

## **Chapter: 2**

### **Human Rights of women: An overview**

The roots for the protection of the rights of person could be traced as far back as within the Babylonian laws. Babylonian king Hammurabi had issued a collection of laws to his people which is named Hammurabi's codes, established fair wages, offered protection of property and required charges to be proved at trial. Assyrian laws, Hittite laws and the Dharma of the Vedic period in India also devised different sets of standards by which obligations of one was provided to another. Jurisprudence of Lao-Tze and Confucius in China also safeguard human rights. Thus, all the major religions of the world have a humanist perspective that supports human rights despite the differences within the contents.

Human rights are also rooted in very old thought and in the philosophical thought of natural law and natural rights. Some Greek and Roman philosophers recognized the concept natural rights. Plato (427-348) was one of the earliest thinkers to advocate a universal standard of ethical or moral conduct. According to the Roman jurist Ulpian, natural law was that which nature and the state promise to all human beings. This meant that foreigners are required to be dealt in the same way as one deals with ones compatriots. It also implied Conducting of wars in a civilized way. The Republic proposed the idea of universal truths that all must be recognized. People were to work for common good. Aristotle (384-322 B.C.) wrote in "politics" that justice, virtue, and rights change as per various types of constitutions and conditions. Cicero (106-43B.C.), a Roman legislator set out the establishments of natural law human rights in his work, The laws (52 B.C.) Cicero established that there have to be widespread human rights laws that would rise above customary and civil laws. Sophocles (495-406 B.C.) was one of the first to advocate the idea of freedom articulation against the state. The city-state of Greece gave equivalent right to speak freely, equality under the watchful eye of law, right to cast a ballot, right to be chosen for public office, right to exchange and the right to access to justice to their residents. Similar rights were made sure about to the Romans by the jus civile of the Roman law. Along these lines the

causes of the idea of human rights are generally consented to be found in the Greco-Roman natural law doctrines of Stoicism which held that a universal power pervades all formation and that human manner should therefore be judged according to the law of nature. <sup>1</sup>

Again, a setback was also caused during the 16<sup>th</sup> century to the development of the concept of natural rights by Machiavelli's teachings. He was opposed to the concept of natural law and supported absolute monarchy. For him human nature was bad and self-centred which necessitated the establishment of state to control and crush the anti-social elements alive in human mind.<sup>2</sup> All through a lot of history, individuals obtained rights and duties through their enrolment in a group— a family, indigenous country, religion, class, community or state. Most social orders have had conventions like the "brilliant principle" of "Do unto others as you would have them do unto you."

The Hindu Vedas, the Babylonian Code of Hammurabi, the Bible, the Quran (Koran), and the Analects of Confucius are five of the most oldest collected sources which deal with questions of individuals' obligations, privileges and duties. What's more, the Inca and Aztec sets of principles and justice and an Iroquois Constitution were Native American sources that existed well before the eighteenth century. Indeed, all social orders, regardless of whether in oral or composed custom, have had frameworks of legitimacy and equity just as methods of watching out for the wellbeing and government assistance of their individuals. Archives affirming individual rights, such the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration on the Rights of Man and Citizen (1789), and the US Constitution and Bill of Rights (1791) are the composed forerunners to a large number of the present human rights records. However a large number of these records, when initially converted into strategy, avoided women, non-white individuals, and individuals from certain social, religious, economic, and political groups Nevertheless, oppressed people all over the

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<sup>1</sup> Agarwal H.O. (2005). *Human Rights published by central law publication Allahabad. P.8*

<sup>2</sup> Chandra.U.(2008). *Human Rights, Published by Allahabad law agency.Allahabad.P.3,4*

globe have drawn on the principles these documents convey to support revolutions that declare the right to self-determination.<sup>3</sup>

Contemporary global human rights law and the foundation of the United Nations (UN) have significant authentic predecessors. Endeavours in the nineteenth century to restrict the slave exchange and to restrain the abhorrence of war are prime examples. In 1919, countries set up the International Labour Organization (ILO) to administer bargains ensuring labourers as for their privileges, including their wellbeing and security. Worry over the assurance of certain minority bunches was raised by the League of Nations toward the end of the First World War. In any case, this association for universal harmony and participation, made by the successful European partners, never accomplished its objectives. The League of Nations struggled, because the USA did not join League as well as the League of Nations failed to prevent Japan's intrusion of China and Manchuria (1931) and Italy's assault on Ethiopia (1935). These incidents are the main causes of Second World War (1939). After all League of Nations was not able to prevent the war.

The concept of human rights emerged stronger after World War II. The killing by Nazi Germany of over six million Jews, Sinti and Romani (gypsies), homosexuals and persons with disabilities horrified the world. Trials were held in Nuremberg and Tokyo after World War II, and officials from the beaten Nations were punished for committing war crimes, "crimes against peace," and "crimes against humanity."<sup>4</sup>

Governments at that point committed to setting up the United Nations, with the essential objective of reinforcing universal harmony and forestalling strife. Individuals needed to guarantee that never again would anybody be unreasonably denied life, opportunity, food, safe house, and nationality. The substance of these rising human rights standards was caught in President Franklin Delano Roosevelt's 1941 State of the Union Address when he talked about a world established on four fundamental opportunities: the right to speak freely of discourse and religion and opportunity from need and dread (See Using Human Rights Here and Now). The calls

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<sup>3</sup> *Human Rights here and now. Celebrating the Universal Declaration of Human Rights* edited by Nancy Flowers <http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/>

<sup>4</sup> *ibid*

originated from over the globe for human rights norms to shield residents from maltreatment by their legislatures, principles against which countries could be considered responsible for the treatment of those living inside their outskirts. These voices assumed a basic job in the San Francisco meeting that drafted the United Nations Charter in 1945.

### **The Universal Declaration of Human Rights:**

The ringing expressions of the Universal Declaration spoke to the most noteworthy goals of mankind. It was communicated in wording that is non-political and set out the treatment that everybody on the planet would have the option to expect as individual from the human family. The instrument drew together just because thoughts shared by numerous political, social, and religious customs. Members of the United Nations promised to endorse respect for the human privileges of all. To propel this objective, the UN set up a Commission on Human Rights and charged it of the errand of drafting an archive explaining the importance of the basic rights and opportunities declared in the Charter. The Commission, guided by Eleanor Roosevelt's intense guidance, caught the world's consideration. On 10th December of 1948, the Universal Declaration of Human Rights was adopted by the 56 members from the United Nations with their unanimous vote, albeit eight countries decided to decline to vote.

The Universal Declaration of Human Rights, usually referred to as the global Magna Carta, broadened the unrest in universal law introduced by the United Nations Charter – to be specific, that how an administration treats its own residents is presently a matter of legitimate universal concern, and not just a domestic issue. It asserts that all rights are reliant and unbreakable. Its Preamble expressively states that: Recognition of the natural nobility and of the equivalent and unavoidable privileges of all individuals from the human family is the establishment of opportunity, equity, and harmony on the planet. The impact of the Universal Declaration of Human Rights has been significant. Its principles have been joined into the constitutions of a large portion of the in excess of 185 countries now in the UN. Although a *declaration* is not a lawfully compulsory document, the Universal Declaration has achieved the status of

*customary international law* because people look upon it "as a common standard of achievement for all people and all nations."<sup>5</sup>

Universal human rights are frequently communicated and guaranteed by law, in the forms of treaties and act, conventional universal law, universal values and different sources of universal law. Universal human rights law sets down commitments of Governments to act in specific manners or to avoid certain act, so as to advance and secure human rights and basic freedoms of people or groups. The principle of universality of human rights is the foundation of universal human rights law.<sup>6</sup>This principle, as first underlined in the Universal Declaration on Human Rights in 1948, has been emphasized in various worldwide human rights conventions, declarations and goals. The 1993 Vienna World Conference on Human Rights, for instance, noticed that it is the obligation of States to promote and ensure every single human right and basic freedoms, paying little mind to their political, economic and social frameworks.

The Universal Declaration of Human Rights embraced by the United Nations General Assembly in 1948 which is considered to be the crucial accord on the human privileges such as security of individual, torture, slavery, protection of the law, freedom of movement and expression, religion, and get together, and rights to social security, work, health, education, culture, and citizenship. It plainly specifies that these human rights apply to all equally "without discrimination such as race, colour, sex, language... or other different status" (Art.2). Clearly, at that point, the human rights outlined by the Universal Declaration are to be comprehended as applying to women. Notwithstanding custom, partiality, social, financial and political interests have joined to avoid women from prevailing definition of "general" human rights and to consign women to auxiliary as well as "special interest" status inside human rights considerations. This underestimation of women in the world of human rights has been an impression of sex imbalance on the globe everywhere and has likewise formidably affected women lives. It has added to the propagation, and undoubtedly the

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<sup>5</sup> .*ibid*

<sup>6</sup> <https://www.un.org/en/sections/issues-depth/human-rights/>

approving, of women' subordinate status. It has restricted the extent of what was viewed as government obligation and consequently has made the way toward looking for review for human rights infringement excessively hard for women.

### **Women Rights Movement and Feminism:**

Women's rights movements are mostly worried with making the political, social, and economic position of women equivalent to that of men and with establishing legislative protections against discrimination on the basis of gender or sex. Women's rights movements have worked on the side of these focuses on over two centuries. They date to at least the first feminist publication, in 1792, entitled *A Vindication of the Rights of Woman*, by British author Mary Wollstonecraft.<sup>7</sup>

In the United States the primary conclusive situation on women privileges up to this point blended with abolitionist issues was taken in 1848 under the initiative of Elizabeth Cady Stanton at the Women's Rights Convention at Seneca Falls, N.Y. (see Seneca Falls Convention). In 1850 the National Women's Rights Convention was held, driven by Lucy Stone, an early lobbyist. The two gatherings blended in the arrangement (1863) of the Women's National Loyal League, under Susan B. Anthony. Anthony composed and submitted in 1878 a proposed option to-cast a ballot revision to the Constitution.

Wyoming became the first state with women's suffrage in the year of 1890. The movement was accelerated by the configuration (1890) of the National American Women's Suffrage Association and the election (1900) of Carrie Chapman Catt as president. The subsequent movement paying attention many educated, wealthy, and prominent women to the cause, with ensuing political professionalism, better funding, and the development of huge parades and demonstrations in the major cities.

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<sup>7</sup> <https://www.scholastic.com/teachers/articles/teaching-content/brief-history-womens-rights-movements/>

The Anthony amendment, as written in 1878, was ratified as the 19th Amendment and became law in 1920.<sup>8</sup>

During the 19<sup>th</sup> century British women reformers developed their own conversation through various reforming groups until by 1903; they had created in two separate organizations; the Democratic National Union of Women's suffrage societies, and the militant Women's Social and Political Union.<sup>9</sup>The Leaders of this movement were the peaceful Millicent Fawcett and radical Emilie Pankhurst with her daughter Cristobel. Their fight also proved slow and frustrating. After the long struggle they achieved success, in 1918 the British parliament finally approved a bill allowing women over the age of 30 to Vote and in 1928 the age limit was lowered to 21.

In some nations women granted full voting rights earlier than in the United States of America and Britain. In the year 1893 Women first got the right to vote in New Zealand. But many other countries proved much slower to change. For example, women in France were not given voting until 1944. For example Aboriginal women in Australia were not allowed to vote until they became citizens in 1967.<sup>10</sup>Today women in some conservative Arab countries still do not have the right to vote or hardly any rights at all.

### **Feminism:**

Feminism is an ideology which believes that due to certain reasons men and women have come to occupy unequal positions in the society with a firm conviction that this inequality can and should be removed. It believes that man-woman relation is relation of domination and control which is manifested in different social, economic or political locations. A man and woman relationship is, indeed, a struggle for power. This struggle for power is one of the oldest and basic of all power struggles.<sup>11</sup>Feminism includes various social, cultural and political activities, theories

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<sup>8</sup> *ibid.*

<sup>9</sup> Aswal B.S.(2010) *Women and Human Rights published by Asian Offset Printers, New Delhi.p.4.*

<sup>10</sup> *Ibid.*

<sup>11</sup> Dutta Akhi Ranjan,(2011) *Political Theory, Issues, Concepts and Debates Published by Arun prakashan, Guwahati.p.302.*

and ethical philosophies worried with gender inequalities and equal rights for women.<sup>12</sup>

Woman's rights movement is a scope of political developments, belief systems, and social developments that share a common objective to characterize, build up, and accomplish political, financial, individual, and social rights for women also seeking to established equal opportunities for women in education and employment. Feminist movement has battled and keep on crusading for women's privileges, including the right to cast a vote, to hold public office, to work, to earn reasonable wages or equivalent pay, to claim property, to get education, to enter contracts, to include equivalent rights inside marriage, and to have maternity leave. Women's activists have additionally attempted to advance substantial self-sufficiency and uprightness, and to safeguard women and girls from assault, inappropriate behaviour, and abusive behaviour at home.

The history of feminism consists of three waves. The first wave was started in the ninetieth and early twentieth century; the second wave was started in the 1960s and 1970s and third started from the 1990s to the present. First-wave feminism also called liberal feminism. It was a period of activity during the 19th century and early twentieth century. Around this time, there were several developments in the world like the American war of independence and the French Revolution, which established the ideas of liberty, equality and fraternity.<sup>13</sup> Originally it focused on the promotion of equal contract, marriage, parenting, and property rights for women. However By the end of the 19th century, women activist determined mainly on acquisition political power, mostly the right of women's suffrage, however, feminists such as Voltairine de Cleyre and Margaret Sanger were still active in agitation for women's sexual reproductive and economic rights at this time.

Women's suffrage started in Britain's Australasian provinces at the end of the nineteenth century, with the self-regulating states of New Zealand allowing women

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<sup>12</sup> Aswal B.S.(2010) *Women and Human Rights published by Asian Offset Printers, New Delhi.p.8*

<sup>13</sup> Dutta Akhi Ranjan,(2011) *Political Theory, Issues, Concepts and Debates Published by Arun prakashan, Guwahati.p.303.*



the right to cast a vote in 1893, South Australia allowing right to vote for female and Australia conceding female suffrage in 1902.

In Britain the Suffragettes and the Suffragists battled for the women's vote, and in 1918 the Representation of the People Act was passed giving the vote to women beyond 30 years old who owned property. In 1928 this was reached out to all women over 21. Emmeline Pankhurst was the most eminent activist in England, with *Time magazine* naming her one of the 100 Most Important People of the twentieth Century expressing: "she formed a thought of women for our time; she shook society into another example from which there could be no returning." In the U.S., notable pioneer of this progress included Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony, who each battled for the elimination of slavery foregoing supporting women's right to cast vote. These women were impacted by the Quaker philosophy of spiritual equality, which affirms that people are equivalent under God. In the United States, first-wave of feminism is considered to have finished with the doorway of the 19<sup>th</sup> amendment to the United States of Americas Constitution (1919),<sup>14</sup> conceding women the option to cast a vote in all states. The term first wave was begat retroactively to arrange these western developments after the term second-wave feminism started to be utilized to depict a more up to date women's activist development that concentrated on battling social and cultural disparities, just as political imbalances.

Parallel to the tradition of liberal feminism, a distinct tradition of Marxist and Socialist feminism also developed. Both these brands of feminist thought believed that women not only suffer from political and legal inequality, but their inequality is also rooted in social and economic structures. Although they are founded in the ideology of Marxism, there are some subtle differences between the two streams of feminist thought. While Marxist feminism strongly believes that the oppression of women is due to the class division in society which would come to an end with the end of capitalism, Socialist feminist says that women not only suffer due to class

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<sup>14</sup> <https://www.history.com/topics/womens-history/women-who-fought-for-the-vote-1>.

division but also due to patriarchy. Important among the socialist feminists are Juliet Mitchell, Heidi Hartman, and Zillah Eisenstein.<sup>15</sup>

Second wave of feminism also called radical feminism. Second-wave feminism alludes to a time of movement starting in the early 1960s and enduring through the late 1980s and, as Imelda Whelehan recommended, it was continuation of the prior period of feminism connecting the suffragettes in the UK and USA. Second wave feminism has existed constantly since that time and coincides with what is termed third-wave feminism. Second-wave feminists see women's cultural and political disparities as inseparably connected and give confidence women to understand aspects of their personal lives as intensely politicized and as reflecting sexist power structures. The women activist and author Carol Hanisch coined the slogan "The Personal is Political", which became tantamount with the second wave. If first wave-feminism focused on rights and liberties, Second-wave feminism was largely concerned with other issues of equality, such as the end to discrimination.<sup>16</sup>

Third wave of feminism developed during the 1980s and 1990s, started as a reaction to saw disappointments of the second wave and to the reaction against activities and developments made second wave. Third-wave of feminism separated itself from the second wave around issues of sexuality, trying female heterosexuality and praising sexuality as a method for female strengthening. Third-wave of feminism additionally tries to challenge or maintain a strategic distance from what it regards the second wave's essentialist meanings of gentility, which, they contend, over-accentuate the encounters of upper middle-class white women. Third-wave feminists frequently focus on "micro-politics" and challenge the second wave's idea as to what is, or is not, good for women, and tend to use a post-structuralism analysis of gender and sexuality. Feminist leader established in the second wave, for example, Gloria Anzaldúa, Chime Snares, Chela Sandoval, Cherríe Moraga, Audre Lorde, Maxine Hong Kingston, and numerous other non-white women's activists, looked to organize a space inside women's campaigner idea for thought of race-related subjectivities.

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<sup>15</sup> Dutta Akhi Ranjan,(2011) *Political Theory, Issues, Concepts and Debates* Published by Arun prakashan, Guwahati.p.304

<sup>16</sup> Aswal B.S.(2010) *Women and Human Rights* published by Asian Offset Printers, New Delhi.p.10

Third-wave of feminism likewise contains inward discussions between distinction women's activists, who accept that there are significant contrasts between the gender, and the individuals who accept that there are no natural contrasts between the gender and battle that sexual orientation jobs are because of social conditioning.

### **Rights of Women and UNO:**

In the course of recent decades, the United Nations has assumed a huge job in the advancement and security of women's human rights, since its creation in 1945, equality of women with men has been on the plan of the United Nations. Expanding on these underlying responsibilities, particular standards and norms and strategies and instruments explicitly bolster the advancement of women's equality and the elimination of the discrimination against women. Simultaneously, bodies and mechanisms across every sector, including those dealing with human rights, are called upon to contribute actively to the practical realization of the principle of the equal opportunity of women and men, through the gender mainstreaming arrangement. "This strategy is based on the realisation that gender equality has to be dealing with as an intended purpose by entire society, rather than perceived as a women's individual issue."<sup>17</sup>

To develop the status of women, there are created various women organisations during the United Nations Decade for Women (1976-1985), women from many geographical, racial, religious, cultural, and class backgrounds. "The United Nations-sponsored women's conferences, which held on in Mexico City in 1975, Copenhagen in 1980, and Nairobi in 1985, and Beijing in 1995 were convened to evaluate the status of women and to create strategies for women's development."<sup>18</sup>

These conferences were important venues at which women came together, debated their differences and discovered their similarities, and step by step began learning to viaduct differences to make a global movement. In the late eighties and early nineties, women in varied Nations took up the human rights structure and began developing the

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<sup>17</sup> [http://www.un.org/women\\_watch/daw/news/integrating.htm](http://www.un.org/women_watch/daw/news/integrating.htm).

<sup>18</sup> <http://www.ipemgzb.ac.in/ipem-journal/Law-journal.pdf>.

logical and political equipment that together comprise the ideas and practices of women's human rights.<sup>19</sup>

Adoption of the human rights structure has occupied a double move in thinking about human rights and discussing women lives. Put essentially, it has involved looking at the human rights system through a gender orientation focal point, and depicting women's carries on with through a human rights structure In looking at the human rights structure from women's perspectives, women have revealed how existing human rights definitions and practices not succeed to explanation for the ways in which already recognized human rights abuses often influence women in a different way because of their sexual category. This move towards acknowledges the importance of the existing concepts and actions, but also points out that there are dimensions within these received definitions that are gender-specific and that require to be addressed if the mechanisms, programs, and the human rights structure itself are to comprise and mirror the experiences of the woman half part of the world's population.

At the point when individuals use the human rights system to express the huge range of human rights abuses that women face, they apply explaining investigations and incredible assets as a powerful influence for women's experiences. This system has been essential in endeavours to cause to notice human rights that are explicit to women's that up until now have been viewed as women's privileges yet not perceived as "human" rights. Take, for instance, the issue of violence against womens. This detail gives a terminology to women to characterize and articulate experiences of cruelty such as rape, sexual violence and domestic brutality as violations of the human right. The acknowledgment of such issues as human rights abuses raises the degree of assumption regarding what should and done about them. This meaning of cruelty against women's as far as human rights builds up unequivocally that states are liable for such maltreatment. It likewise brings up issues about how to consider governments responsible for their lack of interest in such circumstances and what kinds of components are expected to facilitate the procedure of review.

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<sup>19</sup> *Usmani B.D.(2015) Human Rights Protection published by Wisdom Press, New Delhi.p.12*

## **The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):**

It is from the height of the United Nations' standard-setting work on gender equality. This milestone treaty moves beyond assurance of equality in earlier, particular legal instruments, such as that on the political rights of women of 1952, as well as general human rights treaties. The Convention sets out, in legally obligatory form, an inclusive legal framework for women's equal opportunity.

For the promotion of gender equality, the general assembly of United Nations adopted the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) on 18<sup>th</sup> December 1979 and came into force as a treaty on 3rd September 1981. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) is one of the most profoundly endorsed international human rights conventions, having the support of 186 States parties. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) is a milestone international accord that affirms doctrine of fundamental human rights and equality for women around the globe. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) is a convenient proposal for each country to achieve the goals of women empowerment.

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) reinforces the United States as a worldwide pioneer in standing up for women and girls. In countries that have approved the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), women have collaborated with their governments to improve the status of women and girls, and as a result have transformed laws and policies to more security and prospect for women and their families.

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) can make a changeable picture for women and girls, particularly to:

Decrease sex trafficking and domestic violence, Provide admission to education & vocational training, and make certain the right to vote.

### **Optional Protocol to CEDAW:**

The Optional Protocol to the Convention on the Elimination of Discrimination against Women (CEDAW) was adopted by the UN general assembly On 6 October 1999 and came into force as a treaty on 22 December 2000. The Optional Protocol of the Convention on the Elimination of Discrimination against Women (CEDAW) strengthens the grievances mechanism accessible for the rights contained by CEDAW. The Optional Protocol provides for grievances to be taken legitimately to the UN, after all domestic remedies have been shattered. Other universal settlements or treaties have similar grievances techniques. These optional agreements can be acknowledged by the state that is by now a party to the original treaty.

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) optional protocol allows people to bring a grievance to the CEDAW Committee about an alleged violation of the rights under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). To bring a grievance, a individual have to first illustrate that there are no other ways to deal with their grievance in their nation. The Optional Protocol of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) does not create new rights, but provides a new grievance system for existing rights that have been in force since the government became a party to CEDAW. Governments are mandatory to reply to the findings of the CEDAW Committee about the grievance within six months, as well as information about the action taken in light of the views and suggestions of the Committee.

### **Beijing Declaration:**

To abolish discrimination against women and achieve the goals of equality between women and men the Beijing declaration included lots of objectives. The Fourth World Conference on Women held in the capital of China in September 1995, the declaration

focuses areas relating to the execution of women's human rights and settings an agenda for women's empowerment. It is the most inclusive expression of nation's commitments to the human rights of women. It is considered a major achievement for rights of women. The analysis of the platform for Action shows the disappointing scenario. Even though lots of improvement has been complete in some part of women's rights, but unfortunately the discriminatory attitude towards women still continue in all areas.

### **Millennium Development goal:**

The eight, time bound international goals are called Millennium Development Goals. In 2000, the world leader commits to combat poverty, hunger, disease, illiteracy, gender equality and the empowerment of women, as well as reduction of maternal mortality. For achieving this target the global leader took 2015 as a cut off year. The millennium development goals have specific targets to achieved development. Regarding the women's rights, the Millennium Development Goal discuss the women issues in goal no 3 and goal no 5. The goal no 3 of Millennium Development Goal is to promote gender equality and empower women as well as goal no 5 target to decrease the maternal mortality ratio.

### **Sustainable development goal:**

The 2030 agenda of sustainable development and its 17 goals was adopted by UN general assembly in 2015. The goal no 5 of sustainable development goal is achieving gender equality and women's empowerment. Eliminating all kind of unfairness against women and girls is not only fundamental rights; it important for sustainable future.

The sustainable development goal wants to recognize the value of unpaid care and domestic work of women all the way through the provision of community services as well as infrastructure and social security policies and the endorsement of joint responsibility within the family circle as nationwide suitable.

Regarding the political rights of the women, the sustainable development goal makes certain women's complete and powerful involvement and equivalent chance for leadership at all stages of decision-making in politics, economic affairs and community life.

To assume and develop strong policies and legislation for the endorsement of gender equality and the empowerment of every girl at all level. Regarding the women empowerment the sustainable development goal improves the employ of enabling machinery, especially in information and communication technology, to encourage the empowerment of women,

Regarding the women health, the sustainable development goal makes sure general admission to sexual and reproductive health and reproductive rights as agreed in accordance with the programme of action of the previous conferences.

To ownership and property rights, monetary services, heritage and natural resources, along with national laws regarding the economic rights of women development goal ensure to assume modification to provide women equivalent rights to economic assets, as well as right

### **Status of Women Rights in India:**

In ancient India, women were considered as man's companion and not his attendant, they enjoyed freedoms along with the man and their sphere of the relationship was not area scribed by many restrictions.

In Vedic period, like son, daughters were also initiated into learning, self-control and discipline. Many women become Vedic scholars, debaters, poet and teachers. Women were married at a fully grown age and enjoyed full liberty to select their husbands. They were free to attend and visit public assemblies and social gathering.

Most of the Hindu religious books mention the word and phrase like 'Matra Dev Bhavh', Kumaro Nasty yesham Kanaya Swatrabbisancbay', 'Yatra Natystu Pujayante Ramante Tra Devab'', etc. These all facts show the glory of woman community in



Vedic period. In the period of Vedic, women had a glorious status, self-respect and right to equality. During the Vedic period women enjoyed equal status with men and independence in action.<sup>20</sup>

Women held a position of equality with man during the Vedic period. It was necessary for the girls as well as the boy to go through Upnayan ceremony in order to be initiated to the Vedic period. In fact, education among women was given importance and it is found in the Atharv Veda. Accreted that the success of woman and her married life depends upon her appropriate training throughout the Brahmacharya<sup>21</sup>

India has always being a precious and sacred tradition to respect woman also in ancient India, women occupied a very important position, in fact, a superior position to men. Women exalted to the position of glory and grace. Women was considered more powerful than man and treated as a goddess of 'Shakti' that mean power. 'Shakti' was called with various names such as Bhagvati, Bhavani, Devi, Gaury, Katyayani and Parvati.<sup>22</sup>

In respect of the position of women in Indian society at large, no nation has held their woman in higher respect than the Hindus. Perhaps, no other literature has presented a more admirable type of woman character than Sita, Meera, Durga, and much more. The Indian civilization has created great woman covering from Braham vadinis (lady Rishi) to states woman, from ideal wife to warrior queen as well as witnesses the status of Hindu woman during the Vedic period.

Women were not only highly educated and cultured, they prove themselves as a good teacher, and overall image of the Hindu in the Vedic society was quite commendable the Hindu women at that time lived with full sense of dignity and security. Swayamvar was in vogue, and the Aryan girls were free to choose their life partners.

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<sup>20</sup> Pandey.P.K. (2012) *Women Rights- Violence, Human rights and Empwerment, Global publishing house, Visakhapatnam.p.39-41*

<sup>21</sup> *Ibid.p.64-67*

<sup>22</sup> *Ibid.p.92-95*

However, in the Vedic period women enjoyed a high position in society surpassing the cotemporary civilization of ancient Greece and Rome. The Vedic period has given a golden era to India and the great compilations of learning by women seers called brahama vedins. In due course of time a system of meta-physical doctrine developed and several principles based on dharma, purity, and scarifies came into being, embodied in Smriti pushed women in the secondary level for instance Aitraya Brahamana says that “a son is like a ray of hope but a girl is the cause for mental agony’ and with Smiriti’s regulation everyday life lowered down her status still and made her almost a non society during the course of some thousands of years joint family system.

Besides these all, there were many differences among various dharma Shastras in context of women such as Kautilya gave the permission to do widow marriage, right to file suit against husband for defamation or wrong doings but Manu did not.<sup>23</sup>

Manu was not prepared to allow any kind of independent activity to women without consultation or permission of male member of the family. She was subject to guardianship of the father during her childhood, of husband during her youth and subject to guardianship of son during her old age. She was not allowed to do anything freely even in her own home. After Manu Smrithi, Yagnavalkya Smrithi has made an important law for women to give them right to freedom, right to maintenance and right to freedom of choice of husband.

But again in time of Buddha, through the education and equality among women, Mahatma Buddha had tried to make them powerful. In era of Buddha, women were assigned honourable position in social life and achieved great distinction as poets and biographers. But a talk between Buddha and Aanand, where he described that – women are hot tempered, women is jealous, women are envious and stupid, shows the dark side of society with the ending of Buddha period.

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<sup>23</sup> *Ibid.p.101-104*

There was a glorious and prestigious history of women in ancient India. They had the full respect and equality in Vedic society but unfortunately with starting of post Vedic era they started to face the worst time of the women history of India.

According to Manu a woman does not deserve freedom. Manu disapproved Niyoga, widow marriage and inter-caste marriage; he prohibited upnayan ceremony for girl child. Around 200 AD some of the Dharma Shastras declared that marriage was a substitute for upnayan for girl child and it increased the child marriage custom in India and it increased the problem of child marriage.<sup>24</sup>

In around 500 B.C., the status of women began to decline,<sup>25</sup> Even though reform movement such as Jainism permitted women to followed religious instructions, normally women in India faced imprisonment and limitations. The tradition of child marriages is supposed to have taking place around the sixth century.<sup>26</sup>

Few texts exist that specifically deal with the role of women,<sup>27</sup> an important exception is the *Stri Dharma Paddhati* of Tryambakayajvan, an official at Thanjavur c. 1730. The text compiles strictures on women's behaviour dating back to the Apastamba sutra (c. 4th century BCE).<sup>28</sup>

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<sup>24</sup> *Ibid.* 111-113

<sup>25</sup> Jayapalan (2001). *Indian society and social institutions*. Atlantic Publishers & Distri. p. 145. ISBN 978-81-7156-925-0.

<sup>26</sup> Jyotsana Kamat (January 2006). "Status of Women in Medieval Karnataka". Retrieved 24 December 2006.p.1-3

<sup>27</sup> Shweta Singh (2009). *Examining the Dharma Driven Identity of Women: Mahabharata's Kunti - In The Woman Question in the Contemporary Indian English Women Writings*, Ed. Indu Swami, Sarup: Delhi.

<sup>28</sup> *The perfect wife: strIdharmapaddhati (guide to the duties of women) by Tryambakayajvan (trans. Julia Leslie )*, Penguin 1995 ISBN 0-14-043598-0

## **Medieval Period:**

During the medieval period the Indian women's place in society is much deteriorated.<sup>29</sup> The social evil like child marriage and a ban on remarriage by widows became part of Indian societies. This Muslim Arabian ruler brought to purdah Indian social life. On the other hand in several Muslim families, women were controlled to Zenana areas of the residence.

Notwithstanding these circumstances, women often became well-known in the ground of politics, literature, education and religion; women like Razia Sultana became the only woman queen to have ever ruled Delhi. "Before forfeit her life in a skirmish with Mughal ruler Akbar's general Asaf Khan in 1564 the Gond ruler Durgavati ruled for fifteen years".<sup>30</sup> Chand Bibi protected Ahmednagar against the dominant Mughal army of Akbar in the 1590s.

"Mughal king Jahangir's wife Nur Jehan successfully used royal authority, and she was known as the actual authority behind the Mughal ruler Jahangir. The Mughal princesses Jahanara and Zebunnissa were eminent poets, and they had the capacity to influence the ruling powers. Shivaji's mother, Jijabai, was employed as queen regent because of her capability as a soldier and an administrator"<sup>31</sup> as well as Tarabai was another woman Maratha ruler. In South India, many female administered villages, towns, and divisions, and ushered in new social and spiritual institutions.<sup>32</sup>

"The Bhakti movements tried to re-establish women's position and questioned certain forms of domination. Mirabai, a lady saint-poet, were one of the most prominent Bhakti movement women figures. During this period there were other prominent female saint-poets including Akka Mahadevi, Rami Janabai and Lal Ded Bhakti sects within Hinduism such as the Mahanubhav, Varkari and many others were principle

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<sup>29</sup> Mishra, R. C. (2006). *Towards Gender Equality*. Authors press. ISBN 81-7273-306-2. Archived 29 October 2010 at the Wayback Machine.

<sup>30</sup> [http://sg.inflibnet.ac.in/jspui/bitstream/10603/196397/10/10\\_chapter03.pdf](http://sg.inflibnet.ac.in/jspui/bitstream/10603/196397/10/10_chapter03.pdf)

<sup>31</sup> *ibid*

<sup>32</sup> *ibid*

movements within the Hindu fold. They were frankly supporting social justice and fairness between men and women”.<sup>33</sup>

Instantly following, the Bhakti movements, the first Guru of Sikh Guru Nanak advocated equality between male and female. He supported that women should be allowed to lead spiritual assemblies’ as well as to lead congregational hymn singing called Kirtan. Other Sikh Gurus also advocated the same.<sup>34</sup>

### **Historical traditions:**

Customs among some communities, for example, sati, juhar and devdasi have been prohibited and are to a great extent outdated in present day India. Be that as it may, a few instances of these practices are as yet found in isolated parts of India. The purdah is as still practises by Indian women among a few communities, and child marriage stays predominant in spite of it being an illegal tradition, particularly under current Indian laws.

Juhar – “Juhar alludes to the act of the deliberate immolation of all wives and daughters of the defeated warriors, so as to stay away from capture and ensuing attack by the foe. The Practice was following by the spouses of crushed Rajput rulers, who are known to put a high premium on honour”.<sup>35</sup>

Sati – Sati is an old, to a great extent old custom, among some communities wherein the widow was immolated alive on her husband’s funeral pyre.<sup>36</sup> In spite of the fact that, the act was supposed to be deliberate on the widow's part and it was annulled by the Britishers in 1829. There have been only few cases of sati since freedom of India. In 1987, the Roop Kanwar case of Rajasthan prompted the Commission of Sati (Prevention) Act.

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<sup>33</sup> *ibid*

<sup>34</sup> *ibid*

<sup>35</sup> *ibid*

<sup>36</sup> *ibid*

Devadasi – “Devadasi is a spiritual tradition in certain parts of southern India, wherein women are "wedded" to a divinity or temple. The ceremonial was entrenched by the tenth century A.D. In the later period, the illegal sexual abuse of the devadasi's turned into custom in various parts of our country.”<sup>37</sup>

Purdah – “Purdah is the exercise among some communities of expecting women to wrap their bodies to wrap their skin and disguise their structure. It forces limitations on the portability of womens, it restrains their entitlement to connect freely and it is a sign of the subordination of the female. It doesn't mirror the spiritual teaching of either Hinduism or Islam, in spite of basic conviction, despite the fact that misinterpretation has happened because of the obliviousness and preferences of spiritual leaders of the both religions.”<sup>38</sup>

### **Colonial Period:**

In India, a new age began in the duration of colonial period. In spite of the political subjugation, Indian people came to know about Western education and culture. With the help of Western education, many Indian people changed their traditional mindset and drew their concentration to certain social evils existing in that period. They tried to eliminate the evils connected to women also.<sup>39</sup>

The women’s development in India emerged roughly in the 1880s. During 1800-1885 Raja Rammohan Rai, Ishwar chandra vidyasagar and Keshav Chandra Sen have worked for development of social condition of women all over the India. The participants of the movement were mainly drawn from urban educated families in which men participated actively in their social or political activities. Initially, the movement was concerned with political issues like non-cooperation, civil

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<sup>37</sup> *ibid*

<sup>38</sup> *ibid*

<sup>39</sup> *Ripima bujarbaruah (2002) Violation of women Human rights, A case study in Kamrup District, Assam. A thesis submitted to Guwahati University for Phd in Political science.p.67*

disobedience, suffrage and quit India gradually it started taking an interest in social injustice and reform too.

In nineteenth century numerous individuals' reform societies and religious organizations worked hard to spread education among woman, to prevent child marriage, to encourage widow remarriage, to improve the living condition of widows, etc. and association like Bharat Sri Mahamandal (1910), Women's Indian Association (1917), National Council of Women in India (1925), All India Women's Conference (1927) lobbied for reorganization in legislation to abolish the problem like sati, widow remarriage, child marriage and many others.

All India women's conference expanded its branches from 3(1927) to 400 (1992). During the struggle of freedom, Gandhiji played an important role to abolish the indirect violence against women such as he had written in Young India that Child Marriage is a sin and widow marriage is not a religious practice should be eliminated.

After independence of India, Union of India has worked for women education, social welfare and health through the first four five year plans and focused on employment problem of women from fifth five year plan to empower the community of women.

Besides these all steps and five year plans Government of India appointed a committee under chairmanship of Dr. Phulrena Guha in 1971 to verify the changes in status of women and to examine the complex process of social legislation aimed at removing the disabilities of women and the policies and programmes for socioeconomic development and which seek to change and improve the opportunities for women and submitted report in 1974.

After independence, India is going through the social transforming stage with a lot, and significance of the social transformation also affected the lives and status of women community.

Women privileges are made sure about under Indian constitution mostly, justice, equality, justice, dignity, liberty, etc. India has different resolutions overseeing the privileges of women.

The National Commission for Women was established on January 31, 1992, to keep up the pride and dignity of women, to study different legislations and point out escape clauses and gaps, to investigate the reasons for discrimination and brutality against women and analyse potential remedies.

### **Major Constitutional and Legal Provisions for Indian Women:**

In addition to grants equality to women, the Constitution of India empowers the state to take on positive measures to abolish the discrimination against women as well as have focused on women progression in various circles. Under various Articles the Constitution of India has given equivalent status to women. The above provision unmistakably shows that women in India appreciate right to equality and any discrimination against them will be infringement of equality of right and respect for human dignity.

India has also approved different global conventions and human rights instruments committee to make sure about equivalent privileges of women. The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985) where idea of empowerments was presented, the Beijing Declaration just as the Platform for Action (1995) and the Outcome Document received by the United Nations General Assembly Session on Gender Equality and Development and Peace for the 21st century, named "Further actions and initiatives to execute the Beijing declaration and the Platform for Action" have been vigorously embraced by India for suitable development.

In the Indian Constitution women stay on equivalent position with men in all circles. The Constitution ensures equality and equivalent safeguard under law for man and women. The commitments of the State to ensure and advance are contained in the Directive principle of state policy, government take a few plans and programmes for solution of this problem. These are – (I) National Women's Commission (1992) (ii)



Kasturba Gandhi Educational plan (1997) (iii) Balika Samruddhi Yojna (iv) Sarva Siksha Abhiyan (2000) (v) Swayamsidha Yojna (2001-2002) (vi) Kishori Shakti Yojna (2000-2001) (vii) Kanya Vidya Dhan Yojna (2004)- (viii) Moulana Azad National Scholarship Scheme (2003) (ix) Gaurav Nari Niti (2002)- (x) Ladli (2005) (xi) Krishi Talim Yojna (2010) Another important schemes are -- Pradhan Mantri Matritva Vandana Yojna, Pradhan Mantri Surakshit Matritva Abhiyan, Janani Suraksha Yojna. Beti Bachao, Beti Pado, Sukanya Samriddhi Yojna', Pradhan Mantri Shisu Vikash Yojna, etc.

## **Constitutional Privileges for protection of women rights:**

### **Preamble:**

Preamble of the constitution starts with the words “We the People of India.....” Though the words Socialist and Secular” were not initially there in the Preamble but subsequently these words have been inserted in the Preamble by the Constitution (42nd Amendment) Act, 1976. In furtherance of these notions the Preamble has talked about socio-economic and political justice whom is to be rendered irrespective of each and everything.

It recognizes women as a class by itself and permits endorsement of laws and reservations favouring them. A number of articles in the Constitution keep various provisions for positive action in favour of women. It prohibits all types of Women’s Right and the Indian Constitution discrimination against women and lays a carpet for securing the equal opportunity to women in all walks of life, including education, employment and participation.

### **Fundamental rights:**

Part III. Comprising articles from 12 to 35, describing with the fundamental rights is the core of the constitution. The fundamental rights are regarded as fundamental because they are most important for the achievement by the individual or his full intellectual, ethical and spiritual status.

Article 14 clearly expresses that; every individual has the right to get equal chance before the law or every person have the right to equivalent safeguard of the laws inside the region of India. Consequently Article 14 guarantees to each individual the right to equality under the steady gaze of the law or the equivalent protection of the laws.

Clause (1) of article 15 clearly expresses that; only of the ground of caste, religion, sex, race, birth place or any of them the state will not distinguish against any citizens. So we can say that there will not be any discrimination based on sex. So both the gender will treat equally, without any discrimination by the state.

Clause(2) of the Article 15 express that every individual has the equivalent right to use shops, equal right to use public restaurants, equal right to use hotels and places of public entertainment, equal right to use of wells, equal right to use of tanks, equal right to use of bathing Ghats, equal right to use of roads, equal right to entry places of public resort, the state will not restricted to use of these facilities on the ground of sex, caste, religion, and birth place. Maintained wholly or partly out of state funds or dedicated to the use of the general public. Again Clause (3) of this article says that; every state has the right to making any women and child related provisions.

Article16 of Indian constitution clearly says that, there shall not be any discrimination on the subject connecting to employment to any office under the jurisdiction of state. Every citizen have the right to get this opportunity without any bias on the ground of sex, religion, caste, race, birth place, decent or any of them.

Again the clause (3) of the article says that, the parliament shall not make any law recommending to any class or classes of employment or appointment to an office.

Article 21A of Indian constitution says about the state initiative on education, the article clarifies that the State have the responsibilities to give free education as well as compulsory education to every child of the age of 6-14 years.

Article 24 says about the child labour and prohibited child less than 14 years of age to work in any factory or other dangerous work.

The clause (2) of article 29 says about equal access of education and clarifies that all citizen have the right to take admission in government or government aided educational institution. There should be no discrimination on the basis of caste, race, religion, language or any of them.

### **Directive principles of state policy:**

Part IV of the constitution of India discusses about the directive principle of state policy. The Constitution of India includes many directives to the state to apply the directive principles to making laws in the governance of the country. Though these principles are not enforceable by any court, but the directive principles are basic needs for providing welfare to the people.

The directive principles clearly proposed to improve the status of women and for their safeguard.

Article 39 of the Indian constitution says that; the state shall direct its policy for following purpose.

1. State shall secure the rights of the citizen, men and women equality as well as have the right to a sufficient means of livelihood.
2. State shall secure the rights and control of the material resources of the community is so dispersed as best to sub serve the common good.
3. State shall secure the rights of equivalent wages for the equivalent job for both men as well as women.<sup>40</sup>

The 39A of the constitution clarifies that; State has to protected that the process of the lawful system endorsed fairness, on the basis of equality as well as provide at no cost

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<sup>40</sup> *ibid*

lawful help, by appropriate legislation or system or in some other way, to make sure that chances for protecting fairness are not deprived of to any person by the basis of economic or other disabilities.

Article 40 of the constitution says about the responsibilities of state to organize village panchayat as well as provide them with such powers and authority as may be required to enable them to functions units of self-government.

Article 41 of the constitution discusses about the responsibilities of state to make effective provision for securing the right to work, right to education, and to government assistance in cases of unemployment, old age, sickness and disable persons, etc.

Article 42 of the Indian constitution discusses about stipulations for securing humanitarian situations of the job and for motherhood support.

Article 43 of the constitution says that the State shall attempt to secure, by appropriate legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living pay, and situation of work ensuring a well-mannered.

Article 44 of the constitution of Indian reveals the State responsibilities to protect for the peoples by a uniform civil code all the region of India.

Article 45 of Indian constitution discuss about the state effort to provide, within a period of ten years from the implementation of this Constitution, for free and compulsory education for all children under fourteen years of age.

Article 46 of the constitution discusses the state responsibilities to promote and special care to the educational and economic interests of the weaker sections, and, in

particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social discrimination and all forms of abuse.<sup>41</sup>

Article 47 says about the state effort regarding increase of the level of nutrition and the standard of living of its people and the development of public health as among its prime duties and, in particular, the State shall attempt to bring about ban of the expenditure except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

### **Legal Rights of Women:**

The following are the various legal efforts for safeguards the women:

1. Protection of Women from Domestic Violence Act (2005): This Act is a comprehensive legislation to defend women in India from all forms of domestic violence. It also covers all kind of abuse faced by women within the relationship.
2. Immoral Traffic (Prevention) Act (1956): This Act is the foremost legislation for prevention of trafficking for commercial sexual abuse. In other words, it prevents trafficking in women and girls for the purpose of prostitution as organised earnings of living.
3. Indecent Representation of Women (Prohibition) Act (1986): This Act forbids offensive depiction of women all the way through announcement or in newspaper, writings, work of art, and information or in some other method.
4. Commission of Sati (Prevention) Act (1987): This is one of the important Acts of women rights protection, which provides for the more effective prevention of the commission of sati and its glorification on women.

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<sup>41</sup> *ibid*

5. Dowry Prohibition Act (1961): It is also a major act of women safety particularly for marriage women. This act banned the giving or taking of the dowry at or before or any time after the marriage from women.
6. Maternity Benefit Act (1961): This act is one of the essential acts for employed women. It provides maternity benefits for married women for certain periods before and after child birth.
- 7 National Commission for Women Act (1990): This act opens the door for the establishment of a National Commission for Women to revision and observes all subjects connecting to the legitimate and lawful rights and safeguard of women.
8. Equal Remuneration Act (1976): This act says about equal remuneration to both men and women workers for similar work. It also stops discrimination on the ground of sex, against women in recruitment and service situation.
9. Indian Penal Code (1860): Indian penal code is major safety instrument of women rights. The provisions of the Indian penal code defend Indian women from dowry death, rape, kidnapping, brutality and other offences.
10. This is one of the important safety measures for women rights particularly for working women. This act protected women from sexual abuse at work place both in public and private or organises and unorganised sector.

Some other safety measures of women rights are, Code of Criminal Procedure (1973), Indian Christian Marriage Act (1872) , Legal Services Authorities Act (1987), Hindu Marriage Act (1955), Hindu Succession Act (1956), Minimum Wages Act (1948), Mines Act (1952) and Factories Act (1948, Employees' State Insurance Act (1948), Plantation Labour Act (1951)Legal Practitioners (Women) Act (1923),Indian Succession Act (1925), Indian Evidence Act (1872),Hindu Adoptions and Maintenance Act (1956) etc.

## **Conclusion:**

Through centuries, societies in the world over have been trying to fly only one wing, denying women their rightful place. Women make a big role to the wellbeing of the family and to the development of the society which is still not recognized in its fullest level and they are placed in an unfavourable position than men. Women are not treated equivalent to men in various ways. Gender discrimination has been a conventional part of a male dominated society all the way through the history. Even today, this disparity is going on in the society very rampantly. There are laws but implementation level is very weak. This may be due to the unawareness of their rights and illiteracy of the women of the society.

With a better awareness of the UDHR and the subsequent covenants and conventions relating to women rights the need arises in the present situation for a stronger and more dynamic women right movement in furtherance of the reason of all human beings.

The status of women and her rights were perhaps the most honored in the earliest phases of Indian history and in the Vedic age. But in Medieval period the status of women were very low. The position of women began to change significantly in the latter half of the 19<sup>th</sup> century when the British government along with Christian missionaries and the Indian reformers began their effort to spread education among the Indian women. From equal status with men in ancient times the low point during the medieval period and to the promotion of equal rights by many reformers the history of the status of women has been eventful.

The balance of a peaceful society depends upon equal development of both man and women. Although efforts are being taken by the government of India to cope with the various issues of women, still it has been found that to a large extent women have limited means to seek empowerment. There are so many acts for protecting women from violence, but most of the women are not aware and concepts of these and their rights, therefore it needs to develop awareness and education campaign regarding women's rights.