

## **HUMAN RIGHTS ARE WOMEN'S RIGHT: CHALLENGING THE INEQUALITY AGAINST WOMEN**

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### **Abstract**

*Gender issues and its perception of deprivation of certain rights on women have been a concern over the decade in scholarship. Gender roles as handed down from generations are not without inequality that exists between the masculine and the feminine genders. This has orchestrated the viewing of women as second class citizens that have little or no right in the society. This view is not particularized to any locale, but is seen as a general phenomenon which has called for the attention of the world in its amelioration. In view of this fact, the United Nation is the predominant voice that has documents on the right of women in the world and tends to correct some inequalities that are predominant in our cultures today. This work will adopt a phenomenological approach in its study and theoretically framed with Conflict theory. This is because the society is a struggle for dominance among social groups (Men and Women) that compete for scarce resources and the subsequent UN's struggle to balance the inequality. The work observes that women are marginalized and regarded as second class citizens which brought about how they are regarded in the society. It also finds that this marginalization has made women not to be in the scheme of things which has adversely affected the economic development of the society. It therefore concludes that women are part of God's creation and have their place in the development of the society and should be allowed so. The work therefore recommends that women are also part of God's creation of which were created in His image and should not be taken as an afterthought creation which has led to the relegation of their rights. It also recommends that for us to have a holistic development, women should be given right economically in order to make their contributions without fear or favour for better, conducive and egalitarian society.*

**Keywords: Human Persons, Human Rights, Womanhood, Challenges, Gender Inequality.**

### **Introduction**

The United Nation's value is to achieve equality between men and women and to eliminate all forms of discrimination against women as their fundamental human rights. This is because women all over the world have oftentimes suffered violations of their human rights

throughout their lives and realizing their human rights has not always been a priority. Achieving equality between men and women requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination. There is a long history of United Nation's interest in addressing women's human rights and much progress has been recorded in such regard in recent times. Nevertheless, there are still gaps remaining and women's realities are constantly changing, with new manifestations of discrimination against them regularly emerging. Some groups of women face additional forms of discrimination based on their age, ethnicity, nationality, religion, health status, marital status, education, disability and socioeconomic status, among other grounds. These intersecting forms of discrimination must be taken into account when developing measures and responses to combat discrimination against women (UN, 2014).

It will not be an aberration to note that women make up more than two-thirds of the world's 750 million adults without basic literacy skills. Women represent less than 30% of the world's researchers and journalists that are more exposed to assault, threat or physical, verbal or digital attack than their male counterparts. UNESCO believes that all forms of discrimination based on gender are violations of human rights, as well as a significant barrier to the achievement of the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals. Hence the agitation of the United Nation in this regard is clear which is, men and women must enjoy equal opportunities, choices, capabilities, power and knowledge as equal citizens. Equipping men, women, boys and girls with the knowledge, values, attitudes and skills to tackle gender disparities will be seen as a precondition to build a sustainable future for all.

### **Towards understanding women's right**

The concept of women's right may mean many things to many people which is as a result of variegation of perception and understanding. In the words of Hosken (1981), women's rights are the rights and entitlements claimed for women and girls worldwide and formed the basis for the women's rights movement in the nineteenth century and feminist movement during the 20th century. In some countries, these rights are institutionalized or supported by law, local custom, and behavior, whereas in others, they are ignored and suppressed. They differ from broader notions of human rights through claims of an inherent historical and traditional bias against the exercise of rights by women and girls in favour of men and boys. Lockwood (2006) notes that some of the issues commonly associated with notions of women's rights include the right to bodily integrity and autonomy, to be free from sexual violence, to vote, to hold public office, to enter into legal contracts, to have equal rights in law, to, to fair wages or equal pay, to have reproductive rights, to own property, to education, etc.

Purportedly, the global fund for women champions for equality, women's human rights (2019, retrieved) sees women's rights as the fundamental human rights that were enshrined by the United Nations for every human being on the planet nearly 70 years ago. These rights include the right to live free from violence, slavery and discrimination, to be educated, to own property, to vote and to earn a fair and equal wage. As the now-famous saying goes, "women's rights are human rights", that is to say, women are entitled to all of these rights. Yet almost everywhere around the world, women and girls are still denied them, often simply

because of their gender. Winning rights for women is about more than giving opportunities to any individual woman or girl; it is also about changing how countries and communities work. It involves changing laws and policies, winning hearts and minds, and investing in strong women's organizations and movements. It will be worthwhile to submit that human rights are the basic rights and freedoms that all humans should be guaranteed. These rights apply to everyone equally, but many women are prevented from realizing their rights because of tradition, prejudice, social and economic interests.

### **Protection of human rights of women under International Law**

The protection of human right of women under the international law has been observed in UN (2014) since its foundation. The law's stipulation of equality between men and women has been among the most fundamental guarantees of human rights. Adopted in 1945, the Charter of the United Nations sets out as one of its goals 'to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women'. Furthermore, article 1 of the Charter stipulates that one of the purposes of the United Nations is to promote respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion. This prohibition of discrimination based on sex is repeated in its Articles 13 mandate of the General Assembly and 55 promotions of universal human rights. The Universal Declaration of Human Rights was also adopted in 1948 which proclaimed the equal entitlements of women and men to the rights contained in it, 'without distinction of any kind, such as sex'. In drafting the declaration, there was considerable discussion about the use of the term "all men" rather than a gender-neutral term. The declaration was eventually adopted using the terms 'all human beings' and 'everyone' in order to leave no doubt that the Universal Declaration was intended for everyone, men and women alike.

There are right of women that are internationally recognized. This according to Johannes (1991) includes among others, the right to life, freedom from torture, freedom from slavery, the right to liberty and security of the person, rights relating to due process in criminal and legal proceedings, equality before the law, freedom of movement, freedom of thought, conscience and religion, freedom of association, rights relating to family life and children, rights relating to citizenship and political participation, and minority groups' rights to their culture, religion and language. The International Covenant on Economic, Social and Cultural Rights guarantees the right to work, the right to form trade unions, rights relating to marriage, maternity and child protection, the right to an adequate standard of living, the right to health, the right to education, and rights relating to culture and science.

In 1967, United Nations Member States adopted the declaration on the elimination of discrimination against women, which states that discrimination against women is an offence against human dignity and calls on States to abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women. Less than a year later, a proposal for a legally binding treaty on women's rights was made. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979. Its preamble explains that, despite the existence of other instruments, women still do not enjoy equal rights with men. The Convention defines discrimination in its article 1 as seen in UN (2014) as "...

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of 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". Such discrimination encompasses any difference in treatment on the grounds of sex which intentionally or unintentionally disadvantages women, Prevents society as a whole from recognizing women's rights in both the private and the public spheres, Prevents women from exercising the human rights and fundamental freedoms to which they are entitled.

### **Universality of human rights**

It is worthy to assert according to UN (2014) that since the adoption of the Universal Declaration, States have repeatedly emphasized on the universality and indivisibility of human rights. Following the source at the World Conference in Vienna, they specifically recognized that women's human rights are part of universal human rights and they have subsequently reaffirmed this, including at the Fourth World Conference on Women. As posited, the Vienna Program of Action also explicitly stressed the importance of eradicating any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.

The Convention on the Elimination of All Forms of Discrimination against Women requires States to take appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. The Committee in its general recommendation No. 19 (1992), comments on articles 2 (f), 5 and 10 (c) that attitudes and practices according to which women are subordinate to men uphold the subjugation of women in society, and thus undermine women's human rights, gender equality and non-discrimination, mentioning the practices of family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. It also comments on article 12 on the right to health, stating that certain traditional practices perpetuated by culture and tradition are harmful to the health of women and children. These practices include dietary restrictions for pregnant women, preference for male children and female circumcision or genital mutilation (UN, 2014).

The Committee further observed that to achieve actual equality, the underlying causes of women's inequality must be addressed; it is not enough to guarantee identical treatment with men. In the Committee's view, the Convention requires that women should be given an equal start and also that the State should create an enabling environment for the empowerment of women in order to achieve equality of results.

### **The United Nation on women's right**

There has been deprivation of some right of the women which gave rise to the United Nation's documentation on some of those rights. This section will discuss in details on them and also look at how it affects the women.

### **i). Women's rights in public and political life**

Historically, women have been excluded from political life and decision-making processes. Women's campaigns for participation in the public and political arena dates back to the nineteenth and twentieth centuries and continue today. In the words of Francoise (2007), at the time of the First World War, few parliamentary democracies recognized women's right to vote. In 1945 when the United Nations was established, more than half of the 51 nations that ratified the Charter still did not allow women to vote or gave them only restricted voting rights.

According to the Universal Declaration of Human Rights, everyone has the right to take part in the government of his or her country. Although women's right to vote has been secured in nearly every country of the world in practice, the right to vote can sometimes be meaningless when other conditions make it virtually impossible or very difficult for both men and women to vote, such as the absence of free and fair elections, violations of freedom of expression, or lack of security which tends to affect women disproportionately. In some countries, women cannot register to vote because they are missing a birth certificate or identity papers that are issued only to men. Other obstacles such as stereotyping and traditional perceptions of men's and women's roles in society, as well as lack of access to relevant information and resources also inhibit women's possibilities or willingness to exercise their right to vote fully. Francoise also observes that traditional working patterns of many political parties and government structures continue to be barriers to women's participation in public life, and women may be discouraged from seeking political office because of their double burden of work and the high cost of seeking and holding public office.

### **ii) Sexual and reproductive health and rights**

Reproductive health according to UN (2014) is seen as 'a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes'. It goes further to define sexual health as a state of physical, emotional, mental and social well-being related to sexuality, not merely the absence of disease, dysfunction or infirmity. Accordingly, this definition is based on the recognition in the Programme of action that the purpose of sexual health is the enhancement of life and personal relations, and not merely counseling and care related to reproduction and sexually transmitted diseases. It notes that women's sexual and reproductive health is related to multiple human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education and the prohibition of discrimination.

Despite these obligations, UN observed that violations of women's sexual and reproductive health rights are frequent which takes many forms, such as denying access to services that only women require, providing poor-quality services, subjecting access to third-party authorization or performing procedures without the woman's consent, including forced sterilization, forced virginity examinations and forced abortion. Women's sexual and reproductive health rights are also at risk when they are subjected to female genital mutilation and early marriage. Furthermore, sexual and reproductive health is considered to be a vital element of the right to the highest attainable standard of physical and mental health. Women's

childbearing role can also have an impact on their enjoyment of other rights such as the rights to education and to work.

More so, the women have right of access to information about sexual and reproductive health. This entails that, they have right to decide freely and responsibly on the number and spacing of their children, and to have access to the information, education and means to exercise this right requires attention to their access to information on modern methods of contraception and comprehensive sex education. Also access to services and medicines is a key aspect of eliminating discrimination against women. Hence, it guarantees the availability, accessibility, quality and acceptability of services and medicines that are central to ensuring women's sexual and reproductive health rights. Furthermore, in order to ensure women's sexual and reproductive health rights, it therefore means that women's capacity to make decisions regarding their bodies must be respected; hence it must be with their consent. Finally, the women have right to a safe and healthy pregnancy. UN (2014) observes that complications during pregnancy and childbirth are leading causes of death and disability among women of reproductive age in developing countries. Therefore, states are obliged under international human rights law to respect, protect and fulfill human rights in relation to maternal health, pregnancy and childbirth.

### **iii). Women's right to an adequate standard of living**

As contained in UN (2014), the International Covenant on Economic, Social and Cultural Rights in its article 11 mentions the right to adequate food, clothing and housing, and the continuous improvement of living conditions as part of the right to an adequate standard of living for oneself and one's family. Women's rights to land, property, food, water and sanitation, as well as work and social security are intrinsically linked to the right to attain an adequate standard of living. All these rights are guaranteed under international human rights law, including the right to enjoy these rights on an equal basis with men without discrimination. Women's access to services, to education and to productive resources is paramount to the realization of the above-mentioned rights.

Under this right to adequate standard of living, women have rights to land, property and housing. Women's rights in access to and control over land, housing and property are determining factors in their living conditions especially in rural economies, essential to women and their children's daily survival, economic security and physical safety. The discrimination on legislation and lack of control over property, land and housing also means that women are excluded from community decision-making processes that are led by men who normally are the landowners. The women have right to food, water and sanitation which are equally crucial for women's well-being, dignity and enjoyment of other human rights. Poor female nutrition early in life reduces learning potential and productivity, and increases reproductive and maternal health risks. In 2010 the United Nations General Assembly recognized the right to clean water and sanitation as a human right through its resolution 64/292. This right is intrinsically linked to the right of everyone to a decent standard of living and the right to the highest attainable standard of physical and mental health. According to the Committee on Economic, Social and Cultural Rights as maintained by UN (2014), water is a prerequisite for living a life in dignity and the enjoyment of several other human rights depends on the accessibility of water.

The right to decent work and to social security is another right of the women which is aimed at adequate standard of living. In International Labour Organization (2012), women experience systemic barriers in almost every aspect of work, ranging from whether they have paid work at all, to the type of work they obtain or are excluded from, the availability of support such as childcare, the level of their pay, their working conditions, their access to higher paying 'male' occupations, the insecurity of their jobs, the absence of pension entitlements or benefits, and the lack of time, resources or information necessary to enforce their rights. The right to social security has to be enjoyed equally by men and women. In view of this, the International Covenant on Economic, Social and Cultural Rights, in articles. 2.2 and 3 and in its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, noted that the implementation of article 3 in conjunction with article 9 requires, for instance, equalizing the compulsory retirement age for both men and women, ensuring that women receive the equal benefit of public and private pension schemes, and guaranteeing maternity leave for women, paternity leave for men and parental leave for both men and women. In its general comment No. 19 (2007) on the right to social security, the Committee explains that State parties should take steps to eliminate factors that prevent women from contributing equally to social security schemes that link benefits to contributions.

#### **iv) Violence against women**

UN (2014) in its documentation has it that the Declaration on the Elimination of Violence against Women defines violence against women as any act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Since the beginning of the 1990s, violence against women has gained much attention in the human rights discourse. However, it took a long and persistent struggle by the women's rights movement to persuade the international community to discuss violence against women as a human rights concern and recognize that gender-based violence is a serious violation of human rights of global importance which poses a threat to human development as well as international peace and security.

The Convention on the Elimination of All Forms of Discrimination against Women does not explicitly mention violence against women, but the Committee, in its general recommendation No. 19 (1992) on violence against women, asserts that violence against women is violence directed against a woman because she is a woman or affects women disproportionately. This violence seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men. Examples of such violence are rape, sexual assault, sexual harassment, violence within institutions, violence against women migrant workers, witchcraft or sorcery related violence or killings. The Special Rapporteur on torture as contained in UN (2014) mentions rape and other forms of sexual violence such as threats of rape, touching, virginity testing, being stripped naked, invasive body searches, insults and humiliations of a sexual nature, as well as forced abortion and denial of access to safe abortion to women who have become pregnant as a result of rape, as forms of violence that could constitute gender based torture.

#### **v) Impact of migration and displacement on the enjoyment of women's rights**

According to UN (2014), the principle of universality in international human rights law implies that States of origin, transit and destination are responsible for protecting the rights of migrants within their territories. Although countries have a sovereign right to determine conditions of entry and stay in their territories, they also have an obligation to respect, protect and fulfill the human rights of all individuals under their jurisdiction, regardless of their nationality, origin, gender or age and regardless of their immigration status. Hence, Global Migration Group, International Migration and Human Rights(2008) observe that every country is affected by the phenomenon of migration, as country of origin, transit or destination, or a combination of these. People now live outside their home countries for reasons ranging from seeking better economic opportunities to escaping persecution. Female migrants form half the world's migrant population and outnumber male migrants in developed countries. Migrants contribute greatly to the economies of their countries of origin through remittances, and to their host countries through their work while also bringing cultural and demographic diversity to that society.

The Convention on the Elimination of All Forms of Discrimination against Women protects all women, including migrant women, against all forms of discrimination and requires State parties to ensure that all women can enjoy their human rights, de jure and de facto, on an equal basis with men in all fields. In some countries of origin, women face a range of discriminatory restrictions or bans on their migration, which leads many to migrate through irregular or informal channels, leaving them outside the protection of the law and vulnerable to abuse by agents, smugglers and traffickers. Women often have limited access to reliable information and education which can further exacerbate their vulnerability. In some cases, the women work in slavery-like conditions and their employers frequently take away their passports. They lack access to services or protection mechanisms and do not report abuse for fear of being deported.

#### **vi). Women's human rights in conflicts and crises**

Women have some human rights to exercise when it comes to their contributing to issues of conflict and crisis, especially when it concerns them. In this regard, we are going to look at it in two dimensions (a) Sexual and gender-based violence in conflict and post-conflict settings. During the past decade, much international attention has been paid to the link between gender based violence and conflicts. Conflict has far reaching effects on women's enjoyment of their human rights, both civil and political or economic and social. Despite increased global efforts to combat gender based violence in conflict and post conflict settings, women continue to be subjected to gender based violence such as rape, sexual slavery, kidnapping or trafficking, forced impregnation or miscarriages, and sexual abuse such as forced nudity, strip searches and other publicly humiliating and violating acts in conflict and post-conflict. Studies have shown that while men and boys are also victims of gender based violence, women account for the vast majority of those affected. According to UN (2014), the Committee on the Elimination of Discrimination against Women recognized in its general recommendation No. 19 (1992), that wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures.



(b) Women's participation in peace processes and their role as agents of change. Despite the challenges that the post conflict vacuum poses for the enjoyment of women's human rights, it can also be viewed as an opportunity for transformation to change the societal structures and norms in place before the conflict which contributed to the violence against women in the first place. To ensure this transformation, Reilly (2013) opines that it is imperative to take into account women's various roles and diverse experiences of conflict, not only as victims but as combatants, as part of organized civil society and as human rights defenders, as members of resistance movements and as active agents in both formal and informal peace processes. Women's particular vulnerability to social and economic deprivation worsens in conflict and post-conflict situations. As conflict exacerbates gender-based discrimination and is accompanied by the loss of livelihoods and the destruction of family and community structures.

#### **vii). Women's access to justice**

UN (2014) observes that in order to ensure women's access to justice requires that women enjoy their right to equality before the law, that procedures are in place to guarantee non-discriminatory access to justice and that women have effective access to remedies when their rights have been violated. These rights are provided for under international human rights law, including articles 2.3 (right to a remedy) and 26 (equality before the law) of the International Covenant on Civil and Political Rights. The right to an effective remedy is relevant for the realization of all human rights, and is to be enjoyed on the basis of equality, without discrimination of any form such as on the basis of sex or gender.

It is noticed that Justice System reflects society's power imbalances, including those that disadvantage women. Both social and institutional barriers inhibit women's access to justice. Social barriers include the lack of knowledge of their rights, illiteracy, lack of information and dependence on male relatives for assistance and resources. Institutional barriers such as geographical distance, suitable facilities, infrastructure and language have to be taken into account to ensure access to justice for rural, minority or indigenous women or women with disabilities. An essential aspect of the State obligation to ensure the right of access to justice for women is to train Judges and Lawyers in women's rights and gender sensitivity, to raise awareness or organize training to inform women and communities of their legal rights and to ensure that the provision of legal aid and the availability of effective protection mechanisms such as shelters and counseling for victims are accessible to all women without discrimination, hence, ensuring adequate representation of women in the judiciary is also important.

#### **Conclusion**

Women and girls represent half of the world's population and also half of its potential. Gender equality, besides being a fundamental human right is essential to achieve peaceful societies with full human potential and sustainable development. Moreover, it has been shown that empowering women spurs productivity and economic growth. Unfortunately, there is still a long way to go in achieving full equality of rights and opportunities between men and women. Therefore, it is of utmost importance to end the multiple forms of gender violence and secure equal access to quality education and health, economic resources and participation in political life for both women and girls and men and boys. It is also essential to achieve equal opportunities in access to employment and to positions of leadership and decision-making at

all levels. It is noted that achieving gender equality and empowering women and girls is the unfinished business of our time, and the greatest human rights challenge in our world and all hands must be on deck to bring the expected change and transformation.

### **Recommendations**

The work therefore recommends that women are also part of God's creation of which were created in His image and should not be taken as an afterthought creation which has led to the relegation of her rights.

There should be a change in the societal structure to acknowledge the place of women and give them their due right because women and their place in creation are very pivotal and should be given a pivotal treatment.

The work has acknowledged that religion and culture are fueling gender issues recommends that religious leaders should use their office to let men know that women are special creations and also human beings of which should not be deprived of their fundamental human rights, hence they are part of it as humans and should also share in those rights.

It also recommends that since government has noted her role in making sure that there is equality in the society, she should also try to enact and implement laws against the violation of women's right which will serve as a precaution or deterrent to every citizen.

The work finally recommends that for us to have a holistic development, women should be given equal economic right as men to pursue job and business of their interest and also make their contributions without fear or favour for a better, conducive and egalitarian society.

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