



Women's Rights are human rights – The emergence of the women's human rights movement and the impact of the CEDAW Convention

Anesu Mironga¹ Christopher Namilonga² and Luxon Mutsakani³
^{1,2,3}(College of Business, Peace, Leadership and Governance, Africa University)
Corresponding Author: Anesu Mironga

ABSTRACT: *Women rights are human rights. The women's human rights caucus at the 1993 World Conference on Human Rights in Vienna made it apparent to the world that much of what women encounter in their daily lives as abuse has remained concealed to a greater extent outside of the mainstream of international human rights. Despite general understanding that women are routinely exposed to torture, abuse, sexual harassment, humiliation, and exploitation and this continues to be the case and obviously in violation of internationally recognized human rights principles. This paper begins with a historical backdrop of women's human rights, then moves on to the conventions and conferences that promoted women's human rights, with a special emphasis on the 1979 Convention on the Elimination of All Forms of Discrimination Against Women. While there have been negative and positive impacts of the emergence of women's human rights on the overall body of international human rights this paper notes and concludes that more should be done.*

KEYWORDS: *CEDAW, discrimination, Women's human rights, violation*

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I. INTRODUCTION

In 1995 at the Beijing Conference, the then United States of America first lady Hillary Clinton legendarily affirmed that “human rights are women’s rights and women’s rights are human rights” She also added that “women must enjoy the right to participate in the social and political lives of their country” (Haarr, 2010) World over women continue to be faced with universal forms of violence, injustices and discrimination because they are women. According to Watkins (1995) “one half of the world’s population is systematically discriminated and denied opportunity for the crime of having the female chromosome”. Legal procedures continue to systemically support and reinforce discrimination, prejudice and gender inequality, and also spread abuses of human rights and deny meaningful legal protection, compensation, counselling and therapy to women (ICJ, 2020). Despite the global community's joint action toward laws on women's rights as human rights, notably the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979, according to several feminist scholars, the only issue of disputation around human rights is whether they are gender biased and/or gender blind as opposed to being gender equal (Guerrina & Zalewski, 2007). The Beijing Declaration asserts that women's human rights are inextricably linked to universal human rights, and that without concrete steps to promote them, they will merely exist in name (WHO, 2020)

Rights that are equal for both women and men, and also the eradication of all kinds of gender prejudice, unfairness, bias and discrimination are United Nations values and fundamental human rights. Regardless of this, women globally are routinely exposed to human rights violations, and fulfilling women's human rights sometimes does not appear to be a top priority. It is critical to have a clear grasp of how women are biased against and denied equality in order to develop successful techniques for eliminating discrimination against women (McGuire, 2016). When developing measures and initiatives to reduce prejudice against women, all intersecting forms of prejudice and bias must be considered. The impact of women's human rights on the overall body of international human rights will be examined in this paper. It starts with the conceptualization of women's human rights and then moves on to the historical backdrop right into the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). The impact of women's human rights on the political, social, cultural, and economic arenas will be reviewed in the following segment.

II. HUMAN RIGHTS: THE CONCEPT

Contemporarily, human rights are defined in a multiplicity of ways. According to the United Nations, human rights are those rights that are inherent in our natural state and without which we cannot live as human beings (Mishra, 2000). These are the rights that everyone possesses because of their humanity, regardless of race, ethnicity, or gender. Another definition of human rights, according to Christian Bay is that human rights are any claims that require legal or moral protection to ensure that their needs are fulfilled (Bay, 1979). They can also be defined as the fundamental rights that every individual has in the face of any public authority or state as a part of the human family (Vincent, 1986). Scot Davidson's definition in 1993 directly links human rights to the safeguarding of people from the application of authority and the state in specific aspects of their lives. A description by Biswal (2006) is that these are fundamental rights that every individual has in the face of any public authority or state as a part of the human family. It also focuses on the state's establishment of social circumstances that allow individuals to reach their maximum potential (Biswal, 2006). United Nations provides that these are rights that each and every human being possesses as a result of his or her human dignity (UNOHCHR, 2016). They are the basic rights and liberties that every individual has from birth to death, regardless of what we believe, how we conduct our lives, or where we come from (EHRC, 2020).

The definition adopted in this paper is that human rights are those rights without which human beings cannot live in dignity, fairness, and freedom (cultural, political, economic, and social) in any state or nation, regardless of sex, religion, race, color, ethnicity, or place of birth, or any other factors.

III. WOMEN'S HUMAN RIGHTS

Women are a highly vulnerable group so they are given special status, protection and treatment by the United Nations and national human rights organisations. Human rights declarations, accords and agreements forbid gender discrimination and require states to safeguard and achieve rights of women in all spheres, including ownership of property, freedom from violence, access to education that is equal, and political participation. (IJRC, 2022). Women's human rights are described as the liberties, freedoms, and opportunities that women have, the right to be equally treated as men and also have similar legal rights as men (UNOHCHR, 2016). Women's human rights are the fundamental human rights that the United Nations engrained over 70 years ago for every human being on the planet. The rights of women encompass the right to an education, a fair and equal income, the ability to vote, and the freedom from slavery, violence, and discrimination (Global Fund for Women, 2020).

In every part of the world, throughout history women have struggled for equal treatment. In the early twentieth century, the right of women to get an education, work for a living, enter professions, vote, and run for government were all passionately debated subjects. By the beginning of the century, however, these rights, which can be defined as part of the "liberal democratic" political agenda have been recognized and enshrined in laws and traditions of most countries (Council of Europe, 2022). Women still face severe impediments to enjoying these rights in many regions of the world. Women's capacity to exercise their civil, constitutional, political, religious, economic, social, moral, and cultural rights is harmed by discrimination. The refusal to see women's oppression in spheres of life has led to sex-based discrimination, harassment, and brutality against women often being excluded from the human rights program (Parpart, Connelly, & Barriteau, 2000). Patriarchal interests, ideologies, and institutions continue to promote and foster female subordination as if it were natural or inevitable.

IV. EMERGENCE OF WOMEN'S HUMAN RIGHTS

The research of human rights, their genesis and social roots has always been and will always be an important problem in mankind's historical development and continues to be the philosophical, legal and political subject for research.

Women's human rights: A historical background

In a harsh simplification, the development of women's rights could be defined as circular. After a brief era of sex equality, there seems to have been a long period of retreat, followed by attempts to recover some of the equality that had been lost (Breines, Connell, & Eide, 2000). Historical research reveals that a longer gestational phase of women's human rights commencing in the early 15th century. Christine de Pizan, in 1405 published *Le livre de la cite des dames* (the book of the ladies' city). The *Querelle de Femmes* (debate about women), as French feminists name it, was sparked by this literary work (Kumar, 2014). Women in ancient Athens were always viewed and treated as minors who were completely reliant on a male person such as a father, husband, brother, or other male relative. A lady was forced to submit to her parents' or husband's demands, and her permission to marry was never asked (Ikimi, 2018). A wife in ancient Rome was regarded a minor, incapable of behaving according to her own preferences, and thus had to be constantly supervised by her husband. A wife was regarded as her husband's purchased property, obtained only for his advantage.

Furthermore, a woman could not hold any public or civil position in ancient Rome (Abdul Aziz & Moussa, 2015)

Women's human rights became a hot topic in political debates in Britain and France in the 18th century. During this time, famous Enlightenment philosophers maintained democratic ideas of equal opportunity and confronted the belief that an advantaged few should govern over the entire population, as well as the belief that these principles should only apply to their own race and gender (Lauren, 2003). On "the women question," the majority of Enlightenment writers took a traditional view of women, seeing them as physically and socially distinct from men, destined to perform domestic responsibilities within the house and family instead of public and political duties (Offen, 2017). Among the Enlightenment's many writers, Jean-Jacques Rousseau wrote the most suggestive writings on the topic of women's roles in society. He articulated his concept of a perfect education for women in his book *Emile*. Rousseau believed that women should be active members of their families through breast-feeding, nurturing and teaching their children and should not venture outside the home. Jean Jacques Rousseau believed that it was natural for women to obey men (Owusu-Gyamfi, 2016; Reuter, 2017; Lewis, 2019; Bost, 2020). Rousseau (1712-1778) advocated for political rights and liberties and dismissed his contemporaries' support for women's human rights. He said that "women do wrong to complain about the inequity of man-made laws," and that "when she tries to usurp our rights, she becomes our inferior." (Lauren, 2003). Both female and male readers were enthralled and captivated by Rousseau's educational teachings. He campaigned for more liberty, autonomy and independence for male children, and he emphasized the role of mothers in child rearing. Many women, on the other hand, were upset when he claimed that a woman does not need much intellectual preparation to live. Some women used the media and press to articulate their desire for education. A Declaration of Women's Rights was authored by Olympe de Gouges in 1790. Olympe de Gouges, a French activist and author who fought for women's rights and the obliteration of slavery was born Marie Gouze on May 7, 1748. "Declaration of the Rights of Woman and the Female Citizen," her most famous work resulted in her treason trial and conviction after it was published. This led to her execution in 1783 during the Reign of Terror (Gruyte, 2014; Lewis, 2019).

Beginning in 1792, the concept of women's human rights is widely cited starting with Mary Wollstonecraft's writing "Vindication of the rights of women" (Kumar, 2014). Mary Wollstonecraft, mother of Mary Shelley who wrote the novel "Frankenstein" is a steamroller of history in her own right. Wollstonecraft who was self-educated devoted her life to women's education and feminism. Her essay written in 1792 represents one of the earliest literatures on women's equality. The arguments raised are generally considered to be the foundations of modern-day women's human rights movement. Wollstonecraft in her essay writes that men are not more rational or reasonable than women. She also adds that women must receive the same level of education as males in order to contribute to society and if women are excluded from the intellectual realm, society will stagnate (Bennet, 2017). In 1869 in the article "The Subjection of Women" John Stuart Mill, an English political theorist and philosopher said that a wife is a bondservant of her husband and no less than a slave as he described the situation of women in England. Around the 1800s, women in the USA and the United Kingdom began to contest laws that denied them property rights once they married. Women's property and possessions were protected from her husbands and her husbands' creditors by British and American legislators in the 1840s. These statutes were known as the Married Women's Property Acts (Braukman & Ross, 2017). The efforts of women to combat prejudice and discrimination are obscured by claims of a widespread decline in society's recognition of women's equality. Women martyrs are uncommon, but there have been women who have led the way in every society and generation. In the nineteenth century there is Fatimih Umm Salamih who was born in 1817 and resided in Persia. She was given the name Tahirih which means "The Pure One". She disregarded the laws of the day, which classified women as second-class citizens, and fought for gender equality. She was murdered in 1852, her body was put into a well, which was subsequently filled with stones. Her death was silent, her final words were recorded and resonated: "You can kill me as soon as you like, but you cannot stop the emancipation of women."

Women have been involved in the labor movement throughout the contemporary era (Circle of rights, 2020). When female port workers protested to the loading of rice, they were joined by other workers, the 1918 Rice Riots in Japan erupted, resulting in a long fight and a political crisis (Tsuzuki, 2011; Gordon, 2018). In 1922, thousands of labourers at seventy Shanghai silk mills went on strike, demanding higher salaries and a ten-hour workday; this was the China's first large women's strike (Cliver, 2020). Women laborers in India and Sri Lanka were active participants in aggressive industrial agitation and strikes in the years following World War I. Women industrial workers in Colombo, for example were Ceylon Labour Union's most hardline militants, that led to industrial action in Sri Lanka in the 1920s; they wore red, were the most obnoxious picketers and strikers, and acted as bodyguards and security details and for male union leaders at protests and rallies (John Clifford Holt, 2011). Despite repression and difficult conditions, women were to join males in the development of left-wing political parties and trade unions in Iran, Egypt, and Turkey (Al-Ali, 2002; Danon & Collins, 2021). By the 1960's the drive was termed "women liberation" or "feminism". The reformers called for equal

remuneration as men, the freedom to have children or not have children, to plan families as well as legal equality. Over the 20th and 21st century women around the world took on more societal responsibilities working for the government (Botting, 2016). Badawi states that

“...the status which women have reached during the present era was not achieved due to the kindness of men or due to natural progress. It was rather achieved through a long struggle and sacrifice on women’s part and only when society needed her contribution and work, more especially during the two world wars and due to the escalation of technological change.” (Badawi, 2017)

Conventions and conferences

Major conferences and conventions have been held at national and international levels. In a similar manner, many laws and acts are being made by governments to give protection to women and make them legally stronger against any type of discrimination. The Universal Declaration of Human Rights that enshrines equal rights for men and women and addresses issues of equity and equality was adopted in 1948 (UN, 2022). Preceding this was the setting up of the Economic and Social Council (ECOSAC), an organ of the United Nations which established the Commission on the Status of Women (CSW) in 1946 (UN Women, 2022). Some of the major international ones are International Women’s Day (1908), Commission on the Status of Women (1946), Equal Remuneration Convention (1951), United Nations Convention on the Elimination of Discrimination against Women (1967), International Year of Women (1975), First Women Conference (1975), Convention on the Elimination of all forms of Discrimination against Women (1979), the United Nations Development Fund for Women (UNIFEM) (1996) and the United Nations Division for the Advancement of Women (DAW)(1982) (Kumar, 2014). Women's human rights became a global initiative during the United Nations Decade for Women (1976-1985) when women from all walks of life got together and organized themselves to improve their status and position. Numerous women's conferences were organised throughout this decade, including one in Mexico City in 1975, another in Copenhagen in 1980, and another in Nairobi in 1985 to assess the situation of women and devise plans for their advancement (Pietilä, 2007; Adami & Plesch, 2022)

In all this, the Convention on the Elimination of All Forms of Discrimination Against Women has been, for the all the women's movement, a crucial instrument for bringing women's issues into the rights arena

V. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) 1979

The United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979. It includes a preamble and 30 sections, as well as definitions of what is constituted in discrimination against women and national action plans to end such discrimination (United Nations Women, 2009). The Convention on the Elimination of Discrimination Against Women (CEDAW) is one of the ten fundamental United Nations Human Rights instruments, and its thirty articles protect a variety of economic, civil, political, and social rights of women (Cole, 2016). In the agreement discrimination against women is described 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 and any other field.” (United Nations Women, 2009)

This agreement, among other things, acknowledges men and women's legal equality and proposes that men and women be treated equally in education, participation in politics, economic life, work, and health care. CEDAW recognizes women's rights to vote, run for public office, to receive equal remuneration for equal work done, to obtain loans, mortgages and other forms of credit, to own and dispose of property without the consent of male relatives or husbands. It also recognises a woman’s right to enter into and dissolve marriages freely and with full consent (UNIFEM, 2006). Equal educational opportunities, accessibility to family planning services, paid maternity leave, and the suppression of prostitution and women's trafficking are all obligations of the state (Ikimi, 2018).

The Convention, which is one of nine human rights treaties that turned the Declaration's principles into a legally enforceable instrument aimed at achieving women's equality (UN Women, 2022). CEDAW is a bill of rights for women and girls that includes the 1993 Declaration on the Elimination of Violence Against Women and the Optional Protocol, which was enacted on 22 December 2000. CEDAW is notable in a variety of aspects, having been ratified by 186 countries from all corners of the globe. It established the notion of fundamental equality for girls and women, stating that, while rules, policies, laws, and programs may not discriminate against them publicly or directly, girls and women will not be equal unless, in actuality, they have access to equal benefits and opportunities as men (Byrnes & Freeman, 2012). Nonetheless, a lack of regard, concern and respect of women's human rights was recognised in the Beijing Platform for Action citing inadequate advancement and fortification of these rights as chief obstacles to gender equality and the empowerment of women in 1995 (UN Women, 2022).

It has been noted at the ratification of CEDAW higher rates prevail in communist and democratic countries and lower rates in Islamic nations. Women in countries with that belong to CEDAW enjoy greater participation in the economy, have higher literacy rates and more representation in parliament than that of their counterparts in no ratifying countries (Byrnes & Freeman, 2012). Membership to CEDAW is also associated with greater access to primary and secondary education, a large portion of women in public employment and increased government support for contraceptives (Cole, 2016). The Convention on the Elimination of Discrimination Against Women (CEDAW) is the only international treaty that safeguards women's sexual and reproductive rights while also addressing traditional and cultural motivating influences in the formation of family relationships and gender roles (UNFPA, 2014). It also upholds women's and their children's human rights to attain, retain, and change their nationality. Members also undertake to take adequate actions to tackle all types of female trafficking and abuse. Countries that have ratified or acceded to the convention are legally obligated to put the convention's requirements into practice, as well as to submit national reports quadrennially detailing the steps taken in compliance with the treaty's responsibilities (UNIFEM, 2006; ICJ, 2020; UN, 2022).

According to Kevane (2003), the adoption of CEDAW has direct effects on domestic women's human rights. To begin, CEDAW pushes for reforms to national constitutions when the treaty is in conflict. Second, CEDAW advocates for executive and legislative measures to ensure that countries' laws are in compliance with the treaty, and third, In view of treaty obligations, the system of justice may reinterpret legislation.

“...By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.”

(United Nations Women, 2009).

VI. THE CEDAW EFFECT: IMPACT ON WOMEN'S HUMAN RIGHTS

Researchers have struggled to find evidence of the effect of United Nations international human rights conventions, agreements, accords, and treaties. Even when other relevant factors are considered, CEDAW has statistically, significantly, and positively improved women's human rights. Given that CEDAW's enforcement mechanisms were apparently weaker than those of other human rights treaties, this is perplexing. Women's human rights are also bound up in well-established cultural institutions that are difficult to change (Engelhart & Miller, 2014; Cole, 2016). The beneficial impacts of CEDAW are substantial but not universal; they are most prominent in women's political rights, slightly less pronounced in women's social rights, and completely missing in women's economic rights (Engelhart & Miller, 2014). Despite decades of considerable development, women pursuing or practicing basic women's human rights are perceived to be destabilizing and posing immediate challenges to existing power systems, according to Wong (2019). Women's human rights movements impacts on the entire international human rights law body will be examined in this section in terms of political, social, educational, cultural, health, sexual reproductive, and economic rights.

Women's human rights and the political arena

As acknowledged by the European Commission that, “Across the EU, women are still largely outnumbered by men in positions of responsibility, influence and power in all fields. The reasons for the under-representation of women in power and decision-making are multifaceted and complex” (Dersnah, 2016). Economic, social, and cultural difficulties, as well as unfavorable perceptions about women and ingrained gender roles, all contribute to considerable impediments to the involvement of women in both the political life and public life.

While great strides have been made on women representation in national parliaments, there are still challenges faced in ensuring that women are at the decision-making tables. The global portion of women parliamentarians was 11,3 percent in 1995 and 24.3 percent in 2019. Even though this is progress it is far from equality (Rana, 2019). Judging from rankings of Inter Parliamentary Union (IPU) as of 1 February 2019, the country having the most female members in the single or lower house is Rwanda with 61,3 percent, Zimbabwe is ranked number 40 with 31,9 percent, United Kingdom is on position 39 with 32 percent and United States of America has 23,6 percent and is on position 76. The regional average for sub-Saharan Africa is 24,1 percent of women parliamentarians (IPU, 2019). As stated by Kamala Harris, the Vice President of the USA, this is a worldwide issue, and the world has to hear from fifty percent of the world's population if it is to address the world's problems and difficulties. Every woman's right to be heard and to understand her power is always in demand (Wong, 2019). Unfortunately, just 7,2 percent of world leaders of states and 5,7% of world government heads are women, and only 19,1 percent of parliament speakers are women. Lack of support for female candidates, insufficient execution of discriminatory statutory quotas, discriminatory gender stereotypes,

intimidation, harassment, and violence against female politicians and activists are some impediments to women's equal leadership and involvement (Rana, 2019)

There appears to be no complete record of global legislation changes directly that can be attributed to CEDAW and women's human rights. Advocates of CEDAW refer to the redrafting of the Ugandan and Brazilian constitutions where in both instances CEDAW featured prominently in the national constitutional debate (Engelhart & Miller, 2014). Another hindrance in the political arena is the scarcity of women in leadership positions of authority. One of the problems that underpins all policy disputes, according to Amy Klobuchar, a Democratic senator from USA, is the ongoing lack of women in positions of authority. The paucity of female leaders continues to hinder development in everything from salaries to charity and humanitarian work to all types of discrimination, from the political leadership to corporate boardrooms to courts around the world. She also stated that the sooner it is recognised by society that the dearth of females in powerful and influential leadership spaces holds everyone back, not just women, the earlier would it be able to progress (Wong, 2019). Keisha N. Blain concurs that patriarchy is one of the greatest obstacles that is faced by women world over today, and it is most visible in the political sector. The patriarchal character of the society nurtures and promotes the belief that women are less competent and less qualified than men, regardless of their experience, ability, or education (Blain, 2018). Patriarchy has persuaded the public that a smart and powerful women are a problem who disrupts the social structure rather than being a part of it. The media and the press portray women in politics in a skewed light. (Wong, 2019).

Women's Human Rights: A Social Perspective

Worldwide women particularly in middle income and developing countries face a far more rudimentary challenge of still being regarded as property. Saudi Arabia continues to be open about the system that requires women to get permission from a "male guardian" before traveling, enrolling in school, or taking a job (UNDP, 2010). Women are still obliged to be subordinate to men in many countries, with no way to achieve social or financial independence (Wong, 2019). A classic example is in Zambia, where a gender activist, Sara Longwe filed a lawsuit against the Lusaka Inter-Continental Hotel, which had a policy prohibiting unaccompanied women from entering the premises in order to discourage prostitution. An unaccompanied lady was deemed guilty of solicitation and prostitution and denied admission into a public location, according to Ms. Longwe, who understood the policy as discriminatory. Longwe won the lawsuit, with the courts citing CEDAW in their ruling (Kevane, 2003).

Organised crime, conflict and militarisation are also responsible for members infringing on women's human rights. Women have been exploited as a weapon of war in Guatemala for more than 30 years, and they have been exposed to intense levels of brutality. Armed conflict has been replaced by gang violence (Human Rights Watch, 2020). Girls and women have both been victims and targets in Pakistan's SWAT valley and adjacent territories, where extremist insurgence and the government have been in conflict for years. (Abdul Aziz & Moussa, 2015). Women's bodies are in most cases a site of struggle and power as society continues to make rulings with regards to women's bodies. In Indonesia, for example, several regional and provincial governments have implemented by-laws restricting women's mobility and regulating how they dress (Wong, 2019).

According to Christina Hoff Sommers, notwithstanding the emergence of the human rights for women, the threat of harm is a constant today globally (Wong, 2019). Egypt, Saudi Arabia, Cambodia, and Bangladesh are some countries where women are still struggling with practices like honour killings, gender apartheid, child marriages, acid burnings and genital mutilations. There is good news however, the number of women who are educated has risen dramatically in several countries, and women are asserting themselves. Wajeha Al-Huwader was dubbed the "Rosa Parks of Saudi Arabia," in 2008, she posted on the internet a video clip of herself driving a vehicle. Saudi Arabia did not allow women to drive until 26 September 2017. Laws begin to alter as a result of women like Wajeha Al-Huwader. A 71-year-old Somali doctor and lawyer, Dr. Hawa Abdi has been compared to "Rambo" and "Mother Theresa" in Somalia. In remote Somalia, she constructed a refugee camp and hospital, providing a safe haven for approximately one hundred thousand vulnerable women, children, and men. This establishment is transforming into a model civil society under her leadership and guidance (Wong, 2019)

Education and Women's Human Rights

In terms of education, significant progress has been done in ensuring equality in access to education for girls and women. According to the UNESCO Institute for Statistics, the global average for females' elementary, intermediate, and higher education was 6,7 years in 1970 (Fiske, 2012). In 2019, the average duration if time spent in school for girls was more than 12 years. The low – income and developing countries made the most gain, with school life expectancy rising to 8,9 years in 2019 from 2,8 years in 1970. (Rana, 2019).

From a universal perspective, as stated by Keisha N Blain the biggest challenge facing women is educational inequality. Notwithstanding the numerous gains of feminist and women's rights movements in Asia, Africa, the Americas, Europe and beyond Many people still believe that women are less deserving of the

similar educational opportunities bestowed upon men (Blain, 2018). Geographical location, poverty, and other factors are all considered to play a role in the massive disparities in education. The denial and limitation of opportunity is also justified by patriarchy which reinforces the stereotype that women should be in inferior roles while males hold authority in all aspects of society. This pervasive but out-of-date viewpoint fuels educational inequity and a slew of other gender inequities at the international and national levels (Parpart, Connelly, & Barriteau, 2000; Bahlieda, 2015).

The former World Food Program (WFP) executive director, Ertharin Cousin recalls being humbled by women in conflict and crisis environments who, when asked what they wanted, always said they did not want anything for themselves but education for their daughters. Even with adequate education, sadly women around the world still lack equality (Wong, 2019). The designation of girls activities and subjects (netball and home economics) and boys activities and subjects (carpentry, industrial science, and soccer) in most developing world school curriculums, the selection of class captains, segregation of boys and girls, and compulsory dress codes re-enact discrimination in the education system (Ssenyonjo, 2007).

The Universal Declaration of Human Rights declares that every child must receive a free elementary school education, recognizing the essential role that education plays in enabling people to participate in all aspects of life socially, economically, and politically (Council of Europe, 2022). Despite this assurance, millions of girls over the world are hampered by sexist regulations and misogynistic stereotypes that prevent them from receiving an education. School-aged girls in Sierra Leone were met with just such sexist hurdles — a restriction prohibiting pregnant students from attending school. This was challenged and the government was taken to court and it ultimately overturned the sexist rule that denied equal access to education (Ahuja & Garg, 2020). The ban on pregnant students attending school deprived girls' equal educational opportunities and ignored the country's high rate of sexual violence against adolescent females and penalized victims of abuse rather than providing support. This added fuel to the fire of damaging stereotypes that mothers do not belong in schools or in the workplace.

“Once you get pregnant... you are done...As long as I am the President... no pregnant girl would ever be allowed to return to school” John Magufuli, the fifth President of Tanzania, made this comment while speaking at a rally in Chalinze, reiterating the policy of banishment from schools for females who fell pregnant and never allowed to return back to school (Ratcliffe, 2017). President Magufuli's remarks are frequently loaded with sexist mindsets, biased narratives, and discriminatory policy trends. The Education (Expulsion and Exclusion of Pupils from Schools) Regulations, 2002, codify Tanzania's policy of preventing pregnant girls and adolescent mothers from going to school or returning to school after giving birth, and has been in effect since 1961 (Ahuja & Garg, 2020). It also includes the enforcement of intrusive, periodically forced pregnancy tests on females, as well as disciplinary procedures and expulsions, thereby terminating their education. This policy not only violates human rights, it also breaches the Tanzanian Constitution's rights to equality, and rights to privacy and education guaranteed by Tanzania's international treaty commitments (Human Rights Watch, 2017; Ahuja & Garg, 2020).

Feminism, Women's Human Rights, and Culture

Culture is a phrase used by anthropologists to describe a group or community in which individuals live and think in similar ways (Ssenyonjo, 2007). Culture is made up of common values, knowledge, inherited ideas, and beliefs that serve as the foundation for social action. In this perspective, culture is a broad concept that includes religion as a component. The Special Rapporteur of the United Nations emphasised “the right of women to have access to, engage in, and contribute to all elements of cultural life and this includes the right of women to actively participate in identifying and interpreting cultural history and traditions, as well as the decision to keep, realign, modify, or abandon certain practices, values, or traditions” (Bennoune, 2016). Cultural rights must also be considered in terms of who in the community has the authority to define the group's collective identity (Bennoune, 2016). The preservation of a cultural community's survival and cohesion should not come at the expense of some of its members. The Special Rapporteur emphasizes in the report that ensuring equal access to cultural rights is an effective strategy to avoid cultural arguments from being used as barriers to the full attainment of women's rights (Bennoune, 2016).

There has been ratification in many parts of the world of human rights treaties that promote and safeguard women's human rights but these rights are still being violated resulting from long-standing cultural practices (Doepke, Tertilt, & Voena, 2011). Ethnic groups around the world have their different cultural customs and practices. It is this diversity of cultures that has fueled incongruence of ideas amongst women against uniting as one force to promote women's human rights especially in cultural settings (Ikimi, 2018). The family can be a supportive and warm cultural environment, or it can be stifling, abusive and oppressive (Abdul Aziz & Moussa, 2015). The key recommendations to states included in CEDAW are abolishment of all cultural laws that sustain harmful stereotypes based on gender, the adoption of measure that recognise women's contribution to culture, guaranteeing that the state supports women and girls equally in the arts, sciences, and sports, and

taking a stand against establishments that threaten, intimidate and harm women who assert their right to be involved in cultural life (Bennoune, 2016).

There are a number of types of unions and marriages that are despised, prohibited and seen as taboo. Inter-faith, inter-caste, and inter-communal marriages, as well as marriages to foreigners (in the Gulf States). If not criminalized or stigmatized, these self-defined and self-created marriages are not tolerated. In these unions, women are more frequently prosecuted than men (IRBC, 2019).

Despite its important role in establishing worldwide norms for women's rights, the Convention exhibits some shortcomings, particularly for African women. Cited is its cultural insensitivity, which stems from the widely held belief that culture and women's human rights are always directly exclusive or unavoidably polar, with the former regarded as an obstacle to the latter's achievement and full enjoyment (Rawal & Agrawal, 2016). The Maputo Protocol's main goal is to dispel such misconceptions by contextualizing global standards to African realities through internal discourse and reform. In many ways, the protocol, which has been approved by several African countries, is groundbreaking and transformational (Equality Now, 2021; Centre for Human Rights, 2022; Chaban, et al., 2017). In addition to its holistic approach, the protocol is notable for protecting women's rights to peace, inheritance, and abortion. In addressing the issues of women with HIV/AIDS, women in armed conflicts, elderly women, and widows' rights, it goes beyond the ACHPR and CEDAW (Sigsworth & Kumalo, 2016). Unlike CEDAW, because it was initiated and drafted by African women, the protocol has no concerns with legitimacy or credibility. Most importantly, Article 17 of the protocol provides that "Women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies." Rather than being only a subject of discussion, this provision allows African women to participate actively in internal conversation, correcting discriminatory traditions and detrimental cultural practices that have become ingrained in the social structure. The Maputo Protocol, it can be deduced, harmonised the doctrines of universalism and cultural relativism to a significant extent (Gashaw, 2020)

Sexual and reproductive health and rights

Sexual and Reproductive Health (SRH) is a human right that is critical to human growth and achieving the Sustainable Development Goals (SDGs). Pregnancy, delivery, abortion, as well as HIV/AIDS, malignancies and cancers of the reproductive tract and sexually transmitted infections (STIs) (Ikimi, 2018). Despite the advancement of human rights, one of the most pressing issues confronting a woman today is the rise in maternal death rates across the globe. According to the World Health Organization, 830 women die every day from pregnancy-related conditions that may have been avoided (Wong, 2019). Women with mental disabilities, according to Ssenyonjo (2007), are particularly vulnerable to sexual abuse and sterilisation, which both constitute infringement of her sexual and reproductive rights. Access to affordable and relevant health care, as well as accurate and comprehensive health information, are basic human rights. Discrimination based on gender, poverty, lack or limited access to education, and violence against women and girls can all prohibit women and girls from enjoying their rights – obstacles that are all too common when it comes to sexual and reproductive health (SRH) and safe motherhood (World Banks, 2019).

SRH problems include deaths and disability related to pregnancy, abortion and delivery, venereal infections, HIV and AIDS, and genital tract cancers. (UN Women, 2022). SRH is responsible for at least 20% of the worldwide burden of disease for women of reproductive age and 14% for men. For a multitude of reasons, sexual and reproductive rights are crucial. Women have the decision and control - when they have access to safe, inexpensive, and effective contraception. By preventing unwanted or closely spaced pregnancies among women, family planning information and services can assist enhance mother and newborn health (Kangas A., Haider, Fraser, & Browne, 2015; Starrs, et al., 2018). Complications during pregnancy are very common in adolescent girls. Sexual and reproductive rights can also aid in HIV and AIDS prevention. In underdeveloped countries, high fertility rates, early childbearing, and high birth rates among teenagers are all associated to an elevated risk of contracting HIV and cervical cancer (Jonas, Crutzen, Borne, Sewpaul, & Reddy, 2016; Kassa, Arowojolu, Odukogbe, & Yalew, 2018). In addition, it is estimated that up to 70,000 maternal mortality rates (13%) occur each year as a result of unsafe abortions. More than 140 million married or in a union women aged between fifteen and forty nine around the world have an unfulfilled family planning need (UN, 2013). In Sub-Saharan Africa, where SRH programs have progressed slowly and failed to reach enough impoverished adolescent girls and women, who are more exposed to poor health outcomes, the unmet need for contraception remains particularly high. There has been progress where country policies, budgets, and programs have reflected the International Conference on Population and Development (ICPD) aims (UNFPA, 2008).

The State of Women's Economic Rights

Despite substantial improvements over time, women continue to confront impediments to entrepreneurship and employment. In fact, women around the world enjoy about three-quarters of the economic legal rights that men have. Equal chances are vital not only in terms of human rights, but also in terms of

economics (World Bank, 2022). Women are more likely to enter the work force and contribute to the economic development if they can work outside the home and manage their finances (Ross, 2020). Doepke, Tertilt, and Voena (2011) claim that women's human rights are inextricably linked to economic development. In developing countries, the disparity between males and women's economic rights is substantially greater than in industrialized countries. It should also be mentioned that, even in today's wealthy countries, women had minimal rights before economic progress (World Bank, 2022).

Despite the fact that slavery was abolished 150 years ago, "domestic slavery" still exists in Europe, according to the Parliamentary Assembly Council of Europe, with women as the majority of the victims (ECHR, 2015). This tendency is also observed in other countries. In Africa, one example is Mauritania, the effects of slavery are still felt, much to the detriment of women (The Guardian, 2018). Women's average pay was lower than men's in every state where information was available, regardless of degree, and women had double responsibilities. Women make up more than 60% of those employed in family companies and unpaid ventures. Women are disproportionately represented in low-wage jobs (Ssenyonjo, 2007). Women are still susceptible to practices that are discriminatory such as having to submit a non-pregnancy certificate to acquire job or avoid being fired (Ssenyonjo, 2007; Becker, Fernandes, & Weichsel, 2019; Mykhalchenko & Recavarren, 2021). There is need for the redefinition of the word work. The definition of work should change to encompass "unpaid work at home, on the family land and elsewhere and include work that is not valued by society". Women's productive labor should be recognized in the redefinition of work, allowing women to profitably participate in home-based work (Circle of rights, 2020).

"Poverty has a woman's face" to quote Tarhira Abdullah, the feminisation of poverty unfortunately is on the increase (Watkins, 1995) Women are increasingly the ones who suffer in poverty. It is reported that over a billion people live in poverty with the majority being women. Due to their poverty, women's human rights are routinely violated. Women's human rights are infringed when they lack enough food, housing, and health care. Conversely, Women's human rights abuses, particularly the right to equality and non-discrimination, contribute to poverty. Women's vulnerability to poverty is heightened when they are refused equal access to jobs, paid less than men, or restricted from inheriting buildings and assets by tradition or legislation. Women's ability to protect themselves from poverty is severely harmed when they are deprived equal access to education. (PGHRE, 2020). Globalization has introduced not only structural adjustment programs that undermine nation-states and national economies, but also promote more exploitative sorts of agriculture, business and industries. According to statistics, the female labor workforce is the most impacted. Furthermore, as the world's poor grow poorer, women get to be the lowliest of all. The "feminisation" of poverty has become a reality in today's world. Reduced social spending, such as on healthcare system, fertilizer subsidies, education, transportation, and food, has been a key component of many nations' "structural adjustment programs" enforced by international financial institutions (PGHRE, 2020).

The capacity of women to exercise rights in every domain is beckoned into uncertainty by their land and property entitlements. In a number of nations and cultures around the world, women's rights to equal portions in marital property, equal inheritance, and recognition as legitimate and valid owners of land and real estate, with the capacity to purchase, lease, sell, and borrow loans based on that property, are all denied (Arekapudi & Almodóvar-Reteguis, 2020). In a dispute involving inheritance rights in Zimbabwe, the Zimbabwe Supreme Court made a significant judgement in 1999, elevating customary law over the constitution. Venia Magaya, 58, filed a lawsuit against her half-brother for the title of her late father's land after her half-brother had evicted her. Under Zimbabwe's constitution, Magaya had a title to the land, but the court determined that a woman should not be entitled to inherit land due to African society's belief that a woman is unable to care for her birth family due to her marriage commitment to their new family. The Supreme Court elevated customary laws above the country's constitution in this decision. (Circle of rights, 2020)

In September 2021, the High Court of Kenya in Nakuru declared that a female partner's (the plaintiff) housekeeping and care-work qualified her to an equal part of the spousal property at the time of the marriage's breakup (Kenya Law, 2021). In the case of MW v AN, the couple got married in 1990, separated in 2003, and divorced in 2011. The dispute was over the fate of a property built in Nakuru. Regardless of the fact that the house was registered in the defendant's male husband's name, the plaintiff alleged that she had taken out multiple loans to finance the purchase of the land and construction of the house. She had also been the family's sole carer while having a career at the same time (Bhatia, 2021). In his part the defendant, claimed that not only had he purchased the land on his own, but that he had also been providing funds for his wife's care. According to the Matrimonial Property Act of 2013, Section 6(7) matrimonial property "vests in the spouses according to the contribution of either spouse to the question, and shall be divided between both the spouses if they divorce or their marriage is otherwise dissolved," according to Justice Mumbua Matheka. The Court of Appeal concluded that where both parties made a "substantial but unascertainable contribution," equal division would be the default rule. Of course, the query revolved on the definition of the word "contribution." Herein, Justice Matheka pointed out that "contribution" will have to encompass not only monetary contributions, but also

"invisible" contributions like as housework and care-work (Bhatia, 2021). She made the following and noted this observation:

“...This other part of mothering, housekeeping and taking care of the family is more often than not given any value when it comes to sharing matrimonial property. It is easy for the spouse working away from home and sending money to lay claim to the whole property purchased and developed with that money by the spouse staying at home and taking care of the children and the family. That spouse will be heard to say that the other one was not employed so they contributed nothing. That can no longer be a tenable argument as it is a fact that stay at home parents and in particular women because of our cultural connotations do much more work (house wives) due to the nature of the job . . . hence for a woman in employment who has to balance child bearing and rearing this contribution must be considered. How do we put monetary value to that process where a woman bears the pregnancy, gives birth, and takes care of the babies and where after divorce or separation she takes care of the children single handedly without any help from the father of the children. . . . Should this court take this into consideration when distributing matrimonial property where the husband as in this case is left in the matrimonial home where the wife rents a house to provide shelter for herself and the children? I think it should count, especially where the husband has not supported the raising of the children, has not borne his share of parental responsibility.” (Bhatia, 2021).

VII. CONCLUSION

Women's human rights future around the world is under threat. Genuine equality will only occur when a woman has access to her rights, which range from equal remuneration, the right to own property, sexual rights, freedom from assault, education access, rights to maternal health and rights to sexual reproductive health. Countries and economies will be transformed and all women will have the independence they are entitled to only when women have an equal political voice, taken on peace-making and leadership roles. While international conventions and regulations ban discrimination against women, ensuring that these standards and norms are implemented at the grassroots level necessitates a thorough awareness of the local economic, political, social, and cultural landscape. Because it works from the ground up, civil society's active participation and involvement can help to speed up the entire process.

Despite significant advances in theory and policy formulation in the arena of women's human rights, a woman continues to confront serious violations of their social, economic, sexual and reproductive and political, rights in the home, workplace, and community. Human rights for women should be revisited with renewed enthusiasm. Human rights for women should be a central component of international organizations' and states' welfare strategies and development. True equality will only exist when women and girls have complete access to their rights, which include everything from equal pay and property ownership to sexual rights, protection from torture, educational access, and maternal health rights. Only then will all women and girls be able to exercise their right to self-determination.

The Convention on the Elimination of All Forms of Discrimination Against Women establishes a framework and a procedure for governments and civil societies to work together in ensuring that women's basic rights are fully realized. The universal ratification and enforcement of CEDAW would increase countries' abilities to advance women's human rights, resulting in a healthier, more just, wealthy, and safe world for everyone

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