

Forum: Human Rights Commission 2 (HRC2)

Issue: Strengthening Legal Protections for Women and Girls

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Introduction

Under existing international legal instruments, the rights of all peoples are is a universal right unrestricted by gender, age, income, or citizenship (or statelessness). The Universal Declaration of Human Rights, among other internationally recognized treaties, is a testament to the progress made thus far regarding legal protections of human rights for all. However, such a declaration left to the devices of individual member states for its enforcement may - in most cases - fall short of the international community's goal of full implementation. Through national laws, culture, and barriers to education, many women and girls are discriminated against on a legal framework; a prominent shortcoming of national legislation. With issues ranging from domestic abuse to female genital mutilation (FGM), the rights of women and girls are violated in many nations.

Such inadequate legal protections are recognized, such as in Article 6 of the Convention on the Rights of Persons with Disabilities, stating that “women and girls with disabilities face multiple and intersecting forms of discrimination”. Furthermore, the World Health Organisations (WHOs) report entitled ‘The World Report on Violence and Health’ states that “40 – 70 per cent of women murdered worldwide were killed by their current or former husband or boyfriend, frequently in the context of an ongoing abusive relationship.” Despite the fact that international laws exist to protect women and girls, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the ratification of these laws depend upon how willing the member state in question is in enforcing it.

The aforementioned issue of member states enforcing treaties at their own will is further worsened given the fact that crimes such as domestic violence, femicides, and other forms of violence against women cannot be tried in international tribunals or in foreign courts, but only under the jurisdiction of the state where the crime occurred. In nations and or tribes where a patriarchal system is encroached in society, this issue can be solved by changing the longstanding traditions of conservative cultures and through mounting international and domestic pressures. A fairer representation of women in the judiciary branch of government would provide a platform for current inequalities to be discussed - a

likely solution when observing the situation in Yemen, where there are only 32 female judges compared to 1200 of their counterparts according to a CEDAW report.

Definition of Key Terms

Sexual Discrimination

Sexual discrimination regards how someone is treated in a bad way simply because of his/her sex. Sex discrimination can be divided into 2 different sub groups. Direct discrimination is when a woman is treated differently to a man who is in the same exact position as her. This raises numerous ethical questions as in these instances, it's undeniable that everything is based on the person's sex. Indirect discrimination can be through policies or laws which put a certain sex at an advantage. Sexual harassment is also important in this topic, as women are subjected more often than men to humiliating and degrading treatment. This treatment is of a sexual nature.

Domestic Violence

Domestic violence is a series of violent behaviour which is carried out in a marriage or cohabitation. Domestic violence can involve abusing children or the elderly as it is not limited to violence between the parents. Women are more prone to domestic violence than men and therefore there have been efforts to increase legal protection of women.

Child Marriage

Child marriage refers to the marriage before the legal age of 18. Child marriage has adverse impacts on the quality of life of the girl as they drop out of school and lose any future opportunities.

Background Information

Issues with Current Legal Protections

Women have been facing issues with violence, lack of security, regulations and discrimination for centuries. There have been previous attempts to help strengthen legal protection for women and girls, however these laws have either not been effective or have not been implemented internationally. Also, most of these laws and measures have not been fully sufficient to accommodate and progress with social changes. Violence against women has only recently become an international concern with the aid of organizations such as the U.N and the International Women's Health Coalition. However, there is also a major issue in the fact that there aren't many women being represented in official settings where laws

are being established. Therefore, these laws cannot be effectively measured and assessed, without the affected people's aid. Although systematic oppression against women happens globally, it occurs in some countries more than others. This is due to the fact that the pre-existing laws are not implemented around the world because of cultural or religious regions, therefore the neglect of women's rights in areas such as Saudi Arabia and India are justified and covered up. Strengthening legal protection should be a major international concern as many women are afraid or reluctant to speak out about incidents, because of the way justice systems manage these issues that often go unresolved or further victimize the women. In result this could lead to increased tension and inequality in communities, causing a dangerous and unsafe environment.

Attempts in History

There have been many minor attempts in history to develop women's legal rights in the community, however without a universal idea of how to develop and implement these issues, there has been a great divide between religious, cultural and social ideas that have caused many conflicts along the way. However, some of the earliest laws that tackled issues of women's rights were implemented in the early middle ages, such as mosaic laws, Egyptian laws, Athenian laws, roman laws, Islamic laws etc. One of the major influential laws was the 'natural laws' which was developed in the 17th century by philosophers such as Thomas hobbes, Jean-Jacques Rousseau and John Locke; which aimed to oppose slavery and society's idea of inferior women. This approach was more of a social progress rather than a legal one, it paved the way for government intervention. The earliest attempt of this was in the early 1970s by the British Hong Kong government, that decided to implement equal employment and pay rights for women and men. They allowed women to work without the consent of their husbands. As well as laws that allowed married women to still be permanent employees, as opposed to the prior laws which made them temporary employees. After this, France began implementing these laws, which paved the way for most of the European nations to do the same.

Women's Suffrage Movement

The Women's Suffrage Movement was majorly influential in shaping the legal protection of women today. It was a movement that began in 1848, but first gained organizational recognition in 1903. It aimed to create equal rights for men and women, as well as motivate and fight for the support of women voting and running for office. The movement originally began, and continued to become more successful, in the U.S and Britain. The organizations in the U.S campaigned and rallied for constitutional change for universal suffrage. This global campaign influenced New Zealand to pass the 'electoral bill' in 1893, which became the first country to allow for national-level voting for women. This change further intensified women's desires to become appreciated and thought of as equal in the community. Women like Lucy Stone, Julia Ward Howe and Josephine Ruffin used this motivation to find political gains and attempt to persuade communities in a less-radical approach, however still maintaining the same goals

and ideas. The major contributor to Women's legal right to vote, came during and after the First World War. As men left to fight in the war, there were many jobs that needed employees and women were there to replace them. During this time women's employment increased dramatically from 23.6% in 1914 to 46.7% in 1918. However, during this time employers and companies began to think they could pay women less than men to not waste much money, because they would assign the jobs back to the men when they came back from war. Women were not happy with this, as they were newly motivated and decided that the work they were doing was just as good, if not better, than the quality of men's'. Therefore, they organized the first wage related strike in 1918, in the U.K, to demand equal pay; which they ultimately won. The ambition and strong work-ethic women demonstrated during the absence of men during the war proved their ability to be able to be just as effective and contribute greatly to the economic, politics and society. It also led to a domino-effect of European countries recognizing these abilities, and allowing women to vote. It began in the U.K in 1918, then France and Germany in 1919, the U.S in 1920 and continued to progress until most European nations passed a bill declaring women the right to vote. Countries also began to create organizations and committees that would assess the question of women's wages, that transformed the way government's regarded women. There were three major organizations involved, which helped achieve women's right to vote in Europe, The American Woman Suffrage Association (AWSA), the National American Woman Suffrage Association (NAWSA) and the National Woman's Party (NWP). These organizations allowed women to have a more organized and unified approach in campaigns and rallies, which in return made communication and raising awareness easier for the public. The women's suffrage movement paved revolutionized society's thinking of women and forced officials to think of them as equals and just as capable as men. It paved the way for more progressive and empowering laws to later be created, that would increase and strengthen protection for women.

Major Countries and Organizations Involved

India

India is a nation that faces much scrutiny in regards to the issue of gender equality. The traditional gender norms are still very much a reality in India, especially in rural areas, where governmental presence is very lax. However, the particular case for India is that the laws and legislations of the country do not have any discrimination towards women and in fact firmly establishes a non-bias on the basis of gender; the gender inequality usually rise from lack of vigorous police activity and social pressure. The social pressure is the most important factor that must be addressed. Many Indian households still retain the traditional gender roles, and domestic violence runs rampant within these households, who view domestic violence as a tolerable act. Of the 106,527 cases of domestic violence reported in India in 2012, only 15% of these cases actually resulted in conviction of the abuser; this

shows the lack of efficacy of the current Indian legislation in ensuring gender equality. Many have reported of corruption in the Indian police force; they often accept bribery, and may choose to ignore certain cases, as evident by the statistic involving domestic violence above. This is evident yet again by this statistic: in 2012, 24,923 cases of rape was reported, however with a 24% conviction rate. India has implemented measures in order to try to combat these issues. The first of them is to establish official legislations involving gender equality, which India has done. The next step, which the government is currently working on, would be to ensure that these laws are actually executed in practice.

Saudi Arabia

The issue of women's rights is currently fast under development in Saudi Arabia. The government of Saudi Arabia and its laws are based on their interpretation of the Islamic Sharia law. Under Sharia law, women are legal minors; in this regard the mahram, unmarried kin of the woman, have influence over the woman and must accompany her in any journey lasting longer than 24 hours. The mahram has much control over aspects of the woman's life; for example, a woman requires the mahram's permission to marry someone, and the official marriage contract is determined between the husband and the wife's mahram. Additionally, the family dynamic is in such a fashion that the husband, or the father, holds more authority. Women are unable to enroll children in school without the permission of the husband, and legally all children of the couple are under the guardianship of the father, not the mother. However, in recent years the country is becoming increasingly modernised socially and legally, as evident by acts such as legalising women's right to drive.

African Center for the Constructive Resolution of Disputes

The African Center for the Constructive Resolution of Disputes (ACCORD) is a South African based organisation founded in 1992 which aims to uphold peace by ending the various conflicts on the African continent through peaceful measures. ACCORD's works are divided into five sections: peacemaking, peacekeeping, peacebuilding, knowledge building, and gender equality. The first three departments aim to solve current ongoing conflicts, build a peaceful future, and maintain that peace; knowledge building is the research and creation of policies relevant to conflict management and prevention of war; and gender equality focuses on women's empowerment and equal rights in areas of conflict, and on the continent as a whole. The ACCORD was the first African NGO to present to the Security Council, and has continued to work with the UN and organisations such as the African Union, Southern African Development Community, and Women's Empowerment, in order to improve gender inequality. They have provided numerous workshops and hosted conferences on this issue,

World Health Organization

The World Health Organization is a non-governmental organization with a wide range of missions involving healthcare; a major programme within the WHO is the Gender, Equity, and Human Rights. This specific program aims to ensure that individuals have fair and equal distribution of healthcare regardless of their gender. In many aspects of the world, discrimination based on gender is commonplace, and this discrimination may also influence the distribution of healthcare legalistically. The WHO supports the creation of legalistic structure that ensures equal opportunities for everyone in terms of medical care. They do this through observing and reporting on any gender inequity and creating specific guidelines and standards such as the WHO Country Cooperation Strategy and the WHO Handbook for Guideline Development.

United Nations Women

The United Nations Women (UN Women) is a non-governmental organisation focused on achieving gender equality and the assurance of women’s rights in less developed nations. The organisation works with the United Nations and its member states to create a universal standard of gender equality, which the UN Women would promote and all the member states would work to reach. Additionally, a much more direct form of operations are also conducted by UN Women. An example of this is their ‘Flagship Programme Initiatives’, which target many aspects of this issue such as women’s leadership in politics and their access to lawful justice. These initiatives would entail programmes to enable and encourage women to become active members of their society politically by method such as uprooting discriminative gender conventions and supporting the implementation of fair and equal legal system that promote the participation of women.

Timeline of Events

Date	Event
1867	The “London Society for Women’s Suffrage” is established to help females who are suffering
1870	“The Married Women’s Property Act” allows married women to maintain the possession of their items. This was important as when couples divorced the husband took possession of everything and women were exploited through this.
1920	The “Sex Discrimination Removal Act” allows women to hold positions in a civil or judicial office.
1948	The formation of the “National Health Service” which allows everyone to have free access to health care. This

	changed from before as previously health care was in favor of helping the insured men.
1970	“Equal Pay Act” is enacted, which would further contribute in removing any sexual discrimination as it is a law that men and women must be paid equally for the same work.
1975	The Sexual Discrimination is also enacted, which has a broader yet similar purpose as the Equal Pay act. They are both under the Equal Opportunities commission.
1977	Women's Aid speaks to the government about increasing laws concerning young girls who are at a high risk of sustaining violence.
2003	Amendments are made to the Equal opportunities act in order to address sexual harassment as a more serious issue.

Relevant UN Treaties and Events

- Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)
- International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, *entered into force* Jan. 3, 1976
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 2131 U.N.T.S 83, UN Doc. A/RES/54/4, *entered into force* Dec. 22, 2000
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Art. 1
- G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)
- Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against women (Eleventh session, 1992), U.N. Doc. A/47/38 at 1 (1993)

Previous Attempts to solve the Issue

An example of a previous solution was many delegations wanting to urge international cooperation towards gender equality and to outline the tasks needed to be enacted by every delegation's national government. The majority of this was to empower and improve women's social status. Moreover, the United Nations Women has called upon governments to commit strongly towards increasing women's access to justice and to extend a proper responsive justice system that gives women their equal rights and chances in society as well as actively participating in events. In addition to

this, UN Women plans to continue organising events towards strengthening women's access to justice. Events such as "Strengthening Women's Access to Justice:" and "Preventing sexual and gender-based crimes in conflict and securing justice for survivors". These events were mostly focused on taking action towards: increasing women's access to justice, preventing any heinous crimes against women that involves sexual violence and to protect women from these crimes, to secure justice for survivors from post-conflict areas with the ability to set up a justice and criminal liability for sexual crimes.

To continue, the solutions raised by UN Women involved "Education for prevention" and "Working with men and boys". To elaborate on this, "Education for prevention" involves the UN Women's partnership with the World Association of Girl Guides and Girl Scouts (WAGGGS) developed a global informal curriculum to engage the youth in their efforts towards preventing violence against females. An example of this is "Voices against Violence" which is a co-education curriculum to arrange different age groups from the years of 5- 25 years old. With this, it is able to provide the youth with the necessary understanding towards why is violence caused and where they are able to find the support needed when a violent experience occurs with them. In addition to this, "Working with men and boys" involves the support that the UN Women gives towards ""Partners for Prevention" which is also known as P4P. This is a programme that focuses on regions such as Asia and the Pacific as it is used to provide knowledge and technical support (through websites, phone calls etc.) to be able to prevent violence on gender. The goal of this program is to reduce the number of reports towards violence on gender in these regions through the behaviour of men and boys which will further increase the number of people in institutions and to enhance policies. Furthermore, this includes raising awareness through their communities and educational platforms.

Possible Solutions

Education

Education is a vital step in creating individuals and an environment that would uphold the legal protections for Women and Girls. Through education, people are able to understand the full extent of the issue at hand and attempt to solve the issue. Education provides people with relevant information that will help them form valid judgements and arguments that could help with social progress. Communities could do this by reviewing material that is being taught in school to highlight women's oppression and issues, so that the students do not neglect them or not know how to respond in these situations. Schools can also assign women's rights lectures or brief lessons, every six months or year, to ensure that the school body is aware of the issues facing women in society. These lectures should highlight the injustice as well as possible solutions or steps students could take in solving them. Educating students about

women's issues and lack of legal action to protect them is especially important, as they will shape society and how the future tackles these issues.

Training of Public Officials

Public officials are particularly influential when it comes to strengthening legal protections for women and girls, as to an extent they are the enforcers of these rules. Therefore, training for public officials will help protect women and ensure security in public settings. Public officials must ensure the implementation of any legal action governments have adopted. There have been many cases where violations against women have been reported but dismissed, or authorities were not able to fully handle similar situations; especially in cases involving teenagers. However, with the right training and education officials will be able to recognize and handle these circumstances more effectively. There should also be better coordination between government intervention and public officials, as previous cases have been neglected due to the officials inability to recognize a serious federal case. Therefore, public officials should hold training sessions and education programs where they are able to understand these issues and how to handle them, to be able to fully enforce them and reduce the amount of crimes against women occurring in an area. Furthermore, there should be a system for monitoring in areas with high crime and violence incidents, as well as an impact evaluation to measure effectiveness.

Review of Pre-existing Laws

Some laws that have already been implemented often times neglect emphasis on property rights, nationality, equality within a family as well as labour requirements. Some of these laws are extremely vague and insufficient, where they can easily be disregarded and overlooked by the justice system. Most of these laws are not just detrimental to women, but also to the country as a whole. Women feel less secure in their environments as they hold pressure to not go on maternity leave or not own property. However, governments also face potential losses as birth rates decrease as well as an ineffective labour force. The government could review these laws, concerning women's rights, and have women officials that are able to represent women and create more detailed and fair laws, that would ensure their security in communities.

Raising Awareness

Raising awareness to the issues women currently face in society could potentially immensely help reduce them. Awareness could help inform people on the extent of the injustice, possibly issues they were not aware of, and evoke change in behavior and possible consequences. Awareness would also help spread information of support groups, call lines and officials women facing discrimination or abuse can find to help find solutions to their issues. This could be done through different forms of media, campaigns, petitions, lectures, workshops etc. Media is extremely influential, especially social media, in spreading relevant information in a widespread and fast manner. Media can come in the form of advertisements on television, television shows and movies that highlight these issues, posters etc. Campaigns have previously been implemented through protests and marches, which in result have been

covered in news programs, for women rights and equality in society. Petitions have also been previously used to help draw attention to specific issues, and can be sent to representatives in hopes of influencing governmental laws and awareness to injustices.

Non-profit Organizations (NGOs)

There have been many non-profit organizations internationally that advocate women's equality, and some specifically aim to achieve legal and systemic change to address discrimination against women and girls. NGOs can represent a united front of individuals supporting this cause, and can cause much more impact than a single individual attempting to do the same. NGOs are also able to develop more educated societies and raise awareness for these issues on a wider-scale. NGOs are able to provide shelter, food, resources etc. for women struggling with issues of discrimination and safety, that the legal system fails to recognize, especially in an international scale. Some of the existing NGOs which confront these issues are: Equality Now, International Planned Parenthood, National Organization for Women, and the Association of Women's Rights in Development.

Support Groups

Local support groups can be adopted in communities to allow women to speak freely about previous or current issues they may face, in order to get advice or help from officials. These support groups should be conveniently located, so that women are able to seek help in a safe manner. They should be provided with trained officials that are able to recognize and facilitate necessary legal action as well as provide advice for potentially dangerous situations.

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