Chapter 2

WOMEN’S RIGHTS: A HISTORICAL PERSPECTIVE
2.1. Introduction:

States, societies, rights and duties, liberties and authorities existing in global community are not only natural and organic but also historical and institutional phenomena. They have evolved out of natural and historical scheme of things for the betterment of all species including men and women. Since times immemorial they have been serving as valuable means for the happiness and well being of those who inhabit them. Their utility for whole humanity cannot be measured in terms of mere wealth and power but also by just and social conditions they create and maintain to guarantee a decent and dignified life for their inhabitants. However, their civic standard is measured in terms of rights they maintain for all beings for who have been in existence since times immemorial. Men and women who live in their boundaries as supreme creations in lifetime for reasons of rationality, sociability and gregariousness never led a solitary life in recorded history. This is so because; their interface with wide variety of vertical and horizontal layers in state and society has always been determined by the interest induced situations. Interests defined in terms of rights and control defined in terms of power or authority has always been at interplay in different stages of human history. They have fashioned, manipulated and controlled their relationship with fellow human beings, family, community, society and state and scores of customs, traditions, rituals, norms, taboos, laws, policies and institutions according to the human conveniences and constraints of time. The man woman cooperative and conflictual binary power relationships which originated from family and spread gradually to different fasts of public and private spheres could not escape from interest induced web of relations and influences existing in particular context in society, economy and polity. They quite often enliven the debate on women’s rights and status and ignite the spirit to delve deeply in to the past transcending the boundaries of contemporary times. World history from ancient to modern, is witness to the causes, process and outcomes of various wars and conflicts, silent and violent revolutions, socio-religious movements, reformation movements, liberation movements, protests and resistances. One among the consequences has been however the deepening of determination to fight for the revival of rights of men and women in various civilizations. The ubiquity of man woman cooperative and conflictual binary power relationships quite often enlivens the debate on women’s rights and status and ignites the spirit to delve deeply in to the past transcending the boundaries of
contemporary times. Thus, rights construed as freedoms for saying, doing, having and getting done something in individual or corporate capacity for individual and collective development and aggrandizement have always depended upon states, societies and their constituents for their operation. Rights as human beings’ natural, innate, intrinsic, inalienable and indivisible interests, claims, privileges, entitlements and power upon social recognition, political support, legal sanctions and popular and universal acceptability have become the depository of states’ and societies’ ultimate power. Therefore, they occupied a place of priority in political and philosophical speculations and agendas of peoples’ movements and institutions. Issues pertaining to women’s needs, desires, pains, problems, pleasures and potentialities definitely fall within the ambit of human rights discourse. They are therefore, undoubtedly burning issues of the contemporary times. They have been gravitating worldwide attention for serious reflections, rumination and affirmative action even in the 21st century. The present day core content, context relevance and significance of women’s rights and debates focused upon them have been more pathetic and less rosette past. Women as a global class and inseparable part of humanity not only had a distinct life but also have a legitimate share in the credit of shaping and making history of women’s rights. Religious scriptures, constitutions, declarations, covenants, conventions, programmer of actions and feminist movements have also enriched women’s life and rights. Yet the skewed socio cultural and religious beliefs, customs and practices prevalent and developed over times and climes quite often marginalized women at the altar of their male counterparts. A logical narration and authentic representation of history of women’s rights developed through the stages therefore cannot turn a blind eye towards women’s existence and their rights related issues since the known past. A penetrative peep into them is tenable to connect the past with the present and future.

Since inception, history of whole humanity is the outcome of joint endeavour of both men and women. Women accompanied men wherever they went and made life comfortable in times of joy and sorrow. They learned to live and move together in search of food and water. They learned to use plant and animals for their survival and advancement. They were jointly responsible for agricultural revolution and bringing the first ever organized community. Their lifestyle changed from nomadic to permanent settlements. During the early phase of Agricultural age, men and women were not only equal but also played a common role. Women worked and protected
their family. But, sedentarisation, increase in population, changes in manual occupational structures and division of work brought a change in women’s role, responsibility and status.

The industrial revolution accelerated a change in women’s economic, social and cultural lives. It effected a transition from traditional agricultural to a modern industrial society. Machine production replaced Manual labour. It created the public and private divide and work between home areas. The bond between family and work created during agricultural age suffered a gradual setback. Responsibility was divided among people leading to some of the family protecting private sphere and some requiring working outside home. The family as a basic unit of society has retained its significance in human life. Its pivotal role in deciding and implementing the household policies and determining the future role of women as homemakers has been realized long ago. Women were responsible for maternal duties and nurture of the future generation. Men more often worked outside the home and were considered as the household heads. The major income of the family was earned by men. Women were gradually excluded from society. Men changed the realities and exploited the situation to their advantage. They considered women as the second sex and kept them outside the social, economic and political arenas. They considered women as their rivals in sharing the facilities and fewer rivals meant more wealth.

The families elders desired to have male progeny simply because, they believed that women were weak and that males would have the better chances of earning livelihood and masculine strength to protect family members from problems. Men might learn to be intrepid and girls became pregnant and give birth. Even now, families in large majority of societies in the world continue to nurture such beliefs.

However, advances in various walks of life have brought enormous changes in outlook. Invention of printing machine, the digital revolution and globalization are responsible for greater revolution in women’s living conditions. The cheap, fast, and easy exchange of information through internet have brought extensive outcomes. The formation of social wants, increasing people’s participation in power making and power sharing, birth and growth of feminist movements to retrieve their lost rights are all the outcomes of such a revolution.
The demarcating line between public and private life is being attenuated. Yet the skewed attitude towards women is widely prevalent. They are looked down upon as incapable and parasites. Their dependencies upon men and presumed incapacity of participation in social, economic and political arenas have literally constricted their public space. Men in conservative and orthodox families as was evident in history prefer restricting women to household works. Philosophers and thinkers with some exceptions have accorded prominent place to man and pushed women to marginality in their thought. The women as weaker sex have been subordinated to men even in these days of modernity and human rights. A depiction of their status through the various civilizations, religious scriptures and other sources of laws, institutions and movements drive home the fact that the history of women’s life, status and rights has witnessed variation in realization.

2.2. Status of women in ancient times:

There is no exact information regarding women in ancient times. However, available monuments and inscriptions of this time indicate that males dominated women in ancient cultures. They were not permitted to be active in society, economy and polity. They were protected as wives and mothers by their men. Whatever the women had power and freedom it was only to the limited extent.

They had not visualized the notions of rights such as non-discrimination and access to justice, autonomy, security, and freedom of the person, economic rights and equal opportunities, political rights and civic voice, social and cultural rights. For the development of a society or a country it is very important that women are allowed to take independent decisions in the major spheres of life.

In reality, women had no formal role in public life in ancient society. Women were expected to discharge their traditional responsibilities at home as the wife, mother, making cloth through spinning and weaving from wool or linen yarn. Women did not have equal rights as men. They were subjected to a man’s authority. For example, before marriage father was authorized to look after his daughter and, after marriage, husband was authorized to maintain his wife. In old age naturally son was authorized to take decisions in her favour. Man had legal rights over the children. Women in society were not given much power. Men dominated in politics and trades.
2.2.1. Women in Greece

Ancient Greece had a bad custom of selling women through marriage. Their position in society was determined by their fidelity to their husbands. They were not allowed to visit men without the permission of their husbands. They did not have the right to attend public tasks. Inheritance was given to women by males’ preferred relatives. Women were perceived to be vicious, jealous, unhappy and immoral.

In Athenian society in third and fourth Centuries BC and in earliest model of democracy, rights to citizenship and political participation were denied to women. Patriarchal views and native culture influenced its society. Women were valued for their traditional roles of mother and wife. They were part of men’s private property. They were under the guardianship of their father, brother, husband or any other male relative during her life. Whenever women acquired property (through gifts, dowry and inheritance) male guardians were allowed to control it. Women were allowed to carry only petty trading. In Athen’s law, women were considered as inferior to men.

In Athenian society, women were particularly featured as maternal. However, idealist philosophers like Socrates and Plato were ruthless and sensitive to women. They were in favour of gender equality hence; they accorded a lofty place and pivotal
role for women in their political philosophy. Socrates argued that instead of sex, aptitude and ability should be the major criteria to determine the division of functions and roles of the individuals in society. Plato argued that women like men naturally have the same duty in the protection of the state, but one is weaker and the other is stronger. At least women in the upper classes must be allotted social roles in an ideal state and have approximately equals right as men. However, the Republic initiates the argument of the inclusion of women in the guardian class. But, unlike Socrates and Plato, Aristotle argued that man naturally is superior to women. So, man should rule and woman should be ruled and women have traditional roles in the home with respect to men. He was opposed to women having civil and political rights and believed that women are men’s property. The Stoic philosophers propounded gender and human equality. They argued for equal rights between men and women especially in dress and clothing and education.

Spartan women unlike the Athenian women had a special place in Greece. They were given importance as they were to produce stronger men and vigorous soldiers for the State’s military and administration. They enjoyed not only civil rights but also owned properties. Both the genders had equal rights in education. This is the reason why, Women and men were trained in Formal, Physical, Education and Marshal Art.

2.2.2. Women in Rome

Ancient society in Rome was also a patriarchal. Women though supported by males in the family, were not permitted to participate in public sphere. However they had inheritance rights like men. Very few aristocratic women could acquire extensive political power through matrimony and motherhood. Before marriage, father and other male relatives controlled her, and after marriage, the authority passed on to her husband.

During Julius Caesar’s reign also, women were not emancipated from male domain. Once women married, they were not permitted remarriage even if their husbands passed away or divorced.

Under traditional law in Rome, nobody had any right to abuse women. Even the husband could not physically abuse his wife or force her to have sex. Women
continued legally to be a part of her family bloodline, and maintained her patronymic name for life. Often the patronymic name passed to children through the father or sometimes the mother. In Roman Republic, women had right to utilization of her own property the way she liked. Law also provided freedom of guardianship to women who had three children.

Roman women could appear in public areas such as a court and communicate. At the same time, women in other places were represented by a man. Women were considered as weak minded and were ignored in positions of power. Even they were known by their man’s family name.

Except slaves, both men and women in Roman law had freedom. For instance women could be without a male guardian, but there was no equal protection under the law. In social circles, some citizens were freeborn. Freeborn for women was dependent on guardians. Women and children were under the perpetual tutelage of the father. Children could take any place without the father’s permission. However, father had right to kill his son or daughter for insubordination or misconduct.

Women were males’ property who after marriage were sold and belonged to the husband. The men could punish their wives for misconduct and adultery. Position of women in society depended upon males’ wealth, power, political and social status. Women in ancient Rome were thus treated at par with men and had legally private right to own or inherit property and self-acquired wealth, get divorced and formulate a will or be benefitted of it. However they did not have political and public rights such as to vote, serve in military and hold public office in their own names because women could not be surety or a tutor. Women needed male’s guardian authorization in legal communication.

Some of the wealthy women chose the priestesses job. Vestal Virgins were the most important in ancient society. When the wealthy women lost their husband, they could use servants and become a priestess. On the other hand, slave women were downtrodden. They had to bear unbearable physical and mental burden. Thus women in ancient times did not have as many rights as men did have.

Roman law was developed by Stoic philosophers. Stoics improved the situation of women. They propounded for right to equal capacity, education and
obligations to both men and women in society. But primary education was not free. So, very few people who could pay were educated.

According to Roman law, a woman who lost her husband through death or being killed in the war must remarry within two years. The married woman was not permitted to have any relation or sex with other men. If she did indulge in it, she was convicted of adultery. Women who slipped into prostitution had lost their social status and were considered evil. Half of their property was confiscated. They were not allowed remarriage. In contrast, men had sex with prostitutes, slaves, or others but were not considered committing adultery. Man during his life could not give gifts to his wife. Rape was recognized as a capital crime. Sexual abuse or physical violence was prosecuted but that excluded women slaves.

2.2.3. Women in ancient China

Chinese society was also patriarchic in nature. Traditionally father was as it is now, the head of the family. The families preferred male progeny to female ones. Women had subordinate status in society. One of the painful restrictions in the Chinese custom was bound feet. This custom was derogatory to the dignity of women. They were confined to four walls of their house. The duties of the women were taking care of the children, cleaning, cooking, weaving, and tending silkworms, etc.

Men had the privilege to marry and also have multiple concubines and give birth to children in conjugation with many women. Divorce was considered as shameful for women and her family. Men could divorce if the wife was sterile, adulterous, jealous, thief, talkative, inattentive to parents-in-law and if she had diseases such as leprosy etc.

Arranged marriage was common and the father decided whom his children should marry. Parents consulted astrologers as a custom to know the horoscope of their children. Brides had to live with the husband’s family and obey them, particularly the mother-in-law. She was to do all housekeeping duties like a servant cooking, cleaning, washing, looking after children, etc. to sell daughters to rich families was common among the poor families. Education and worship were the exclusive privilege of men. Girls could learn spinning, weaving and sewing from the mother and her family but she could not go to school.
Confucius’s attitude toward women was also not encouraging. He argued that women should discharge traditional duties in society like looking after men and bearing a son. He was not in favour of assigning any role to women in public affairs. He did not visualize or advocate any public utility scheme of education for women. According to him, girls must learn self-discipline, etiquette, household management, humility, and be chaste. He argued that woman should not have her own ambitions and must respect given roles to her.

2.2.4. Women in Ancient Persia

Status of women in ancient Persia appeared to be better than what was in Greece and Roman and Chinese civilizations. In ancient Persia, Female goddesses were worshipped. Society was based on matriarchy. Ancestry influenced woman’s life situation and socio-political status. Women enjoyed social and legal freedom. They were equal in liberty, equality and dignity. Women were considered a part of citizenry hence they too ruled the Persian Empire.

Unlike Confucius’s Avesta like a feminist and humanist among masculine gender, advocated for gender equality. He testified that women according to moral and religious texts were equal to men. Men and women must consult together and share equal responsibility. Women and men were partners in life. He enunciated that Women could achieve the highest position in socio-religious life and also could have an equal duty in the dissemination of knowledge and science. Women had freedom to choose their life partner according to their will and wisdom. Avesta advised couples to be faithful, true, and honest and share their joys and sorrows with each other in a spirit of mutual love and sacrifice.

Persian women could participate in society, polity, economy and military. They were known for valour hence they were recruited as soldiers in the military. Women could also be economically so independent as to govern their own property and have an access to employment opportunities. They also had the right to represent in court and participate in religious ceremonies.

Mother had the right to Guardianship of her child. In men’s absence or illness, women had the right to take decisions. Whenever husband committed unjust action, women could take recourse to law and seek their prosecution. Women also had the
right to witness in court. Their witness also had the equal value as that of the men. Women could be appointed as judges, lawyers, managers and administrators. Equal pay for equal work was guaranteed to women. Thus, Women in ancient Persia had the highest position in education and science.

2.2.5. Women in Ancient Egypt

In ancient Egyptian society patriarchy was encouraged. Men were traditionally the head of the family. Yet, The Egyptian woman enjoyed legal privileges including civil and economic rights. In certain circumstances, women could also become a Pharaoh. Women could own property, govern wealth, sign treaties, initiate divorce, complain in court or appear as a witness, etc.

A woman’s functions and legal distinctions were based on position in social classes. As a result, rights and privileges were not the same in each social class. The people of the upper, middle and lower classes had dissimilar situation.

Under Egyptian property law, after marriage one-third of all male property was attached to his wife. In addition to dowry, property was given during marriage. In case of divorce, husband had to return that dowry and property to his wife. Women could independently manage her private property. Women had Inheritance rights. One-third of the entire husband’s property is given to the wife and the other two-thirds divided among the children. If there were no children, it was given to the brothers and sisters of the deceased. She had liberty to share her inherited and private property to her children.

Women had freedom to enter into contracts without male representatives in the matters of marriage, divorce, implementation of testaments, wet-nurse or adoptions engagements, purchases of property, provision for self-enslavement etc. Women could also manage trusts, file litigations and appeal to the court for justice. Women were officially authorized to take decisions and be present in court as witnesses. Brave women joined the army in Egypt.

In spite of it the Egyptian women legally were inferior to men. Egyptian woman besides working at home for her family, had rights to work in public affairs as well. Women in upper class was however better off than their women counterparts in lower classes. They could occasionally assume office and execute real authority. The function of royal and upper class women was to be leaders. Middle class women were
working as housekeepers. Lower class women were servants. Standard of education among women was based on social class. Women of higher and middle classes were educated and professional while those of the lower class were illiterate. Rape and sexual harassment were legally considered as crime. Women were vulnerable to crime and suffered a lot in Egypt.

2.3. Status of women in major religions:

World is an abode for many religions. The most popular religions around the globe are: Christianity, Islam, Hinduism, Buddhism, Zoroastrianism, Jainism, Sikhism etc. religions and human rights have an overlapping relationship. Whether nature of their relationship is rational, scientific or simply dogmatic is a non issue to the extent the religions serve as moral and spiritual sources for the humanity of better men. Religions have their distinct set of rules and practices which guide and govern the behaviour and conduct of their followers. They are the suggestive of ways of life and salvation. When succinctly defined, religion is nothing but a way of life. In fact religious scriptures are primary sources of ethics and ethical behaviour. They are the criteria for judging rights and wrongs sins and merits. They have paved the paths for man’s journey from material to moral and spiritual life. To elevate everyone from the abyss of animosity to the height of divinity and from hell of life to the heaven of bliss is their function. Whether they are the link between man and God is a different matter. They have the ability to impart virtues in their followers and influence and control their behaviour for the preservation of their noble thoughts, ideals and values. Fear of unknown god is more powerful deterrence against man’s tendency of wrong doing. This is so because, their unquestionable capacity to bind people to do good conduct decriminalizes mind for the benefit of individual and society. Religions enjoy the status of mechanisms to enforce rights by promoting faith in God and noble self and soul. Rights, rituals, and practices set out by these religions and their profits, profounder and precepts have their significance for rights of man and woman as well. But, in multi-religious and plural-cultural states and societies, interreligious conflicts and conflagrations for reasons of assertions and impositions of religious dogmas and bigotry have become sources for religious intolerance and discord. Whether they are temples for women’s rights and right reason or dogmatic prisons are however worthy of illumination.
Christianity: The top practiced religion with more than 31.5% of the world’s entire population is Christianity. Its three main Sects are Roman Catholic, Eastern Orthodox and Protestant. About 2000 years ago, Christianity was born in Israel. The Bible is their holy book.\(^6\)

Islam: the world’s fastest-growing religion was founded about 1400 years ago in Saudi Arabia. The Quran is their Holy book and the Hadith, the teachings, sayings and life of the Prophet Muhammad (PBUH).\(^7\)

Hinduism: It is one of the most major and oldest religions in the world. The Gita, Agamas and Vedas are considered as major Hindu scriptures. There are four major denominations: Saivism, Saktism, Vaishnavism and Smartism.\(^8\)

Buddhism: is also a leading religion around the world. 2500 years ago Gautama Siddhartha founded this religion. Three major sects of Buddhism are Theravada, Mahayana and Vajrayana.\(^9\)

In 2002, the Gallup polling organization by George H. Gallup researched about women and religious faiths. He wrote women are more religious than men, hold and practice their faith and effort more forcefully for the congregation. Mothers have tended to spend more time raising children, which often means overseeing their involvement in worship activities.\(^10\)

Figure 2: Religion population of the world\(^{11}\) by religion.
2.3.1. Women in Christianity

Biblical literature sheds light on crucial issues like Church, marriage, role and rights of women and their relationship with men in family and society. The Bible has given better place for women. The Virgin Mary, the mother of Jesus Christ, is eternal example for women’s forbearance, compassion and venerable position. Despite it, women were not allowed to be on higher-ranking roles within the church and were barred from becoming religious leaders, particularly by the Catholic Church. In recent times however in response to wind of changes in modernity in biblical order, women have been ordained as priests and bishops in diverse Christian denominations.

But, Biblical sources confirm that women ought to be subservient to their male counterparts for better family and social life. Women are held in high esteem as mother, guide, judge, god’s first witness, and, above all, a friend and wife. Praise is different from reality. Masculinity is placed over feminist in superior and subordinate power relationship. Women’s right to liberty, equality, dignity and worth at equal footing with men appears to have been pushed to marginality. This point can well be brought from the following excerpts. Genesis 3:20 emphasizes a significant role of the mother: "Adam called his wife's name Eve, because she was the mother of all living." Judges 4:4 emphasizes woman as a guide: "Now Deborah, a prophet, the wife of Lappidoth, she judged Israel at that time." "Mary Magdalene went and said to the disciples, "I have seen the Lord"; and she told them that he had said these things to her."12

Mary was the first person to see Jesus after his crucifixion.13 In the Bible, the story of the fall of man depicting subordination of women to men is as below:

“I will put enmity between you and the woman, and between your offspring[a] and hers; he will crush[b] your head, and you will strike his heel.”14

To the woman he said, “I will make your pains in childbearing very severe; with painful labor you will give birth to children. Your desire will be for your husband, and he will rule over you.”15

To Adam he said, “Because you listened to your wife and ate fruit from the tree about which I commanded you, you must not eat from it, cursed is the ground because of you; through painful toil you will eat food from it all the days of your life.”16
The Bible argues the essentials of the gender:

“For man did not come from woman, but woman from man.” 17

“Neither was man created for woman, but woman for man.” 18

“It is for this reason that a woman ought to have authority over her own[α] head, because of the angels.” 19

“Therefore I want the men everywhere to pray, lifting up holy hands without anger or disputing”. 20

“I also want the women to dress modestly, with decency and propriety, adorning themselves, not with elaborate hairstyles or gold or pearls or expensive clothes”. 21

“But with good deeds, appropriate for women who profess to worship God”. 22

“A woman[α] should learn in quietness and full submission.” 23

“I do not permit a woman to teach or to assume authority over a man; [α] she must be quiet.” 24

“For Adam was formed first, then Eve.” 25

“And Adam was not the one deceived; it was the woman who was deceived and became a sinner.” 26

Treatment of Women's Rights is found in Isaiah verse three and paragraph twelve in Bible: “As for my people, children are their oppressors, and women rule over them.” Also, “But I would have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God.” 27

“Let your women keep silence in the churches: for it is not permitted unto them to speak; but they are commanded to be under obedience as also saith the law. And if they will learn anything, let them ask their husbands at home: for it is a shame for women to speak in the church.” 28

“Wives, submit yourselves unto your own husbands, as unto the Lord. For the husband is the head of the wife, even as Christ is the head of the church: and he is the savoir of the body. Therefore as the church is subject unto Christ, so let the wives are to their own husbands in everything.” 29

“Wives, submit yourselves unto your own husbands, as it is fit in the Lord”. 30
“Let the woman learn in silence with all subjection. But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence. For Adam was first formed, then Eve. And Adam was not deceived, but the woman being deceived was in the transgression. Notwithstanding she shall be saved in childbearing.”

“Teach the young women to be ... obedient to their own husbands, that the word of God be not blasphemed.”

“Likewise, ye wives, be in subjection to your own husbands.”

In Galatians 3:28 emphasize equal rights among male and female. But in 1Corinthians 11:3, Colossians 3:18, 1 Peter 3:1 and Ephesians 5:22-24 highlight the head of the woman is the man.

2.3.2. Women in Islam

The Quran and the Hadith are basic sources of verification in Islam. The Quran introduces fundamental modification to traditional law in the Islamic community. The basic principles explain that both sexes are honoured and respected. Islamic law highlights equality between men and women because both sexes are created from one single source, same souls, brain, etc. Islam has cancelled all the prior unjust acts that looked down upon women’s situation as inferior. There is a just difference in physical and psychological individuality. Women’s inclinations are as sensitive as their mind and emotions.

"It is He who created you from one soul and created from it its mate that he might dwell in security with her (in love)..." 

“O mankind... Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women," 

"He has made for you from yourselves, mates, and among the cattle, mates; He multiplies you thereby." 

"And Allah has made for you from yourselves mates and has made for you from your mates sons and grandchildren and has provided for you from the good things." 

The Quran states equal religious Obligations for woman and men: "... Never will I allow to be lost the work of [any] worker among you, whether male or female; you are of one another..."
And equality in rewards and punishments for both sexes: "Whoever does righteousness, whether male or female, while he is a believer - We will surely cause him to live a good life, and we will surely give them their reward [in the Hereafter] according to the best of what they used to do." 39

"Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the patient men and patient women, the humble men and humble women, the charitable men and charitable women, the fasting men and fasting women, the men who guard their private parts and the women who do so, and the men who remember Allah often and the women who do so - for them Allah has prepared forgiveness and a great reward." 40

"And whoever does righteous deeds, whether male or female, while being a believer - those will enter Paradise and will not be wronged". 41

One of the most important issues about false viewpoint in Muslim women is that women know the original cause of the wrong and misguide men because woman perpetrated Adam's first disobedience. Unlike religious interpreters, the Quran says:

"... Satan caused them to slip out of it." 42

"... Satan whispered to them to make apparent to them that which was concealed from them of their private parts." 43

"So Satan made them fall..." 44

"Then Satan whispered to him" 45

Woman and man were jointly mistaken and after that both repented and were absolved. In fact, in a Surat Ţāhā in verse 121 specifically Adam was inculcated: "And Adam disobeyed his Lord and erred."

Another custom among tribes was infanticide. The Tribe rejected baby girl and buried alive. Islam disagreed with these ill treatments and forbade it: "And when the girl [who was] buried alive is asked - For what sin was she killed." 46

Also the Quran rebukes parents whose manners are unwelcoming to the birth of a girl: "And when one of them is informed of [the birth of] a female, his face becomes dark, and he suppresses grief. He hides himself from the people because of
the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they decide. “

Prophet Muhammad (PBUH) supported girl's life with protection and behaved with kindness and justice towards his daughter. Earlier the tribe behaved with injustice, inequality and insults towards women and boys was favoured. Also Prophet Muhammad emphasized the right of knowledge for both females and male Muslims. "Seeking knowledge is mandatory for every Muslim". (Al-Bayhaqi) "... and say, "My Lord, increase me in knowledge."

So, the Quran outlined women’s rights of marriage, divorce, inheritance, family law, and economic and political rights. Islam is underlined marriage. Muslims believe that they fulfil their religion with marriage. Islam absolutely prohibits consanguineous marrying that is with one’s own, father or mother, and foster mother or any unlawful relationship. Also Islam forbids having a fifth wife at the same time. Marriage with non-Muslim is also forbidden. Women cannot remarry when she is observing Iddah. And Islam forbids women having plurality of spouse.

Basically legitimate marriages under Islamic teachings for both men and women demand they must be competent, recognised proposal, both parties consensus, presence of two proper witnesses for each party, recognizing the right of dower, protection and residence, fidelity, and admit intercourse of sex. The bride rights In Islamic states two kinds of marriages; exist permanent and Muta are fixed mostly recognized by Shia. In Muta time of cohabitation and dowry rights are fixed.

“All of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought.”

The Quran thus states:

"Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance -
[first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. 

"And do not marry polytheistic women until they believe. And a believing slave woman is better than a polytheist, even though she might please you. And do not marry polytheistic men [to your women] until they believe. And a believing slave is better than a polytheist, even though he might please you. Those invite [you] to the Fire, but Allah invites to Paradise and to forgiveness, by His permission. And He makes clear His verses to the people that perhaps they may remember."

"And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease."

"And do not marry those [women] whom your fathers married, except what has already occurred. Indeed, it was an immorality and hateful [to Allah] and was evil as a way.

"Prohibited to you [for marriage] are your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your [milk] mothers who nursed you, your sisters through nursing, your wives' mothers, and your step-daughters under your guardianship [born] of your wives unto whom you have gone in. But if you have not gone in unto them, there is no sin upon you. And [also prohibited are] the wives of your sons who are from your [own] loins, and that you take [in marriage] two sisters simultaneously, except for what has already occurred. Indeed, Allah is ever forgiving and Merciful."

"And [also prohibited to you are all] married women except those your right hands possess. [This is] the decree of Allah upon you. And lawful to you are [all others] beyond these, [provided] that you seek them [in marriage] with [gifts from] your property, desiring chastity, not unlawful sexual intercourse. So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. And there is no blame upon you for what you mutually agree to beyond the obligation. Indeed, Allah is ever knowing and Wise."
The Quran on punishment of women, who are accountable of lewdness, says: "Those who commit unlawful sexual intercourse of your women - bring against them four [witnesses] from among you. And if they testify, confine the guilty women to the house until death takes them or Allah ordains for them [another] way. " Hence marriage with her is forbidden.

A polygamy right in Islam, according to the Quran is allowed for men: " ..., then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those right hand possesses. That is more suitable that you may not incline [to injustice]." 

Under the Quran regarding divorce it says: "But if you want to replace one wife with another and you have given one of them a great amount [in gifts], do not take [back] from it anything. Would you take it in injustice and manifest sin? "

"Divorce is twice. Then, either keep [her] in an acceptable manner or release [her] with good treatment. And it is not lawful for you to take anything of what you have given them ..."

"And if he has divorced her [for the third time], then she is not lawful to him afterward until [after] she marries a husband other than him. And if the latter husband divorces her [or dies], there is no blame upon the woman and her former husband for returning to each other if they think that they can keep [within] the limits of Allah..."

"And when you divorce women and they have [nearly] fulfilled their term, either retain them according to acceptable terms or release them according to acceptable terms, and do not keep them, intending harm, to transgress [against them]. And whoever does that has certainly wronged him. And do not take the verses of Allah in jest. And remember the favor of Allah upon you and what has been revealed to you of the Book and wisdom by which He instructs you. And fear Allah and know that Allah knows of all things."

"Divorced women remain in waiting for three periods, and it is not lawful for them to conceal what Allah has created in their wombs if they believe in Allah and the Last Day. And their husbands have more right to take them back in this [period] if they want reconciliation. And due to the wives is similar to
what is expected of them, according to what is reasonable. But the men have a
degree over them [in responsibility and authority]. And Allah is exalted in
Might and Wise."\(^70\)

According to this verse (Surat Al-Baqarah in verse 228) it refers to the role of
man in maintenance, protection and leadership of his family. Islam raises the bar for
men similar to Christianity. "The men have a degree over them [in responsibility and
authority] ".

"And when you divorce women and they have fulfilled their term, do not prevent
them from remarrying their [former] husbands if they agree among themselves on an
acceptable basis. That is instructed to whoever of you believes in Allah and the Last
Day. That is better for you and purer, and Allah knows and you know not."\(^71\)

Regarding witness rights of women, the Quran says: "And bring to witness
two witnesses from among your men. And if there are not two men [available], then a
man and two women from those."\(^72\)

Islam requires women to wear a Burqa. The Quran emphasizes on women
covering her body to protect herself form violence: "O Prophet, tell your wives and
your daughters and the women of the believers to bring down over themselves [part]
of their outer garments. That is more suitable that they will be known and not be
abused. And ever is Allah Forgiving and Merciful."\(^73\)

For inheritance rights of women, the Quran states: "For men is a share of what
the parents and close relatives leave, and for women is a share of what the parents and
close relatives leave, be it little or much - an obligatory share. "\(^74\)

"Allah instructs you concerning your children: for the male, what is equal to
the share of two females. But if there are [only] daughters, two or more, for
them is two thirds of one's estate. And if there is only one, for her is half. And
for one's parents, to each one of them is a sixth of his estate if he left children.
But if he had no children and the parents [alone] inherit from him, then for his
mother is one third. And if he had brothers [or sisters], for his mother is a
sixth, after any bequest he [may have] made or debt. Your parents or your
children - you know not which of them are nearest to you in benefit. [These
shares are] an obligation [imposed] by Allah. Indeed, Allah is ever knowing and Wise."

"And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they [may have] made or debt. And for the wives is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one of them is a sixth. But if they are more than two, they share a third, after any bequest which was made or debt, as long as there is no detriment [caused]. [This is] an ordinance from Allah and Allah is knowing and Forbearing."

"O you who have believed, it is not lawful for you to inherit women by compulsion. And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality. And live with them in kindness. For if you dislike them, perhaps you dislike a thing and Allah makes therein much good."

"They request from you a [legal] ruling. Say, "Allah gives you a ruling concerning one having neither descendants nor ascendants [as heirs]." If a man dies, leaving no child but [only] a sister, she will have half of what he left. And he inherits from her if she [dies and] has no child. But if there are two sisters [or more], they will have two-thirds of what he left. If there are both brothers and sisters, the male will have the share of two females. Allah makes clear to you [His law], lest you go astray. And Allah knows of all things"

Islam identifies the role of women in society as that of a mother and that of a wife. Women under Islamic right have employment rights and to seek a job. Especially for positions such as nursing, teaching and medicine, women are suitable as they are visceral and emotional.

Women can also participate in politics. The Quran states:

"O Prophet, when the believing women come to you pledging to you that they will not associate anything with Allah, nor will they steal, nor will they commit unlawful sexual intercourse, nor will they kill their children, nor will
they bring forth a slander they have invented between their arms and legs, nor will they disobey you in what is right - then accept their pledge and ask forgiveness for them of Allah. Indeed, Allah is Forgiving and Merciful." Islam does not permit women to be governors, imams or heads of religious institutions.

2.3.3. Women in Hinduism

Hinduism is the third largest religion amongst the most followed faiths after Christianity and Islam in the world. About 80 percent of the population practices Hinduism in the Indian subcontinent. The term Hinduism was used in the 19th century for the first time. But it is the oldest religion in the world that originated from Hindu Dharma or Hindu moral and religious law. The holy and oldest texts of Hinduism are Vedas, Brahmans, Aranyakas, Upanishads and Vedangas.

Even in Hinduism man is dominant in social, economic, political and religious arenas. It is believed that Woman is created to satisfy men. Her duty is to bear and rear children. Her traditional roles are Rambha (love), Mata (mother), Mantri (advisor or counsellor) and Dasi (servant).

Family protection is the duty of men. The male officiates in Vedic ceremony, but women can perform Pooja or observe austerities. In Hinduism, there are various Female Goddesses, Mother (Mata) or wife of gods. Shakti is the personification of divine feminine power. Women like Sita, Satyavati, Draupadi, Ganga, Kunti, Shakuntala, Menaka, Amba, Anasuya, Damayanti, played an important role in the ideal conduct of women in private and public domains.79

The status of women is paradoxically portrayed as that of a goddess with privileges but on the other hand most of them lead a miserable life. According to the Hindu commandment, male being same as God must be worshipped. The nature of women in Hinduism is perceived to be seducing men. For this reason, she is dependent on men, and must be protected during childhood by her father, brother and after marriage by her husband, widows to her son and men guardians. Also, freedom was different for Hindu women of lower castes and higher castes, as from in urban and rural areas. In general, many restrictions and disabilities still continue to be
imposed upon them in professional and personal lives. But generally Hindu customs are not accepted by all communities, because Indian society is complex.

Hindu customs and practices demand that marriages must be arranged. Parents control spinsters’ choice in career and marriage affairs. People can marry only within one’s own caste, so the choice of partner is restricted. Parents must look out for a horoscope that matches with the bride and groom. Love marriages or marriage outside caste or community is despised and the couple is banished or killed. Moreover, although child marriages are prohibited by law, incidents of child marriages are quite often reported in media. The old men could marry them relatives.80

Another social evil in Hindu social system is Dowry. Bride’s family pays enormous dowry to the bride groom. This differs among each caste and community. Dowry in Hinduism is the same as in Islamic communities (call dower or Mahr), which means some kind of gifts and money are presented to the groom's family. In traditional norms, the families are harassed to pay dowry and some of them caused distress to the bride. Incidents of dowry deaths and bride burning by the husband or by his family are also reported. Inequality in the treatment of children was prevalent with abortion of girl foetus. Woman was not permitted to go outside without a male relative and meet any other men. They were kept at home in confinement.

In Hinduism men have the right to divorce but women do not have the right to seek separation or abdication. Barren women and women who borne a girl were abandoned after eight years by the husband. Until independence men had polygamy rights. Women in Hinduism had neither property nor inheritance rights. As part of dowry, one-quarter of the inheritance was given to her. If a family had no sons, then the daughter got the full inheritance.

Hindu law prescribed numerous restrictive situations for women. They suffered gender discrimination. Sita81 is an example of gender prejudice. Another custom was Sati82 Hindus believed that widows were a misfortune for the family, hence must commit sati which meant self-immolation on the husband’s funeral pyre and being cremated with the husband’s remains. A present law prohibits Sati; but thus tradition has been replaced with some other strictures. Widows were cursed persons
who cannot remarry, and also could not appear in public. In some communities, widows lived under the guardianship of men relatives with severe hardship in life and in seclusion. Hindu norms did not accept widows to wear jewellery or colourful dresses, even to participate in the marriage of her children.

2.3.4. Women in Buddhism

Theravada is the oldest and most traditional of the various sects of Buddhism. The Buddha’s perspective of women and women rights is also interesting. During his times also women had a subordinate status in society. He saw that Females spent their life in the service of men. Serving and obeying men were their ordained duties. Women were seen as inferior and second class citizens with less power. Women were insignificantly men’s mere chattel. Women could not make their own decisions. Buddha tuned women toward equal social rights. He advocated a radical viewpoint on the status of women. Buddha explained it to Ananda that women are competent to be ideal persons (Arhats) same as men, if she pursue of renunciation. He propounded equal rights of liberation for both men and women, and established male leadership as a monk or Bhikkhus and female monastic called Nuns or Bhikkhunis that represented Samsara (cycle of existence), then could not be subjected as slave or servant. The Buddha trained and preached to both men and women.

"That vantage point the sages may attain is hard to win. With her two-fingered consciousness, that place no woman is competent to gain.”

"'Straight' is the name that Road is called, and 'Free from Fear' the Quarter whither thou art bound. Thy Chariot is the 'Silent Runner' named, With Wheels of Righteous Effort fitted well. Conscience the Leaning-board; the Drapery Is Heedfulness; the Driver is the Dharma, I say, and Right Views, they that run before. And be it woman, or be it man for whom such a chariot doth wait, by that same car into Nirvana's presence shall they come.”

The girls were married at the discretion of parents, wherein the father chose a husband for his daughters. The basic duties of a woman are cooking, cleaning, and bear and look after children. The Buddhist approach proclaimed that the only womanly duty is to bear children. Traditionally, if a man was unsatisfied with the
wife, he had rights to punish her by beating or throwing her out of the house. Also, the wife had to wait until the husband finished eating food then she ate what was left over.

Divorce right was only for men. Men could initiate divorce. Also, men had polygamy rights, for example if his wife was barren he could get another wife. Adultery was only indecent for women and penalty for her was death. Adulterous women could not marry. They often played music and danced to give pleasures to others. They had no assured livelihood in society.

Among lower-class, women were considered servants or slaves. The slave women always had to work hard. They could not marry, without the master’s permission. Sometimes they were victimized by their masters in sexual harassment. Their masters had the right to beat regularly and be heartless to the slave women. Some of them committed suicide.

2.4. The Status of Women during medieval era

Women during medieval era had a hard time. Earlier, society was completely dominated by men and traditional norms. Tradition dictated the duty of women in society like supporting her husband, childbirth, doing her daily duties and discharging responsibilities. Woman could not complain of inequality.

During middle Ages, most of the population lived in rural areas and farming was mostly the occupation of men and women. Women worked in the land as men did. However, women received lower salaries than men. For example for reaping men were paid 8 paisa a day and women were paid 5 paisa a day. But in medieval towns, women were frequently prevented from joining the trade. For that reason, women could not do a skilled job. Women worked for weavers’ craft, looms, and clothes making. Some of the women worked as servants. They led a poor life.

The men greatly restricted women’s freedom. Parental consent was necessary for women’s marriage and job. The society did not recognize women’s right to inheritance, ownership of property and divorce. Girls from rich families married during their teenage. But in poor families, girls were not married until their twenties because they had to work from the earliest age and help the family. The parents
selected marriage partners. The rich families desired that their daughter marry politicians. After marriage, women belonged to the husband.

Most of the time, women died during childbirth because medical care was poor. Unlike rich families that usually employed wet nurses for their children, poor women had to carry the children along to their day-to-day work both at home and on the land. So the mortality rate was approximately forty for women in poor families.\(^88\)

The Church determined roles of women in the middle ages. The Christian principle respected women and gave equal rights to them. The Church emphasized equal spirituality among genders as also the rules of consanguinity, marriage sanctity, and divorce and remarriage. Monogamy was prevalent and polygamy was unknown. Divorce and re-marriage was hardly practiced. Concubinage or temporary marriage was abolished. They had inheritance rights to land and hold fiefs. Women in medieval age had a dignified and self-determining life.

From the 11th Century onwards, the status of Medieval Women basically changed. Honour and gallantry was prioritised rather than religion in the medieval knightly life. For example, England’s Common Law in the 12th century explained that the property of women after marriage belonged to her husband. Her husband managed it, also the property was transferred to the husband with the consent of his wife. In France, legal capacity was more restricted.

In the 16th century, some movements of enlightenment demanded reforming conditions such as religious freedom, the abolition of slavery, rights for women, property rights, and universal suffrage in Europe. Democratic principles of equality emerged in 18th and 19th centuries. The women revolutionary movements began to urge for political and social rights.

In 1791, Declaration of the Rights of Woman and the Female Citizen was proclaimed in France. The Declaration of the Rights of Man and of the Citizen (1789) maintained that, “Woman is born free and remains equal to man in rights. Social distinctions may only be based on common utility”.\(^89\)
In 1792, A Vindication of the Rights of Woman was published by Mary Wollstonecraft who was a British writer and philosopher. She demanded equal greater opportunities, justice and rights to humanity.

John Stuart Mill explained the condition of women in Britain in 1869 in the following manner: "We are continually told that civilization and Christianity have restored to the woman her just rights. Meanwhile the wife is the actual bondservant of her husband; no less so, as far as the legal obligation goes, than slaves commonly so called."  

Initially women's rights campaigns practiced toward the suffrage rights. In the 20th century, wealthy property owners within British jurisdictions had right to vote. The women legally were involved in men’s property. According to law, after marriage, women were under men possession until the 19th century. The male largely dominated women in civil, social, political and economic areas and restricted women participation. Women suffered from various forms of violence like starvation, trafficking and disease. Disintegration of families and ostracism deepened their sorrows.

2.5. Women in modern time

Women have progressively become more vital in society. The primary role of most women which was to care of their family and home has now turned into equal balance in duties of men and women.

The first definitive position on women's rights started in Britain for political rights and right to vote that formed the Women's Social and Political Union (WSPU) in 1903. This was successful after fifteen years of struggle.

In 1848, the first women convention met in the United States. The first Convention on Women's Rights at Seneca Falls focused on women's suffrage. The National Women's Rights Convention also was held in 1850. In 1863, both conventions formed the Women's National Loyal League. In 1890, the National American Women's Suffrage Association was another association that diffused women rights. The League of Women Voters in 1920 and the National Council of
Negro Women in 1935 supported women’s liberty and equal rights of gender. They pushed women's rights issues to the international level.

In 1945, equal rights for women were referred to in the charter of the United Nations in the preamble. The UN Commission on the Status of Women was founded in 1948, convention on the political rights of women was held by UN General Assembly in 1952. From 1976 until 1985, the international movement held conferences on women’s rights:

- Mexico City Conference in 1975
- Copenhagen Conference in 1980
- Nairobi, Kenya Conference in 1985
- Beijing Conference in 1995, that endorsed gender equality and the empowerment of women in the 21st century

The political organizations related to women include:

- The National Organization for Women (NOW) was formed in 1966
- The National Women's Political Caucus was shaped in 1971
- The Equal Rights Amendment Ratification Council was created in 1973
- The Coalition of Labor Union Women was established in 1973

Since the 1980s various women's issues such as reproductive and abortion rights and right against sexual harassment emerged.

2.5.1. Human rights and women

"...the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields”\(^{91}\)

Global women’s movement has increasingly developed human right treaties through international conferences and agreements over several decades. Legal foundations have been laid for ending gender discrimination. These are in the form of agreements by which governments are obliged to improve gender equal rights.
Rights that are intrinsic for all human beings are considered as human rights. This does not limit any one from enjoying human rights on grounds of nationality or place of residence. Human rights are the same for both the genders of any nation with no discrimination based on the ethnic origin, colour, religion, language or any other category. The rights are interrelated, dependent on each other and cannot be separated in any way. Article 2 of UDHR enunciates that

‘Everyone is entitled to all the rights and freedoms, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, non-self-governing or under any other limitation of sovereignty.’\(^92\)

Governments have ratified various international human rights covenants and conventions. They are expected to abide by International Human Rights laws so as to protect citizens without affecting their basic freedoms.

Almost all human rights laws including the Universal Declaration of Human Rights are emphatic on human rights’ universality. Countries which partook in World Conference on Human Rights in Vienna in 1993, agreed in principle that it was the duty of each country to protect its citizens human rights and basic freedoms irrespective of the political, economic and cultural systems they belonged to or followed.\(^93\)

All the countries that signed the Universal Declaration of human rights have approved at least one and majority of them have approved over four of the core human right treaties which shows that many of the countries are willing to accept the legal obligations and support the universality of the rights. Some basic rights are enjoyed by the people beyond the limitations of their boundaries and culture. Human rights of the people cannot be abridged or taken away by the governments unless the situation so warrants. A person’s liberty can be curtailed if he is proved to be guilty in accordance with the law of the land.

Human rights consist of both rights and obligations. The countries that have signed the treaty are obliged to follow the International law and the duties thereof that
respect human rights and protect and fulfil the international expectations. The states
cannot interfere with the law or curtail the citizen’s rights. The countries are expected
to give the citizens complete protection against abuse and must take action to
facilitate basic rights. Every individual must be made aware of the rights the fellow
human beings are entitled to.

2.5.2. Women’s rights

The term “Women’s Rights” include many different areas, making it among the most difficult areas of law to define. Women’s rights are most often associated with reproductive rights, sexual and domestic violence and employment discrimination. But women’s rights also includes immigration and refugee matters, child custody, criminal justice, health care, housing, social security and public benefits, civil rights, human rights, sports law, LGBT rights, and international law.

Often feminist leaders today focus on areas of intersection between women’s rights and other areas and consider these areas of intersection as one larger movement for social justice. These areas sometimes overlap offering an opportunity for lawyers to focus on many areas of social policy important to them. For example, immigrant rights or labor rights overlap with women’s rights whenever women are involved. One can advocate for women’s rights for many types of organizations, because when a woman is involved, women’s rights are involved.

When a woman is being abused it is not just the violation of the individual’s rights alone but there is a larger issue that deals with the cultural attitudes against women which considers women as an inferior sex by men. Women’s rights usually pertain to women’s equality with men in areas where women have equal capacity as men. It also refers to the protection of women as women have certain situations like pregnancy which entitles them to be on maternity leave in their work place. It also protects women from trafficking, abuse, violence and rape.
Women have to be protected by the state from being physically mutilated and states must ensure that they do not face Honour Killing which is a menace in many of the patriarchal societies that do not give freedom to their women. Women should be given the liberty to decide on their pregnancy. Educating the girls should be the top priority of the countries that have signed the universal declaration. Giving women the right vote is expected in this century from many countries that attended the convention in Geneva\textsuperscript{96} in 1993. Countries have to protect their women from discrimination in salary for the same job as a man does. States have to provide their women with easy access to medical facilities, equal career options, free information and legal facilities. When a society fails to give basic rights for women it leads to trafficking and sexual abuse of women. Most of the movements that support women’s rights help in making a woman’s status equal to that of men in political, social and economic spheres of the society. Women are safeguarded against discrimination of any kind by women’s rights movements.

Women’s rights movements have a curious and magnificent history of over two centuries. The first published book supporting women’s right is “A Vindication of Rights of Women” by Mary Wollstonecraft in 1792. Mary Wollstonecraft has been called the “first feminist” or "mother of feminism, who believed that abuse of women was close home."\textsuperscript{97}

Even in this century women are not given equal pay as men and there have been many movements in various countries fighting for equal pay. In British Hong Kong women were openly denied equal pay and equal benefits till the beginning of the 1970s.\textsuperscript{98} The President of the Hong Kong Chinese Civil Servants’ Association
Leslie Wah-Leung Chung helped in ensuring that women were treated equally with men in pay and other benefits.

At Beijing the U.N observed the fifth anniversary of the Fourth World Conference in an event that indicated to the world that women can be respected only if human rights are considered as the main focus in order to improve women’s status around the world. The progress was visible because of the awareness public had about the abuses that women went through which affected their human rights. There were amendments in the prosecution by making the rules more stringent and all countries had an international standard for prosecution. Yet all these efforts are still not enough for the women especially for those from the developing nations who need more protection.

The freedom to vote and elect one’s own government and participate in the country’s law making process has not been easy for women for many centuries as patriarchal societies world over did not consider it essential to consider a woman’s view point in this segment. The first movement in this regard was started by Helen Kendrick Johnson who opposed the discrimination. New Zealand was the first democratic country that gave women the freedom to vote in 189399. A few more progressive nations gave women the freedom to vote before the First World War. But after the war many countries in Europe and the United States stopped discriminating women and allowed them to vote.

By the middle of 20th century the Right to vote was extended to women in a number of Afro-Asian and Latin American countries. The governments of these countries have proved to be progressive to realize that women should not be discriminated in the matter of electing a democratic government. They also realized that democracy was the key to equality. In many of these countries women held key positions in their governments and gave a voice to the problems of women. Some of the elected representative is also leaders of the states. Thanks to their interest aggregation and articulation, women and children are getting a lot of support from the governments. However there are countries in the Middle East which are yet to create conducive atmosphere for women for the enjoyment of complete freedom. Still men control their women even while voting. Unless the world recognizes the importance
of women’s participation in governance it is difficult to expect women to be treated on par with men.

Besides right to vote, reproductive rights are also equally important. Reproductive rights of a woman are rights that give a woman the freedom to choose motherhood or otherwise. If a woman has the right not to enter into motherhood then she can be assured of good health by using contraceptives. Since the 1920s both America and the U.K have had the concept of family limitation or voluntary motherhood\(^{100}\) by using systems that would control birth. In 1968 the U.N passed Reproductive Rights as the human rights of women. Until then the concept of reproductive rights was not discussed as people considered reproduction as part of procreation and many societies considered it a sin to prevent the birth of a baby. If reproductive rights are given by a nation then the girls and women can be educated on reproductive healthcare using contraceptives. That will enable women and girls from getting protection against coercive reproduction and discrimination. Sexually transmitted diseases can be controlled. Women and girls can also be educated about procedures and consequences of legal and illegal abortion. Young girls can be prevented from becoming victims of harmful practices like female genital mutilation. Though reproductive rights can be applied for both males and females, it is considered as advancement for women and prominence is given to it more as part of women’s rights. The Human Rights Watch has reported that abortion is an emotional subject, and there are many countries that oppose abortion as it is against the religious sentiments calling abortion as a moral evil.

In the past the basic reason for not protecting women’s rights was that some governments did not recognize that women were entitled to enjoy their basic rights. Many countries allowed discriminatory family laws to prevail over. Decisions taken in the world conferences were not implemented by the governments in these countries. In many developing countries men compelled women to be obedient and subservient. This kept women completely dependent on men.

The theme for International Women’s Day 2014 was ”Equality for women is progress for all”\(^{101}\) and this phrase was used by all those who supported Women’s Rights. UN Secretary-General Ban-Ki Moon in his message for this year's Women's Day said ”This International Women's Day, we are highlighting the importance of
achieving equality for women and girls not simply because it is a matter of fairness and fundamental human rights, but because the progress in so many other areas depends on it.”

Women’s rights have to be dealt with both in public and private spheres. It means that stringent laws must be enacted and enforced to prevent and protect women from abuse and discrimination both at home and outside.

2.6. Genesis of Women’s rights

2.6.1. Evolvement of Women’s Rights Movements

In some parts of the world matriarchy was in practice. Women in these societies enjoyed some amount of freedom and authority. They were the heads of the family and owners of the family property. But, such societies were very few in number. In most parts of the world patriarchy was the order. In such systems women were treated as second class citizens. They were not given even the basic rights. Thus women’s deplorable situation and right less conditions motivated women to mobilize and organize themselves in to movements to struggle for their rights and equal status. Therefore, the brief account of the development of Women’s rights movement is in order. It shows how the women’s rights movements have evolved over times.

Women’s rights movements began in the mid-seventeenth century. In 1647 in the U.S Margaret Brent¹⁰² a feminist of that era demanded that she be given ownership of the land and be the legal representative of the colony’s proprietor Lord Baltimore. In the Maryland assembly when she placed her demands it was refused by the assembly. This is the earliest recorded fight for women’s rights in the advancement of women.

In the nineteenth century women in America and Europe started getting basic education. Men too began to realize the importance of education for women. This helped many women to explicitly express their views and grievances in open. Their thoughts on gender biased discrimination and oppression were getting crystallized. In 1807 women in New Jersey were given the freedom to vote.¹⁰³ Until this period the position of a woman and a slave was almost the same. Widows of Kentucky who had children attending schools in the local district were allowed voting rights in the year 1838.¹⁰⁴
During the mid nineteenth century the world saw a change in the attitudes of some of the educated women from America, the U.K and other parts of Europe. Such women corresponded with each other and interacted with one another apart from travelling to different parts of the world to attend various conferences and meetings. In 1840 at London, World Anti-slavery Convention was held. Two famous feminists Lucretia Mott and Elizabeth Cady Stanton met there. But they were not given leadership position\textsuperscript{105}. So in 1848 they organized the Woman’s Rights Convention in Seneca Falls, New York. They issued a Declaration of Sentiments that announced that all men and women were created equal.

By the beginning of the twentieth century women were allowed to vote in most parts of America and Europe. Polygamy was considered illegal. Views and ideas about women’s rights began to take shape and deepen. In 1913 the world saw for the first time nearly eight thousand marchers in Washington D.C conducting the first national suffrage parade. Jeannette Rankin of Montana the first woman elected as the U.S House of Representative. But even by the mid 1920s there were still a number of laws in America that needed to be amended in order to give the women the protection and rights they deserved.

In 1946 the Standards of women’s rights was set by the UN Commission. It helped the various governments to develop their laws as per the international conventions. This helped in creating a worldwide awareness too promote women’s rights. This process led to the Universal Declaration of Human Rights in 1948. It encouraged equal rights and freedom for women as well.

The first International Women’s Day was celebrated in 1975\textsuperscript{106} and in the same year the UN also held the Women’s Conference in Mexico City giving women more prominence in the world than ever before. 1979 saw the adoption of an International Treaty, Convention on the Elimination of All forms of Discrimination against Women (CEDAW), furthering the support for women’s rights.

In 1993 a World Conference was held on Human Rights at Vienna in which the women’s rights were recognized and accepted as part of Human Rights by all the countries that participated in it. They also acknowledged the Declaration on the Elimination of Violence against Women.\textsuperscript{107} A major step was taken in 1994 at Cairo
when women and girls were given the rights to control their own lives and bodies at the International Conference on Population and Development. At a number of global forums after this conference there was strong support for women’s rights and in 2010 the UN Women was formed only to focus on the issues that oppressed women in various countries.

A part of the UN’s reform agenda, is also known as United Nations Entity for Gender Equality and the Empowerment of Women. All the member nations were made to take more stringent steps to expedite the process of generating equality among the genders and women’s empowerment. Previously the UN had stated four significant points to help in bringing about gender equality and empowering women, and in the UN Women all these were merged together. They are:

- Division for the Advancement of Women (DAW)
- International Research and Training Institute for the Advancement of Women (INSTRAW)
- Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI)
- United Nations Development Fund for Women (UNIFEM)

The UN Women has a significant role to play in supporting the Commission on Status for Women, CSW, when they frame new policies that have global standards and norms. This organization also helps the member states to implement the policies by giving the member states both technical and financial support. The organization is accountable for the regular monitoring of the systems and they are committed to their work.

UN Women, as part of the UN Charter works for equality of genders and among other issues works for the following:

- Elimination of discrimination against women and girls;
- Empowerment of women; and
- Achievement of equality between women and men, to benefit the result of development programmes, implementation of human rights, humanitarian action and peace and security.
Having seen the amount of work has been done in the past at the international level in order to help women overcome oppression that has helped women in many countries to lead a better life. The reality is that there are countries even now where the gap between the commitment of governments and the realities in women’s lives is something to be worked on. In economically weak countries or countries where the fundamentalists control the government the problem is multifold and the UN finds it a challenge to make appropriate changes. Women in such countries have to be given awareness and education that would empower them to live independently and confidently. The governments of such countries should confront the challenges and work on the changes that would give women support at all levels especially at the grass roots level because, this is where the most vulnerable women are present. Some of the developed countries are also facing problems of salary discrimination, domestic violence, stereotyping of education and discrimination in employment opportunities and work place. This shows that unless and until men are made aware of the significance of the need to promote women’s rights and enable them to use to the fullest potential better changes cannot be brought in the world. Only then women can realize equality in all spheres of life.

2.6.2. FEMINISM MOVEMENTS

Feminism is defined in the form of the political and social movements. Their goals are to support women’s rights, justice and equal opportunities same as men. Some of them attempt to promote women’s awareness in societies. Feminism movements believe that gender is a significant factor in forming people’s lives, social, economic and political processes. They differentiate between human body and its role in the society. It means that if you were born male or female, such phenomena is natural and is not in your hand, but the social roles are acquisitive. Simone de Beauvoir is one of the most well-known theoreticians of feminism who believes that woman is not created but made.109

Women’s movements in equal rights were known as the first wave of feminism which began from the last decade of 18th century (In the 1830s) in Northern America and Europe and continued until the end of First World War. It was a movement in which women were searched for equal rights with men especially in the
fields of political and economic partnership. The main demands of the first wave feminists were involved as follows:

- To terminate the slavery.
- To recognize the right to vote.
- To identify the right to property.
- To notice the right to divorce.\textsuperscript{110}

As result of the first wave, Women’s Rights Convention held in Seneca Falls in 1848. In 1920, the women’s rights to voting guaranteed. Feminists of the second wave considered a wider range of affairs related to woman after the First World War. Official and unofficial inequalities in the family and workplace, the rights to fertility, other women’s rights and going beyond in science and philosophy were among the posed issues. They fellowed antidiscrimination policies and equal privileges.

Alexandra Kolontai was a Russian Bolshevik who brought up the theory of proletarian feminism after October revolution of 1917 and she demanded the liberation of women from the bondage of men. In her book “Red Love”, she advocated for the cancellation of marriage and family. She conditioned the liberation of women on proletarian revolution and with the advent of October revolution, she posed the sex revolution. From early 1980’s, the third wave of feminism began which continued until now.

Defending variety, change and emphasis on the fact that women come from different colours, ethnicities, nationalities, religions and cultural backgrounds related to the qualities of third wave. The book “Second Sex” from Simone de Beauvoir is probably the most important text on the feminist theory of the 20\textsuperscript{th} century. She believed that women suffered as a result of being other. Woman is other because she is not man. Man is a free existence who gives meaning to life and woman is other whose existence is meaningless without men. The feminist theory has no single generality and includes viewpoints, each one of them offers description of oppression against women and clarifies its reasons and consequences and prescribes approaches to liberation of women from the bonds.
Liberal feminists state that the inferiority of women is rooted in the legal and civil bonds. In their opinions, patriarchal mentality considers women to be inherently weaker than men mentally and physically. They forbid women from entering University and job’s market and public arenas. This is the reason why, many women were excluded from developmental process. They often believe that men are the victims of gender roles like the women are the victims of genders insensitive rules. Feminism began its way by fighting against discrimination and inequalities which were direct and based on gender. But the gender discriminations are not separate from other types of discrimination; feminists offer their power and structures in general. They search for ways to exit from the repression and discrimination cycles through investigating the complexities of power relationships.

Table 1: Types of Feminism and their beliefs

<table>
<thead>
<tr>
<th>Feminism category</th>
<th>Their politics</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Liberal</td>
<td>Female subordination is rooted in a set of customary and legal constraints that blocks women’s entrance to public world, so must strive for sexual equality, liberty and justice through legal and social reforms.</td>
</tr>
<tr>
<td>2 Socialist</td>
<td>Women’s status is the product of a multidimensional force which is practiced by the production and reproduction structures, libido and sociability structure of children.</td>
</tr>
<tr>
<td>3 Marxist</td>
<td>It is not possible for any one specially women to reach at equal opportunities in a class society. Therefore, the root of oppression of women is the private proprietorship. The capitalist system is among the main cause of oppression of women.</td>
</tr>
<tr>
<td>4 Radical</td>
<td>Oppression of women is the product of patriarchal system whose qualities are dominance, power, hierarchy and competition, and should be uprooted. Not only should the political and legal structures of patriarchy but also its cultural and social institution such as family, church and university be changed.</td>
</tr>
<tr>
<td>5 Post Modern</td>
<td>The formation of a unique version of feminism as the perfect example of a male mentality. They say such a version won’t be possible to form, nor it is favourable. It is not possible as the women’s experiences belong to different classes, races and cultures. It is not favourable as the uniqueness is a myth which has been used for bringing the differences to heel and to make them one and the same.</td>
</tr>
<tr>
<td>6 Islamic</td>
<td>Women’s rights, gender equality, and social justice must be under Islamic framework</td>
</tr>
<tr>
<td>7 Lesbian</td>
<td>political critique of the institution and ideology of heterosexuality as a cornerstone of male supremacy</td>
</tr>
<tr>
<td>8 Humanist</td>
<td>Women’s oppression is the inhibition and distortion of women’s human potential by a society that only allows the self-development of men.</td>
</tr>
</tbody>
</table>
2.6.3. Women’s rights in International Human Rights Law

Women make up for more than fifty percent of the world population. They too deserve equality in rights, dignity and status like men. In the mid-1940s many governments did not recognize this fact and so women’s rights got very little importance both at the national level and the international level. But, issues pertaining to women’s rights springing from discrimination, injustice, and violence against women have been prevailing in all countries of the world since several centuries. This is the reason the United Nations has sought to legalize and institutionalize rights of women mediating through its charter and mechanisms like commission on status of women. The UN has tried to introduce and implement covenants and conventions for the amelioration of women’s problems to strengthen the position of their rights since 1946\textsuperscript{111}.

Although the UN Charter in its preamble unequivocally pledges its member-states to promote respect for rights of men and women equally, and had established the Commission on the Women’s Status the very first article of the draft of Universal Declaration of Human Rights was insensitive towards women. Instead of starting with ‘All human beings’ it began as ‘All men’ in the initial draft and later after the error was noticed, the relevant changes were made. "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."\textsuperscript{112}

The Declaration of Human Rights did not include many issues concerned with women. So it was not a satisfactory document for women. A number of organizations and individuals pointed out the limitations of the draft. Therefore, the UN sought to amend it to accommodate the women sensitive sentiment in the Draft. It did not forget to come out with revolutionary convention to eliminate discrimination against women. Many felt that the laws must be humanitarian in nature in order to protect women and their needs to be addressed.

In the Vienna Declaration and Programme of Action in 1993 it was confirmed by the United Nations World Conference on Human Rights that “violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of human rights and humanitarian law” and that they require a
“particularly effective response”. It was also emphasized by the UN that women must have equal status and that women’s human rights must be incorporated with the main human rights laws. This lead to the Declaration on the Elimination of the Violence Against Women in 1993 by UN in Vienna.

At the Beijing Declaration in 1995 the UN recognized the significance of protecting women during armed conflicts as it affected their lives. In this conference the UN expected the participating States to “ensure respect for international law, including humanitarian law, in order to protect women and girls in particular”. A way to protect women from armed conflict was to “increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign domination”. The UN has also effectively worked on protection of refugee women at the level of the UN High Commissioner for Refugees. Though a lot of work has been done to protect women and specific laws been created for this purpose a lot more has to be done to protect women completely on a global scale having humanitarian laws as the basis.

There is a lot of awareness created by various international organizations and NGOs on the need for equality. But, women all over the world today are still facing rape and sexual assault in places where armed conflict is the mainstay of the region like in Syria. The U.S has not yet ratified CEDAW and is unable to stop atrocities against women in countries where the conflicts never seem to cease.

There certainly is a need to protect women from violence and special laws have to be made that can be culturally merged with the country where the law is not conducive for the women to lead a safe and tension free life. In countries where even after the ratification of CEDAW women do not have equal opportunities in employment, education, health care and personal law. The world community must demand for women’s rights. Only then can one be assured that under Human Rights women have been given a separate category called Women’s Rights which is effective. When women do not have equal rights they are subjected to trafficking and sexual abuse which is because of migration, apart from discrimination.

In many countries women who are being trafficked, raped and sexually abused are treated like criminals instead of as victims. This is another obstacle that lies in the
path of women who have no support or protection from the governments. To give women total freedom the governments should make quick and necessary amendments to laws.

2.6.4. International Humanitarian Law

This is a law that helps in making warfare more ‘human’ by striking a balance between humanity and military actions. Since World War II the concept of International Humanitarian Law has been very popular in the public domain. United Nations primary intention is to protect people from the horrors of war. Under its auspicious this law was drafted.

The International Humanitarian Law is applicable to conflicts whether they are international or national level. The law is automatically applicable as per the 1949 Geneva Convention. The non-international conflict is very difficult to define but the intensity of the conflict is the yardstick to decide if the international law is applicable in that country. As the groups involved in non-international conflicts are not subjects of international law it is a little difficult to implement the laws.

The International Humanitarian Law (IHL) is enforced to protect ordinary citizens who are not in any way part of the warfare and it also gives protection to the members of the armed forces who are wounded and sick. IHL also protects Prisoners of Wars and refugees who are in the land where the conflict is raging.

Human Rights and Humanitarian laws are thus complementary to each other as their objective is to protect the human being’s life, liberty and dignity. Both are applicable during peace and war times. During peace time it is the responsibility of the individual country to implement human rights. The IHL plays a vital role during conflict that affects the core human rights of people of the affected country. Thus the intention of both the laws is to ensure respect and protection for human beings.

The IHL has been a major help for women in such countries as it specifically protects women, by giving separate quarters and certain facilities for the women prisoners of war. Whether the conflicts are international or non-international, countries must provide women with separate quarters as per their norms and all the
women detainees must have women supervisors. Women are to be protected against sexual attacks, enforced prostitution and any form of indecent assault.

IHL also provides protection for women who are pregnant, especially expectant mothers and mothers of children who are less than seven years of age. They are well protected by the law and also are given certain privileges. Pregnant women have to be provided safety zones by the member countries.

2.6.5. ICRC’s and ICTY’s Role

The International Commission for Red Cross’s mandate brought about protection of women in areas of armed conflict. Earlier “women and children” were treated as a single category. But in recent years governments and international organizations began to compartmentalize them into distinct categories, because, it is obvious that children and women are not identical.

Since the Second World War ICRC has been active in preventing atrocities on men and women during war times. ICRC has ensured that women were treated truthfully in conflict zones. But it has not done much for women who were sexually assaulted by the armed forces.

During conflict in Yugoslavia, the incidents of inhumane treatment of women were brought to light. It compelled international community to pressurize that war Torne country to put an end to the atrocities on women. ICTY known as International Criminal Tribunal for the former Yugoslavia was formed in 1993 to punish anyone inflicting any kind of violence on women. Human rights groups investigated in to the reported incidents of sexual violence against women and brought to the notice of the world. The world community has approved the fact that such violence must be dealt with firmly and authoritative bodies must be setup to enforce the appropriate law. In March 1988 the Commission on the Status of Women insisted that all member countries must take initiative to report such incidents to the International Criminal Court. It rightly understood that the way women were affected during an armed conflict was not the same as men. Though IHL tried to impose certain restrictions on the methods of war, women have not been able to get the protection they were supposed to get. Therefore, IHL has to be restructured to
prevent breach of laws to protect women from abuse and atrocities. It leads to the
development of gender sensitive new protocols and laws.

The efforts of ICRC and ICTY helped in protecting women’s dignity. ICTY
has the women along with men officials and support staff. If the laws are
implemented effectively then gender based crimes will be controlled better.

2.7. **UN Convention on the Elimination of all Forms of Discrimination Against
Women**

UN Convention on the Elimination of all Forms of Discrimination Against
Women is undoubtedly an historic international human rights law. Its adoption proved
that Women’s rights are an indicator of the well being of women. It is only because
of the magnitude of the issue many countries around the world have signed a treaty to
get women freedom and liberty.

But even though it has been more than three decades since the UN decided to
help women get their freedom and empower them, there are a number of issues that
have remained unresolved due to various factors that includes cultural, political and
economic areas that affect the lives of millions of women. Gender discrimination has
affected women and girls and they suffer due to poverty in many countries.

Although 186 UN member countries sign the UNCEDAW treaty nothing
much has been changed in the life of women in the world. Large number of countries
has submitted their reservations in the treaty. This has been hampering the
implementation of the provisions of the convention.

If rights are guaranteed to women in accordance with letter and spirit of the
CEDAW, societies, economies and polities will become not only inclusive but also
women friendly. No individuals or groups will be left out in this process. Changing
the male dominated traditional outlook of any society is a challenging issue. Yet there
have been some positive changes in the attitude of men toward women even in
conservative societies. For instance in South Africa during apartheid women bore the
brunt of ill treatment in society. But after putting an end to the apartheid South
African politics is becoming inclusive. 25% of the legislators are women in the
legislative assembly of South Africa. The country has passed a number of bills that
support equality for women even though South Africa is known as the rape capital of
the world. Centuries of oppression cannot be changed in a short period of time. But
change will take place if the government implements the laws sincerely. Except for a
few countries most of the democracies give women the opportunity to vote. Thus the
acceptance and adoption of CEDAW by large number of countries is itself a big
change.

The UNFPA, United Nations Population Fund Activities is an organization
that helps in making every pregnancy safe and wanted\textsuperscript{119}, wanting to ensure that every
birth is safe and the potential of every person born is taken to the maximum level.
This organization is therefore a support organization for the women who are
threatened by female feticide. Their work is well covered by the international laws.

UNFPA promotes the fundamental human rights and this includes the
reproductive rights of women and through this they are able to protect the basic rights
of every human being. So, such people whose needs are based on poverty, gender,
marginalization, health or any other criteria can be considered as top priority and are
given help by UNFPA.

By supporting women’s rights in reproductive rights in countries that are
culturally difficult to deal with has been a very big challenge for UNFPA. To achieve
its objectives the organization has had to work very closely with the communities and
the people in the communities usually religious leaders or organizations that are based
on the faith the community follows that would help in achieving this goal.

Supporting both boys and girls between the ages 10 and 24 who form 25% of the
world’s population helps UNFPA give them the best opportunities to develop
themselves into highly skilled adults. This will help in alleviating poverty and raise
the economic power of the community. With education and sound economy,
violence, diseases and poverty can be brought down.

Even though many countries have been supported by various international
organizations women, face discrimination even in this century due to a number of
factors. It is very difficult for a woman to fight the system and rise above it. The next
section throws light on the various discriminations against women that works as a
detrimental force for the women to achieve equal status with men.
2.8. Discriminations against Women

Women of all ages around the world face different types of discrimination that makes them face various disadvantages when compared to men. These discriminations are gender specific and they are as follows:

2.8.1. Female Feticide

There are countries where the preference is for sons. So, the incidents of female feticide are very high which endanger the women’s life if the process is done too often or the procedure used is substandard. There is also the question of ethics in this since an unborn live fetus is killed by adults just because it happens to be a female. This has been noted by UNICEF which states that “Where there is a clear economic or cultural preference for sons, the misuse of [pregnancy diagnostic tools] can facilitate female feticide.”\(^\text{120}\) In parts of China, India and many other countries that are economically weak this problem exists. States that have signed the treaty have stringent laws against this crime.

Discrimination in Education

Girls in many countries are deprived of primary and secondary education as the culture in many backward countries does not consider educating girls an important issue. Families in these countries feel the girls have to be married at an early age and educating them is a wasteful expenditure. Girls lose their childhood in this process.

2.8.2. Adolescence

Girls in their adolescence face abuse, exploitation and violence. Young women are not aware of reproductive health nor are they exposed to sex education which will make them be aware of diseases like HIV/AIDS. The adolescent girls in some societies have to undergo female genital mutilation. Due to child marriage girls go through premature parenthood which is very bad for their health. Trafficking is a huge menace and young girls are exploited by devious people in the name of monetary help for the young girls’ families.

2.8.3. Discrimination in Wages

World over there are reports of wage disparity which exists even in the twenty first century. Not much has been done to equalize pay structures for women especially
in the private sectors. Even in countries like the U.S there is discrimination of pay. One among the basic reason for the prevalence of wage disparity is that large majority of women take the low status jobs. The society also feels that woman cannot work at par with man.

2.8.4. Lack of Medical attention

Lack of good medical care during childbirth has caused death of the mothers in developing countries. Each year it is estimated that at least 50,000,000 women die during childbirth. Access to good medical care is denied for many women around the world. In these countries the older women are struck by poverty that they are again deprived of proper medical attention.

The discriminations that are quite widespread around the world has compelled the UN to develop a treaty Convention of Elimination of All Forms of Discrimination against Women or popularly called CEDAW. The following section throws light on the significance of CEDAW.

2.9. History of CEDAW

In 1946, The United Nations formed the Commission on the Status of Women (CSW) to support the women. The CSW worked towards improving nationality, politics and marriage rights through preparation of a number of agreements during 1949-1962. This Commission strives to protect equal rights of women by an international agreement called the Declaration on the Elimination of all forms of Discrimination against Women. In 1975, the UN celebrated International Women’s Year. A world convention was held on the elimination of discrimination against women to emphasize in legal obligation to protect women by governments. The United Nations named 1976 to 1985, decade for Women. The United Nations General Assembly contracted the Convention on the Elimination of All Forms of Discrimination against Women on 18 December 1979.

2.9.1 Convention of Elimination of All Forms of Discrimination against Women

Convention of Elimination of All Forms of Discrimination against Women (CEDAW) is a treaty for women that support women’s human rights. The convention was based on the principles of equality, non-discrimination and obligation of the
State. CEDAW became a treaty in 1981\textsuperscript{121} but it was drafted in 1979. This was ratified by twenty members by 1981 and today there are 186 member countries who have agreed to the international human rights laws that have been developed since 1979. All states need not agree to all the elements of the convention and those states have to list out reservations by specifying the elements they do not identify with.

CEDAW is updated regularly and includes laws or rules for new problems or envisaged problems depending on the situation. This process is done through general recommendations by the committee.

States that have ratified the convention and signed the treaty are under the obligation of incorporating equality among men and women in all walks of life. The states must ensure the strict implementation of laws by establishing tribunals which would protect women’s rights. Any discrimination must be considered illegal and actions should be enforced to eliminate such acts that are violation of the laws. Regular reports on the measures taken by the states must be submitted once in four years.

The Article 1 of CEDAW has defined discrimination against women as any "distinction, exclusion, or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of marital status, on the basis of equality between men and women, of human rights or fundamental freedom in the political, economic, social, cultural, civil, or any other field." The Article 2 of CEDAW has made it mandatory that concrete steps to implement laws, policies and practices are taken by the member states to eliminate discrimination against women and embody the principle of equality.

The equality between men and women proposed here means treating both men and women similarly and there should be no law that stops women from enjoying their rights fully. The fact that women are biologically different from men should be borne in mind by the policy makers and they should be given certain health facilities for their role in pregnancy and childbirth as part of the law. According to a survey in 2008 only Costa Rica, Cuba, Norway and Sweden gave women equal economic, social and political rights. In the U.S the social discrimination of women’s reproductive rights is very high but women have better political and economic rights.
Article 3 expects the member States to take proper measures to make sure that human rights of women in all fields are implemented while Article 4 of CEDAW allows actions to hasten the process of giving women equality and completely eliminating discrimination.

The role played by culture and tradition of member States are recognized in Article 5 but the stereotyping of sex roles have to be kept in check by the States so that women have the liberty to do what they want. This Article helps in eliminating the prejudices which are formed on the perception of the superiority or inferiority of a gender. This Article also ensures that both men and women have equal responsibility in bringing up children and in the development of children.

Exploitation of prostitutes and trafficking of women is considered illegal and Article 6 of CEDAW expects the member States to take appropriate legal measures to ensure women are protected from the two evils that exists in many parts of the world. CEDAW has laid down the stricture in Article 7 for women not to be discriminated in political and public life. Women are to be allowed to represent their countries internationally and as per the Article 8, governments are expected to take the correct steps to ensure that women in their country are not discriminated. A woman has the liberty to acquire, change or retain her children’s nationality or her own nationality if so required as per Article 9.

There is provision for women to have equal access to any field of education and so there is no scope for discrimination based on the gender as per the Article 10 of CEDAW. Good education leads to good jobs and Article 11 helps in eliminating gender based discrimination in the field of employment.

Equality is ensured for women in healthcare as Article 12 mandates that the States take appropriate measures to also help women get proper care during pregnancy and childbirth. Post-natal period has to be taken into account by the States to ensure that women are given free services where necessary. States are also expected to give women free services to help them with access to family planning procedures.

Women are given equal access to family benefits, loans and credits, and sports and cultural life according to Article 13. Member states have to make sure that rural
women are given protection from the problems they face and the policies are implemented so that the rural women do not face any discrimination. Rural women play a very important role in the economy of their families and states are expected to provide them with social welfare schemes according to Article 14.

Article 15 supports women in having equal rights in the family property; member States are expected to give women the legal support and guidance. Marriage and relationships are protected by law and the women are given equal rights as per Article 16. Article 17 expects the establishment of a committee that follows the progress made by implementing CEDAW.

Articles 18 to 30 are rules for making the treaty operational. CEDAW thus has thirty Articles that covers the broad spectrum of rights for women to lead a life of dignity and equality and since the provision for reservations are available for the member states based on the laws of individual countries equality and discrimination is yet to become a reality for all the women of the world.

<table>
<thead>
<tr>
<th>Article 1</th>
<th>Discrimination</th>
<th>Article 11</th>
<th>Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 5</td>
<td>Sex Role Stereotyping and Prejudice</td>
<td>Article 12</td>
<td>Health</td>
</tr>
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<td>Article 6</td>
<td>Prostitution</td>
<td>Article 13</td>
<td>Economic and Social Benefits</td>
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<td>Article 7</td>
<td>Political and Public Life</td>
<td>Article 14</td>
<td>Rural Women</td>
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<td>Article 8</td>
<td>Representation</td>
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<td>Law</td>
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<td>Article 9</td>
<td>Nationality</td>
<td>Article 16</td>
<td>Marriage and Family Life</td>
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<td>Article 10</td>
<td>Education</td>
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</tbody>
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2.9.2 How reservations have affected CEDAW

Though 186 countries have ratified CEDAW the discrimination against women is still deeply rooted in societies. Reports on various forms of violence against women flood in to various forms of media. They hold mirror to the decreasing status of women’s rights in various countries. Low status of women’s rights further lowers their families, communities and nations’ economic status and image.
Domestic violence is prevalent in both developed and developing countries. Ethiopia and Zambia have the highest percentage (49) recorded\(^{122}\). Honour killing is also widely prevalent in world. Young girls and women are victims of this barbaric act. The society or individuals decide this sort of punishment for an unacceptable act. This is a gender based violence in which thousands of women are murdered every day.

The highest number of abortions based on sex can be witnessed in India and China, although both countries have signed the CEDAW. Child rape is on the increase while girls as young as 5 are abducted and forced into prostitution. The European Union has reported high percentage of sexual harassment at work place.

It may be recollected that large number of countries which have ratified CEDAW are economically week. Their women need economic assistance for the better empowerment of their rights. Addressing their gender biased inequalities on international scale is always the need of the hour. These women are entitled to access and control the world’s resources. If the member-states enact or alter laws in conformity with the provisions of CEDAW, it would help women to greater extent to enjoy their rights better.

The inequalities are still persisting even to this day because; most of the countries ratified the CEDAW with reservations. That is why it is difficult for women to get equal rights with men. The cultural and the traditional contexts of the societies do not permit women to enjoy their basic rights.

This is the reason why, after an extensive study, recommendations were made to UNICEF to support the withdrawal of reservations. Every member state is accountable for the elimination of the discrimination against women and form legal policies to protect women. But in many states the legal policies are not compatible with the articles of the CEDAW. So the inequalities seem to continue in different forms in different nations.

A large number of countries have expressed the reservations to CEDAW on the basis of Shari’a. All these countries have to reconsider their reservations and restructure their laws so as to enable their women to get the benefit under CEDAW. The reservation to Article 2 is very rigid, because, it does not let the state to
implement policies properly. For instance, if a state expresses its reservation to Article 2 then many other laws like changing one’s nationality, equality in marriage or freedom of education cannot be implemented. As a consequence, the very objective of CEDAW is defeated.

There are many countries whose laws permit polygamy. This causes a lot of concern for the CEDAW committee as it directly affects the equality and family relations of the women. Polygamy discriminates women as they cannot have complete right on the property. In case of divorce the custody of children becomes a difficult issue to be resolved. So the CEDAW committee has recommended the states that allow polygamy to change their laws and policies in line with the Articles of CEDAW.

Incidents of Child marriage are also observed in countries like Indonesia, Pakistan, and parts of India, Yemen, Bahrain and some more Asian countries.\(^{123}\) Therefore, the CEDAW committee has asked the governments concerned to take appropriate steps to completely halt this practice so as to allow young girls to enjoy their normal childhood in full health and happiness. Countries have also been advised to have a minimum age for marriage. So, the girls can get minimum education to be literate. In turn they can also develop certain skills to do specialized jobs.

The Islamic laws do not provide for dividing the property so as to enable men and women inherit property equally. The committee has urged governments to amend property inheritance laws to make sure that the women are not discriminated.

The committee has urged the governments to work along with the religious leaders to interpret the Islamic laws and make efforts to give women the basic rights and equality as they form a very important part of the human resource in the countries to which they belong.

### 2.10. Gender Equality Index

Gender equality can said to have been achieved only when both men and women have equal rights in all walks of national life. This is measured on the bases of the number of each gender plays a range of roles. International organizations have studied the various parameters. They varies from country to country. The parameters
depend upon the culture and traditions followed in such countries. The United Nations is one such organization that has helped in measuring GEI. Social watch is a network of citizens who work from different countries to help in measuring the equality between men and women.

In 2012 Social Watch had measured the gender gap in education, economic and political empowerment. It was found that the gap in education is much narrower than the political empowerment at a global level. The following chart shows that women have very little opportunity and empowerment in politics while in education the gap is not so wide. Women must be given more opportunities to participate in the various fields that can give them economic liberty.

2.11 The Inter-Parliamentary Union

The Inter-Parliamentary Union (IPU) is an organization that persuades all states in the world to support women. It also requires all parties to follow-up international agreements amendments and treaties regarding women and make obligatory in legislation.

According to the IPU statutory, their delegations report twice each year on the status of Women in international community. It also expresses concern over the reservations or interpretative declarations. The IPU implemented the Optional Protocol in 1999 and through Focal Points (its network) encouraged states to address women issues through their legislation.
Table 3: International Legal Instruments Protecting Women's Right

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>International Legal Instruments Protecting Women's Right</th>
<th>Years</th>
<th>Article Related to Women</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>The Declaration on the Rights of the Woman and Female Citizen by Olympe de Gouges</td>
<td>1789</td>
<td>All</td>
</tr>
<tr>
<td>2</td>
<td>Establishment of the International Council of Women</td>
<td>1888</td>
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<td>3</td>
<td>International Convention for the Suppression of the Trafficking in Women and Children and amending Protocol</td>
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<td>4</td>
<td>International Convention for the Suppression of the Trafficking in Women of Full Age</td>
<td>1933</td>
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<td>5</td>
<td>The Charter of the United Nations</td>
<td>1945</td>
<td>Preamble, 1.3, 8, 55</td>
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<td>8</td>
<td>Convention on the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others</td>
<td>1950(^{124})</td>
<td>All</td>
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<tr>
<td>9</td>
<td>Convention on the Political Rights of Women</td>
<td>1953(^{125})</td>
<td>All</td>
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<td>10</td>
<td>Convention on the Nationality of Married Women</td>
<td>1957(^{126})</td>
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<td>11</td>
<td>Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages</td>
<td>1962(^{127})</td>
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<td>12</td>
<td>International Covenant on Civil and Political Rights</td>
<td>1966</td>
<td>2.1, 3, 14.1, 16, 18.1.4, 23, 24, 26</td>
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<td>13</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
<td>1966</td>
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<td>14</td>
<td>Declaration on the Elimination of All Forms of Discrimination against Women</td>
<td>1967</td>
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<td>15</td>
<td>Declaration on the Protection of Women and Children in Emergency and Armed Conflict</td>
<td>1974</td>
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<td>16</td>
<td>First United Nations World Conference on Women (Mexico City)</td>
<td>1975</td>
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<tr>
<td>17</td>
<td>Start of the UN Decade for Women: Equality, Development and Peace</td>
<td>1976</td>
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<td>18</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
<td>1979(^{128})</td>
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<td>19</td>
<td>Second UN World Conference on Women (Copenhagen)</td>
<td>1980</td>
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<td>20</td>
<td>Third UN World Conference on Women (Nairobi)</td>
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<td>Adoption of the Nairobi Forward-Looking Strategies for the Advancement of Women to the Year 2000</td>
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<td>General Recommendation 19 on Violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW)</td>
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<td>23</td>
<td>UN World Conference on Human Rights in Vienna</td>
<td>1993</td>
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<td>24</td>
<td>Declaration on the Elimination of Violence against Women</td>
<td>1993</td>
<td>All</td>
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<td>25</td>
<td>Establishment of Special Rapporteur on Violence against Women</td>
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<td>26</td>
<td>Inter-American Convention on the Prevention, Punishment and Elimination of Violence against Women of Belém do Pará</td>
<td>1994</td>
<td>All</td>
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<tr>
<td>27</td>
<td>Fourth UN World Conference on Women (Beijing Declaration and Platform of Action)</td>
<td>1995</td>
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<td>28</td>
<td>Universal Declaration on Democracy</td>
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<td>29</td>
<td>Rome Statute of the International Criminal Court</td>
<td>1998</td>
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<td>30</td>
<td>Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women</td>
<td>1999</td>
<td>All</td>
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<td>40</td>
<td>UN Security Council Resolution S/RES/1620 on Women and Peace and Security</td>
<td>2010</td>
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<td>41</td>
<td>Beijing +15: Fifteen-year Review and Appraisal of the Beijing Platform for Action</td>
<td>2010</td>
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<td>42</td>
<td>Foundation of UN Women (United Nations Entity for Gender Equality and the Empowerment of Women) by the United Nations General Assembly</td>
<td>2010</td>
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<tr>
<td>43</td>
<td>UN General Assembly Resolution A/RES/66/132 on the follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly</td>
<td>2011</td>
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</table>
2.12 CEDAW’s Success

CEDAW has helped in bringing about few changes in some nations. The governments in those nations have implemented the laws to protect women and give them equal rights in accordance with CEDAW. Some of the governments that have ratified the treaty have shown commitment towards the realization of CEDAW’s objectives. These states are accountable for the change. Few examples as to how women can benefit from CEDAW are notable.

In 2007 the CEDAW committee placed two complaints against Austria. These were basically relating to domestic violence perpetrated against women who succumbed to the injuries. Both women had sought legal protection from government. But the government failed to give protection to these victims. Therefore, CEDAW committee had recommended the government to implement the existing laws at the earliest. Austria complied with the recommendation and effectively ended domestic violence.

Similarly, Mexico passed ‘Mexican Law on Women’s Access to a Life Free of Violence’ in 2007. It incorporated the CEDAW’s recommendations to end gender biased violence in its law. All the Mexican states have also adopted this law. This law protects women from Femicide, violence in family, workplace or in any other public place. This has helped women from being protected against domestic and any other form of violence. Thus, cooperation of the Mexican government has helped in achieving some amount of equality for women in Mexico.

Cameroon too witnessed the prevalence of age-old and unsafe customs and practices in society which were detrimental and derogatory to women. Hence, in the year 2007 the civil society began to promote awareness about the efficacies of CEDAW in the lives of women. Conversely, its government began to bring about gender sensitive legislative reforms and abolish barbaric practices. They too guaranteed equal rights for women. The government distributed booklets on CEDAW to educate its citizens about women’s rights and their pivotal role in society. Public not only understood sins and repercussions of violence against women but also realized the significance of women’s rights for societal building. This has brought about positive changes in favour of women.
There are many more countries that have brought about similar changes in their respective legislations. As a consequence, now, it appears that states and societies to have understood the utility of CEDAW for women in particular, and world in general.

2.13 International conference on Women’s rights

Since 1975 UN has convened four major global level conferences. The international community mediating through these international conferences has worked together with a set of common objectives to help women in all walks of life.

In 1975 the main agenda of the UN was to give women equal rights at par with men so that they too could enjoy fundamental rights as human beings. The UN along with the international community engaged in codification of civil and legal rights for women. But as the work progressed it became obvious that a lot more had to be done to ensure that still more women centric rights had to be created and strengthened.

For the purpose, international conferences were held from time to time. They helped women of conservative and backward countries to see the light of liberation and development. Women were enlightened and inspired to fight for their rights.

2.13.1 The First World Conference on the status of women

In 1975 the first world conference on the status of women was held to promote awareness and focus on the discriminatory practices against women prevalent in most parts of the world. It stressed the need to make collaborative effort to help women to advance on a global scale. It declared the United Nations Decade for Women. It helped the world community to initiate a process in which various governments were involved in deliberating, negotiating, setting common objectives, understanding and identifying the obstacles impeding the progress. Constant reviews on the progress were made mandatory. During this process the United Nations General Assembly formulated three main objectives to realize. The objectives were:

- Full gender equality and the elimination of gender discrimination;
- The integration and full participation of women in development;
- An increased contribution by women in the strengthening of world peace.
The conference adopted A World Plan of Action. It was a document to guide the governments and the international community to achieve the three main aforesaid goals in a span of ten years. It insisted upon governments to give women equal access to basic resources like education, job opportunities, political avenues, health care, housing, nutrition and family planning. Consequently, states and societies began to change their outlook in favour of women in various countries. Men realized that women too were equal partners and their full participation was essential and inevitable for holistic development.

Governments were goaded to identify the needs and priorities and devise specific strategies to promote equal and effective participation of women in their respective countries. By 1980 127 countries had become member states. These countries had their own system to promote the policies for the advancement of women. Women too played important role in influencing the discussion to arrive at consensus. 133 member states participated in the conference. Among them 113 of them were headed by women.

Due to political and economic differences, some members expressed their displeasure over some points during the conference. For instance, leaders of the East were emphatic on peace. The Western leaders gave importance to equality. The representatives of the developing countries were interested in developmental issues. Ultimately Forum’s intervention helped in forging unity among leaders of diverse cultures and backgrounds. The delegates were able to share their views, opinions and information in setting the process in motion. Thus the first world conference brought about a lot of changes in various countries and was a big success in a world that had until then not allowed women to have equality in any sphere of life.

2.13.2 The Second World Conference on status of women

The second conference was held in Copenhagen, Denmark in 1980. 145 member states attended it. It was a significant increase in a matter of five years. During this conference the member states assessed the implementation of World Plan of Action adopted in 1975. They found that set targets were achieved. An international body was set up to help women to get justice. This was the important step taken by the international community in right direction.
Although international community had made big strides, differences resonated among member states in the matter of protecting women’s rights. It was also realized that it was not so easy for the women to get and exercise their rights in all the countries. Many countries had not accomplished goals as decided in first world conference in Mexico. Education, employment opportunities and health care services to women still remained elusive especially in developing countries. The conference in Copenhagen was held when there was huge political turmoil in the country. Underlying reasons for lack of progress in the matter were also accountable:

- Lack of men’s involvement in improving women's role in society;
- Lack of political will;
- Lack of recognition for the women's contributions to society;
- Scant attention to the particular needs of women in planning;
- Shortage of women in decision-making positions;
- Inadequate support services to boost the role of women in national life, such as co-operatives, day-care centers and credit facilities;
- Lack of financial resources;
- Lack of awareness among women about the opportunities available to them.

So in this conference a Programme of Action was adopted to overcome the obstacles. The delegates decided not to have any stereotyped approach towards women.

2.13.3 The Third World Conference on status of women

In 1985, the Third World Conference was held to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace at Nairobi. It was considered as the ‘Birth of Global Feminism’. 15,000 delegates from various non-governmental organizations also participated in this conference. They formed a parallel NGO Forum. This was an international forum of women’s movement that had lot of information, experience and knowledge about the women’s issues. A number of revisions were made during the discussions and nearly a decade’s work was behind formation of this forum.

The delegates were also made aware that the status of women was improved only for a small sector while the majority of women from the developing states were only marginally benefitted from the conference. In the second half of the decade the
objectives were not met as expected and so it was hard to find the improvements as envisaged in Mexico in 1975. So the International community along with the United Nations decided to find a new system or approach so as to meet the goals namely equality, development and education for women, and overcome the obstacles.

One of the major changes was that all the 157 participating countries decided to accept that women’s participation was mandatory in decision making and human affairs regarding women had to be accepted as a legitimate right with social and political background as a necessary part of the process. A set of measures were considered as key factors for women to achieve equality at the individual country’s national level based on the Government’s policy suitable for each country. The measures are as follows:

- Initiating Constitutional and legal steps;
- Equality in social participation;
- Equality in political participation and decision-making.

In the Nairobi Conference governments were asked to take steps and delegate responsibilities for any issue that was related to women’s rights. The General Assembly concluded that women’s issues were to be given very high priority by all the countries to achieve the goals and objectives of the Decade for Women.

2.13.4 The Fourth World Conference on Women

In 1995, at Beijing the Third World Conference was held. During this conference it was acknowledged that from 1975 even though there had been a lot of efforts to improve the status of women in many countries there were no efforts made to give women equality in various spheres of life. So it was collectively decided that new ways had to be found out to help women empowered.

It was understood that unless women were involved equally in decision-making, it would not be possible for women to work as equal partners with men. A lot of other factors like the development of the environment, human rights, control of population and social change had direct effect on achieving women’s rights. So during this conference, a new chapter with a new approach was incorporated for gender equality.
The delegates enunciated that besides concentrating on issues relating to women, the structure of the society and the relationship between men and women should be studied deeply in order to bring about the required changes. This change in attitude showed how women’s rights had become a crucial international issue. A Platform for Action was also floated in which the following concerns were discussed as main problems for women’s advancement:

1. Women and Poverty
2. Education and Training for women
3. Women and Health
4. Violence against women
5. Women and armed conflict
6. Women and economy
7. Women in power and decision making
8. Institutional mechanisms for advancement of women
9. Human rights of women
10. Women and the media
11. Women and the environment
12. The girl child

Thus The Beijing Platform for Action committed governments to a gender sensitive need based inclusive policy in all spheres of development. It necessitated the re-examination of the structure of societies to accommodate policies that gave women an opportunity to be equal with men in dignity and status. The UN had the role to monitor the progress in the translation of governments’ commitments in the matter.

Though many countries still needed to implement the systems that the UN had developed since 1975, the Fourth World conference in Beijing was considered a success because there were a huge number of participants and the outcome of the conference was different from the previous conferences. 189 governments with 17000 delegates attended this conference and the parallel NGO Forum had over 30000 participants. It was the NGOs that raised gender equality as a very important issue. The NGOs also decided to take this matter with their national leaders to bring about the change.
There is a proposal to conduct the Fifth World Conference on Women in Qatar in 2015. But the proposal has to be approved by 193 member states. In this conference the member states, international community, NGOs and the UN General Assembly expect more changes for women that would enable them to be equal with men.

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<td>United Nations Resolution 1325</td>
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<td>Persons, Especially Women and Children, Supplementing</td>
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<td>The United Nations Convention Against Transnational</td>
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<td>Organized Crime</td>
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<td>Protocol to the African Charter on Human and Peoples</td>
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<td>Rights on the Rights of Women in Africa</td>
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2.14 Summary

Human rights are a complex and multi disciplinary discipline. Many issues arising out of gender, racial, cultural, religious and social norms and discriminations of societies fall within its fold. Women’s Rights are the sub sect of Human Rights. Women are entitled to specific rights due to their biological specificities and functions. Therefore, the fundamental tenets of societies have to be understood and modified to suit the women’s modern day requirements. Restructuring societies, institutions, laws and religious beliefs, rituals and practices in accordance with gender sensitive rights and requirements in male dominated patriarchic systems is indeed an uphill task. this is so because, chauvinistic and fenetic men in highly dogmatic and conservative societies rarely make up their minds to accept positive changes in favor of their female counterparts.

Women’s Rights must be considered as essentially just and humane conditions and conceded to, for the overall development of every individual woman. They represent not only change but also sources of civilization strength and culturally transformational values. Systematic changes ranging from local to global are taking place amidst great resistance from various quarters of the society. Once a change is accepted and adopted, it paves the way for a progressive future for women. If the men and women in various states and societies are exposed to the practical knowledge of the vitality of women’s rights, it is easier to bring about a positive change.

The industrial, technological, information and communication revolutions have literally brought changes in the awareness and outlook towards women to some extent. But, crime rates against women are also on the increase. Their reporting in print, electronic audio visual and social media and internet is creating awareness about the crimes against women and preventive and remedial measures. it is helping the world community and its constituents to take decisive actions against the errant behavior and garner support from all sources to protect and give relief for affected women. If many of these countries that have ratified the CEDAW removing then the reservations there would be some positive outcome that would help women to live equally with men.

The world community with the help of International Humanitarian Laws is able to recognize the abuses on an individual level which is very effective as each
individual woman who gets justice brings about a specific change in her society. When these changes are collectively brought forward one can expect major changes in the country concerned. This is how a lot of countries now allow women to vote, have the right to get educated, have policies that give women good healthcare and many other services that enable women to live on par with men.


3 Roman law particularly supported the privileges and property of the family such as birth rights, marriage, divorce, children and inheritance but not the individual.


5 Women in ancient Egyptian could manage everything she had. It was financial instruments and possessions that she received through endowments and annuities (gifts or as an inheritance, purchases, earned in employment, or borrowed) such as land, portable goods, servants, slaves, livestock, and money.


7 Top Ten Religions in the World-Which Country. Available at: Whichcountry.co.

8 Top 5 Largest Religions in the World.

9 Top 5 Largest Religions in the World.


19 1 Corinthians 11:10. Available at: biblegateway.com.

20 1Timothy 2:8. Available at: biblegateway.com.


22 1Timothy:2:10. Available at: biblegateway.com.


27 1 Corinthians 11:3. Available at: biblegateway.com.


33 1 Peter 3:1. Available at: biblegateway.com.

34 The Holy Quran, Chapter Al-`A`rāf (The Heights), verse number 189. Available at: quran.com.
Iddah means women must wait for four mounts and ten days after losing her spouse or after a divorce, because she may be pregnant.

They must be sane and adult.

Islam is forbidden to force women for marriage.

Under Islamic teachings, witness must be two male or one male with two female witnesses. That means two female equal a male witness.

The mandatory payment that man must be specify amount to women.

It is a mandatory condition that means a gift symbolizing love and affection, in the form of money or possessions paid by the groom, or by groom's father, to the bride at the time of marriage, which legally becomes her property.

Muta means temporary marriage.
The Holy Quran, Chapter Al-Baqarah (The Cow), verse number 228. Available at: quran.com.

The Holy Quran, Chapter Al-Baqarah (The Cow), verse number 232. Available at: quran.com.

The Holy Quran, Chapter Al-Baqarah (The Cow), verse number 282. Available at: quran.com.


The Holy Quran, Chapter An-Nisā‘ (The women), verse number 7. Available at: quran.com.

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The Holy Quran, Chapter An-Nisā‘ (The women), verse number 19. Available at: quran.com.

The Holy Quran, Chapter An-Nisā‘ (The women), verse number 176. Available at: quran.com.

V. Jayaram. "Traditional Status of Women in Hinduism". Available at: hinduwebsite.com/hinduism/h_women.asp

The status of Hindu women is gradually changed.

She is the wife of Rama in the ancient Hindu epic Ramayana. She has known as goddess Lakshmi and the queen of Rama.

This practice is currently banned. The Indian Sati Prevention Act from 1987 further criminalizing any type of aiding, abetting, and even the glorifying of sati practice.


Ananda was one of the Buddha’s closest disciple, principal disciples and a devout attendent of him.

A Buddhist monk or layperson who has taken a vow to lead a life of virtue; a Buddhist religious devotee; also written bhikkhu, also called bhikkhuni (female), bhikshu. (Available at: dictionary.reference.com/browse/bhikkhu).


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Rosenfeld et al, 2007.p, 5


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googlle.co.in/CEDAW+1981.


This convention entry into force in 1951, but ratify by March 2012.
This convention entry into force in 1954, but ratify by May 2012.

This convention entry into force in 1958, but ratify by May 2012.

This convention entry into force in 1964, but ratify by May 2012.

This convention entry into force in 1981, but ratify by May 2012.

This convention entry into force in 1995.

This convention entry into force in 2002, but ratify by May 2012.

This convention entry into force in 2002, but ratify by May 2012.

This Protocol entry into force in 2003, but ratify by May 2012.

Fourth World Conference on Women. Available at: en.wikipedia.org.