ratification of human right treaties and for the effective
implementation of those treaties.

The Vienna Declaration and Programme of Action, World Conference
on Human Rights in June 1993, specifically recognised the important role of
NGOs in the protection of the human rights. The Amnesty International made
several recommendations about women's human rights, violence against
women and abuses of women in armed conflict and the 4th World Conference
on Woman incorporated many of the recommendations made by the Amnesty
International.

In March 1994 the United Nations Commission on Human Rights
appointed a special rapporteur to collect information on gender-based violence
and recommended measures to eliminate the discrimination at national and international level.

The non-governmental organisations were of opinion that women shall be given equal access and participation in the decision making process. Sharing of responsibilities between man and woman is a necessary condition to ensure equality and restructuring of the society.

The NGO's contribution to the implementation of human rights norms is worthy of mentioning. They create awareness among the public about human rights violations. Their contribution also involves exchange of information between governmental and non-governmental organisations. A brief description of the activities of the prominent non-governmental organisations dealing with the human rights is furnished below:

(1) Amnesty International

The Amnesty International is the best known and largest non-governmental organisation dealing with human rights. At the initial stage it was concerned with human rights violation of prisoners. Now it is concerned with all sorts of human rights violations including female genital mutilation, indiscriminate killing in war times etc. Its concerns are not limited to human rights violations by government but extend to violations of human rights by non-governmental entities as well as by private citizens and include actions such as trafficking in children, forced prostitution etc. It also concerned with
domestic violence and according to Amnesty International the most common forms of torture include severe beating, scolding, burning with cigarettes etc., among others. Amnesty notes that women situated in vulnerable situations especially those belonging to scheduled castes and schedules tribes are subjected to torture. In domestic violence also the wife is targeted for petty reasons because she is powerless and has to depend totally on the batterer. In addition to physical torture she is also subjected to psychological torture through various means isolating, humiliating her and denying her the basic necessities of life. The impact of all these is to make the woman lose her self-esteem and autonomy completely.

The Amnesty International had actively participated in the 4th World Conference on Women and the World Conference adopted most of its recommendations.

It also reported and condemned the vulnerable situations of women in India such as rape, violence against women, ill treatment etc. It also concerned with the rights of women in the context of international armed conflict and also concerned with customs and practices detrimental to women’s rights, loop holes in law and delay in introducing safeguards to protect the rights of women.

Amnesty International required the nurses association and International Council to undertake Programmes of information and education on the torture, impact and issues involved in the female genital mutilation.
Amnesty International has also documented violations of human rights of women in armed conflict and rape and torture by the armed forces and in the custody of the police.\(^6\)

(2) The Human Rights Watch

Human Rights Watch is an independent non-governmental organisation supported by private individuals and other foundations. It conducts regular and systematic investigation of human rights abuses in several countries around the world.

The Human Rights Watch observed that persons who are in a responsible position to protect the rights of women commit many of the violence against women. Many of the violence against women are caused by the government staff e.g. rape in police custody. Similarly forced prostitution, promotion of prostitution and sex tourism work out injustice to the women, as they open up opportunities for the growth of these vulnerable abuses. A brief description of the contributions of Human Rights Watch concerning the abuses of women in custody and trafficking in women is given below:

Abuses of Women in Custody

Taking into consideration of the miserable conditions of women in custody, the N.G.O. recommended to governments to take urgent steps to ensure that their officers shall strictly adhere to the international standards

\(^6\) Role of Amnesty, Red Cross and National Human Rights Commission, Indian Law Institute of Human Rights, Maidangarhi Marg, New Delhi, p.54.
guaranteeing due process and protection from cruel, inhuman and degrading treatment or punishment. It also suggested making sexual abuse in custody as a criminal offence.

The United Nations should ensure that administration of prisons shall be in accordance with the international human rights standards set forth in the Universal Declaration of Human Rights, 1948 and other International Instruments.¹¹

Trafficking in Women and Girls, Forced Prostitution and Coerced Marriages:

Human Right Watch observed that the government often facilitates trafficking in women and girl and it is due to the inaction on the part of the government that the flesh trade is flourishing. The organisation’s studies found that illiterate women situated in very poor economic conditions were often cheated by the promise of good job and better marriage proposals and they happened to be the victims of forced prostitution. There is failure on the part of the government to check this. Human Right Watch also condemned laws and policies, which condemn women alone and not men who profit from prostitution. It also observed that government have an obligation to prevent forced trafficking and coerced marriages. The police usually arrest the trafficking victims and this is a violation of women’s right to be free from discrimination on the basis of sex.¹²

The Human Right Watch was also concerned with abuses of women at
work places, violence against women, violation of reproductive rights of
women etc. It requires all responsible government and international bodies to
take measures to eliminate discrimination against women. It also required the
governments to abolish and review all legislation that discriminates women and
urged that Member States of the U.N. should adopt and ratify the protocol to
CEDAW that would allow women, whose domestic legal system have failed, to
submit complaints directly to the Committee on the Elimination of
Discrimination Against Women. The United Nations Agencies, particularly the
U.N. Development Programme and the U.N. Population Fund, donor
governments and multilateral development bank should seek to ensure that:
population Programmes and policies that they support include safeguards for
the protection of all basic civil and political rights. International financial
institutions such as the World Bank as well as donor governments should
extend the concept of good governance to include a firm commitment to the
protection of human rights.

The Human Rights Watch world report, 2002 reported that the status of
women in the society is linked to the status of the male member of the society
and most often women face discrimination not because of the fact that they
happen to be a women but because of the fact that they belong to a particular
race or ethnic group. It also reported that in many countries women faced
discrimination in employment. It also found that sexual harassment does take
place at work places. It also observed that in many cases the trafficked women are subjected to free sexual services to local police officers. In refugee camps also women were subjected to sexual exploitation resulting in their being affected by HIV/AIDS. In many cases the woman could not get any redress from the police who declined to intervene in rape cases.

(3) The Woman, Law Development International

It is an International Human Rights Organisation working for the realisation of the human rights of woman. It conducted a study on the rights and the obstacles that stand in the way of implementation of the rights. It is expected to create awareness among women to identify and explore their human rights and enable them to respond to the violations of the rights through women organisations for the purpose of improving their status. For this purpose they tried to unite women activists from the various parts of the world to identify and articulate common issues and generate new thinking on the right challenges facing woman. The Women, Law, Development International established a strong relationship with the United Nations Social and Economic Council.

The Women, Law Development International’s main programme of action involves

1. Making the Right Real: For this purpose it creates new thinking and create an ability to exercise these rights by providing leadership and forums for issues and strategies.
2. Building individual and organisational capacity to successfully advocate for change.

3. Advocacy and Organising: The regional women's right movement is facilitated.

Non-Governmental Organisations Concerning Human Rights of Women in India

The positive role played by the non-governmental organisations in India has culminated in the enactment of the Protection of Human Right Act, 1993 and the setting up of National Commission on Human Rights. The National Human Rights Commission is of opinion that NGOs can play an active role in the investigation of human rights violations and takes up the matter before the commission. The NGO's can also undertake serious studies on specific problems and issues in view of their specialised knowledge.

Human Rights violations by the State and its organs have been articulated by a specialised group of NGOs known as Civil Liberties and Democratic Rights Group.

The main non-governmental organisations in India are:

1. The Andhra Pradesh Civil Liberties Committee
2. Association for the Protection of Democratic Rights (APDHR)
3. Committee for the protection of Democratic Rights (CPDR)
4. Citizens Committee for Civil Liberties and Democratic Rights (GOA)
The National Commission for Women is a statutory body constituted under the National Commission for Women’s Act, 1990 to investigate and to provide remedial measures for the protection and promotion of the human rights of women. A statutory duty has cast upon the National Commission to examine the status of women prisoners. The Commission has formed an expert committee on custodial justice to women.

Along with the National Commission for women, the non-governmental organisations, Prison Reforms International and Penal Reforms and Justice Association collaborated to organise a workshop on New Models of Accessible Justice in New Delhi.

The main object of the Prison International is the promotion of international human rights of women with regard to law enforcement, prison conditions and standards, elimination of all forms of discrimination against women in all penal measures, reduction of imprisonment and abolition of death penalty and some of the prison reforms.
Penal Reform & Justice Association is a non-governmental organisation established in India and is more concerned about the problems of the vulnerable groups such as women, old, and socially and economically deprived person.

The study undertaken by this organization reveals that the reasons of criminality of women are poverty, institutional powerlessness, victimisation and general ignorance. The situations faced by women include unhealthy living conditions, lack of proper sanitation, untrained wardens, lack of training for women prisoners.

Two other studies undertaken by the Regional Institute of Correctional Administration (RICA) Vellore, on contemporary and correctional issues found that, women prisoners need legal advice, awareness and counseling and most of the women are worried about the custody and care of their adolescent daughters. The vocational training given to them is not of any rehabilitative value. The study also suggested the need to have clinical psychologists, welfare officers and social workers in women’s prison.\(^\text{13}\)

Community Action for Development: It is a human right NGO working for the protection and promotion of human rights of women. In Nagpur city it helped generating legal awareness about the rights of women and also emphasized the need to have women participated in the developmental

\(^{13}\) Workshop on New Models of Accessible Justice; The Indian Experience, Special focus on Women and Juveniles. Report prepared by Rani P Shankadas, Nikhil Roy & Vidya Seshadri, Page 151.
process of the community.¹⁴ The Community Action For Development with the help of other NGO's like 'Mahila Mandals' create awareness and educational Programmes at various rural villages in different parts of the state.

The 'Mahila Mandals' take several actions in relation to the health status and health care of rural women. The 'Mahila Mandals' found that nutritional deficiency is one of the main problems faced by women and the intake of quantity and quality of food is very less in the case of women when compared to men. The 'Mahila Mandals' elaborately discuss the problem regarding health care aspects which created practical knowledge to women.

The Social Institute New Delhi, People's Union for Democratic Rights, Indian Society of Human Rights also work for the protection and promotion of human rights of women. The Peoples Council for Social Justice (PCSJ) is another NGO working in India especially in Kerala, educating the masses organizing ‘Neethi Mela’ outside court etc.

The main objectives of the World Conferences on Women’s Rights, the Mexico City, Copen Hagen, Nairobi and Beijing were equality, development and peace and the participation of women in the developmental and decision-making processes. The inferior status of women was found to have emanated from the division of labour between man and woman and because of unequal access of women to employment and education. The conferences urged the

need to include in all the governmental policies and plan of actions the promotion of women's health, protection from violence and trafficking, education, training and participation in key decision making processes with a view to improve their status. All the conferences stressed the need to eliminate all practices, which are in compatible with the dignity and worth of the human person. They also urged the need to eliminate all religious and traditional practices that stand in the way of eliminating discrimination against women.

In short it can be safely said that International norms of women's rights have been formulated, nurtured and enforced through passive persuasions by way of relating them to the standards, which the international community wanted to inculcate among the people. The United Nations' bodies and NGO's have to an appreciable extent, succeeded in achieving their mission.

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