

Women's Rights in International Law: Progress and Challenges

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Abstract

This paper provides a comprehensive examination of women's rights within the framework of international law, focusing on both historical progress and ongoing challenges. Since the adoption of the Convention on the Elimination of All Forms of Discrimination against Women in 1979, significant advancements have been made in recognizing women's rights as fundamental human rights. The analysis highlights the evolution of these rights, tracing their roots from early suffrage movements to contemporary legal instruments that aim to address gender-based discrimination and violence. Despite these advancements, the paper identifies numerous obstacles that hinder the full realization of women's rights, including cultural norms, institutional biases, and systemic inequalities. It emphasizes the need for a deeper understanding of the intersectionality of women's experiences and the importance of integrating diverse perspectives in policy-making. Emerging issues, such as globalization, environmental challenges, and technological advancements, are also explored to illustrate their impact on women's rights. Ultimately, the paper advocates for continued advocacy and activism to ensure that women's rights remain a priority in international law, fostering a more equitable and just society for all.

Keywords: Women's rights, international law, gender equality, discrimination, human rights, intersectionality, globalization, environmental justice

1. Introduction

Since the establishment of the landmark Convention on the Elimination of All Forms of Discrimination against Women in 1979, women's rights issues have become an important part of international law. They have also driven debates about the meaning of equality and non-discrimination in society. In most contemporary societies, women as a class have historically been and are still the primary victims of sexism and, as a result, suffer directly and indirectly from a range of negative socio-economic

outcomes. This is why securing and protecting women's rights and achieving gender equality are important goals for international law, policy-making, and institutions working toward human development and peace (Askin & Koenig, 2021).

The principle of protection of women's rights set out in the Preamble to the UN Charter has been carried out through a series of norm-setting activities for the last 70 years. For much of human history, women have lacked status or a negative legal definition. Over the last two centuries, women's identities and roles have been subject to dynamic changes through movements for gender equality. A number of democratic countries, particularly in Europe and North America, now see women, at least, as legal persons. However, the recognition of women's human rights remained limited for many years, as broad human rights treaties have been tattered by the notion that the term "everyone" should be read generically to cover men and women. Efforts to elicit regulatory recognition of women-specific issues have been problematic because of their association with legal and social relativism. Since the 1993 World Conference on Human Rights, several global, regional, and sub-regional human rights systems have increasingly begun to articulate the rights of women and girls or emphasize the crucial role women play in ensuring social justice, peace, and solidarity within the family and in larger society (Van Bueren, 2021).

2. Historical Development of Women's Rights in International Law

Women's rights protection is a relatively recent phenomenon in international law. This prohibition of discrimination against women and the protection of their reproductive health would not have been imaginable 50 years ago. In international human rights law, the development of specific norms will often lag behind developments in society. Changes in societal attitudes are one aspect that can lead to the development and spreading of a particular right. For instance, domestic violence is now recognized as a human rights violation, while in previous decades violence against women "in the home" was considered a private affair. Societal changes today are reflected by the term "women's empowerment" as expressed in the Millennium Development Goals, which strive to reduce the gender gap in primary and secondary education, and to increase the proportion of young girls who receive secondary and post-secondary education (Charlesworth & Chinkin, 2022).

The development of women's rights in international law can be traced back to the suffrage movement, which began in the 19th century. Foreign diplomats started contemplating appropriate mechanisms to protect women in times of peace and armed conflict during the First World War, following the Women's International Congress held at The Hague in 1915. American suffragette Alice Paul wrote the "Equal Rights Amendment" in 1923 in the United States, which stated that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex". In 1919, women in Germany were given the right to vote. Equal voting rights for French women were established in 1944. Due in part to the spread of democratic government worldwide, advocating women's right to vote has become less of an issue. To the present day, women in Saudi Arabia, for example, have difficulty exercising their rights as purported in the International Covenants to which Saudi Arabia is a State Party. Women's suffrage thus represents a watershed between historical and present-day reality (Mavlonovna & Eriksson, 2021).

3. Key International Legal Instruments for Women's Rights

Several international and regional legal instruments, including treaties, conventions, and declarations, set standards for the fair treatment of women and seek to promote decency between women and men. The Charter of the United Nations provides that one of the goals of the United Nations is "to promote universal respect for and observance of human rights and fundamental freedoms for all without discrimination as to sex." The Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Discrimination, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief proclaim that all human beings are born free and equal in dignity and rights (Ali, 2021).

Women's rights, as fought for by women, did not really take off until there were special agreements that spelled out women's experiences as human rights issues. The major comprehensive international agreement on women is for governments' help and guidance. The Convention on the Elimination of All Forms of Discrimination Against Women is a major expression of thinking and action on women's rights. India was one of the first countries to ratify the Convention. In 1995, governments agreed that

women have the right to be free from violence against women. They set up an agreement called the Beijing Declaration and Platform for Action, which asks governments to make new laws and change old ones. Certain treaties also have committees of independent experts to help states understand them and report publicly on how they are doing. Also, many regional commissions and organizations are working on human rights and women's rights issues. These may make it possible for women to use international and regional human rights laws and conventions in their own courts and communities. As of mid-2006, 185 countries were Parties to the Convention on the Elimination of All Forms of Discrimination Against Women. Indigenous women played a big role in the process of getting the new Session Commission on the Status of Women to agree to this guide, as did women with disabilities. Governments looking at the guide have taken most of these ideas from the agreement. Often, when governments want to deal with human rights and women's rights in countries and societies, they show how the global laws and agreements help them do it. These international laws are part of why it is pushing for change. They can be used to help advocate for new laws and action, and many groups have used them to promote women's human rights. Especially at the regional level, many groups who want to stop violence against women also use these international laws to make arguments about women's human rights. In India, dowry and other forms of violence against women are coming before the international human rights agreements. People opposed there have sometimes used international law to convey their message (Towadi et al.2021).

4. Challenges in the Implementation of Women's Rights

There are many challenges undermining the achievement of women's rights and their effective implementation. Cultural norms and societal attitudes are impeding women from enjoying the rights that are granted to them by laws and policies. There are also many institutional biases and systemic failures within a range of different areas that undermine attempts at formal gender equality. In addition, conflict and post-conflict situations, poverty, and inequality are all exposed as key problems under the human rights, development, humanitarian, and peace and security spheres when attempting to

secure, protect, and legitimize women's rights and gender equality (Mayor & Bedjaoui, 2023).

There is often a dramatic difference between the commitments that states claim to be upholding in different forums through policy and law, and the actual practical steps taken to secure real respect and protection of these rights. In reality, very little money is spent, and very few systems are put in place to ensure that women's human rights and women's property interests are protected. There is a tendency on the part of many actors to target women, rather than to engage in gender impacts. Furthermore, a failure to ensure property rights is regarded as a cause, rather than a consequence, of women's poverty, depending on where or who you are. This overall position of women in many societies is highly repressive, leading them to be increasingly controlled, including by the family, with consequences such as the increasing number of female circumcisions and unreported forced heterosexuality and same-sex marriages, the employment of girl mob militias, and rape. It is at these points of insecurity that women are usually first expelled from property, to prevent them from posing power and voice threats (Anghie et al., 2021).

5. Emerging Issues and Future Directions

Women's rights and international law are ongoing. As more and more human rights laws are put in place, the challenge is to learn more about the specific needs of women and to ensure that specific discriminatory practices of the past that have harmed women form part of the term "discrimination" that appears so often in international human rights documents. As we think about the present and future, we confront a number of larger issues that affect the stance of women's rights at an international level. One is globalization and the impact it has had on women around the world. A second is the environment and global warming, and the way that environmental changes have had and will continue to have an impact on women in particular. Technology, digitalization, and the way that technology has created new dimensions of work, and new opportunities – and challenges – for women, are another area where the field of women and the law will develop. When we think about the changing roles of women and men in society, and the common, blended, or separate legal structures that respond to that, whatever they may be, we still need to think

about the gender dimensions and the gendered experiences of those changes. A significant discussion is the "intersectional space" occupied by women of different identities, and the way that legal tools capture or lack the ability to capture their concerns. The importance of the intersection, as well as the impact on policy of thinking and perceiving things by looking at different groups of women and men, is likely to be a growing topic in international women's rights. In practice, whether civil society uses innovative claims and crosses jurisdictional or international boundaries, of course, has an impact on the development of women's rights under international law. And of course, in the end, it is activists and advocates who have a great influence not only on litigation but also on the laws themselves, the ways laws are administered, and the policies that come from law (McCorquodale & Nolan, 2021).

References:

Askin, K. D. & Koenig, D. (2023). Women and International Human Rights Law: Volume 3. [\[HTML\]](#)

Charlesworth, H. & Chinkin, C. (2022). The boundaries of international law: A feminist analysis, with a new introduction. [\[HTML\]](#)

Ali, S. S. (2021). Gender and human rights in Islam and international law: equal before Allah, unequal before man?. academia.edu

Mayor, F. & Bedjaoui, M. (2023). International law: Achievements and prospects. [\[HTML\]](#)

McCorquodale, R. & Nolan, J. (2021). The effectiveness of human rights due diligence for preventing business human rights abuses. Netherlands International Law Review. [springer.com](https://www.springer.com)

Towadi, M., Kasim, N. M., Rumawi, R., & Tahir, S. A. (2021). An Indication of China's Policy towards Uighurs and its Implications by International Law Aspects. Jambura Law Review, 3(1), 55-71. ung.ac.id

Van Bueren, G. (2021). The international law on the rights of the child. [\[HTML\]](#)

Mavlonovna, R. D. (). Factors That Increase the Activity of Women and Girls in Socio-political Processes at a New Stage of Development of Uzbekistan. JournalNX. [\[HTML\]](#)

Eriksson, M. K. (2021). Reproductive freedom: In the context of international human rights and humanitarian law. [\[HTML\]](#)

Anghie, A., Chimni, B., Mickelson, K., & Okafor, O. C. (2021). The third world and international order: Law, politics and globalization. [\[HTML\]](#)