

International Convention on the Protection of Rights of Muslim Women

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Abstract

This chapter provides a brief account of the development of the international norm of non-discrimination on the basis of sex through international human rights instruments synthesising in the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (the Women's Convention)¹. Other major developments at the international level contributing to international human rights law relating to women, including the World Conference on Human Rights held in Vienna in 1993 (the Vienna Conference), the International Conference on Population and Development, in Cairo, 1994 (ICPD), and the Fourth World Women Conference, Beijing 1995 (the Beijing Conference), will also be addressed. Since most of the substantive rights relating to women in the international human rights arena (as is true for other human rights) is a post-United Nations phenomenon, it is proposed to trace the development of women's human rights from that point in time.

The second level at which it is proposed to address the issue is to trace parallel developments emanating from Muslim States as a collective entity from the platform of the Organisation of Islamic Conference (OIC)².

Keywords: - Human Rights, Universal rights, Rights of Muslim Women.

1 GA Res 34/180, 34 UN GOAR Supp. (No 710.46) at 193, UN Doc. A134/46 (1979); entered into force on 3 September 1981.

2 The OIC is an international organisation with headquarters in Jeddah, the Kingdom of Saudi

Arabia. It was founded in September 1969, when heads of States and Governments of Islamic

countries assembled in Rabat, Kingdom of Morocco, to deplore the act of arson in the Holy AlAqsa Mosque and to declare their firm resolve to close ranks and to consult together, with a view

to promoting close co-operation among themselves in the economic, political, cultural and

spiritual fields. The number of member countries went up from the 25 founders to the present 55.

These include, Afghanistan, Albania, Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Brunei,

Burkina Faso, Cameroon, Chad, Comoros, Djibouti, Egypt, Gabon, Gambia, Guinea, GuineaBissau, Indonesia, Iran, Iraq, Libyan Arab Jamahiriya, Jordan, ICazakistan, Kuwait,

Kyrgyzstan, Lebanon, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Niger,

Nigeria, Oman, Pakistan, Palestine, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan Surinam, Syria, Tajilcistan, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab

Emirates, Uzbekistan and Yemen. Source: OIC web-site, <http://www.sesrtcic.org/oicgenhp.htm>

Three documents, the Cairo Declaration on Human Rights in Islam (the Cairo Declaration)¹. The Tehran Declaration on the Role of Women in Islamic Societies (the Tehran Declaration)², and the Islamabad Declaration on the Role of Muslim Women Parliamentarians in the Promotion of Peace, Progress and Development of Islamic Societies (the Islamabad Declaration)³, will be used as evidence of the emerging trend in women's human rights in Muslim States. The fourth document entitled, the Universal Islamic Declaration of Human Rights (UIDHR)⁴, although not officially representing the views of Muslim States, is the result of the work of a group of eminent Muslim scholars and has been widely disseminated internationally.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

The Universal Declaration of Human Rights was adopted in 1948. Its Fundamental rights are freedom contained in over seventy human rights treaties, concerning slavery, genocide, humanitarian law, the administration of justice, social development, religious tolerance, cultural cooperation, discrimination, Violence against women many more⁵.

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas the peoples of the United Nations have in the Charter confirmed their belief in fundamental human rights, in the dignity and value of the human person and in the equal rights of women and men and have determined to promote social growth and better standards of living with respect and dignity,

Article 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

1. Adopted by resolution No. 49/19-P, A/45/421 S/21797, by the Nineteenth Islamic Conference of Foreign Ministers (Session of Peace, Interdependence and Development), held in Cairo, Egypt from 31 July -5 August, 1990).

2. Adopted by the OIC Symposium of Experts on the Role of Women in the Development of Islamic Society, held in Tehran, Iran from 17-19 April 1995 in accordance with resolution 10/7-C(IS) of the Seventh Islamic Summit Conference.

3. Published in Shirkatgah, Newsheet, Vol. 7 (1995) pp. 3-5.

4. Adopted on 19 September 1981 by the Islamic Council in Paris.

5. Dr. H.O. Agarwal, chapter 2, Universal Declaration of Human Rights, p-40

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

The UN and Regional Approach to Women's Human Rights

Women's rights are human rights. They cover every aspect of life – Social, health, education, political participation, economic well-being and freedom from violence, among many others. Women are entitled to live with respect and dignity with the full and equal enjoyment of all of their human rights and to be free from all forms of discrimination – this is fundamental to achieve human rights, peace and security, and development.

The foundation of the UN was a response to the failure of states to respect human rights of individuals, including their own citizens." The UN Charter (Charter)" provides a legal basis for international co-operation among its members for respect for human rights, including the elimination of discrimination on grounds of sex¹. In fact, the Charter was the first international treaty to spell out the principle of equality in specific terms. The Preamble to the Charter affirms "the equal rights of men and women" and gives priority to human rights before the rights of states. In addition to the Preamble, the goal of achieving equality between the sexes is reiterated in several Charter provisions with article 1(3) outlining the purposes of the UN to include "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion²."

1. Shaheen Sardar Ali, THE UNIVERSITY OF HULL Equal Before Allah, Unequal Before Man? P-286

2. Ibid

The idea of regional arrangements for the promotion and Protection of Human rights has been gaining recognition since the adoption of the Universal Declaration of Human Rights. The regional bases are likely to help the promotion of Human rights in a more effective manner than to machinery of the United Nations which is already very complex and over-burdened. The regional organisations are likely to decentralise its activities and avoid confusion. This factor alone would make the implementation of human rights easier. Public opinion would also have more influence under the regional system than on the international plan¹.

Vienna Conference

The Vienna Conference on Human Rights in 1993 stated in the Declaration that "Regional arrangements play a fundamental role in promoting and protecting human rights. They should reinforce Universal Human Rights standard, as contained in international Human Rights instruments, and their protection. The world Conference on Human Rights endorses efforts under way to strengthen these arrangements and to increase their effectiveness, while at the same time stressing the importance of co-operation with the United Nations human rights activities." The Conference reiterated the need to consider the possibility of establishing regional and Sub-regional arrangements for the promotion and Protection of human rights where they do not already exist².

Beijing Conference

The Beijing Declaration and Platform for Action confirms that protection and promotion of human rights is the first responsibility of governments and core to the work of the United Nations. The Platform for Action firmly anchors the achievement of gender equality within a human rights framework and makes a clear statement about State responsibility in delivering on the commitments made³.

The Charter of the United Nations as guarantees the equal rights of men and women. All major international human rights instruments require ending discrimination on the basis of sex. Nearly all countries have approved the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), described as the women's international bill of rights.

Yet serious gaps and violations remain in every region of the world today and progress has been unacceptably slow, particularly for the most marginalized women and girls. Discrimination in the law persists in many countries. Women do not participate on an equal footing with men in politics. They face blatant discrimination in labour markets and access to economic assets. The many forms of violence directed explicitly towards women and girls deny them their rights and all too often their lives⁴.

1. Dr. H.O. Agarwal, Human Rights, Regional Conventions on Human Rights, p-190

2. Ibid

3. <http://beijing20.unwomen.org/en/in-focus/human-rights>

4. Ibid

Women's and girls' rights must be embedded in protecting national law and policy firmly anchored in international human rights standards. Equally important is that laws are implemented, such as through ready access to courts and an expectation of a fair hearing. Women and girls need to know their rights and have the power to claim them. Social attitudes and stereotypes undercutting gender equality must be challenged and changed¹.

Over and done with the Beijing Declaration and Platform for Action, 189 UN Member States agreed to take action across these areas. The Declaration makes strong commitments to uphold women's equal rights and end discrimination. The Platform includes women's human rights as one of 12 critical areas of concern².

It specifies steps to fully implement all human rights instruments, especially CEDAW, to ensure equality and non-discrimination under the law and in practice, and to achieve legal literacy. The realization of women's human rights is critical to achieving progress in all areas of concern of the Platform for Action³.

European Convention on Human Rights

The Statute of the Council of Europe, established by the Congress of Europe Consisting of members who were likeminded and have a common heritage of political traditions, ideals, freedom and the rule of law,' stressed that the maintenance and promotion of human rights were one of the means to achieve the ultimate objective of European unity. The negotiation within the council led to the adoption of the European convention for the protection of Human Rights and fundamental freedom (ECHR) on November 4, 1950. The Convention is also called the European Convention on Human Rights. The Convention was signed by the members of the council. It came into force on September 3, 1953. The Convention in the year 2010 had 47 Contracting states⁴.

1. <http://beijing20.unwomen.org/en/in-focus/human-rights>

2. Ibid

3. Ibid

4. Dr.H.O.Agrawal, chapter 8, Regional Conventions on Human Rights page 191

Rights of Women: Commission on the Status of Women

The Commission on the Status of a women, it is functional commission of the Economic and Social Council. Initially, it was established as a Sub-Commission of the Commission on Human Rights, but in June 1946, the Economic and Social Council conferred upon it the status of full commission and since then it is known as Commission on the Status of Women. In the initial period, this Commission was particularly concerned¹.

- 1) With the progress of the Status of women in Law and there legal aspects, mainly private law and
- 2) With advancement of women's enjoyment of their rights of social life, education, employment, cultural and health care. It made valuable to the commission on Human Right and the Social and the Economic Council at the time when the Universal Declaration of Human Rights and the two International covenants on Human Rights were under the process of being drafted².

The CSW is instrumental in promoting women's rights, documenting the reality of women's lives throughout the world, and shaping global standards on gender equality and the empowerment of women³. In 1996, ECOSOC in resolution 1996/6 expanded the Commission's mandate and decided that it should take a leading role in monitoring and reviewing progress and problems in the implementation of the Beijing Declaration and Platform for Action, and in mainstreaming a gender perspective in UN activities. Following the adoption of the 2030 Agenda for Sustainable Development in 2015, the Commission now also contributes to the follow-up to the 2030 Agenda for Sustainable Development so as to accelerate the realization of gender equality and the empowerment of women (ECOSOC resolution 2015/6)⁴.

The Commission on the Status of Women (CSW) is the world's main policy-making body dedicated exclusively to gender equality and the advancement of women. It is part of the United Nations, and works to promote women's political, economic, civil, social and educational rights. The CSW also works for equality, development and peace, monitors whether measures are being implemented, and makes sure that gender issues are taken into account across the UN. It can also highlight urgent problems, such as the situation of women and girls affected by conflict⁵.

1. Dr. U. Chandra, Human Rights, Human Rights and Vulnerable Groups, pg-248.

2. Ibid

3. <http://www.unwomen.org/en/csw>

4. Ibid

5. <https://ipu.org/our-work/gender-equality/womens-rights/commission-status-women-csw>

The Commission work for more than 10 years, IPU has held an annual parliamentary event at the CSW in partnership with UN Women. The event is linked to the main theme of the Commission's session, and some the themes of recent events include: empowering parliaments to empower women (2017) and the capacity of the law to empower women and advance sustainable development (2016)¹.

The UN Economic and Social Commission for Western Asia, the Inter-Parliamentary Union, and the Office for North Africa of the UN Economic Commission for Africa are pleased to invite you to take part in a joint side event. It will be held during the 60th Session of the Commission on the Status of Women and will be entitled²:

Implementing Security Council Resolution 1325 (2000) on Women, Peace and Security in the Arab Regions are:-

The Commission on the Status of Women (CSW) play an important part to develop the condition of women in world but it works mainly in Asia region.

Over the past five years, the Arab region has experienced successive waves of revolutionary uprisings and unrest in many countries. Most of these upheavals have resulted in unprecedented acts of violence, insecurity and protracted armed conflicts. All these conflicts have endangered the human security of the civilian population at large. But they have had especially dire consequences for women and girls, one of the most pronounced and critical being that women have become prey to sexual exploitation, abuse, and increasingly serious forms of gender-based violence, including rape, human trafficking, and child and forced marriages³.

Security Council Resolution 1325 (2000) on Women, Peace and Security addresses the particular challenges that women face in conflict settings. It mandates the protection of the rights of women and girls in conflict and post-conflict situations. It also mandates the participation of women in peacekeeping, peace building, conflict resolution, post-conflict reconstruction and decision-making processes, and the provision of relief and recovery services targeted at women and girls. These areas are generally known as the four pillars of SCR 1325, or the “Four Ps”: prevention, participation, protection, and provision of relief and recovery⁴.

1. <http://archive.ipu.org/splz-e/csw16/1325.pdf>.

2. Ibid

3. <http://archive.ipu.org/splz-e/csw16/1325.pdf>.

4. Ibid

Parliaments can play an important role in the implementation of these four pillars. They can implement legislation and form policies needed to fully succeed the women security agenda and peace. These might contain: favourable action laws, such as allowances to increase the participation of women in decision-making positions as dignity within peace missions ; guidelines to security of women, secure women’s training as self-defence on conflict resolution peace making processes and , peace building laws that establish and strengthen gender equality and human rights protection. Parliaments can also add to implementation by guaranteeing that national actions plans are organized, adopted and fully funded, and that acceptable oversight tools are in place. However, maximum countries in the Arab region lack of such important legal policy agendas.

Convention on Elimination of All forms of Discrimination against Women (CEDAW), 1979.

The United Nations Committee on the Elimination of Discrimination against Women (CEDAW), an expert body established in 1982, is composed of 23 experts on women's issues from around the world¹.

Now it’s time to look forward to improve the condition of women, which badly affects the entire life of women with all their social aspects. To protect their fundamental rights this mostly violated.

The Committee's mandate is very specific: it watches over the progress for women made in those countries that are the States parties to the 1979 Convention on the Elimination of All Forms of Discrimination against Women. A country becomes a State party by ratifying or acceding to the Convention and thereby accepting a legal obligation to counteract discrimination against women. The Committee monitors the implementation of national measures to fulfil this obligation².

At each of its sessions, the Committee reviews national reports submitted by the States parties within one year of ratification or accession, and thereafter every four years. These reports, which cover national action taken to improve the situation of women, are presented to the Committee by Government representatives. In discussions with these officials, the CEDAW experts comment on the report and obtain additional information. This procedure of actual dialogue, developed by the Committee, has proven valuable because it allows for an exchange of views and a clearer analysis of anti-discrimination policies in the various countries³.

1.<http://archive.ipu.org/splz-e/csw16/1325.pdf>.

2.<http://www.un.org/womenwatch/daw/cedaw/committee.htm>

3.Ibid

The Committee also makes recommendations on any issue affecting women to which it believes the States parties should devote more attention. For example, at the 1989 session, the Committee discussed the high incidence of violence against women, requesting information on this problem from all countries. In 1992, the Committee adopted general recommendation 19, which requires national reports to the Committee to include statistical data on the incidence of violence against women, information on the provision of services for victims, and legislative and other measures taken to protect women against violence in their everyday lives, such as harassment at the workplace, abuse in the family and sexual violence. As of the end of 2007, the Committee has issued 25 general recommendations¹.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women. The present document spells out the meaning of equality and how it can be achieved. In so doing, the Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights².

In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity". As defined in article 1, discrimination is understood as "any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field". The Convention gives positive affirmation to the principle of equality by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men"(article 3)³.

CEDAW. Case of Vertido Vs. Philippines. Committee on the Elimination of Discrimination against Women (CEDAW) ; 2010.

CEDAW/C/46/D/18/2008

In 1996, Karen Tayag Vertido worked as Executive Director of the Davao City Chamber of Commerce and Industry in the Philippines. She filed a complaint against the then President of the Chamber, Jose B. Custodio, accusing him

of raping her. She alleged that the accused offered her a lift home following a business meeting one evening and that, instead, raped her in a nearby hotel⁴.

1. <http://www.un.org/womenwatch/daw/cedaw/committee.htm>
2. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>
3. Ibid
4. <https://projects.iq.harvard.edu/violenceagainstwomen/publications/vertido-v-philippines>

Ms Vertido subsequently submitted a communication to the Committee on the Elimination of Discrimination against Women (CEDAW Committee). She alleged that the acquittal of Mr Custodies breached the right to non-discrimination, the right to an effective remedy, and the freedom from wrongful gender stereotyping, in violation of articles 2(c), 2(d), 2(f) and 5(a) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹.

Definition of Discrimination against women

Discrimination against women means "any distinction, exclusion or restriction or any differential Violation of CEDAW for Minority Women in Gujarat Sr. No Article Violated under CEDAW Description of Article 1 Article 1 Defining Discrimination against women by means of distinction, exclusion or restriction on basis of sex; which has the effect/ purpose of impairing/ nullifying the recognition/enjoyment/ exercise of human rights and fundamental freedoms irrespective of their marital status in political, economic, social, cultural or any other field².

The Women's Convention: A Synthesis of the International Legal Norm of Human Rights

CEDAW was the culmination of a long process, but was given impetus in 1973 by the UN Commission on the Status of Women (CSW). In its working paper, the Commission stated that neither the Declaration on the Elimination of Discrimination Against Women (1967) nor the legally binding human rights treaties had been effective in advancing the status of women. It also argued for a single comprehensive convention that would legally bind States to eliminate discriminatory laws, as well as de facto discrimination. With 30 articles organized in six parts, CEDAW defines "discrimination against women" in its first article: "For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field³."

1. Ibid, CEDAW, Case (legal case/studies), The Philippines, International
2. Ibid
3. <https://unchronicle.un.org/article/womens-rights-human-rights>

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

After the adoption of the Universal Declaration, the Commission on Human Rights began drafting two human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Together with the Universal Declaration, these make up the International Bill of Human Rights. The provisions of the two Covenants, as well as other human rights treaties, are legally binding on the States that

ratify or accede to them. States that ratify these treaties periodically report to bodies of experts, which issue recommendations on the steps required to meet the obligations laid out in the treaties. These treaty-monitoring bodies also provide authoritative interpretations of the treaties and, if States have agreed, they also consider individual complaints of alleged violations¹.

Both Covenants use the same wording to prohibit discrimination based on, inter alia, sex (art. 2), as well as to ensure the equal right of men and women to the enjoyment of all rights contained in them (art. 3). The International Covenant on Civil and Political Rights guarantees, among other rights, the right to life, freedom from torture, freedom from slavery, the right to liberty and security of the person, rights relating to due process in criminal and legal proceedings, equality before the law, freedom of movement, freedom of thought, conscience and religion, freedom of association, rights relating to family life and children, rights relating to citizenship and political participation, and minority groups' rights to their culture, religion and language¹. The International Covenant on Economic, Social and Cultural Rights guarantees, for instance, the right to work, the right to form trade unions, rights relating to marriage, maternity and child protection, the right to an adequate standard of living, the right to health, the right to education, and rights relating to culture and science².

PROTECTION OF THE HUMAN RIGHTS OF WOMEN UNDER INTERNATIONAL LAW

In 1967, United Nations Member States adopted the Declaration on the Elimination of Discrimination against Women, which states that discrimination against women is an offence against human dignity and calls on States to “abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women”. Less than a year later a proposal for a legally binding treaty on women's rights was made. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979. Its preamble explains that, despite the existence of other instruments, women still do not enjoy equal rights with men. The Convention articulates the nature and meaning of sex-based discrimination, and lays out State obligations to eliminate discrimination and achieve substantive equality³.

1.Johannes Morsink, “Women's rights in the Universal Declaration”, Human Rights Quarterly, vol. 13, No.2 (May 1991).

2.For more information on the human rights treaty system, see OHCHR, Fact Sheet No.30: The United Nations Human Rights Treaty System and OHCHR, Fact Sheet No. 7: Individual Complaint Procedures under the United Nations Human Rights Treaties

3.Women's Rights are Human Rights UNITED NATIONS PUBLICATION SALES NO. E.14.XIV.5 ISBN 978-92-1-154206-6 E-ISBN 978-92-1-056789-3

As with all human rights treaties, only States obligations through ratification. However, the Convention articulates State obligations to address not only discriminatory laws, but also practices and customs, and discrimination against women by private actors. With these general principles as an overarching framework, the specific obligations of States to eliminate discrimination against women in political, social, economic and cultural fields are laid out in 16 substantive articles. The Convention covers both civil and political rights (rights to vote, to participate in public life, to acquire, change or retain one's nationality, equality before the law and freedom of movement) and economic, social and cultural rights (rights to education, work, health and financial credit). The Convention also pays specific attention to particular phenomena such as trafficking, to certain groups of women, for instance rural women, and to specific matters where there are special risks to women's full enjoyment of their human rights, for example marriage and the family¹.

WOMEN'S RIGHTS ARE HUMAN RIGHTS

The Convention defines discrimination in its article 1 as “... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field².” Such discrimination

encompasses any difference in treatment on the grounds of sex which: • intentionally or unintentionally disadvantages women; • Prevents society as a whole from recognizing women's rights in both the private and the public spheres; • Prevents women from exercising the human rights and fundamental freedoms to which they are entitled³. The Convention also specifies the different ways in which State parties are to eliminate discrimination, such as through appropriate legislation prohibiting discrimination, ensuring the legal protection of women's rights, refraining from discriminatory actions, protecting women against discrimination by any person, organization or enterprise, and modifying or abolishing discriminatory legislation, regulations and penal provisions⁴.

1. Women's Rights are Human Rights UNITED NATIONS PUBLICATION SALES NO. E.14.XIV.5 ISBN 978-92-1-154206-6 E-ISBN 978-92-1-056789-3

2. <https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf>

3. Ibid

4. Ibid

Educational Rights of Women: Elimination of Discrimination against women in Human Rights.

The right to education on the basis of non-discrimination and equality is a recognised right under human rights law. Provisions relating to gender equality in education can be found in both general and specific international treaties, as well as treaties concluded in most regions of the world.

At this point it may be useful to refer to our page education as a right, which explains the normative content of the right to education, that is what rights-holders are entitled to (education must be acceptable, accessible, adaptable, and available) and states' legal obligations to realise that content, including obligations of immediate effect, minimum core obligations, and progressive realisation, which are key to understanding the content laid out below¹.

To summarise, all provisions related to non-discrimination carry immediate obligations and are considered a minimum core obligation, which means states must take immediate action as a matter of priority. Provisions related to achieving substantive equality, if they are not concerned with eliminating discrimination, and achieving the right to quality education for all (with some exceptions) are subject to progressive realisation. This means that states have an obligation to take deliberate, concrete, and targeted steps, according to maximum available resources, to move expeditiously and effectively towards the full realisation of the right to education².

The Convention on the Elimination of All Forms of Discrimination against Women (1979, CEDAW) is the only legally binding treaty at the international level focusing exclusively on women's rights. It interprets and applies the right to education in a way that considers the specific needs and circumstances of women and girls. Article 10 of CEDAW is the most comprehensive provision on women and girls' right to education in international law³. It sets forth the normative content in relation to the elimination of discrimination against women and ensuring equal rights with men in the field of education, including: the same conditions for access to studies and diplomas at all educational levels, in both urban and rural areas the same quality of education the elimination of any stereotyped concept of the roles of men and women, the same opportunities to benefit from scholarships and other study grants the same access to programmes of continuing education, including literacy programmes, particularly those aimed at reducing the gender gap in education the reduction of female student drop-out rates and programmes for women and girls who have left school prematurely the same opportunity to participate in sports and physical education access to educational information on health, including advice on family planning A number of other CEDAW provisions are also relevant to gender equality in education⁴.

1. <https://www.right-to-education.org/girlswomen>

2. Ibid

3. Ibid

4. Ibid

An historical Overview of Conferences on Islamic Feminism

Conferences bringing people together in face-to-face encounters form an integral part of the history of Islamic feminism and are intimately involved in the shaping and transmitting of Islamic feminist discourse and activist work. At the same time, conferences help consolidate transnational Islamic feminist networks and cement relationships. They also provide valuable records of the work and serve as markers of the trajectory of Islamic feminism¹.

In May 2009 I helped organize the Conference on Reformist Women Thinkers in the Islamic World held under the direction of Haleh Esfandiari, Director of the Middle East Program at the Woodrow Wilson International Center for Scholars. The conference brought together female scholars of different religious affiliations as public intellectuals, and activists, including secular and Islamic feminists, and those who prefer to eschew labels to scrutinize directions in gender reform as part of broader reforms. The point was stressed that as the Islamic world is home to both Muslims and non-Muslims legal and social changes must consider the rights and needs of all members of society. The note of inclusivity was important to deliberations of a just future for all in the real world/s in which we live¹⁰. A sequel to this conference is another scheduled for June 2010 which I also helped organize on the theme of Islamic Feminism and Beyond—The New Frontier: Inclusivity and Equality in Family and Society. It will assess the recent past and consider the needs of our shared future and how to achieve the practice of ideals².

It was at the 1990 Roundtable on Identity Politics and Women that Iranian-American sociologist Valentine Moghadam organized at the United Nations World Institute for Development Economics (WIDER) in Helsinki that there were the first inklings that the phenomenon that would be soon identified as Islamic feminism was in the making, that is to say, that moves to articulate principles of gender equality and social justice in Qur'anic language were underway. We as a group of secular feminist scholars and human rights activists of different religions and national backgrounds had assembled to discuss the still relatively new and disturbing appearance of religious fundamentalisms and their dire effects on women. Nayereh Tohidi, an Iranian scholar, and I coming directly from Egypt where I was doing research, shared the news that from inside the Islamic Republic of Iran and from within the context of the Islamic political and cultural resurgence in Egypt, efforts were underway to develop an Islamic liberation theology counteracting the repressive treatment of women. This conference occurred one year before African-American Amina Wadud published her ground-breaking book *Qur'an and Woman* and two years before Shahla Sherkat founded what immediately became the highly influential journal *Zanan* in Iran. These publishing events are considered foundational moments in Islamic feminism. We left Helsinki pondering new, brighter directions women might be heading toward in the maelstrom of religious fundamentalisms' dark shadows³.

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1. On global feminist networking in general see Valentine Moghadam, *Globalizing Women: Transnational Feminist Networks* (Baltimore: Johns Hopkins University Press, 2005).
 2. This will be held on June 15. The proceedings will also be published in the Occasional Paper Series of the Middle East Program.
 3. For an assessment of the first two Barcelona conferences and the conference organized by Islam et Laïcité and UNESCO see Badran, "Islamischer Feminismus - Drei öffentliche Foren in Europa."

Rights through education 'describe ways in which schooling forms rights and gender equality in aspects of life outside the range of education. The absence of this right is mainly marked when education is required, which should

be transformational, fails to significantly advance the position of women in the social, political, cultural and economic fields thereby denying their full enjoyment and liberty of rights in these fields. A central life must concern is whether guarantee carries the same value and social currency for women as for men as a gender justice. Global developments disclose that, in many cases, even where the educational attainment of men is lower than that of women, men occupy better positions in this arena.

Observation

Human rights claim respect and recognition for the natural dignity to ensure that everyone is protected against exploitations which undermine their dignity, and give the opportunities that they need to realize their full Values and potential, free from any discrimination; but still there is darkness from one side.

Universal Declaration of Human Rights (UDHR) is sources of all essential kinds of International convention including women's rights conventions which are legally binding rights but fails to provide specific protection to women's rights.

Women's rights are entitlements and freedoms claimed for women of all ages in many societies. In some places these rights are established or supported by law, custom, and behaviour whereas in others they may be ignored or suppressed.

Even with the principles of gender equality being protected in our constitution and notwithstanding the state being allowed to adopt measures of positive discrimination in their favour, women of India continue to bear the brunt of exploitation and social discrimination.

