

## IMPLEMENTATION OF HUMAN RIGHTS, EMPOWERING WOMEN: AN ANALYTIC STUDY

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**Abstract:** Women contribute half of the world's population but their voice of struggle is unheard. There is always encroachment of rights of women in a society. Even today in some of the regions the women are restricted with many of the things, their basic rights are taken from them and made their life in a darker side of the society. Therefore, there was a Universal Declaration of Human Rights, which gave a ray of hope to the new hope for women during 19<sup>th</sup> and 20<sup>th</sup> century. To provide the basic rights for all the human beings was its aim; it gave special concern and framed the rights bit slanting towards the women since they were thought to be a weaker section in the society. Therefore, UDHR was deep rooted to form the strong base in a society. This study provides overviews about the improvement in women status after the establishment of universal declaration of human rights, the analysis of implementation of human rights in society and the specific articles dealing with women empowerment. The information is based on secondary sources like journals, news articles and other online and offline documents.

**Key words:** Human rights, empowerment, UDHR

**Introduction:** Since from centuries women are struggling for their rights, even now it persists in a male dominated society. The hopes of having their rights were seen during the 19<sup>th</sup> and 20<sup>th</sup> century where concern towards women was blown up, the importance of women and concept of feminism emerged after the Universal Declaration of Human Rights in 1945 set up, which provided women their basic rights. Every person takes birth with his rights and freedom, which are the most important ones, where no person can encroach them from any person these rights are known to be as human rights. Human rights include all the rights of an individual like humanitarian moral, philosophical, legal, political, social, and economical, cultural. The Universal Declaration of Human Rights which emerged after the second world war was having aim to bring equality in gender, freedom of expression, right to education, right against discrimination and so on. The human rights are having special features of inheritance and are inalienable rights of an individual as mentioned in UDHR. In Indian constitution, the fundamental rights and Directive Principles of State Policy are basic human rights. The important principle of UDHR, which it is known for, is universality and non-discrimination.

The Human Rights gave a new mode of life and upgraded the status of women in the society. Especially the Convention on the Elimination of Discrimination against Women (CEDAW). India signed CEDAW in 1980 it made the declaration with Articles 5(a) and 16(1) of the convention: "The government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of community without its initiative and consent. According to Article 5 (a) the state

parties should undertake measures to modify the social and cultural patterns of conduct of men and women. Article 16(1) obliges the state parties to take appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.

Women were given importance since from the formation of the Universal Declaration of Human Rights recent conventions which have brought up many changes in a society with respect to women. The male dominated society also has accepted them and treating the women in a healthy relation.

This research paper brings out some of the concepts of women empowerment and human rights relation and it mentions the specific articles in the Universal Declaration of Human Rights with respect to women empowerment. The enhancement in status of women with the UN declaration can be noted here. In addition, the state of implementation of human rights can be reviewed.

### **Objectives:**

- To analyse the status of women with the universal declaration of human rights.
- To understand the implementation process of human rights.
- To know the specific articles in the Universal Declaration of Human Rights related with women empowerment.

### **Methodology of studies:**

**Universe of the study:** The work helps to understand the relationship between the human rights, women empowerment, and the articles that deal with specifications in UDHR. The consequence in implementation of human rights in society can be brought up.

**Sources and techniques of the data collection:**

The research work is based on the information that were available from the sources like books, journals, articles, reports etc..The work is from the secondary data and literature review of the above-mentioned sources. Where the conclusions are drawn from them for a objectives mentioned.

**The change in women status due to the formation of universal declaration of human rights:**

Since from the ancient days women's rights are encroached in the society, women's are always known to be as weaker sections. In a society the women is worshipped as a goddess in one path but in another, she is treated like an animal. Most of the rights were encroached by males especially in male dominated (patriarchal system) countries. Even today we can see such system in many Islamic states .The women were not considered for decision making process, they were restricted to have some of the rights like rights to equality freedom of expression, right to liberty etc..Since the rights were not given to them there were many crime and acts committed in the society against women in the ancient days like practises of sati system, dowry system, child marriage, domestic violence. However, since from the UNDH and other conventions the violence against women has been reduced. The women states has been enhanced by adopting the HR in constitution and including them in legislation and framing different act against the violence like prevention of dowry act, prevention of sati, prevention of domestic violence act etc.. So in present day's scenario women empowered with the HR like right to equality, right to have opportunity, right against discrimination. The women states have conventionally changed from enactment of the UDHR.

**The state of implementation of HR until the date:**

As UNDH is international concept, it's essential element is co-operation between states. The UN members must develop friendly relations and respect the principle of equal rights and self-determination of people .The article 1 and article 56 of UN charter mention about them by having with the international problems of an economic, social, cultural or humanitarian character can be solved. The development of international human rights law has given subsets of public international law and private international law where the both are having their own legal jurisdiction. To in make the HR in legal framework the ICJ is supremacy in taking decision of violation of IHRL between the states or UN. It looks after the proper implementation and frames the laws, which must have HR as a base. There are regional approaches to HR implementation .Since the HR protection and promotion is a basic aim of them. Europe, the America and Africa regional human rights protection mechanism is established. The

regional association contribute to the development and implementation of HRL but it fails when there are intra regional conflicts. There some states where the HR are implemented to an extent they are deep rooted like the countries with have regional approach but the implementation in some of the Islamic countries and others are inefficient due to inter regional conflicts. The women are victims in a state where HR implementation is inefficient. The studies reveal that where the inefficient implementation the women are more victimised due to many of the crimes in that state. The crime against them are increased .But in contrast where the HR is framed in a legal system and implemented the women's are protected and promoted for enhancement of standard of living. Where we can observe women empowerment. In Indian scenario the women empowerment is in a affirmative path as the constitution is framed which provides basic human rights to everyone and special concern towards the women.

**The International laws, which provides the pathway for a women empowerment with specific articles:****Universal Declarations Of Human Rights:**

Article 1 (3):To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion;

Article 8: The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

Article 55 (c): Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 16:1. 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 at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group

unit of society and is entitled to protection by society and is entitled to protection by society and the State.

Article 25:1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

**International Covenant On Economic, Social And Cultural Rights:** Article 2: The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, politics or other opinion, national or social origin, property, birth or other status.

Article 3: The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

**International Covenant On Civil And Political Rights:** Article 2 Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, politics or other opinion, national or social origin property, birth or other status.

Article 3 The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 16: Everyone shall have the right to recognition everywhere as a person before the law.

Article 18:1. Everyone shall have the right to freedom of thought, conscience and religion....

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 23:1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take

appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24:1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**Convention On The Elimination Of All Forms Of Discrimination Against Women:** Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979

Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices, which constitute discrimination against women;
- g) To repeal all national penal provisions which constitute discrimination against women.

Article 3: States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

These are some of the articles, which are mentioned here that enhance the women rights, but there are many other conventions and acts that were passed by UN, which raised the women empowerment, call globally.

**Conclusion:** After so much of struggle, the women's status is raised up from the past century. The human rights provided new horizon to the women's life in society. The proper implementation and enforcement of the human rights moulding them in a legal frame which are to be abide by every single individual in society makes women's pathway for empowerment. The mentioned articles are few but their importance is greater, there are many other conventions, international laws and acts which specifically deals with women's. Therefore, the human rights play an important role in women empowerment.

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