



Women's Human Rights: A Fact Sheet

"Women are in double jeopardy. Discriminated against as women, they are also as likely as men, if not more so, to become victims of human rights violations... Today, what unites women internationally—transcending class, race, culture, religion, nationality and ethnic origin—is their vulnerability to the denial and violation of their fundamental human rights, and their dedicated efforts to claim those rights." (Amnesty International, Human Rights are Women's Rights)

Foundations of Women's Human Rights in International Law

- The *Universal Declaration of Human Rights* stipulates that human rights apply to all people equally, "without distinction of any kind such as race, color, sex, language...or any other status".
- The *Convention on the Elimination of All Form of Discrimination Against Women* (CEDAW), or the International Women's Human Rights Treaty, was adopted by the UN in 1979. CEDAW was the first document to comprehensively address women's rights within political, cultural, economic, social and family spheres.
- The 1993 *Declaration on the Elimination of Violence Against Women* (DEVAW) set forth ways in which governments should act to prevent violence, and to protect and defend women's rights. DEVAW holds states responsible to "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the state or by private persons".

Background

Women's rights are human rights. This notion is at once fundamental and revolutionary. In theory, women have never been overtly excluded from the concept of human rights. In 1945, the UN Charter afforded to women and men equal economic, social, cultural, political and civil rights. Nevertheless, because women traditionally have been relegated to the private sphere and to subordinate status in society, they have generally been excluded from recognized definitions and interpretations of human rights. As such, women and girls' experiences with human rights abuse have been virtually ignored (UNIFEM, 1999). Most of the casualties of war are women and children; most of the world's refugees and displaced people are women and children; most of the world's poor are women and children. Still, because of persistent discrimination against women and women's virtual invisibility, these human rights violations continue with no clear sign of abatement.

Violation of Women's Human Rights

The ways in which women experience human rights—and human rights violations—are unique. While human rights are often understood as the rights that everyone has by virtue of their humanity, the assumption that all humans have the same experiences and needs is particularly problematic for women.

- Historically, states have assumed responsibility for human rights violations only when state agents or officials were the perpetrators. Indeed, certain forms of violence against women by state agents have been acknowledged as torture. However, women more often face abuse from non-state actors, such as their employers, partners, husbands, families and community members. When international law is applied without an understanding of the state's responsibility for abuses committed by private actors, women are denied an essential part of the protection that the human rights system is supposed to provide. When the state dismisses the majority of violence against women as private or domestic matters, thereby allowing this violence to continue, it sends a clear message that violence against women is condoned.

Kajal Khidr was accused of adultery by her husband's family and held hostage by six family members in Iraqi Kurdistan. Kajal Khidr was tortured and mutilated; family members cut off part of her nose and told her she would be killed after the birth of her child. After fleeing to Syria, two of her abusers were arrested. However, they were both released within twenty-four hours because authorities determined they had acted to safeguard the honor of the family. No charges were ever brought against them.

- Human rights violations against women are often complicated by further discrimination on the grounds of race, ethnicity, sexual identity, caste, religion, class or age. The type and prevalence of violence and

discrimination that women experience are often determined by how their gender interacts with these other factors.

Bhanwari Devi was raped by five men of a higher caste in India. The gender-specific sexual abuse that she suffered was compounded by discrimination based on her social status. In the acquittal of her attackers two years later, the court noted that the incident could not possibly have happened because upper caste men would not rape a woman of a lower caste.

- Human rights have long been understood to apply universally—to all people, at all times, in all places. However, in the case of women’s human rights, this principle continues to be challenged. Some justify violations of women’s human rights by placing precedence on cultural values and traditions. This view, however, fails to understand that some practices and beliefs termed “culture” or “tradition” often shape women’s lives in a way that subordinates them and discriminates against them. By placing limitations on the universality of the human rights of women, cultural values rooted in unequal power relations between women and men become justification for the systematic denial of civil, cultural, economic, political and social rights.
Hannah Koroma (Sierra Leone) was genitally mutilated against her will at the age of ten as a rite of passage signifying her entrance into womanhood and her eligibility for marriage. The ritual was performed with a blunt penknife and Hanna Koroma was denied any anesthetic or antibiotics during or after the procedure. When the operation left her hemorrhaged and anemic, her community attributed her pain to witchcraft.
- Violence against women is rooted in a global culture that discriminates against women and denies them equal rights with men. Women today earn less than men, own less property than men, and have less access to education, employment, housing and health care. This global culture of discrimination against women denies women their fundamental human rights and legitimizes the violent appropriation of women’s bodies for individual gratification or political ends.

State Responsibility for Women’s Human Rights: Respect, Protect, Fulfill

Each of the human rights treaties and the whole of the human rights framework are essential for the realization of women’s full spectrum of rights. States have a responsibility whether abuses against women are committed by state or non-state actors, in the public or private spheres. Their obligations under international human rights law can be summarized under three categories: *respect, protect and fulfill*.

- The state has an obligation to *respect* women’s human rights through its direct action, agents and structures of law. A state’s constitution must recognize equality between women and men in all spheres; state or official actors must be held accountable when they perpetrate violence against women; private actors who perpetrate violence against women must be prosecuted.
- The state has an obligation to *protect* women’s human rights. The state must take all necessary measures to prevent individuals or groups from violating the rights of each individual. As such, the state must take affirmative steps to prevent direct and indirect discrimination against women. Women must be fairly represented in government and have legal access to all forms of employment.
- The state is also required to *fulfill* the human rights of women by ensuring opportunities for individuals to obtain what they need and to provide that which cannot be secured by personal efforts. This obligation for women and men ranges from providing food, water, housing and education to ensuring the conditions necessary for women’s organizations to form and function.
- International law has developed the standard of *due diligence* as a way to measure whether a state has acted with sufficient effort to live up to its responsibilities to uphold human rights, i.e. to respect, protect and fulfill. As a standard that has been incorporated into UN documents, *due diligence* is a term used to describe the minimum effort which a state must demonstrate to fulfill its responsibility to protect individuals from human rights abuses.

Women’s rights and human rights are indivisible. All governments are obliged to uphold the basic human rights of each individual on an equal basis. States must recognize the unique context in which women experience human rights and violations of these rights and take all necessary steps to protect women from discrimination and abuse in both the private and public spheres.

For more information on women’s human rights issues, visit www.amnestyusa.org/women or contact the Amnesty International USA at 5 Penn Plaza-16th floor, New York, NY 10001 at (212) 633-4292.