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Women Empowerment Under International Law: A Comprehensive Analysis on The Basis of Human Rights

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ABSTRACT

This paper analysis the women empowerment under international law. By giving in depth understanding on philosophical foundations of women rights and qualitative measures on theoretical review. This paper provides an understanding on challenges and needed progressive solutions to gender equality. This concept examines the historical evolution of human rights and acknowledges gender equality and the main function of international human treaties in focusing on causes of significant legal instruments such as UDHR in promoting the women rights worldwide .This focuses on women political involvement , economic empowerment , to fight against the violence against women and to have access to education .This study explores the legal framework, development, problems faced in women empowerment . International law provides a framework for addressing gender-based discrimination, inequality, violence and also promoting and safeguarding women rights worldwide. The main idea of this study is to improve women empowerment, to have access to justice for women, to provide adequate amount of education to women and to strengthen the legal framework made for women. In this manner there can be changes found in women empowerment under international law and these changes can help the future. This paper also mainly answers the issue related to women empowerment in International Law through theoretical methodology.

Keywords: *Women Empowerment, International Law, Human rights, Justice, Women rights.*

I. INTRODUCTION

Women empowerment remains an urgent issue as women faces inequality in the world, discrimination against women still being faced in different sectors like social, economic and political. It is important to learn about women empowerment and understanding the need behind it. Studying women empowerment under international law is important as it eliminates all forms of discrimination faced by women all over the world. There are many rights which

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include the highest attainable standards to equalize women in the society. So, issue here is why is always women cornered and mistreated from the fundamental rights.

³Less than 50% of working-age women are in the labor market, a figure that has barely changed over the last quarter of a century, according to a new UN report launched today. Unpaid domestic and care work falls disproportionately on women, restraining their economic potential as the COVID-19 pandemic additionally affects women's jobs and livelihoods, the report warns. ⁴Around 2.4 billion women of working age are not afforded equal economic opportunity and 178 countries maintain legal barriers that prevent their full economic participation, according to the World Bank's Women, Business and the Law 2022 report. In 86 countries, women face some form of job restriction and 95 countries do not guarantee equal pay for equal work. This research paper seeks to explore the evolution of women empowerment under international law, examining key treaties, conventions, and the role of international institutions in advancing women rights. It will also critically assess the challenges that still hinder the realization of true gender equality on the global stage.

II. CHALLENGES FACED BY WOMEN IN DIFFERENT SECTOR UNDER INTERNATIONAL LAW

Women face a variety of challenges across different sectors under international law, despite significant advances in gender equality over recent decades. These challenges often reflect deeply ingrained social, economic, and political inequalities, and vary depending in all sectors. Here's a look at some of the key challenges women face in various sectors under international law:

In labour employment women faces gender wage gap whereas they globally earn less than men for the same work, and international legal frameworks, such as the ⁵International Labour Organization (ILO) conventions, struggle to effectively enforce equal pay for equal work. Women also faces sexual harassment and violence which results in significant risks of sexual harassment in the workplace, which is not always adequately addressed by national laws or international conventions like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Women often face discrimination in hiring, promotion, and job assignments, with international law frameworks sometimes lacking the necessary mechanisms to ensure gender equality in higher positions and leadership roles.

³ [Un.org/en/desa/world's-women-2020](https://www.un.org/en/desa/world's-women-2020)(Last viewed 12.31 p.m.)

⁴ www.worldbank.org (Last viewed 11.29 p.m.)

⁵ www.ilo.org (Last viewed 09.02 a.m.)

⁶In many parts of the world, girls still have less access to quality education than boys due to cultural, economic, or logistical barriers. International instruments like the Convention on the Rights of the Child (CRC) and CEDAW emphasize the right to education, but challenges remain in achieving universal access, especially in rural or conflict-affected regions.⁷ As said in Article 13 (2) (d) of International Covenant on Economic, Social, and Cultural rights “*Fundamental education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and particular by the progressive introduction of free education*”. In some contexts, education systems perpetuate gender stereotypes, which can limit women’s career choices and their access to critical skills. In certain countries, early marriage can lead to the discontinuation of girls’ education, despite international agreements like CEDAW and the Universal Declaration of Human Rights that promote education as a fundamental right.

Despite international agreements such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the CEDAW, women continue to face barriers in accessing reproductive healthcare services, including contraception, safe abortions, and maternal health services, particularly in developing countries.

Women are disproportionately affected by gender-based violence and also face health disparities in marginalized communities which includes domestic violence, sexual violence, and human trafficking, which has significant health implications. Need of essential health needs which includes maternal and sexual health and laws adequately protect survivors to lead a peaceful life.

III. STATISTICAL REPORT FOCUSING ON ISSUES FACED BY WOMEN FOR EMPOWERMENT UNDER INTERNATIONAL LAW

⁸The Gender Snapshot 2023 warns that, if current trends continue, over 340 million women and girls – an estimated 8 per cent of the world’s female population – will live in extreme poverty by 2030, and close to one in four will experience moderate or severe food insecurity. The gender gap in power and leadership positions remains entrenched, and, at the current rate of progress, the next generation of women will still spend on average 2.3 more hours per day on unpaid care and domestic work than men.

⁹The annual publication provides a comprehensive analysis of the current state of gender equality across all 17 Sustainable Development Goals (SDGs) and highlights prevailing trends,

⁶ hrlibrary.umn.edu (Last viewed 09.04 a.m.)

⁷ nhrc.nic.in, pg.no.6 (Last viewed on 09.15 a.m.)

⁸ unstats.un.org (last viewed on 12:30 p.m)

⁹ www.un.org (last viewed on 7:28 p.m.)

gaps, and recent setbacks on the journey towards achieving gender equality by 2030. This year's report includes sex-disaggregated data on the intersections of gender and climate change for the first time, and projects that by mid-century, under a worst-case climate scenario, climate change may push up to 158.3 million more women and girls into poverty (16 million more than the total number of men and boys).

¹⁰With a special focus this year on older women, the report finds that older women face higher rates of poverty and violence than older men. In 28 of the 116 countries with data, less than half of older women have a pension; in 12 countries less than 10 percent had access to a pension. Halfway to 2030, progress on SDG 5 – Gender Equality – is clearly way off track. The report shows that the world is failing women and girls with a mere 2 Goal 5 indicators being “close to target” and no SDG 5 indicator at the “target met or almost met” level.

¹¹“Gender equality is not just a goal within 2030. It is the very foundation of a fair society, and a goal upon which all other goals must stand. By breaking down the barriers that have hindered the full participation of women and girls in every aspect of society, we unleash the untapped potential that can drive progress and prosperity for all”, said Maria-Francesca Spatolisano, Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs of UN DESA.

This data shows the immediate need of change in women empowerment as still in this progressive generation women still faces gender inequality world wide. It is time to bring justice to those women who faced injustice under international law

IV. CASE ANALYSIS ON WOMEN EMPOWERMENT IN INTERNATIONAL LAW

1. L.F. v Ireland, K. O’S. v Ireland, W.M. v Ireland

¹²The three applicants in these three cases – L.F. (External URL below), K.O’S. and W.M. – are Irish citizens. Each gave birth to children in three hospitals in Ireland in the 1960s. Each applicant underwent surgical symphysiotomies in the respective hospitals during or in advance of labour. Their cases were among ten applications brought by women to the European Court of Human Rights (“ECtHR”) who had undergone such a procedure in Ireland around the same time. All three applicants alleged that they had not been informed about the procedure and had not given their full and informed consent. They stated that they had suffered physical and psychological trauma as a result of the procedure. The symphysiotomy procedure was uncommon in Western Europe around the time, but in Ireland, it was revived in the 1940s and

¹⁰ www.researchgate.net(last viewed on 8:09 p.m.)

¹¹ www.un.org(last viewed on 8:15 p.m.)

¹² www.law.cornell.edu(last viewed on 7:48 p.m.)

continued to be used until the 1980s.

¹³Following a 2011 report into the use of the procedure in Ireland, the Minister for Health announced the establishment of an ex-gratia payment scheme offering compensation to women who had undergone the procedure between 1940 and 1990. However, some women, including the applicants in these cases, instituted domestic proceedings. In L.F.'s case, the High Court found that, during the time in question, the procedure had been a reasonable though limited option. This decision was upheld by the Court of Appeal, and the Supreme Court refused L.F. leave to appeal. K. O'S. and W.M. subsequently abandoned their domestic claims. Further, none of the three applicants applied to the ex-gratia payment scheme, as they all believed that there was no possibility of any acknowledgment of a breach of their rights. The three women then applied to the ECtHR in 2017, relying on Articles 3 (prohibition of inhuman or degrading treatments), 8 (right to respect for private and family life), and 13 (right to an effective remedy of the Convention).

The applicants complained that the use of the procedure in Ireland had not been the subject of a Convention-compliant domestic investigation and that, in addition, they had been unable to fully litigate their claims at the domestic level. K.O'S. also complained that the State had failed in its obligation to protect women from inhuman and degrading treatment by allowing symphysiotomies to take place. In 2020, the ECtHR declared that each application was inadmissible. In respect of K.O'S.'s argument, the Court found that she had failed to exhaust domestic remedies as she had not made that complaint before the domestic courts. In respect of the other two applicants, their applications were refused on the grounds that they were manifestly ill-founded.

2. Broek's v the Netherlands (Communication No.172/1984)

¹⁴In the Netherlands, under the Unemployment Benefits Act, married women could not claim continued unemployment benefits unless they proved they were either "breadwinners" (meaning that they earned over a certain proportion of their family's total income) or that they were permanently separated from their husbands. This condition did not apply to married men.

¹⁵Using the first Optional Protocol, Mrs S.W.M. Broek's complained to the Human Rights Committee that the Unemployment Benefits Act violated her right under article 26 of the

¹³ Women and justice, *Norris v. Ireland*, European Court of Human Rights (1988) (last viewed on 7:48 p.m)

¹⁴ www.un.org (convention of the elimination of all forms of discrimination against women) (last viewed 7:58 p.m.)

¹⁵ United Nations Entity of Gender Equality and the Empowerment of Women, *Broeks v The Netherlands* (172/1984)(last viewed 7:58 p.m)

ICCPR to equality before the law and equal protection of the law. The Committee found that the law differentiated on the ground of sex placing married women at a disadvantage compared with married men and noted that this differentiation was not reasonable. The Committee found that Mrs Broek's was a victim of a violation, based on sex, of article 26 of the ICCPR.

The case of *Broeks v the Netherlands* is an example of article 26 of the ICCPR giving protection from discrimination that is not related to a civil or political right. If a law discriminates, article 26 applies whether or not the subject matter of the law is covered by provisions of the ICCPR. Article 26 therefore has the potential to be widely used to oppose discrimination.

V. CONCLUSION

In a world where justice and equality is highly treated, the issue of empowering women remains as a crucial concern among us. unfortunately discrimination against women still remains in different parts of the world such as social, economic , political etc. Therefore, it thoroughly examining women empowerment under international law is an utmost important. This study shows us the challenges faced by women in promoting gender equality and justice on a global scale.

This research shows a qualitative approach with all statistical and case analysis of how women have suffered gender discrimination in different sectors from different parts of the world for these many years. This research brings the credibility by utilizing reliable and authoritative sources like article, books etc.

The discussion and presentation about the analysis would cover women's empowerment under social, political, economic etc. This would light up more information to people about the challenges faced by women.

Another important sector in the economy is political sector. As this sector plays a crucial role in gender discrimination. By promoting women's participation in political sector would bring down the discrimination on gender like legal frameworks can be strengthened (CEDAW) Convention on the elimination of all forms of discrimination against women and regional human rights provides a foundation for advancing women political rights.

Economic empowerment of women also plays a curial aspect of addressing gender inequality. Efforts to promote economic empowerment includes ranges of measures like equal pay, access to employment opportunities, financial support etc. By addressing these issues society can bring full potential in women's economic participation.

Thus, this comprehensive analysis plays an importance of women's empowerment under international law in achieving gender equality and justice. Discrimination against women still remains as a global challenge, but it is important to understanding, legal framework, challenges, and best practices in various aspects of women's empowerment, society can work towards a more equitable future for all individuals, regardless of all gender.

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