CHAPTER-2
INTERNATIONAL INSTRUMENTS: EVOLUTION AND CODIFICATION OF PHILOSOPHIES OF HUMAN RIGHTS IN CONTEXT OF WOMEN’S RIGHTS

2.1 DEFINITION OF HUMAN RIGHTS:

“Human rights are moral principles or norms that describe certain standards of human behavior, and are regularly protected as legal rights in National and International law. They are inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being and which are inherent in all human beings regardless of their nation, location, language, religion, ethnic origin or any other status”\(^1\).

As Justice P.N.Bhagwati has mentioned in the case of Maneka Gandhi v. Union of India, human rights means,

“All those rights which are essential for the protection and maintenance of dignity of individuals and create conditions in which every human being can develop his personality to the fullest extent may be termed as human rights.”\(^2\)

In the words of Justice Durga Das Basu,

“Human rights are those minimal rights, which every individual must have against the State, or other public authority, by the virtue of his being a member of human family, irrespective of caste, colour, creed, place of birth, sex, cultural differences or any other consideration.”

As defined under Section 2(d) of the Protection of Human Rights Act, 1993 [amended vide Protection of Human Rights (Amendment) Act, 2006]:

“Human Rights mean the rights relating to life, liberty, equality and dignity of individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.”

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1 http://en.wikipedia.org/wiki/Human_rights
2.2 CONCEPT AND NATURE OF HUMAN RIGHTS:

The concept of human rights is a corner stone of international human right law. What we see as contemporary human rights is the ceaseless endeavor of previous generations of philosophers, thinkers and human rights activists. In order to understand human rights one should understand the concept, its nature, and how the concept was coined and developed through centuries. The origin of this concept is in antiquity.

a) Human:

Human means an individual of genus Homo, distinguished from other animals. In philosophy of human rights, human is not just a fundamental unit of life having trillions of cells, but a being who is rational and has capacity to reason and that makes him unique in the universe. The human being, who is not just an individual, but a social organism, requires certain rights to exist in the society.

b) Rights:

Rights mean moral or legal entitlement to have or to do something. They are fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention or ethical theory. They are established pillars of society and culture. Right also means immunity against the wrong things done to an individual against his desire. It means an individual should be protected against undignified treatment. Thus humans require certain rights if they want to develop their personality, use human qualities of intelligence, lead a peaceful and dignified life and free existence in the society.

The term human rights include civil rights, civil liberties, economic, social and cultural rights. Right and duty are complimentary to each other. So when we talk about human right, there arises a duty. If we want our rights to be protected by State, then it owes the duty of protection of rights of other individuals.

c) Nature of human rights:

While understanding the concept of human rights from above explanation, following points can be enumerated regarding its nature:

1. They are Universal:

The concept is now accepted as a principle on national and international grounds and they are available to all without any exception. They are the rights available to all by the virtue of being humans.
2. They are not abstract:
   Human rights are not just theoretical concepts. They are protected by law at national and international laws.

3. They are inalienable:
   Neither can they be taken away by any authority or power, nor can they be traded away or assigned.

4. They are indivisible and interdependent:
   Human rights are indivisible and interdependent because all the rights, whether social, civil, economic or political, cannot be enjoyed without one another. They have equal significance and are equally applicable to all.

5. They are not static:
   The term keeps on varying and expanding from time to time due to interpretation by various judges in imparting justice.

2.3 CLASSIFICATION OF HUMAN RIGHTS:

   All human rights have equal significance and are inherent to all human beings. Thus we do not find any classification or types of human rights in landmark document named The Universal Declaration of Human Rights. The classification of human rights into three generations was first propounded by Czech jurist Karel Vasak\(^3\) in 1979. His classification of human rights gave three categories and the fourth category consists of inter-generational or future generation human rights. The new rights keep on emerging due to new challenges faced by human race and thus it extends the list of human rights. The four categories of human rights are as follows:

   a) First generation human rights:

      First generation human rights are also known as ‘Blue rights’, because they cover civil and political rights of an individual. Civil rights give liberty to an individual. This category includes the right to life, liberty, right to own property, right to fair trial, freedom of speech, freedom of movement, freedom to practice any religion, freedom from degrading treatment. The political rights have norms for participation in political life and norms for physical security. This category includes right to vote, right to have fair elections, right to be elected in periodic elections, right against torture, slavery, etc. These rights are also known as ‘negative rights’ because

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\(^3\) KarelVazak: (1929-2015) was a Czech- French international official and a university professor. He was first secretary general of International Institute of Human Rights in Strasbourg.
they restrict the government to obstruct in the freedom imparted to individuals. Some of the rights which are enumerated here were witnessed in earlier landmark documents such as the Magna Carta in 1215, Petition of rights in 1628, the French Declaration of rights of Man and Citizen in 1789, etc. Civil and political rights are complimentary to each other and thus they are covered under the same Covenant i.e. International Covenant on Civil and Political Rights.

b) Second generation human rights:

These rights are economic, social and cultural in nature. This category of rights include assurance of basic necessities of human beings such as food, clothing, shelter, health care, education, social security, unemployment benefits and adequate standard of living. These human rights are also covered under International Covenant on Economic, Social and Cultural Rights. These rights are known as ‘Red rights’ because the State is imposed with the duty to provide minimum necessities of life by making just distribution of available resources. Here the State cannot be expected to fulfill its duty instantly, as its commitment depends upon available resources. These rights are also known as ‘positive rights’ as social equality is the very basis of these rights. These rights will be realized slowly by the individuals because they are more ideological and theoretical, rather than practical. Distribution of resources is in the hands of State and no country has so far been successful in doing it. These rights lack in judicial sanction. So no action can be taken against State for unjust distribution of resources. The second generation rights were initially proposed by Franklin D Roosevelt, President of United States during his address to State of Union in 1944. He wanted the States to take this additional obligation of providing social and economic rights as the political rights guaranteed so far proved to be inadequate to assure equality in pursuit of happiness. He firmly believed that true freedom cannot exist without economic security and independence. He considered these rights to be the new goals of human happiness and well being.

c) Third generation human rights:

The third generation human rights are group and collective rights which can be enjoyed by individuals collectively. This category includes rights such as right to self determination, economic and social development, healthy environment, participation in cultural heritage, right to communicate and communication rights, right to

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4 Franklin D Roosevelt: (1882-1945) was an American statesman and a political leader who served as 32nd President of United States.
intergenerational equity and sustainability, etc. These rights are known as ‘solidarity rights’ because they can be enjoyed only when people get united and cultivate common interest. These rights have more significance in developed countries where first generation and second generation rights are already realized. Friendly relations and cooperation among various nations is a precondition for realization of such rights. These rights are also known as ‘Green rights’ as they are mainly based on preserving and maintaining healthy environment.

d) Fourth generation human rights:

These rights are known as future generation human rights. Due to advancement in the fields of science, technology and medicine, the term rights cannot have a strict connotation. The term keeps on extending. In the era of knowledge the rights of human community should be protected against the drawbacks of global warming, cloning, genetics, In Vitro Fertilization (IVF), euthanasia, organ transplantation, etc. Considering these future challenges that will pose due to new scientific discoveries, the Convention for the Protection of Human Rights and Dignity of Human Being with regard to the Application of Biology and Medicine (Oviedo Convention) was opened for signature in 1997, in which European Council recommended the member nations to adopt the principles. The international treaty bans the activities which were posing threat to human dignity and identity and which were likely to complicate legal, ethical, moral and religious issues.

2.4 EVOLUTION OF THE CONCEPT OF HUMAN RIGHTS AND MOVEMENTS FOR ITS PROTECTION IN THE WORLD:

For thorough understanding of evolution and development of the concept of human rights, one needs to have a flashback of history. The movements all over the world for realization of human rights and all documents pronouncing and reiterating the said concept are the off-spring of peoples’ struggle for civilized life. Thus we can say that the term ‘human rights’ is a by-product of blood, toil, tears, struggle and sweat of mankind.

2.4.1 Contribution of Persians:

The historians believe that King Cyrus of Persia was the king who declared the first charter of human rights, which was written on the clay cylinder. In 539 BCE
King Cyrus had declared war known as Battle of Opis to conquer the city of Babylonia. King Cyrus was popular for his generosity, kind heartedness and magnanimous attitude towards the defeaters of war, so after conquering the city of Babylonia, he allowed 40,000 Jews to leave Babylon and go back to Palestine, their native place. This step of King Cyrus became a landmark in the history of human rights.

2.4.2 Contribution of Greeks:

The credit for developing the body of thoughts for human rights can also be given to ancient Greek civilization. Of course they were not the ones who used this concept for giving justice. The concept of universal law, which is considered as the base of modern concept of human rights was deeply embedded in the religion practiced by the people of Greece. As per their religion, humanity is the divine gift of the universe and it has its root in divine laws. But certain composers and legislators made an attempt in 700 BCE to give a proper form to written edicts and thereafter people started reading the laws instead of blindly following the commands of their crowned heads. There were certain jurists and legislators in 5th century who tried to bring revolution in law. Solon⁵, the prominent name as a legislator brought many positive changes in the law in Athens as there was political and social instability. It was a time of depression in Athens due to agricultural crisis and farmers were indebted to the land owners, who considered them as slaves. He brought to an end the ruling class government. His codified laws gave the right to vote and right to be appointed on the highest post, even to the poor class. The most important change he brought was the right to appeal to the Assembly meetings. The reforms which he brought in the society sustained only for a short period of time. Draco⁶, another legislator, also made efforts to codify the laws during that time. But his laws were very harsh and hence the adjective “draconian laws”⁷ is used even today for mentioning cruelty. He punished even minor criminal offences with death penalty.

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⁵ Solon: (638-558 BCE) an Athenian statesman, lawmaker, and poet, who is remembered particularly for his efforts to legislate against political, economic, and moral decline in archaic Athens.
⁶ Draco: was the first recorded legislator of Athens in Ancient Greece, who replaced the prevailing system of oral law and blood feud by a written code to be enforced only by a court.
⁷ Draconian laws: The Draconian constitution was a written law code created by Draco near the end of the 7th century BC in response to the unjust interpretation and modification of oral law by Athenian aristocrats
The other prominent legislators were Plato\(^8\) and Aristotle\(^9\). Plato was in search of law for the society which should be trustworthy, long lasting and undeniable. At the time of Plato’s legislation, the position of women in Athenian society was very low. Their role was confined to reproduction of Athenian citizens and doing household chores. So Plato codified some equal rights for women and thus gave them respectful position in the society. According to his views there must be a moral standard set for human behaviour; both at the time of peace and war, for the common good and people should blindly follow such norms. He had set the norms for people for living wisely in the society and he strongly believed that if people have self-control and if they follow these norms then it would be easy for the state to exhibit justice for its citizens. Aristotle, once the pupil of Plato, believed humanity to be moral and social. He wanted to check whether the law codified by him fosters these supreme qualities or not. According to him, justice can be well maintained in the mixed government rather than democracy or oligarchy.\(^10\)

After Plato and Aristotle came Stoicism\(^11\), a school of Hellenistic philosophy\(^12\) founded in Athens by Zeno of Citium in the early 3\(^{rd}\) Century BC. The ideas of Stoicism were totally different from Plato and Aristotle. The Stoics believed that all men are the products of nature. One should accept even the slave on the same footing with an ordinary man and one should be free from the vices like anger and jealousy. It further believed that universe acts according to its own nature and so one should accept whatever occurs to him or her as a divine will.

Thus Greek philosophers can be given credit for making relentless efforts for introducing the concept of natural law and through it evolved the concept of human rights. But at the same time their efforts were insufficient in developing the concept of individual rights. The democracy did not prevail in real sense in Athens and so classical polis\(^13\) did not include women, slaves and foreigners. The Greek

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\(^8\) Plato: (424-348 BCE) was a philosopher in Classical Greece and the founder of the Academy in Athens, the first institution of higher learning in the Western world.

\(^9\) Aristotle: (384-322 BCE) was a Greek philosopher and scientist born in the city of Stagira, Chalkidice, on the northern periphery of Classical Greece.

\(^10\) Oligarchy: a small group of people having control of a country.

\(^11\) Stoicism: a philosophy teaching the development of self control as a means of overcoming destructive emotions. It teaches how an unbiased thinker allows one to understand the universal reason.

\(^12\) Hellenistic philosophy: is a period of Western philosophy that was developed in the Hellenistic Civilization following Aristotle and ending with the beginning of Neoplatonism (a modern term used to designate a tradition of philosophy that arose in 3\(^{rd}\) Century AD).

\(^13\) Polis: The body of citizens in ancient Greece.
philosophers only gave importance to the words of the Greek polis and so they did not guarantee any sympathetic treatment from the state.

2.4.3 Contribution of Romans:

In 146 BCE Romans conquered Greece. Thereafter, Roman legislators tried to analyze law in their own way, taking the concept of natural right as the base. They introduced the method of considering precedents while deciding subsequent cases on the same line. They introduced the written codes of law, standards for accessing the legitimacy of law and tradition, broadened the concept of citizenship, introduced a belief in equal rights for women, and elevated free slaves to high position of authority.

*Gaius Terentilius Harsa*\(^\text{14}\) was the first legislator in Rome who put the pressure on Roman senate to have written laws. In 2\(^\text{nd}\) Century Roman jurist *Ulpain*\(^\text{15}\) divided law into three branches: Natural law which existed in nature and governed animals as well as humans; the law of nations, which was distinctively human; and civil law, which was the body of laws specific to people. These divisions of law were commonly known as *Jus Natural*, *Jus Gentium* and *Jus Civil*. Natural rights mean the laws of nature and were not directly enforceable in court of law but Ulpian believed that one is entitled for natural rights whether he was a citizen of Rome or not. Even the work of *Cicero*\(^\text{16}\) was remarkable in the history of Rome. He believed that laws provide security to the people and are enacted so that they can live with peace and happiness in the society. But he did not believe in equality of men. He considered slaves and poor people to be the lesser humans. Two other legendary figures whose contribution was notable in developing the concept of law were *Octavian*\(^\text{17}\) and *Justinian*\(^\text{18}\). Octavian (also known as Caesar Augustus), gave importance to precedents in deciding the cases and thus people started putting faith in the courts. It brought a major change because before that the decisions were based on the discretion of rulers.

\(^{14}\) Gaius Terentilius Harsa: was a plebeian tribune in Rome around 462 BC, who agitated for a formal code of laws in early days of the Roman Republic.

\(^{15}\) Ulpian: (170BC-223 BC) was a Roman jurist of Tyrian ancestry.

\(^{16}\) Cicero: (106BC-43BC) Marcus Tullius Cicero was a Roman philosopher, politician, lawyer, orator, political theorist, consul, and constitutionalist.

\(^{17}\) Octavian: (63 BCE- 14 CE) Also known as Caesar Augustus. He was founder of the Roman empire.

\(^{18}\) Justianian: traditionally known as Justinian the Great and also Saint Justinian the Great in the Eastern Orthodox Church, was a Byzantine (East Roman) emperor from 527 to 565. His legacy was the uniform rewriting of Roman law, the *Corpus Juris Civilis*, which is still the basis of civil law in many modern states.
Justinian, another eminent jurist was known as the giver of the prime source of Roman law i.e. *Corpus Juris Civilis*\(^1\), the civil law compiled by him. Due to his efforts, the language of the law became lucid and accessible for the common man and the term ‘justice’ was inspired from his name.

Due to many efforts taken by different legislators in strengthening the position of law, it had become a privilege to accomplish the citizenship of Rome, especially due to the protection extended by Roman state. The Roman citizens had a privilege of voting for the public office and participate in religious affairs. Women in Rome had limited rights in the matters of owing property, divorce; engage themselves in commerce, etc. In spite of considering this era as a cornerstone in development of human rights, many human rights of modern time were not ingrained at that time.

**2.4.4 Contribution of Jews (Judaism):**

Judaism believes that every human being is the image of God. No man is born slave and each one of them has a divine spark in him so he has the right to lead his life with dignity. The maid servant or man servant should also be treated with courtesy because by hurting them one is actually hurting God. One should deal with sympathy even with strangers on the land and should love the neighbor in the way one loves oneself. One should keep oneself away from evils such as torture, cheating, bribery, etc. This provides a strong base for human rights in Judaism.

**2.4.5 Contribution of Christians (Christianity):**

According to Bible, the God is the creator of this world and he loves each and every person, who is his unique creation. The motto of Christianity is to spread love and help the needy. The Bible teaches to help poor and downtrodden and not to take unfair advantage of them. The religion was always against the evils such as cheating, murder, torture, slavery, adultery, etc. The Bible considers men and women to be equal and women should not be treated as mere slaves by men. The society should take a special care of orphans and widows. The widows even deserve charity and a recognized position in the society.

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\(^{19}\) *Corpus juris civilis*: a collection of fundamental works in jurisprudence, issued by order of Justinian I, Eastern Roman Emperor. It is also sometimes referred to as the Code of Justinian.
2.5 MOVEMENTS FOR THE PROTECTION OF HUMAN RIGHTS IN THE WORLD BEFORE AND AFTER WORLD WAR I:

2.5.1 The Magna Carta:

In early thirteenth century in England ruled King John who was aggressively greedy, which created an atmosphere of discontentment among Barons. People were fed up with absolute monarchism lasting since five hundred years, illegal imprisonment, heavy tax burden and arbitrary actions of king. Barons protested and put a condition against king that they will not allow him to rule unless he grants them certain rights. This protest led to the creation of the Great Charter of Liberties of England in the year 1215 i.e. The Magna Carta. The strategy behind the Magna Carta was comfort of Barons but the benefits were later on extended to common people also. King John used the phrase ‘freemen’ in his charter which suggests that he wanted to make people free from the rule of monarch and wanted his kingdom to be governed by the rule of law. Accordingly the major powers such as imposition of tax, imprisonment, land acquisition, etc came in the hands of jury, which were originally in the hands of sovereign authority. On the basis of guidelines mentioned in the charter, kings started consulting barons before taking major decisions.

2.5.2 Contribution of St. Thomas Acquinas:

The great Christian philosopher and thinker of Medieval age, *St Thomas Acquinas*\(^\text{20}\) did not exactly promote human rights through his work but tried to prove that natural law has the source in the teachings of church. He firmly believed in the existence of God and tried to locate the relationship between God and man through *Summa Theology*\(^\text{21}\). According to him, law can be of three types: (a) Natural law: which induces the man from within to act to achieve his desired goals and helps to judge between good and evil. (b) Positive law: the law of State or Government, which should always be in accordance with natural law and (c) Eternal law: the force that

\(^{20}\) *St Thomas Acquinas*: (1225-1275 CE) was an Italian Dominican friar, Catholic priest and Doctor of Church. He was a philosopher, theologian and jurist, who is best known for *Summa Theology* and his commentaries on Aristotelian philosophy.

\(^{21}\) *Summa Theologia*: is the best known work of St. Thomas Acquinas, It is one of the classics of history of philosophy and influential work of Western literature consisting of the topics like existence of God, man’s purpose, etc.
governs man while accomplishing his spiritual goals. He has laid a foundation for human rights discourse by expressing that all human tendencies should be diverted towards the common good. He believed that if the law is unjust and unreasonable then it cannot be considered as law. Thus if the State cannot promote common good then it is the duty of its subjects to oppose the cruel and unjust laws, which are not in conformity with natural laws.

2.5.3 Petition of Rights:

The guidelines in the Magna Carta were further strengthened by Petition of Rights in 1628. The Petition of Rights, one of the most famous Constitutional documents of England, was sent by English Parliament to King Charles I as an objection to an overreaching authority of king infringing civil liberties. It was second important document in the history of human rights, which reduced the significance of monarch in the lives of common men, by putting certain restrictions on the monarch such as no implementation of tax without the consultation of council, no soldiers will be forcefully billeted on citizenry, no imprisonment without just cause and no imposing of martial law during peace time.

2.5.4 English Bill of Rights (1689):

The efforts for limiting the power of monarch started with the Magna Carta and it ended with the English Bill of rights. This vigorous attempt came to an end approximately after four hundred years. The 63 clauses document, the Magna Carta, was the first written document giving fundamental rights to the citizens. The major freedom given to English men were right to petition, right to demand amendment in unjust laws, right to jury trial in capital cases, and so on.

2.5.5 Social Contracts in Early Modern Period:

The concept of social contracts was based on natural rights i.e. the rights which every human being possessed not because he/she lived in a civilized society, but had acquired by the virtue of being born on this earth. The social contract theory fundamentally dealt with the origin of society and the authority acquired by State or government over its subjects. Under this voluntary agreement, the subjects had agreed to give away their freedom to the authority, as against the authority’s promise to give
them protection. Thus social contracts dealt with the relation between natural rights and legal rights. Among many prominent theorists of social contracts, the three great revolutionaries i.e. John Locke, Thomas Hobbes and Jean-Jaques Rousseau were the ones who provided intellectual fodder which became the foundation for modern concept of human rights. Thomas Hobbes was of the opinion that if there is no law and order in the society, then unlimited freedom of subjects would result into “endless war of all against all”. Thus according to social contract between citizens and the monarch, the citizens should surrender their basic rights to monarch against the protection they are getting, but with a condition that such contract will become void if monarch fails to extent protection. Thus he created the platform for ‘first generation rights’. Locke believed that social contract exists when an individual do not harm the life, liberty and property of other individuals and thus following morality exists a civil society. However, he believed that everyone except slaves have basic rights such as right to life, liberty and property. Rousseau firmly believed that each and every individual in the society must have right to participate in law making process and if they want supremacy then they should fight for their rights, because freedom is not god-gifted and they should rebel if monarch violates the contract.

2.5.6 The American War of Independence (1775-1783):

British entered America for mercantile purpose in 1607 and settled their colonies there. They acquired trading posts and had dominating position during late 16th century. They ruled for many years but their actions created dissatisfaction among Americans. They had introduced certain unconstitutional laws such as The Stamp Act, The Sugar Act, The Currency Act, etc due to which the people were almost frustrated by taking the burden of taxes. These taxes generated a huge income which was directed to the British Empire. In order to reject the authority of British Parliament,

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22 Locke: (1632-1704) was an English philosopher and physician, widely regarded as one of the most influential of Enlightenment thinkers and commonly known as the "Father of Liberalism". His ideas about natural rights and government are today considered quite revolutionary for that period in English history.

23 Thomas Hobbes: (1588-1679) was an English philosopher, best known today for his work on political philosophy. His 1651 book *Leviathan* established social contract theory, the foundation of later Western political philosophy.

24 Jean Jacques Rousseau: (1712-1778) was a Francophone Genevan philosopher, writer, and composer of the 18th century. His political philosophy influenced the Enlightenment in France and across Europe, as well as aspects of the French Revolution and the overall development of modern political and educational thought.
the Americans waged a war for independence in 1775. In those days the participation of women in economic and political spheres was looked down by the society. But women played a prominent role during American war of independence, by doing odd jobs such as spying the British soldiers, serving in armed forces, boycotting British textiles, spinning and weaving handmade dresses for soldiers, marching with army, etc. Thus it seems that women risked their lives and demonstrated their capacities to serve the country by overcoming the traditional roles allotted to them by the society. In the year 1776, thirteen colonies of America got independence from the rule of Great Britain and they prepared the Declaration of Independence, which also highlighted the importance of human rights:

“We hold these truths to be self-evident, that all men created are equal, that they are endowed by their creator with certain unalienable rights that among these are Life, Liberty and the pursuit of happiness.”

2.5.7 The French Revolution (1789-1799):

In pre-revolutionary France, sexual discrimination prevailed to a considerable extent. The full authority of the girl was in the hands of her father before marriage, and with her husband after marriage. Husband could even deal with the wife’s property without her consent. Adultery of wife and not of husband was considered as the ground for separation. The limited education given to the so called ‘Passive citizens’ was strict obedience to husband. They had no right to vote. The posts in military and magistracy were shunned for them. But the hope of democratic polity aroused in the minds of women due to revolutionary wave initiated by French philosopher Condorcet\(^{26}\). He believed that if doctrine of natural rights applies to all adults then women must also get the natural rights as men. He strongly opposed the social and political practices of denying education and voting rights to women. He opposed those who considered women to be sentimental, non-judgmental and irrational. He shared his observations that women are as intelligent as men and pregnancy and child birth could be barriers for them in certain professions. He firmly

\(^{25}\) www.ushistory.org/DECLARATION/document/

\(^{26}\) Condorcet: (1743-1794) known as Nicolas de Condorcet, was a French philosopher, mathematician, and early political scientist. Unlike many of his contemporaries, he advocated a liberal economy, free and equal public instruction, constitutionalism, and equal rights for women and people of all races.
believed that women are subjugated because they are the victims of inferior education. His opinions fuelled the revolt of women who were protesting against monarchy in France. Thereafter women demanded amendments in various laws such as laws relating to marriage, so as to strengthen their position in society. The another revolutionary women rights supporter was Charles Fourier\textsuperscript{27}, who believed that women have potential to do any type of job and so employers should fill the vacancies considering skill and not gender of the candidates. Fourier appealed to the society to consider woman as an individual and not suppress them as a lesser sex.

In 18th Century, France saw setbacks due to their participation in seven years war (1756-1763) and The American War of Independence (1775-1783). The country was almost indebted due to these two wars and outrageous expenditure by their monarch. Adding more to the crisis, the country also witnessed drought which doubled the prices of basic necessities. Thus revolution started to abolish absolutism and feudalism and heavy taxes levied on the citizens, which resulted into adoption of the Declaration of the Rights of Man and of Citizen in August 1789. Women also played a significant role in revolution by doing ‘March on Versailles’, an agitation against the injustice, which the common man faced due to increase in the price of bread. The deplorable condition of women continued even after the adoption of the Declaration of the Rights of Man and Citizen. Based on the said declaration, Ms. Olympe de Gouges\textsuperscript{28}, a playwright and a political activist, prepared the Declaration of Rights of Woman and the Female Citizen in 1791, which seemed to be the parody of the original document. The passionate women rights activist considered the terminology of Declaration of the Rights of Man and Citizen to be discriminatory as women’s rights in the issues of marriage, divorce, property, etc were totally sidelined. It seems that French revolution, even though considered to be a landmark movement in the history of human rights, did not give enough recognition to the rights of women.

\textsuperscript{27} Charles Fourier: (1772-1837): was a French philosopher and an influential early socialist thinker, who is credited with having originated the word ‘feminism’ in 1837.

\textsuperscript{28} Olympe De Gouges: (1748-1793) was a French playwright and political activist whose feminist and abolitionist writings reached a large audience. Today she is perhaps best known as an early feminist who demanded that French women be given the same rights as French men.
2.5.8 World War I (1914-1918):

The First World War was a global war which was originated in Europe and lasted for more than four years. The war between Allies (based on Triple Entente of Russia, France and Great Britain) versus the Central powers of Germany, Austria-Hungary and Italy, killed more than 7 million civilians. The late 19th Century was also known as “First Wave” for modern women’s movement because the struggle for suffrage (right to vote and right to stand for election) had initiated and the said agenda was at centre in Europe and North America. Conventionally there was demarcation of the roles which the men and women could accept, but women crossed that line and took bold steps to enter the men arena. In early 20th Century there was economic crisis due to declaration of World War I. This resulted into lot of unemployment of women and restriction on their movement. Organized women groups were diverted in munitions industries i.e. manufacturing weapons. The jobless women accepted such job even though it was dangerous and hazardous to health. Due to overall crisis many households removed maid servants and this surplus labour accepted odd jobs as postal worker, tram driver, train cleaner, police patrol, etc. There was lot of injustice with women because they accepted tiring and exhaustive jobs but the wages offered to them were lesser than males. All international activities for upliftment of women were stopped due to war, but for promoting peace among warring nations, International Conference of Women was held at Hague in 1915 and the Covenant of League of Nations adopted in 1919 i.e. at the end of World War I. The covenant did not emphasis much on human rights but it reflected many concerns of women for peace. After a long struggle for suffrage, women were granted a conditional right to vote i.e. above the age of 30 years. This privilege was only available to those who were occupiers of property with an annual rent of 5 British pounds, well qualified and wives of householders. Almost after one decade in 1928, the women were granted suffrage on equal terms with men.

2.6 SYSTEMATIC VIOLATION OF WOMEN’S RIGHTS DURING WORLD WAR II AND FORMATION OF UNITED NATIONS:

It is believed that the seeds of World War II (1939-1945) were sown at the end of World War I. The treaty of Versailles had a harsh clause known as ‘War Guilt Clause’ which considered Germany and Hungary responsible for the previous war. As per this clause, lot of financial burden was imposed on Germans, which evoked the
feeling of injustice within them. So Germany invaded Poland in 1939, and raped many Polish girls and this was considered to be the beginning of the most disastrous war, which killed, robbed and injured millions of innocent people. When Soviet soldiers invaded Germany, they were highly impressed by their lifestyle and to take the revenge they raped approximately 2 million women ranging from 8 to 80 years. Some women were raped frequently, resulting into venereal disease. They raped some women in public and some in front of their husband and children. The Soviet soldiers did not spare even Japanese, Russian and Yugoslavian girls. Some girls were even used as ‘dolls’ and ‘comfort women’ (sexual objects) and were forced to work as prostitutes in military brothels. The patriarchal culture prevailed in Russia since decades and so as per their mentality they took revenge of past dishonor by raping German women and thus breaking their racial pride. Even Jewish women had a dreadful experience. Certain women were raped by Chinese soldiers and certain were offered to soldiers by their husbands, to protect their community. But the women raped had no rights thereafter in their community. In the words of some historians, it was a tidal wave of rape in which even civilians joined in the bloodbath of sadistic sexuality. In short the Red Army raped almost all women in all countries, they passed. On the other hand, Nazi Germans did ill treatment with Jews. Nazis targeted those people who according to them were unproductive such as old age people, patients, children, homosexuals, etc. They compelled millions of people to die of starvation, maltreatment, euthanasia program, etc, which created an atmosphere of horror and terror everywhere. Towards the end of World War II, millions of people became homeless and were shivering in refugee camps in chilling winter. American planes were as if turning cities into the heaps of corpses. There was incarceration of thousands of war prisoners without judicial proceedings. The mentally challenged people were killed by Euthanasia considering them as ‘useless eaters’. This havoc of deadly international conflicts created an everlasting impression in the minds of people all over the world. Many philosophers during the time of war were of the opinion that the rule of Adolf Hitler\(^{29}\) and the destruction caused due to wars could have been avoided if international organization was formed earlier. Due to unprecedented scale of destruction, people were forced to think about permanent

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\(^{29}\) Hitler: (1889-1945) was a German politician who was the leader of the Nazi Party. As dictator of the German Reich, he initiated World War II in Europe with the invasion of Poland in September 1939 and was a central figure of the Holocaust.
solution to promote international peace, security and cooperation for promoting human rights and fostering economic development. It was allied powers who got an idea to establish an international organization for maintaining peace and security. This desire for international peace gave birth to an international organization named ‘United Nations’, the charter of which was signed in October 1945. Till the formation of United Nations, there was no international organization to address human rights issues. Thus to strengthen the faith in fundamental human rights, settlement of international disputes, removal of threats and actions causing breach of peace, in the preamble of United Nations, it is written as:

“We the people of United Nations determine to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind and reaffirm faith in fundamental human rights, in the dignity and worth of human person, in the equal rights of men and women and nations large and small,........”

During World Wars and even at the time of formation of United Nations, women participated in paid labour force. After World War II many women were motivated by their families to take non-governmental jobs and thus they gained social freedom to participate in public life. The wave of educating women was seen in almost all countries and strong desire from women’s groups was seen to send women representatives to UN, but only 11 out of 51 countries; send their women delegates to represent their countries in UN General Assembly. Due to strong pressurizing and lobbying by women’s groups, the drafting committee added the phrase “equal rights of men and women” in UN charter.

2.7 THE ROLE OF UNITED NATIONS IN PROTECTION AND PROMOTION OF WOMEN’S RIGHTS:

One of the basic principles of United Nations is equal rights awarded to men and women. As mentioned above, it is stated in the preamble that the main object is to reaffirm the faith in the fundamental human rights, in the dignity and worth of human

person, in the equal rights of men and women. In the General Assembly of The United Nations, Ms. Eleanor Roosevelt\textsuperscript{31}, U.S delegate, addressed the women of the world through an open letter as:

“To this end, we call on the Governments of the world to encourage women everywhere to take a more active part in national and international affairs and on women who are conscious of their opportunities to come forward and share in the work of peace and reconstruction as they did in war and resistance.

We recognise that women in various parts of the world are at different stages of participation in the life of their community, that some of them are prevented by law from assuming full rights of citizenship, and that they therefore may see their immediate problems somewhat differently. Finding ourselves in agreement on these points, we wish as a group to advise the women of all our countries of our strong belief that an important opportunity and responsibility confront the women of the United Nations:

- first, to recognize the progress women have made during the war and to participate actively in the effort to improve the standards of life in their own countries and in the pressing work of reconstruction, so that there will be qualified women ready to accept responsibility when new opportunities arise;
- second, to train their children, boys and girls alike, to understand world problems and the need for international cooperation, as well as the problems of their own countries;
- third, not to permit themselves to be misled by antidemocratic movements now or in the future;
- fourth, to recognize that the goal of full participation in the life and responsibilities of their countries and of the world community is a

\textsuperscript{31} Eleanor Roosevelt: (1884-1962) was an American politician, diplomat, activist and longest serving First Lady of the United States. She was wife of President of America Mr. Franklin. D. Roosevelt. She served as the first chair of the UN Commission on Human Rights, and oversaw the drafting of the Universal Declaration of Human Rights.
common objective toward which the women of the world should assist one another.”

The United Nations in its Article 1 of Chapter I have mentioned to achieve international cooperation in solving international problems of economic, social, cultural character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without discrimination as to race, sex, language, or religion. Article 8 states that, it shall place no restrictions of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs. As per the Article 68 of Chapter X, The Economic and Social Council shall set up commissions in economic and social fields for promotion of human rights, and such other commissions as may be required for the performance of its functions.

2.7.1 United Nations Commission on Human Rights (UNCHR):

Out of the six principal organs of UN, The Economic and Social Council (ECOSOC) is the council which is mainly concerned with the economic and social work of UN such as protection of human rights. The said council created a Commission known as ‘Commission on Human Rights’, in 1946, to deal with those human rights which were sidelined at the time of formation of UN Charter.

“The Commission, as determined by its terms of reference, was directed to prepare recommendations and reports on the following terms:
1. On international bill of rights;
2. International declarations and conventions on civil liberties, the status of women, freedom of information and similar matters;
3. The protection of minorities;
4. The prevention of discrimination on ground of race, sex, language or religion.”

2.7.2 Universal Declaration of Human Rights (UDHR):

More than 200 wars were fought in 20th century and more than 150 million people died in such wars, and as per certain historians majority of the people died

32 http://www.unspecial.org/2012/03/an-open-letter-to-the-women-of-the-world/
were civilians. So it seemed that people were tired of armed conflicts and wanted to maintain international peace and security. So with the formation of UN, the supporters of human rights were expecting peace but unfortunately there was systematic violation of human rights going on all over the world and many countries showed weak reaction towards UN. But the world leaders did not want the conflicts to happen again. Thus they thought of designing some strategy with UN, which would become a road map to assure basic human rights to every individual everywhere. But when the terms “human rights” were mentioned in UN, it did not clearly mention that how much the term will hold within it. Thus according to Article 68, UN setup economic and social council for promotion of human rights. As discussed above, The United Nations constituted a standing body known as ‘The Commission on Human Rights’ for creating The Universal Declaration of Human Rights. Then around 22 women non-governmental organizations (NGOs), urged UN to draft a landmark document named Universal Declaration of Human Rights (UDHR), to give shape to global human rights. This is how the landmark document came into existence on 10th December 1948. The concept of ‘Human Rights’ was coined for the first time in the said document. Till then the term was alien to the culture of world.

Mrs. Eleanor Roosevelt, the chair woman of UDHR drafting committee and female delegatestook keen interest to see that equal rights are given to men and women. They paid utmost attention in the terminology, because originally the terms mentioned were “Rights of men”, which could not be interpreted to include the “Rights of women”. For the said matter the objections were also raised by Ms. Bodil Begtrup34, the chairwoman of Commission on Status of Women (CSW), to substitute the words “human beings” for “men” and Mrs. Hansa Mehta35, the Indian representative of the Commission, for using the terms “All men” and “brothers” in the declaration. Certain women legal scholars feared that the terms “All human beings” included in the declaration will not include men and women equally in certain countries having patriarchal societies. The drafting committee thus accepted the proposal of adding

34 BodilBegtrup: (1903-1987) was a Danish women's rights activist and diplomat. In 1946 she became chairman of the United Nations Commission on the Status of Women. Begtrup was vice chairman of the committee that negotiated the Universal Declaration of Human Rights in 1948.

35 Hansa Mehta: (1897-1995) was a reformist, social activist, educator, independence activist, and writer from India. She represented India on the Nuclear Sub-Committee on the status of women in 1946. As the Indian delegate on the UN Human Rights Commission in 1947–48, she was responsible for changing the language of the Universal Declaration of Human Rights from “all men are created equal” (Eleanor Roosevelt’s preferred phrase) to all human beings.
footnote to Article 1 indicating that the word “men” includes all human beings. Mrs. Eleanor Roosevelt feared that if the declaration becomes gender biased then it will render women invisible and powerless. She strongly protested against the gender biased language, especially the use of male pronouns such as ‘he’, ‘his’, ‘him’, ‘brotherhood’, etc. She did relentless efforts to make UDHR a unique document having gender equality and to establish the legacy of women and so other framers to the declaration gave standing ovation for her work.

“The Universal Declaration of Human Rights explains the prescription of the charters equal rights; and is concerned with the notion of equality. The preamble recognizes the inherent dignity and the equal and inalienable rights to all members of human family as the foundation of freedom, justice and peace in the world and reaffirms faith..... in the equal rights of men and women.”

UDHR is now commonly known as “international magna carta”, which contains thirty articles. Almost ten articles out of thirty, directly or indirectly has a clear concern about equality. According to Article 1, all human beings are born free and equal in dignity and rights. According to Article 2, everyone is entitled to all the rights and freedom set in the Declaration, without discrimination of any kind such as, race colour, sex, language….status. According to Article 7, all are equal before law and are entitled without discrimination to equal protection of law. According to Article 16, men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. According to Article 17, everyone has a right to own property alone as well as in association with others. The Universal Declaration has got universal recognition in the sense that it can question any sovereign nation and can also scrutinize its work when there is serious violation of human rights.

2.7.3 Commission on Status of Women (CSW):

The Commission on the Status of Women was established by The Economic and Social Council (ECOSOC), the organ of UN, in 1946. The meeting of the said Sub-Commission was held once in every two years to explore the issues relating to women. The discussion here was held on the women related issues such as employment, social security, their participation in public spheres, their decision making power, etc. The report so prepared was ultimately presented to The Economic and Social Council, which in turn will make recommendations to improve the status of women throughout the world. The ECOSOC would also make suggestions to the Sub-Commission for improvement on the issues of women where their rights are violated. In May 1946, the chairwoman of the Commission Ms. Bodil Begtrup, requested the United Nations in General Assembly for giving the Commission a status of full Commission. She presented that:

"Women’s problems have now for the first time in the history to be studied internationally as such and to be given the social importance they ought to have. And it would be, in the opinion of Sub-Commission of experts in this field, a tragedy to spoil this unique opportunity by confusing the wish and facts. Some situations can be changed by laws, education and public opinion, and the time seems to have come for happy changes in the conditions of women all over the world."

After getting the status of full Commission in 1946, nine states joined the Commission and within one year the number rose to fifteen. It was a momentous victory for the Commission as fifteen women representatives from member countries had gathered to discuss the issue of gender equality. For almost one and a half decade, since the formation, the Commission tried to survey about the position of women in almost all countries in order to observe the violation of human rights of women. As a part of survey the authorities at the Commission prepared few questionnaires and floated them in different countries for collecting data. The countries, which were signatories to the Commission, presented the data, which gave the clear picture about the legal status of women and civil rights in their respective countries. The UN

agencies also helped in collecting this qualitative data. From the data so collected, the Commission observed that women throughout the world are not getting access to full employment and decent work and are involved in traditional roles of childrearing and housekeeping and will not be able to progress until they have decision making power. For promoting and protecting the human rights of women, The Commission on Status of Women became a channel for adopting important declarations and conventions such as:

- **The Convention on Political Rights of Women** adopted on 20th December 1952: The Commission on the Status of Women surveyed in the member states and found that less than 100 countries had women suffrage. Thus to grant political liberty to women like right to vote, right to be eligible for election, right to hold public office, etc, this Convention was adopted.

- **The Convention on Nationality of Married Women** adopted on 29th January 1957: This Convention was adopted by General Assembly to recognize the right of nationality of women irrespective of continuation or dissolution of their marriage.

- **The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages** adopted on 7th November 1962: The said Convention focuses on free consent of parties to marriage, their right to choose their life partner, minimum age of parties to marriage and its compulsory registration.

- **The Recommendations on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages** adopted on 1st November 1965: The recommendation focused on strengthening the family, considering it as a basic unit of every society.

The Convention formulated by CSW as The Convention on Political Rights of Women was the first ever instrument to protect the political rights of women, internationally. Initially the Commission tried to bring awareness among women at world level and then tried to bring change in the prejudicial and unjust legislations. As the part of this process the chairwoman of the Commission, Ms. BodilBegtrup made her voice known when the Universal Declaration of Human Rights was formulated. As mentioned earlier she opposed against the male pronouns used in the declaration and was successful in doing so. The non-governmental organizations had taken keen
interest in the said Commission since its formation for promoting women’s rights in civil, social, economic and political fields.

2.7.4 International Conference on Human Rights (Tehran Conference) 1968:

United Nations had adopted Universal Declaration of Human Rights in the year 1948. Twenty years had passed after its adoption and so it seems that UN wanted to study the progress made in the field of human rights and wanted to access whether the efforts made by them were sufficient or not. Thus first global meeting was held to review the progress in the human rights domain, with the aim to enhance the UN’s ability to protect the human rights of people belonging to vulnerable classes. Some of the aspiring agendas of the conference were–elimination of racial discrimination, elimination of slavery and colonialism, furtherance in human rights of women and formation of mechanism for implementing international instruments in the field of human rights. Out of several proclamations made during Tehran Conference, the proclamations mainly focusing women were:

i. Fundamental freedoms for all without distinctions of any kind such as race, colour, sex, language, religion, political or other opinions,

ii. Elimination of discrimination against women victimizing them in various regions of the world and ameliorating the position of women from inferior status granted to them which is contrary to the Charter of the United Nations and the provisions of Universal Declaration of Human Rights.

2.7.5 First Conference on Women at Mexico City in 1975:

In 1970s, UN saw movements and ideologies from all over the world demanding social, cultural, political and economic rights for women. So the General Assembly declared 1975 as International Women’s year (IWY). The concept gained the momentum when UN organized its first women conference to be held in Mexico City. On the urge of the delegates attending the historic conference the General Assembly declared 1976-85 as the UN decade for women. The said conference was the result of feminist writings and powerful revolutionary efforts by women for about 30 years, which was attended by 133 member states. The 4000 participants from different cultural background having diverse issues attended the Conference. The women representatives from the Eastern countries raised the issue of peace, whereas
the women representatives from western countries raised the issue of equality. The main objectives of the Conference were:

i. “Full gender equality and the elimination of gender discrimination;
ii. The integration and full participation of women in development;
iii. An increased contribution by women towards strengthening world peace.”

The logo designed for the conference was dove, symbolizing peace with the signature of women. It was designed by the authorities considering even illiterate and rural women, so that they can represent themselves. The Conference was landmark in the sense that it called upon governments to frame strategies in their respective nations where women can participate with men. The conference changed the viewpoint of the world towards women. Earlier the governments were making efforts for the advancement of women but after this Conference the world understood that the advancement was not possible without the positive support of women. There were two positive outcomes of the Conference: the establishment of the International Research and Training Institute for the Advancement of Women (INSTRAW) and the United Nations Development Fund for Women (UNIFEM).

2.7.6 The Convention For The Elimination of All Forms of Discrimination Against Women (CEDAW) 1979:

Eventhough it is mentioned in the Article 2 of The Universal Declaration of Human Rights that “everyone is entitled to all the rights and freedom set in the Declaration, without discrimination of any kind such as, race colour, sex, language……..status”, still there was substantial discrimination against women almost in all countries of the world, not due to the restrictions imposed on them by law but due to the restrictions imposed by the society. In the year 1963, the General Assembly encouraged CSW to draft a declaration on the Elimination of Discrimination against Women providing equal rights to men and women. But due to certain political disturbances the treaty was adopted in the year 1979. The said Convention is considered to be the milestone in the journey of women for achieving their human rights because it is the comprehensive international instrument which focuses on women’s rights on international platform. In the preamble it is mentioned that:

“...Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in political, social, economic and cultural life of their countries,........”

The Convention defines discrimination against women in following terms:

“Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural civil or any other field.”

The Article 1 of the Convention, defines the term ‘discrimination’ as: any distinction, exclusion or restriction made on the basis of sex that has the effect of nullifying women’s enjoyment of human rights......The concept of ‘equality’ has been highlighted in major articles of the Convention and legal status of women is also taken care of. The Article 7 gives duty to States to ensure that women have equal rights with men to vote, hold public office and participate in civil society. In Conferences and meetings at UN, the states generally used to send their male representatives to attend. Considering this aspect in Article 8 of the Convention, UN imposes duty on the States to ensure that women are allowed to represent their governments at the international level and to participate in the work of international organizations. It is often seen that nationality of women is dependent on the husband’s nationality. So under Article 9, women are given equal rights with men to acquire, change or retain their nationality and also equal rights in respect of their children’s nationality. Since a long time in many nations there were stereo type roles of men and women, and to eliminate this, the States are imposed duty to ensure that women have equal rights with men in education, under Article 10. The economic benefits of getting equal rights with men to access bank loans and financial credits are covered under Article 13. The Articles 4 and 5 gained the major attention giving maternity rights to women. These articles ensures that the States will encourage family education and will give proper understanding of maternity as a social function and the recognition of the roles of men and women in upbringing the children and the duty is

39 www.un.org
also imposed on the states to protect maternity. There is a Committee formed for keeping a check over the member nations for implementation of the provisions of the Convention. The member nations are supposed to send the report at least once in four years regarding the course of actions they have taken to implement the provisions of the Convention. The non-governmental organizations are also helping the Committee in presenting the correct picture of violations of women’s human rights in the world. The main drawback of CEDAW is that it only makes recommendations to the nations who have violated the human rights of women, so women’s rights become a least priority in member nations.

**2.7.7 Second World Conference on Women at Copenhagen in 1980:**

In the Copenhagen Conference the main focus was on the wide gap between the legal rights of women and actual status of women all over the world. “The women cannot exercise the rights due to:

i. Lack of sufficient involvement of men in improving women’s role in society;

ii. Insufficient political will

iii. Lack of recognition of the value of women’s contribution to the society;

iv. Lack of attention to the particular needs of women in planning;

v. A shortage of women in decision making positions;

vi. Insufficient services to support the role of women in the national life, such as co-operatives, day care centres and credit facilities;

vii. Overall lack of necessary financial resources;

viii. Lack of awareness among women about the opportunities available to them.

In Mexico Conference in 1975, three objectives were highlighted i.e. equality, development and peace. So in Copenhagen Conference it was discussed that to achieve those objectives, the focus should be laid on education, employment opportunities and adequate health care services. The member nations in the Conference presented the views that majorly in all countries stereo type roles are offered to women and so they are suffering from low status. Thus member nations were urged by Copenhagen Programme of Action to take measures in their respective

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countries for women’s rights such as ownership and control over the property, women’s right of inheritance, child custody, etc.

2.7.8 Third World Conference on Women at Nairobi in 1985:

The third World Conference on women was held in Nairobi and had gained more footage because it was the completion of a decade since the first conference in Mexico was held. It was attended by 15000 representatives and non-governmental organizations. UN had organized two such Conferences before and so it had enough experience of organizing conferences and advancing discussions. Through experience and discussions, UN had come to a disgraceful conclusion that women in majorly all countries had a very low status and efforts taken by UN to reduce discrimination were in vain, as only few women seem to be benefitted due to conventions and conferences. Through this conference, UN urged the respective governments to develop policies and to take measures such as:

i. “Constitutional and legal steps;
ii. Equality in social participation
iii. Equality in political participation and decision making.”

To strengthen the women’s position on the world platform certain other measures suggested by The Nairobi Forward Looking Strategies were participation of women in industry, communication, science and environment, etc. As per UN, it was also the duty of all institutions and offices to promote the measures suggested in the conference. It seems that due to the said conference, different nations had realized that the equality of women in all the fields is the need of an hour.

2.7.9 World Conference on Human Rights (Vienna Conference) 1993:

The first international conference on human rights was held at Tehran in 1968 and twenty five years later the second world conference on human rights was held at Vienna in 1993. It was attended by governmental and non-governmental organizations and the authorities of UN to have formal discussion over the footing of human rights in the world. The said conference proved to be landmark as it planned to take notable steps to promote and protect the rights of women, children and indigenous people. It also planned for formation of new mechanism i.e. to appoint a

special rapporteur to report on violence against women. Among the several points in the programme of action in Vienna Conference, some of the main points are listed below:

i. “…Human rights and fundamental freedoms are the birth rights of all human beings; their protection and promotion is the first responsibility of Governments.

ii. All people have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social, and cultural development…

iii. The human rights of women and girl-child are inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life at the national, international and regional levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

iv. The equal status of women and human rights of women should be integrated in the main stream of United Nations system-wide activity…

v. The world conference on human rights stresses the importance of working towards the elimination of violence against women in public and private life…

vi. The conference recognizes the importance of the enjoyment by women of the highest standard of physical and mental health throughout their life span….

vii. The conference urges the governments to facilitate the access of women to decision making posts and their greater participation in decision making process….”

2.7.10 Fourth World Conference on Women at Beijing in 1995:

In many countries the disputes had arisen between the women’s rights and the cultures and traditions practiced in those countries, violating those rights. Thus Beijing Conference wanted to eliminate such differences in order to strengthen the position of women. The said conference was the largest conference in the history of UN, attended by the women representatives and non – governmental organizations.

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43 www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx
from about 189 countries. In the said Conference, addressing all the delegates, Ms. Hillary Rodham Clinton speaks out for women’s rights that,

“It is no longer acceptable to discuss women’s rights as separate from human rights. If there is one message that echoes forth from this conference, let it be that human rights are women’s rights and women’s rights are human rights, once and for all.”

The Conference mainly focused on formation of a structure at a national level for solving women’s issues. According to UN, there were certain issues about women which required a special concern, so Beijing Programme of Action identified twelve critical issues, which proved to be obstacles in women’s advancement such as:

i. “Increasing burden on women;

ii. Poverty;

iii. Educational opportunities;

iv. Inequality in health status;

v. Violence against women;

vi. Effects of armed or other types of conflict on women;

vii. Inequality in women’s access to and participation in economic structures and policies;

viii. Inequality between men and women in sharing of power and decision making at all levels;

ix. Insufficient mechanisms at all levels to promote the advancement of women;

x. Lack of awareness of women’s human rights;

xi. Insufficient mobilization of mass media to promote women’s possible contribution to society;

xii. Lack of adequate recognition and support for women’s contribution in managing natural resources and safeguarding the environment and girl child.”

It seemed that the fight to attain equality had started at a grass root level and women had become more conscious than before. It was influential international


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document, which made NGOs and national leaders accountable for implementation of measures taken as suggested in the conference.

Within the period of 20 years i.e. from 1975-1995, women across the boundaries participated in four major conferences arranged by UN to strengthen the position of women. The world witnessed that womenfolk who were just the victims of male rulers, were now enlightened, organized, united and diverted towards leadership roles to demand their human rights. Through these conferences UN had set a stage for international network for women to think for their common interest. The conferences awaken the awareness among women to fight for their rights which gave the idea to the world that, “Womens’ rights are human rights.”

2.7.11 Beijing +5 – Women 2000: Gender Equality, Development and Peace for the Twenty First Century:

As a follow up of fourth conference held at Beijing in 1995, the special session was organized to focus on lessons learned, obstacles and key challenges remaining for achieving gender equality in the new millennium, in Beijing in the year 2000. The delegates of the Conference knew that inequalities between men and women have roots in the values of an individual and so the barriers still existed in implementation of goals set out in Beijing Conference. The Commission in Status of Women had invited various governments that had not yet done to prepare national plans for advancement of women.

2.8 CREATION OF UNITED NATIONS HUMAN RIGHTS COUNCIL:

The General Assembly of United Nations replaced the UN Commission on Human Rights and created a council on 15th March 2006 for promotion and protection of human rights and for making recommendations to the member nations in case of its violation. The Council was created due to the weak performance and membership of the Commission. But now as per the rules the country can get membership only on basis of absolute majority, readiness to uphold the highest standards in promotion and protection of human rights and co-operation with the council.

“The Council shall perform the following functions:
i. It shall promote human rights education and learning as well as advisory services, technical assistance and capacity building, to be provided in consultation with the member states concerned;

ii. It shall serve as a forum for dialogue on thematic issues on all human rights;

iii. It shall make recommendations to General Assembly for the further development of International Law in the field of human rights;

iv. It shall promote the full implementation of human rights obligations related to the promotion and protection of human rights emanating from United Nations Conferences and Summits;

v. It shall undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each state of its human rights obligations and commitments;

vi. It shall contribute to dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;

vii. It shall work in close cooperation in the field of human rights with governments, regional organizations, national human rights institutions and civil society;

viii. It shall make recommendations with regard to the promotion and protection of Human rights;

ix. The Council shall submit an annual report to the General Assembly;

x. The Council shall assume the role and responsibilities of the Commission on Human Rights relating to the work of the office of the United Nations High Commission for Human Rights.\(^{46}\)

The creation of Human Rights Council was considered to be a significant step in the history of United Nations.

2.9 UN WOMEN:

The General Assembly of UN in the year 2010 created UN Women for gender equality and empowerment of women. It merges four distinct parts of UN for gender equality and women empowerment such as: Division for Advancement of Women

(DAW), International Training and Research Institute for Advancement of Women (INSTRAW), Office of Special Adviser on Gender Issues and Advancement of Women (OSAGI) and United Nations Development Fund for Women (UNIFEM).47

2.10 CONCLUSION:

In ancient time, many different religions of the world had weaved almost all the activities of individuals living in society or community within it. Thus human rights were indirectly sanctioned by religious traditions without being named as human rights. The credit of development of the concept of human rights goes to the ceaseless endeavor of ancient philosophers, thinkers, international organizations, human rights activists, non-governmental organizations and various nations and their respective governments. Thus it becomes clear from the discussion that the concept of human rights has been developed in phases: i.e. the phase from the mass violation of human rights till the evolution of the concept, the phase from the evolution till the enactment of human right laws and the phase of full realization and implementation of laws.

In eighteenth and nineteenth century certain European philosophers stressed on the concept of natural rights, which they claimed that every individual has, as he/she is born on this earth, and not because he/she is the citizen of some country. Based on this concept, two revolutions took place: American War of Independence and French Revolution. The twentieth century was the era of bloodshed revolutions, i.e. the era of World War I and World War II. The people during this era were tired of armed conflicts, cities turning into heaps of corpses, destruction of properties and terrifying wave of rape for women. So formation of an organization for international peace and harmony was the need of an hour. United Nations, after its formation, adopted many Conventions and arranged many conferences for protection of human rights in general and womens’ rights in particular, but UN seems to be failing in protecting women’s rights. The history has witnessed that Universal Declaration of Human Rights (UDHR), commonly known as ‘international magna carta’ had patriarchal terminology initially. Thus discrimination based on gender ideology was not considered as a part of human rights agenda. Another noteworthy step of UN was adoption of CEDAW, which is also known as the magna carta of women’s rights. But

the irony is that even after 35 years of adoption of CEDAW, the signatories to the 
Convention have not been able to eliminate gender discrimination from their countries 
in totality. Thus wide gap prevails between the legal status of women and the status in 
reality. The delegates organizing such conferences knew that inequalities between 
men and women internationally were deeply percolated in the values of individuals 
and so UN is not able to implement its policies and acquire its goals in member 
nations.