

## **Women's Rights as an Aspect of Human Rights**

### **WOMEN'S RIGHTS AS AN ASPECT OF HUMAN RIGHT**

- **DEFINITIONS OF HUMAN RIGHTS**
- **AN OUTLINE OF THE ORIGIN AND DEVELOPMENT OF HUMAN RIGHTS**
- **REASONS FOR WOMEN'S RIGHTS**

**BY**

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## **Women's Rights as an Aspect of Human Rights**

### **Abstract**

*All around the world, women share the same rights. The right to live a life free from violence and slavery; the right to be educated; the right to earn fair and equal wage; the right to own property; the right to expression and freedom to vote. These are human rights, and human rights are inherent to all - without discrimination. However, as history shown, these principles are only honoured theoretically. Women have been discriminated against, from the dark ages, to the middle ages, up to the enlightenment age and currently. Gender equality is not only a basic human right, but its achievement has enormous socio-economic ramifications. Empowering women fuels thriving economies, spurring productivity and growth. Unfortunately, we are a long way from realising this, and not one country in the world has yet achieved gender equality. Women everywhere are still faced with discrimination despite the innumerable number of legislations made to protect them from such discriminatory practices. This paper is an attempt to define human rights, trace the history of human rights, show the relationship between women's rights and humans rights, and highlight the reasons why there is need for a separate women's right in light of the insufficiency of human rights adequately protecting women and girls.*

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## **INTRODUCTION:**

Even though they make up half of population, women and girls have endured discrimination in most societies for thousands of years. In the past, women were treated as the property of their husbands or fathers. They were considered chattels, and were owned. They couldn't own land or properties, they couldn't vote, or go to school, and were subject to beatings and abuse and could do nothing about it. Until 2018, women in Saudi Arabia were not permitted to drive, and despite freedom of movement being a human right, women in Saudi Arabia cannot travel outside their country without permission from their male guardian till date.

There are different international, regional and domestic instruments that provided for the safeguarding of human rights. These documents all clearly provide that human rights are to be enjoyed by every human being irrespective of their sex, etc, yet it appears throughout history that women have been stripped of the title of "human" as they don't enjoy these rights. This gender discomfort led to the advocacy by women for their rights. It has sponsored various women's rights movements all geared towards the protection of women and girls and their rights.

This paper attempts to define human rights and it aligns with the definitions given by scholars, jurists and human rights treaties. It further discusses the origins of human rights, its evolution and development over the years, from the ancient city of Cyrus till modern day international documents. It also highlights the factors that contributed to the women's rights movement, and the background to the development of women's rights documents. It draws a conclusion by showing the relationship between women's rights and human rights.

### HUMAN RIGHTS

#### 1.0. DEFINITION:

Just like so many terms that have juxtaposing definitions, there is no commonly agreed definition of the term – Human Rights. Various authors and jurists have attempted to define the concept.. Human rights could be defined as those sets of rights that are inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. They are rights that one possesses simply because he exists as a human. It stands alone and does not depend on any other factor or number of factors such as sex, ethnicity, nationality or status to be conferred on a person or to be recognised. All persons are entitled to enjoy these rights without discrimination. Some of these rights include - the right to life, right to liberty, freedom from slavery and torture, freedom of opinion and expression, the right to dignity, right to security from harm, legal equality, political participation, etc.

The United Nations defined human rights as those rights which are inherent in our state of nature and without which we cannot live as human beings.<sup>1</sup> They further state that they are *'rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination'*.<sup>2</sup>

Michael Freedon defined human rights as a conceptual device, expressed in linguistic form that assigns priority to certain human or social attributes regarded as essential to the adequate functioning of a human being that is intended to serve as a protective capsule for those attributes; and that appeals for a deliberate action to ensure such a protection.<sup>3</sup>

Human rights was also defined by Donnelly as 'the rights of man... literally the rights that one has because one is human'.<sup>4</sup> Bantekas and Oette noted that a lot of people and groups use human rights in a loose way to mean rights available to every person because they are human.<sup>5</sup>

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<sup>1</sup> Mishra P, (2000) Human Rights Global Issues. (Delhi: Kalpaz Publications).

<sup>2</sup> <https://www.un.org/en/global-issues/human-rights> accessed 7<sup>th</sup> Jan, 2023.

<sup>3</sup> Tapan B, (2006) *Human Rights Gender and Environment* (New Delhi: Viva Books Private Limited).

<sup>4</sup> Donnelly J, (2013) *Universal Human Rights in Theory and Practice*, 3rd edn, (Cornell University Press: New York).

<sup>5</sup> Bantekas I, and Oette L, (2016) *International Human Rights Law And Practice*, 2nd edn,

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These simple definitions basically reflect the foundation of the two words forming the term. The term 'Human' generally refers to every person on earth irrespective of their gender, age, ethnicity, nationality, ideology, orientation, religion or inclinations. Rights refer to the privileges that one compulsorily deserves irrespective of the person's gender, age, ethnicity, nationality, ideology, orientation, religion or inclinations. Rights are usually legally enforceable. Human rights can therefore be said to be privileges and opportunities which a person is entitled to by virtue of being a human being.

According to Foster, human rights have been viewed from three main categories, namely:

- a) Civil and political rights, which protects people from the infringements of governments, organizations or other people;
- b) Socioeconomic and cultural rights, which includes right to education, housing and satisfactory living conditions; and
- c) Solidarity rights, which recognizes the importance of equality and non-discrimination.<sup>6</sup>

### 1.1. CATEGORIES OF HUMAN RIGHTS

The United Nations Human Rights Handbook for Parliamentarians No. 26,<sup>7</sup> in categorizing human rights, first of all stated that:

*'Human rights pertain to all aspects of life. Their exercise enables all individuals to shape and determine their own lives in liberty, equality and respect for human dignity. Human rights encompass civil, political, economic, social, and cultural rights, as well as the collective rights of peoples'*

It went further to classify human rights with examples thus:

- **CIVIL AND POLITICAL RIGHTS include:**
  - Right to life

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(Cambridge University Press: England).

<sup>6</sup> Foster S, (2006) *The Judiciary, Civil Liberties and Human Rights* (Edinburgh University Press: Scotland).

<sup>7</sup> <https://www.ohchr.org/sites/default/files/Documents/Publications/HandbookParliamentarians.pdf> accessed 7<sup>th</sup> January, 2023.

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- Freedom from torture and cruel, inhuman or degrading treatment or punishment
- Freedom from slavery, servitude and forced labour
- Right to liberty and security of person
- Right of detained persons to be treated with humanity
- Freedom of movement
- Right to a fair trial
- Prohibition of retroactive criminal laws
- Right to recognition as a person before the law
- Right to privacy
- Freedom of thought, conscience and religion
- Freedom of opinion and expression
- Prohibition of propaganda for war and of incitement to national, racial or religious hatred
- Freedom of assembly
- Freedom of association
- Right to marry and found a family
- Right to take part in the conduct of public affairs, vote, be elected and have access to public office

### ➤ **ECONOMIC, SOCIAL AND CULTURAL RIGHTS include:**

- Right to work
- Right to just and favorable conditions of work
- Right to form and join trade unions
- Right to social security
- Protection of the family
- Right to an adequate standard of living, including adequate food, clothing and housing
- Right to health
- Right to education

### ➤ **COLLECTIVE RIGHTS include** right of people to:

- Self-determination
- Development
- Free use of their wealth and natural resources

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- Peace
- A healthy environment
- Rights of national, ethnic, religious and linguistic minorities
- Rights of indigenous peoples

### 1.2. CHARACTERISTICS OF HUMAN RIGHTS

- 1) **UNIVERSAL:** Human Rights are universal. This is because they are based on every human being's dignity, irrespective of race, colour, sex, ethnic or social origin, religion, language, nationality, age, sexual orientation, disability or any other distinguishing characteristic. Values such as divinity, dignity and equality which form the basis of these rights are inherent in human nature. This is accepted by all States and peoples, and they apply equally and indiscriminately to every person and are the same for everyone everywhere.
- 2) **INALIENABILITY:** Human rights are conferred on an individual due to the very nature of his existence. They are inherent in all individuals irrespective of their caste, creed, religion, sex and nationality. No person may be divested of his or her human rights, save under clearly defined legal circumstances. For instance, in Nigeria, a person's fundamental right to liberty may be restricted in compliance with the lawful order of the Court, and other instances as provided in the Constitution.<sup>8</sup>
- 3) **INDIVISIBLE AND INTERDEPENDENT:** Human rights are indivisible and interdependent. This is because each human right entails and depends on other human rights, and violation of one right will affect the exercise of other human rights. For instance,, the right to life presupposes respect for the right to food and to an adequate standard of living; denial of the right to basic education may affect a person's access to justice and participation in public life. Again, the promotion and protection of economic and social rights presupposes freedom of expression, of peaceful assembly and of

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<sup>8</sup> Section 35, 1999 Constitution of the Federal Republic of Nigeria (as amended).

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association. Accordingly, civil, cultural, economic, political and social rights are complementary and equally essential to the dignity and integrity of every person.<sup>9</sup>

The international community in upholding this view, declared thus at the 1993 Vienna World Conference:

*'All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms'.<sup>10</sup>*

- 4) **HUMAN RIGHTS ARE NOT ABSOLUTE:** Man is not an Island. He is a social animal, and lives in a society. The society in a bid to protect itself, its citizens, and maintain order, always put certain restrictions on the enjoyment of mans rights and freedoms. Human rights, although recognized and guaranteed by the State, have restrictions around them. For instance, in Nigeria, the right to life, though a human right, has some exceptions. Section 33 (2) of the Constitution, provide the exceptions to the right to life to include - deprivation of life in defence of a person or unlawful violence or defence for property; to effect a lawful arrest or to prevent the escape of a person lawfully detained; and for the purpose of suppressing a riot, insurrection or mutiny.<sup>11</sup>

## 2.0. ORIGIN AND DEVELOPMENT OF HUMAN RIGHTS

Throughout ancient history, traces of human rights have been witnessed by the different ages and epochs. Human rights can be found in ancient religious and philosophical concepts of

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<sup>9</sup> Op Cit. 7.

<sup>10</sup> World Conference on Human Rights, Vienna (1993) Vienna Declaration and Programme of Action, paragraph 5.

<sup>11</sup> 1999 Constitution of the Federal Republic of Nigeria (as amended).

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compassion, charity, justice, individual worth, and respect for all life as found in Christianity, Hinduism, Judaism, Buddhism, Confucianism, and Islam.

The origin and development of human rights can also be traced back to philosophical thoughts and debates that has raged for decades within European societies and their colonies. The debates were focused on a search for general moral standards of political organisation and behaviour that would be independent of the contemporary society. The notion of good or bad was highly subjective and people were becoming unsatisfied with the notion that what is right or good is simply what a particular society or ruling elite feels is right or good at any given time.

The dissatisfaction led to a quest for clearly defined moral principles that would bind societies and their leaders over time, and from place to place. The thoughts birthed human rights debates and spurred the emergence of natural law theories in Ancient Greece and Rome and culminated in the rebellions in the 17th and 18th century Europe, the philosophies of the Enlightenment period, and the Declarations that launched the American and french revolutions combined with the 19th century abolitionist, workers' rights and even the women's suffrage movements.<sup>12</sup>

### 2.1. THE CYRUS CYLINDER (539 BC):

In 539 B.C., the armies of Cyrus the Great, the first king of ancient Persia, conquered the city of Babylon. But it was his next actions that marked a major advance for man. He freed the slaves, declared that all people had the right to choose their own religion, and established racial equality. These and other decrees were recorded on a baked-clay cylinder in the Akkadian language with cuneiform script. It is known today as the '**Cyrus Cylinder**', and this ancient record has now been recognised as the world's first charter of human rights. It is translated into all six official languages of the United Nations and its provisions parallel the first four Articles of the Universal Declaration of Human Rights.<sup>13</sup>

Other precursors of human rights declarations are found in the ancient codes of Hammurabi in Babylon (about 1772 BCE), edicts of Ashoka in India (about 250 BCE), and rules and traditions of pre-colonial Africa and pre- Columbian America.<sup>14</sup>

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<sup>12</sup> Hunt, L (2006) *Inventing Human Rights: A History* (W. W. Norton & Company: New York).

<sup>13</sup> <https://www.humanrights.com/what-are-human-rights/brief-history/> accessed 8<sup>th</sup> January, 2023.

<sup>14</sup> Allott and Eunomia, (1990) *New Order for a New World* (Oxford University Press: England).

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### **2.2. THE MAGNA CARTER (1212):**

The Magna Carter of the English world (Magna Carta, meaning 'The Great Charter'), is another famous documents in the world and has arguably the most significant early influence on the extensive historical process that led to the rule of constitutional law today in the English world. It an instrument of peace (drafted by the Archbishop of Canterbury) between King John I of England and the rebel barons. It upheld the right of churches, protected the barons from illegal imprisonment, ensured access to swift justice and limited feudal payments to the Crown. It was signed and issued by King John of England in 1215 as a practical solution to the political crisis he faced in 1215. The Magna Carta established for the first time the principle that everybody, including the king, was subject to the law. It enumerated what later came to be thought of as human rights. Among the established rights were - the right of the church to be free from government interference, the rights of all free citizens to own and inherit property and to be protected from excessive taxes. It established the right of widows who owned property to choose not to remarry, and established principles of due process and equality before the law. It also contained provisions forbidding bribery (and official misconduct. It is still viewed as one of the most important legal documents in the development of modern democracy. The Magna Carta was a crucial turning point in the struggle to establish rights.<sup>15</sup>

### **2.3. THE ENGLISH BILL OF RIGHTS (1689):**

The seventeenth century was a period of significant civil strife in England, including the protracted English Civil War in the mid-century and the largely bloodless Glorious Revolution in the latter half. The English Bill of Rights helped to resolve the Glorious Revolution, and consequently, to resolve some of the issues left over from the English Civil War. The English Bill of Rights was precipitated by a number of factors, foremost amongst them, a concern for religious freedom. The Bill of Rights helped to establish religious freedom, and the Parliament as an independent branch of government, no longer dependent on the monarch. The effect was to establish an early version of the separation of powers.

The English Bill of Rights is an important document in the evolution of civil rights. It is rooted in the theory of John Locke, whose treatise on government included the fundamental rights to

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<sup>15</sup> <https://www.bl.uk/magna-carta/articles/magna-carta-an-introduction> accessed 10<sup>th</sup> January, 2023.

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life, liberty, and property, which was in contrast to the traditional practices of the English where the Monarch was exalted above all else.

The Bill of Rights also guaranteed a number of key political and civil rights, including free speech (at least for members of Parliament), the right to bear arms (at least for Protestants), the right to petition the government for grievances, etc. Although social elites (especially the 'gentry') would long continue to control Parliament politically, they did so in the name of the English people as a whole, and the members of the House of Commons, which dominated Parliament, served as elected representatives of local districts. Thus the Glorious Revolution marked the end of true monarchical rule, the advent of a Parliamentary or republican form of government, and a shift in the justification for government from divine right to popular sovereignty—the idea that the people themselves are sovereign.<sup>16</sup>

### **2.4. UNITED STATES DECLARATION OF INDEPENDENCE (1776):**

On the 4<sup>th</sup> of July, 1776, the United States Congress approved the Declaration of Independence. The Declaration of Independence, by which the American colonies severed their allegiance to the British Crown in 1776, proclaimed that “all men are created equal.” The declaration written by Thomas Jefferson and other prominent US political figures, proclaimed the right to life, liberty and the pursuit of happiness. It asserted the right of a people to dissolve political bonds that had come to be oppressive and announced the colonies' separation from Great Britain.

### **2.5. THE FRENCH DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN (1789):**

The Déclaration des Droits de l'Homme et du Citoyen (Declaration of the Rights of Man and of the Citizen) (1789) of the French Revolution adopted in 1789, by France's National Assembly, represents one of the basic charters of human liberties, containing the principles that inspired the French Revolution. The Declaration emerged from the tenets of the Enlightenment, including individualism, the social contract as theorized by Jean-Jacques Rousseau, and the separation of powers espoused by Montesquieu.

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<sup>16</sup> <https://www.ssc.wisc.edu/~rkeyser/wp/wp-content/uploads/2015/06/English-Bill-of-Rights1.pdf> accessed 10<sup>th</sup> January, 2023.

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The basic value introduced by the Declaration was that all “men are born and remain free and equal in rights”, which were specified as the rights of liberty, private property, the inviolability of the person, and resistance to oppression. All citizens were equal before the law and were to have the right to participate in legislation directly or indirectly; no one was to be arrested without a judicial order. Freedom of religion and freedom of speech were safeguarded within the bounds of public “order” and “law”. Private property was given the status of an inviolable right, which could be taken by the state only if an indemnity were given and offices and positions were opened to all citizens.<sup>17</sup>

All these documents asserting individual rights, such as the Magna Carta (1215), the Petition of Right (1628), the US Constitution (1787), the French Declaration of the Rights of Man and of the Citizen (1789), and the US Bill of Rights (1791) were the written precursors to many of today's human rights documents.

### **2.6. THE UNITED NATIONS AND HUMAN RIGHTS:**

One of the great achievements of the United Nations is the creation of a comprehensive body of human rights law—a universal and internationally protected code to which all nations can subscribe and all people aspire. The United Nations has defined a broad range of internationally accepted rights, including civil, cultural, economic, political and social rights. It has also established mechanisms to promote and protect these rights and to assist states in carrying out their responsibilities.

The foundations of this body of law are the Charter of the United Nations and the Universal Declaration of Human Rights, adopted by the General Assembly in 1945 and 1948, respectively. The United Nations Charter is addressed to states as moral actors, while the Universal Declaration of Human Rights (UDHR) addresses the individuals. Since then, the United Nations has gradually expanded human rights law to encompass specific standards for women, children, persons with disabilities, minorities and other vulnerable groups, who now possess rights that protect them from discrimination that had long been common in many societies.

#### **2.6.1. CHARTER OF THE UNITED NATIONS (1945):**

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<sup>17</sup> <https://www.coespu.org/articles/human-rights-evolution-brief-history> accessed 10<sup>th</sup> January, 2023.

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The Nuremberg trials at the end of the second World War marked the first significant attempt to penalize violations of principles of human rights. At Nuremberg, from 1946 to 1949, the Nazis were prosecuted by the Allied tribunal for war crimes, crimes against peace and crimes against humanity. War crimes included the violation of the rules of war, such as bombing in civilian areas, gratuitous attacks on civilian populations of other nations and mistreatment of prisoners of war. Crimes against peace consisted of waging a war of aggression, or waging war in violation of treaties. Crimes against humanity was the extermination of German Jews, gypsies, communists and other groups. It was only under the category of crimes against humanity, that a cognizable claim could be made against a state for violence done to its own citizens.

Shortly after the Allied tribunal tried Nazi leaders on charges of crimes against humanity, the notion of human rights was incorporated in the charter of the newly-formed United Nations (UN). The UN Charter provided that all signatory governments would promote "universal respect for, and observance of, human rights and fundamental freedoms. The Universal Declaration, adopted in 1948, enumerated these rights, giving them a broader meaning than the standards employed at Nuremberg.

Until 1945, international protection of individual human rights was confined to treaties abolishing slave trade, the laws of war and the minority rights which were concluded after the Treaty of Versailles (1919). It was after 1945, that the rights of all human individuals have come under the protection of international law.

The Charter of the United Nations is the founding document of the United Nations. It was signed on 26<sup>th</sup> June, 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945.

### **2.6.2. UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948):**

The Universal Declaration of Human Rights (UDHR) is an important document in the evolution of human rights. It was drafted by representatives with different legal and cultural backgrounds from all regions of the world. The Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 by General Assembly resolution 217 A (III) as a common standard of achievements for all peoples and all nations. It set out, for the first time, fundamental human rights that were to be universally protected. Since its adoption in 1948, the

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UDHR has been translated into more than 500 languages – making it the most translated document in the world. The UDHR has inspired the constitutions of many newly independent States and many new democracies. The UDHR, together with the International Covenant on Civil and Political Rights and its two Optional Protocols (on the complaints procedure and on the death penalty) and the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, form the International Bill of Human Rights.<sup>18</sup>

The UDHR which contains 30 Articles, specifies and unequivocally affirms, among others the following generally agreed upon basic rights:

- a) right to life, liberty, and security of a person (Article. 3);
- b) the right not to be subjected to torture or to cruel inhuman or degrading treatment or punishment (Article. 5);
- c) the right to equal protection of the law (Article. 7);
- d) the right not to be subjected to arbitrary arrest, detention or exile (Article. 9);
- e) the right to a fair and public trial by an independent and impartial tribunal (Article. 10);
- f) the right to freedom of thought, conscience and religion (Article. 18);
- g) the right to freedom of opinion and expression (Article. 19);
- h) the right to freedom of peaceful assembly (Article. 20)
- i) the right to work, equal pay for equal work (Article. 23);
- j) the right to a standard of living adequate for health and well being... including food, clothing, housing and medical care (Article.25);
- k) right to education (Article. 26);
- l) the right to a social and international order in which the rights set forth in the declaration can be fully realized (Article. 28); and
- m) the duties and limitations of individuals in the exercise of rights and (Article. 29); and
- n) provisions for protection against human rights abuse (Article. 30).

The United Nations and its specialised agencies have adopted many other non-binding human rights instruments devoted to women and specific groups, including refugees, aliens and stateless persons, minorities and indigenous peoples, persons deprived of their liberty, persons with disabilities, children, and victims of crime. Further universal instruments deal with

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<sup>18</sup> *Op Cit. 2.*

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specific human rights issues, such as slavery, torture, enforced disappearance, genocide, forced labour and religious intolerance, or focus on other specific human rights issues, including in the areas of education, employment, development, administration of justice, marriage, and the freedoms of association and of information. Some of them include:

- The Convention on the Prevention and Punishment of the Crime of Genocide (1948),
- The International Convention on the Elimination of All Forms of Racial Discrimination (1965),
- The Convention on the Elimination of All Forms of Discrimination against Women (1979),
- The Convention on the Rights of the Child (1989),
- The Convention on the Rights of Persons with Disabilities (2006), etc.

Human rights is a cross-cutting theme in all UN policies and programmes in the key areas of peace and security, development, humanitarian assistance, and economic and social affairs. Human Rights day is observed in is observed annually on the 10th of December.

### 3.0. REASONS FOR WOMEN'S RIGHTS

Women's rights can be defined as the rights and entitlements of women and girls all over the world. They are rights that pertain and affect women and girls. The clamour for these rights form the basis for the women's rights movement in the 19th century and the feminist movements during the 20th and 21st centuries. 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 the broader notions of human rights in that women's rights stems from the claims of an inherent historical and traditional bias against the exercise of rights by women and girls, in favour of men and boys.<sup>19</sup>

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<sup>19</sup> Hosken, Fran P.,(1981) *Towards a Definition of Women's Rights* in Human Rights Quarterly, Vol. 3, No. 2.

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Gender discrimination primarily led to the advocacy of women's rights. The discriminatory practices can be seen in the religious, economic, political, sociological, medical and even legal aspects of life. For instance,

- Mary Anne Case, a professor of law, noted that the Catholic Church's greatest thinkers, such as St. Thomas Aquinas, believed that "women are necessarily in a state of subjection," and that females are "misbegotten males." She also highlighted that the Sistine Chapel's Creation of Man, is indeed that of a man – and does not include Eve. Many religions do not allow full ordination of women into the clergy. Some religions disallow women from sitting at the front in their places of worship, and some places of worship refuse entry to women.

In the case of Judaism, the common starting point of all sects is that the sexes were created differently. Man is seen as endowed with the intellectual capacity to come closer to his creator through study and prayer. Woman, imbued with natural modesty and intuitive understanding, is assigned the task of imitating God's work by procreating. However valued a woman is in the domestic sphere, her role is seen as essentially supportive. Jewish men begin each day with the ritualized prayer thanking God "for not having made me a woman". In orthodox Judaism, women can never be rabbis, nor can they mingle with men at prayer in the synagogue.

- In Islamic countries of Iran, Libya, Jordan, Morocco, Oman, Yemen and Saudi Arabia, women are barred from travelling outside their country without a written permission from their husband. But reverse is the case with men.
- One of the indicators of a society that empowers women is the percentage of women serving in public office, or running for public office. Nigeria's 2019 presidential election, featuring 73 candidates only six were females—and all six of them withdrew their candidacy before the election. Women currently occupy less than 7% of Nigeria's national governmental seats (compared to a global average of approximately 26%) despite the fact that 47% of registered voters are female.<sup>20</sup>
- Millions of women worldwide are denied access to education, health services and economic opportunities, experience, reduced access to food or live in fear of gender-

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<sup>20</sup> <https://www.premiumtimesng.com/features-and-interviews/314708-analysis-scorecard-of-womens-participation-in-nigerias-2019-elections.html> accessed 10<sup>th</sup> January, 2023.

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based violence (GBV). According to the United Nations, women around the world between the ages of 24 to 35 are 25% more likely than men to live in extreme poverty.<sup>21</sup>

- Women work two-thirds of the world's working hours but only earn 10% of global income. Women continue to be unfairly burdened with unpaid domestic and care work, which limits their ability to participate in paid employment. In 2020, only 47% of women of working age participated in the labour market, compared to 74% of men – a gender gap that has remained relatively consistent since 1995. In about 18 countries husbands can legally prevent their wives from working, while in 38 economies there are no laws prohibiting the dismissal of pregnant women by their employers.<sup>22</sup>
- Women are restricted in their access to basic health care and services, and often don't receive equal treatment or care for the same medical complaints as men. Women's symptoms can often be dismissed. According to a 2018 medical review in the US, doctors are more likely to view women's chronic pain as psychological, exaggerated, or even made up, in comparison with men's pain. More than 30% of women worldwide have experienced physical or sexual violence at some point in their lives. Aside from the associated injuries, these forms of violence can also lead to depression, post-traumatic stress and other anxiety disorders, sleep difficulties, eating disorders, and suicide attempts.<sup>23</sup>
- In the World Bank's 2019 report, 187 countries were measured on their levels of gender discrimination. Only six countries gave women and men equal work rights. The level of disparity in legal rights of men and women varies from country to country, but the result remains the same; women receiving unfair legislative treatment. Nearly 40% of economies limit women's property rights. In 43 countries women's inheritance rights are limited in comparison to men's.<sup>24</sup>

In most societies, women were traditionally confined to the home as daughters, wives and mothers, and we are often only aware of women in history because of their relation to famous men. Of course many women throughout history did in fact play an important role in cultural

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<sup>21</sup> <https://www.concern.net/news/what-are-examples-gender-discrimination> accessed 10<sup>th</sup> January, 2023.

<sup>22</sup> <https://www.un.org/sustainabledevelopment/blog/2020/10/womens-job-market-participation-stagnating-at-less-than-50-for-the-past-25-years-finds-un-report/> accessed 10<sup>th</sup> January, 2023.

<sup>23</sup> <https://www.who.int/news-room/fact-sheets/detail/violence-against-women#:~:text=Estimates%20published%20by%20WHO%20indicate,sexual%20violence%20in%20their%20life%20time> accessed 10<sup>th</sup> January, 2023.

<sup>24</sup> <https://www.worldbank.org/en/topic/gender> accessed 10<sup>th</sup> January, 2023.

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and political life, but they tend to be invisible. For instance, many women made giant leaps inventions in history and great strides in science and technology, but are totally unknown and unrecognised.

In the field of medical practice, for example, Letitia Geer invented the syringe as we know it today in 1899. Medical practitioners were using syringes that required the use of both hands to administer injections. Geer invented the one-handed syringe that is used by all medical practitioners today. Florence Seibert developed the tuberculin test that is still the standard today. Bacteriologist and paediatrician Hattie Alexander, developed the first effective treatment for the once-fatal influenza meningitis. Molecular biologist, Flossie Wong-Staal was the first person to clone the HIV virus, a major research advancement in the treatment of AIDS.<sup>25</sup>

In the area of Technology and Engineering, Stephanie Kwolek, discovered what is now known as Kevlar while searching for a lightweight and strong plastic for use in car tires. Kevlar is used in the production of bullet proof vests.

Edith Clarke was a pioneering electrical engineer at the turn of the 20th century. She worked as a “computer,” someone who performed difficult mathematical calculations before modern-day computers and calculators were invented. Clarke struggled to find work as a female engineer instead of the ‘usual’ jobs allowed for women of her time, but became the first professionally employed female electrical engineer in the United States in 1922. She paved the way for women in STEM and engineering. She was inducted into the National Inventors Hall of Fame recently in 2015.

Katherine Johnson, an African-American space scientist and mathematician, and a leading figure in American space history made enormous contributions to America's aeronautics and space programs by her incorporation of computing tools. She played a huge role in calculating key trajectories in the Space Race - calculating the trajectory for Alan Shepard, the first American in space, as well as for the 1969 Apollo 11 flight to the moon.<sup>26</sup>

These are some of the many women who played key roles in history, but are virtually unknown nor acknowledged like their male counterparts.

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<sup>25</sup> <https://artsandculture.google.com/story/inventions-and-discoveries-women-in-medicine-national-women-s-hall-of-fame/HQURe0fhWpaELQ?hl=en> accessed 10<sup>th</sup> January, 2023.

<sup>26</sup> <https://obamawhitehouse.archives.gov/women-in-stem> accessed 10<sup>th</sup> January, 2023.

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The United Nations Women, Australia, notes that - Women all over the world are faced with discrimination. They have fewer opportunities for economic participation, less political representation, are refused access to education, face greater health and safety risks, and are confronted with violence and abuse.<sup>27</sup> These discriminations are ongoing, despite the series of international, regional and domestic documents and statutes protecting human rights.

Women's rights rose out of the dissatisfaction of women and girls on the little or no protection offered them by existing laws, and the inherent discrimination and abuse they suffered. For instance, the French Declaration of the Rights of Man and of the Citizen, 1789, an important milestone in the development of human rights, contained rights that were awarded only to men. Those who obtained the political rights in the declaration were only male property owners. The Declaration did not recognize women as active citizens despite the fact that women took part in the French revolution from the very beginning: the demonstrations that led to the revolution which started with a large group of working women marching to Versailles to demand not only food to feed their families, but also political change. And, after the March on Versailles on October 5, 1789, women presented the Women's Petition to the National Assembly, in which they proposed a decree giving women equal rights. In fact, in September 1791, Olympe de Gouges wrote the Declaration of the Rights of Woman and of the Female Citizen, in response to the Declaration of the Rights of Man and of the Citizen, and with the intention of exposing the failure of the French Revolution to recognise gender equality. As a result of her writings, de Gouges was accused, tried and convicted of treason, resulting in her immediate execution.<sup>28</sup>

### **The Commission on the Status of Women (CSW)**

The UN Charter, UDHR, International Bill of Human Rights, and related human rights treaties, lay down comprehensive sets of rights to which all persons, including women, are entitled. However, history shows that the 'humanity' of women alone has been insufficient to guarantee women the enjoyment of these internationally agreed rights. A Commission on the Status of Women (CSW) had to be set up in 1946 to attempt to bridge the gap created by a historically

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<sup>27</sup> <https://unwomen.org.au/womens-rights/#:~:text=All%20around%20the%20world%2C%20women,expression%20and%20freedom%20to%20vote.> accessed 10<sup>th</sup> January, 2023

<sup>28</sup> <https://iep.utm.edu/gouges/> accessed 10<sup>th</sup> January, 2023.

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patriarchal society. The Commission on the Status of Women (CSW) has sought to define and elaborate the general guarantees of non-discrimination in these human rights instruments from a gender perspective. One of their mandates included the preparation of recommendations relating to urgent problems requiring immediate attention in the field of women's rights, with the objective of implementing the principle that men and women should have equal rights, and the development of proposals to give effect to such recommendations.

Between 1949 and 1959, the Commission made the following elaborations:

- the Convention on the Political Rights of Women, adopted by the General Assembly on 20<sup>th</sup> December 1952,
- the Convention on the Nationality of Married Women, adopted by the Assembly on 29<sup>th</sup> January 1957, the Convention on Consent to Marriage,
- the Minimum Age for Marriage and Registration of Marriages adopted on 7 November 1962,
- and the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages adopted on 1 November 1965.

Each of these treaties protected and promoted the rights of women in areas in which the Commission considered such rights to be particularly vulnerable. Their work resulted in a number of important declarations and conventions that protect and promote the human rights of women, however, they failed to deal with discrimination against women in a comprehensive way.<sup>29</sup>

### **Declaration on the Elimination of Discrimination against Women (CEDAW):**

The UN General Assembly, on 5 December 1963, adopted its resolution 1921 (XVIII), in which it requested the Economic and Social Council to invite the Commission on the Status of Women to prepare a draft declaration that would combine international standards articulating

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<sup>29</sup> Extracted from Progress achieved in the implementation of the Convention on the Elimination of All Forms

Of Discrimination against Women: Report by the Committee on the Elimination of Discrimination against Women (A/CONF. 177/7). Published by the United Nations Department of Public Information

<https://www.un.org/womenwatch/daw/cedaw/history.htm#:~:text=Originally%20established%20in%201946%20as,problems%20requiring%20immediate%20attention%20in> accessed 10<sup>th</sup> January, 2023.

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the equal rights of men and women in a single instrument. This process was supported by women activists within and outside the UN system. Drafting of the declaration began in 1965, by a committee selected within the Commission. The Declaration on the Elimination of Discrimination against Women was the final result. It was adopted by the General Assembly on 7<sup>th</sup> November, 1967.

Although the Declaration amounted only to a statement of moral and political intent, without the contractual force of a treaty, its drafting was nonetheless a challenging process. For instance, Article 6 of CEDAW that concerned equality in marriage and the family, and Article 10, relating to employment, proved to be particularly controversial, as did the question of whether the Declaration should call for the abolition or modification of the customs and laws perpetuating discrimination.<sup>30</sup>

### **Convention on the Elimination of All Forms of Discrimination against Women:**

In 1972, five years after the adoption of the Declaration, the CSW considered the possibility of preparing a binding treaty that would give normative force to the provisions of the Declaration. In 1974, the Commission decided, in principle, to prepare a single, comprehensive and internationally binding instrument to eliminate discrimination against women. This instrument was to be prepared without prejudice to any future recommendations that might be made by the United Nations or its specialized agencies with respect to the preparation of legal instruments to eliminate discrimination in specific fields.

The Convention on the Elimination of All Forms of Discrimination against Women was finally adopted by the General Assembly in 1979 by votes of 130 to none. At the Copenhagen Conference on 17 July 1980, 64 States signed the Convention, and two States submitted their instruments of ratification. On 3<sup>rd</sup> September, 1981, 30 days after the twentieth member State had ratified it, the Convention entered into force - faster than any previous human rights convention had done – thus bringing to a climax, the United Nations efforts to codify comprehensively international legal standards for women.<sup>31</sup>

From foregoing, it can be said that the reason for women's rights is as a result of the discrimination that still exist against women, despite the available instruments protecting

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<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

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human rights. It would appear that women are not considered human or human enough to be accorded their rights as provided. This has led to agitations by the women, demanding for their rights.

### **4.0. CONCLUSION**

In an ideal world, there would be no need for a special set of rights like 'women's right', because human rights ordinarily should protect everyone regardless of sex. However, we do not live in an ideal world, and the realities of our society dictates that women should be protected and their rights safeguarded. Women's rights in their basic sense, are human rights enshrined in international human rights treaties and other documents, and include such rights as freedom from discrimination, right to life, freedom from torture, right to privacy, access to health, right to decent living conditions, right to safety, and many others. While there continues to exist a lacuna in the treatment of women with regards to their basic general human rights, women's rights instruments such as CEDAW, that take into account the specific situation of women in society will continue to exist, and women's right will continue being a separate and distinct, but connected aspect of human rights.

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