

Human Rights and Discrimination against Women

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Abstract: With the international human rights literature the problem of discrimination has been conceptualized as involving the denial of self-determination of women. Attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights. Women around the world nevertheless regularly suffer violations of their human rights throughout their lives, and realizing women's human rights has not always been a priority. Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination. This paper examined various ways women human rights have been violated despite and some international conferences that have been aimed at eliminating such discriminations.

Keywords: human rights, discrimination, women.

INTRODUCTION

In a male dominated society women's right has been misunderstood because of cultural, customary practices and beliefs which encouraged discrimination against women. Relying on traditional gender roles and child care responsibilities, some employers assume that female employee is less dependable than male employee. The idea of equality of sexes in employment and other areas of life is foreign to Nigerian native law and custom. Most entrepreneurs believe that females are inferior to their male counterpart and incompatible with a fast-paced business environment. Discrimination against women in Nigeria is so visible, primarily given the high level of illiteracy and lack of skills among women compared to men.

There exist nexus between human rights and employment opportunities, such as right to life and human dignity as enshrined in the Nigerian constitution. Nigeria and other nations globally promulgated laws that further prohibit gender-based discrimination, such as the UN Convention on the Elimination of Discrimination against Women (CEDAW), Nigeria signed and ratified. However, the applicable laws have not provided any succor to womanhood.

The vulnerability of Nigerian women is an incontestable fact despite the ratification by Nigeria of a number of international standard instruments which sanctions gender discrimination and unequal access to education, healthcare, inadequate housing and employment. In all legal traditions many laws continue to institutionalize second class status for women and girls with regard to nationality and citizenship, marital

rights, employment rights, inheritance and property rights. This paper examines human rights and discrimination against women, it explains forms of women discrimination, violation of rights and solutions to the problem in order to be backed up by concrete action aimed at enabling the women to realize their full potentials in any democratic society like ours.

CONCEPTUALISATION OF TERMS

Right

A right is an interest, respect for which is a duty and the disregard of which is a wrong [1]. The rights recognized under the constitution of a nation are called human rights and freedom from discrimination being a constitutional provision is very fundamental to the very existence of men and women [5]. Women's rights being inherent and guaranteed by law, discrimination against women therefore are contrary to fundamental human rights, equity, natural justice and good governance [2]. Mill analytically observed that when we call anything a person's right, it means that he has a valid claim on society to protect him in the possession of it, either by the force of law, or by that of education and opinion. Those things which ought to be protected were, in his view, those concerned the fundamentals of human well-being, and were therefore a sub-set of those things which a person ought to have ground of utility [3]. According to positivist, legal rights are essentially those interests which have been legally recognized and protected.

Women's Right

The term women's right refers to entitlements of women and girls of all ages [4]. Discrimination is the

prejudicial treatment of an individual based on their membership of a certain group or category. Women's rights are the rights and entitlements claimed for women and girls of many societies worldwide. In some places, these rights are institutionalized or supported by law, local custom, and behaviour, whereas in others they may be ignored or suppressed. Usually, "women's rights" refers to whether women have equality with the rights of men where women and men's capacities are the same. Sometimes, "women's rights" includes protection of women where women are subject to special circumstances (such as maternity leave for child-bearing) or more susceptible to mistreatment (trafficking in women, rape). Women's rights are classified into "political, economic, social, cultural, civil" and other spheres and it is defined to 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 field. Women rights are based on the idea of equality as an opportunity for women to "develop their fullest human potentials" and to put women into the "mainstream of political, economic and social life.

Violation of Right

Violation of right can simply be explained to mean a disregard or contravening the interest of a person recognized by law [1]. Rights being the articulation of the need for justice, tolerance, mutual respect, and human dignity in all of our activity, to protect such right is to ensure that people receive some degree of decent, humane treatment. To violate rights on the other hand is to deny individuals their fundamental moral entitlements. It is in a sense, to treat them as if they are less than human and undeserving of respect and dignity. Examples are of acts crimes against humanity, including genocide, torture, slavery, rape, enforced sterilization. Violation of political and economic rights such as right to adequate food, employment, and cultural life denied, and large number of women are excluded from are the root causes decision making processes are likely to create unrest.

Gender Discrimination

Gender discrimination is explained to include "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, human rights and fundamental freedom in the political, economic, social, cultural or any other aspects of life [6]. In the context of workforce, it can be defined as the giving of an unfair advantage (or disadvantage) to the members of the particular group in comparison to the members of the other group [7].

FORMS OF DISCRIMINATION AGAINST WOMEN:

Marriage

Women lack equal rights and responsibilities in marriage with men, irrespective of form of family or the religion, custom, tradition or legal system under which it is established [8]. This sought of discrimination involves a lot of issues which include among others their civil status, ability to enter into marriage of their choice, legal capacity to own and administer property, right to inherit, right to maintain or change nationality, and rights and responsibility in regards to their children. Women should be given the right to be free and have full consent to enter into marriage [6]. Equal status had to be maintained between parties in de facto marriage, customary and non-formal marriages.

Nationality

The rights of women and widows to citizenship has been an issue around the world, for example Kenya's constitution specifies that citizenship is not lost through marriage or dissolution of a marriage, which is not so under the Nigerian constitution. In A.G of Republic of Botswana-V-Unity Dow, the plaintiff a female citizen of Botswana successfully challenged the legitimacy of Botswana's citizenship Act on the constitutional ground that the Act unlawfully discriminated against her on the basis of her gender. Under Botswana citizenship law, citizenship was denied to the children of a female citizen married to a foreigner. The court held that the citizenship Act in this respect unconstitutionally discriminated against women.

The United State recently amended a law that had a negative impact on the immigrant spouses of US citizens. Before the law was amended, immigrant spouses of US citizens could be deported from the United States upon the death of their citizen spouses. Also the term nationality was defined in case of Espinoza-V- Farah Manufacturing that the term Nationality, state of origin or place of birth, refers to the country where a person is born or ... the country from which his or her ancestors came [1].

Sex

Sex imbalance permeates every facet of Nigerian society and it comes in several forms described as the Harmful Traditional practices against Women these include genital mutilation, child marriage, ritualistic widowhood practices, nutritional taboos, cult prostitution, domestic violence, religious practices, traditional land tenure and the strong believe among other things that women should occupy a domestic environment and not any other employment [9, 10].

Inheritance under customary law are generally heavily weighted against women, example the eldest son under igbo tradition will inherit the personal

property including wives and slaves. The only situation where a daughter can inherit is where she chooses to remain unmarried in her father's house with a view to raising children in the father's home [11].

Sexual harassment

This is another form of discrimination which is related to sex. It has been defined as unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of sexual nature. Refusal of sexual demand may lead to dismissal, untimely termination of employment or not getting the job.

Education

Despite efforts made by the Government to provide equal educational opportunities for all citizens, the level of women participation in education is still low [12]. The gap between the number of boys and girls completing primary schools globally has nearly closed, barriers remain in advancing girls' secondary school education. Today, less than a third of girls in sub-Saharan Africa are enrolled in secondary school. Education is a way in which people learn skills, gain employment, gain knowledge and understand about the world and themselves [13]. This implies the process of equipping an individual irrespective of sex with a vital society key with which to open or lock many doors of life. Fathers are deliberately not allowing their daughters to go to school because they consider investment in female education as unprofitable, since the girls are likely to end up in another man's home [14]. From one Nigerian culture to another, there are several unedifying examples of these acts of discrimination and marginalization of women which are responsible for high rate of illiteracy among them [13].

Exclusion of women from decision making

The attitude of exclusion deprived and oppressed women in spite of their contributions to sustaining the family yet are excluded from household level decision making [15]. They powerless even in taking critical decisions that affect their health. Women around the world at every socio-political level find themselves underrepresented in parliament and far removed from decision-making levels [16]. In 2005, women hold barely 16 percent of parliamentary seats around the world. The factors that hamper or facilitate women's political participation vary with level of socio-economic development, geography, culture, and the type of political system. Alhassan Imoro, has observed that the continued exclusion and marginalization of majority of women during decision-making is bad and does not create a strong and healthy democracy for the any country. There is need towards ensuring the participation of women in the public and private spheres of the nation's economy, promote women's participation in decision-making and election into political positions, as the situation called for a positive change for women in the political, economic and socio-cultural sectors of every economy. The exclusion of

women from decision-making bodies limits the possibilities for entrenching the principles of democracy in a society, hindering economic development and discouraging the attainment of gender equality [16]. In the Millennium Development Goals, women's equal participation with men in power and decision making is part of their fundamental right to participate in political life, and at the core of gender equality and women's empowerment [17].

Seclusion of Women

Seclusion of Women refers to various practices designed to protect women from men in traditional societies, including confining women to the company of other women and close male relatives in their home or in separate female living quarters, veiling, self-effacing mannerisms, and the separation of men and women in public places. These practices reflect both social and religious custom. The practice is for totally confining women at home and denied her the opportunity from going out for significant and urgent needs, as a result of adhering to traditional practices. Many women who are confined to home lack access to education, ante-natal clinics and when they do, such attendance might be delayed. It also takes the form physical segregation of the sexes and the requirement that women cover their bodies so as to cover their skin and conceal their form. A woman's withdrawal into the practice usually restricts her personal, social and economic activities outside her home. By restricting women's mobility, the practice places severe limits on women's ability to participate in gainful employment and to attain economic independence [18]. However, due to economic needs and shifts in gender relations, some women are compelled to break the practice to gain income [19]. Women from lower socioeconomic backgrounds tend to observe seclusion less because they face greater financial pressures to work and gain income.

Economic Rights

Today, women represent approximately 70 per cent of the 1.2 billion people living in poverty throughout the world. Inequality with respect to the enjoyment of economic, social and cultural rights is a central fact of women's lives in every region of the world. Ongoing inequality in the sphere of economic, social and cultural (ESC) rights contributes to the continuing subordination of women and makes them especially vulnerable to violence, exploitation and other forms of abuse.

Women have the potential to change their own economic status, as well as that of the communities and countries in which they live. Yet more often than not, women's economic contributions go unrecognized, their work undervalued and their promise un nourished. Unequal opportunities between women and men continue to hamper women's ability to lift them from poverty and gain more options to improve their lives. Inequalities persist in the way paid and unpaid work is

divided between women and men; in the fact that women remain the sole caregivers at home, and in their limited access to resources. Women should be afforded their right to own property and other moveable properties and dispose of these as and when they wish. Woman has the right to undertake economic activities, Khadija the first wife of the Prophet of Islam was a wealthy business woman. Madina also had Muslim women merchants which include Quaillah Umm Bani Atmara.

Political Rights

Women have the right to participate to vote and be voted for, to hold and express political opinion in public and private [16]. Men dominate the political arena; men formulate the rules of the political game; and men define the standards for evaluation. The existence of this male dominated model results in women either rejecting politics altogether or rejecting male-style politics. In theory, the right to stand for election, to become a candidate and to get elected is based on the right to vote [20]. The reality is, however, that women's right to vote remains restricted, principally because the candidates are mostly male. This is true not only for partial and developing democracies, but for established democracies as well. The low level of women's representation in some parliaments should be considered a violation of women's fundamental democratic right and, as such, a violation of their basic human rights. This unequal rate of representation in legislative bodies signifies that women's representation, rather than being a consequence of democratization, is more a reflection of a status quo. Among all national parliaments, Rwanda is now closest to reaching equal numbers of men and women: 48.8 percent of seats are held by women, surpassing even the proportion in the Nordic countries. This is largely because of a constitutional quota which reserves 24 of the 80 seats in the lower house for women. Women in the Rwandan upper house are also guaranteed 30 percent of the seats [20].

Reproductive rights

Violations of women's sexual and reproductive health rights are often deeply ingrained in societal values pertaining to women's sexuality. Patriarchal concepts of women's roles within the family mean that women are often valued according to their ability to reproduce. Early marriage and pregnancy or repeated pregnancies spaced too closely together, often as the result of efforts to produce male offspring because of the preference for sons, have a devastating impact on women's health with sometimes fatal consequences. Women are also often blamed for infertility, and ostracized and subjected to various human rights violations as a result.

GLOBAL COMMITMENTS ON ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Women's rights have been at the heart of a series of international conferences that have produced

significant political commitments to women's human rights and equality. These conferences include:

Vienna declaration and programme of action

In 1993, the World Conference on Human Rights was held in Vienna. It sought to review the status of the human rights machinery in place at the time. Women's rights activists mobilized to ensure that woman's human rights were fully on the agenda of the international community under the rallying cry "Women's Rights are Human Rights." Particularly around the issue of violence against women, civil society activists organized tribunals to put the spotlight on violations of women's rights, previously unaddressed because they were considered part of the private sphere, taboo or simply accepted as an inevitable part of women's lives. The Conference was successful in adopting the Vienna Declaration and Programme of Action, which stated that "the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights" and placed particularly heavy emphasis on eliminating all forms of gender-based violence. Importantly, the Programme of Action also called for "the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism

International conference on population and development

The International Conference on Population and Development, which was held in 1994, represented a milestone for women's rights. While the Conference was focused on population issues, the delegates meeting in Cairo agreed that population was not only about demographics but, more importantly, about people. The issues taken up in its Programme of Action are fundamentally related to women's human rights, including gender equality, the family, reproductive health, birth control and family planning, women's health, as well as immigration and education of women. Importantly, the Programme of Action is explicitly grounded in human rights and proclaims that "advancing gender equality and equity and the empowerment of women, and the elimination of all kinds of violence against women, and ensuring women's ability to control their own fertility, are cornerstones of population and development-related programmes." The Conference was also important for its clear statement of reproductive rights, explaining that these "rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents."

The Programme of Action sets specific targets for: the provision of universal education; the reduction of infant, child and maternal mortality; and ensuring universal access to reproductive health care, including family planning, assisted childbirth and prevention of sexually transmitted infections, including HIV/AIDS, by 2015. Follow-up conferences have been organized to assess progress towards these goals, and inequality and lack of accountability constitute ongoing challenges to their achievement.

Beijing declaration and platform for action

Adopted during the Fourth World Conference on Women in September 1995, the Beijing Declaration and Platform for Action focused on 12 areas concerning the implementation of women's human rights and set out an agenda for women's empowerment. It builds on the results of the previous three world conferences on women, but is considered a significant achievement in explicitly articulating women's rights as human rights. The Platform for Action includes a series of strategic objectives to eliminate discrimination against women and achieve equality between women and men. It involves political and legal strategies on a global scale based on a human rights framework. The Platform for Action is the most comprehensive expression of States' commitments to the human rights of women.

Subsequent reviews of the implementation of the Beijing Declaration and Platform for Action have revealed that although significant progress has been made in some areas of women's human rights, "discriminatory legislation as well as harmful traditional and customary practices and negative stereotyping of women and men still persist" particularly in family, civil, penal, labour and commercial laws or codes, or administrative rules and regulations. Both the 2005 and the 2010 reviews of the Platform concluded that *de jure* and *de facto* equality had not been achieved in any country in the world and the 2010 review recognized that even where legal reforms had taken place, they were often ineffectively enforced.

Millennium development goals

In 2000, the international community agreed to eight time-bound development goals to be achieved by 2015, including a goal on gender equality and the empowerment of women, as well as one on the reduction of maternal mortality. Seven of the Goals have specific targets to measure progress. Although they have shortcomings from a human rights perspective, the Millennium Development Goals are an important political commitment which has galvanized international support for some of the world's most daunting problems.

With respect to women's rights, Millennium Development Goal 3 is to promote gender equality and empower women. However, its corresponding target

relates only to eliminating gender disparities in education by 2015. While girls' access to education is imperative for achieving gender equality, this narrow target is insufficient for measuring progress on achieving gender equality and empowering women. Goal 3 also includes indicators on the share of women in wage employment in the non-agricultural sector and in national parliaments, but these do not have benchmarks or deadlines. Critical issues such as violence against women and discriminatory laws are not addressed.

Millennium Development Goal 5 aims to reduce the maternal mortality ratio by three quarters, between 1990 and 2015. Unfortunately, at the 2010 High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, it was revealed to be the most off track of all of the Goals, despite the fact that the knowledge and the tools are available to make pregnancy and childbirth a safe experience for women. In 2010, the Secretary-General launched the Global Strategy for Women's and Children's Health, setting out key actions to improve the health of women and children worldwide.

United Nations conference on sustainable development

The United Nations Conference on Sustainable Development ("Rio+20") brought Heads of State and Government to Brazil in 2012, to appraise progress in the implementation of agreements struck since the landmark 1992 United Nations Conference on the Environment and Development in Rio de Janeiro. At "Rio+20", countries renewed their political commitment to sustainable development, agreed to establish a set of sustainable development goals and established a high-level political forum on sustainable development. Importantly, the outcome document, entitled "The future we want" also reaffirms the commitments of States to "women's equal rights, access and opportunities for participation and leadership in the economy, society and political decision-making" and includes explicit references to accelerating the implementation of commitments in the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action and the Millennium Declaration. The outcome document also states that "gender equality and the effective participation of women are important for effective action on all aspects of sustainable development" and calls for the repeal of discriminatory laws and for ensuring women's equal access to justice.

CONCLUSIONS

Gender differences between men and women have been given historically as the basis for discrimination against women, and this has been a clog in the wheels of development in terms of social justice economic and civil equity and equality. Elimination of gender discrimination is crucial for the satisfaction and

motivation, commitment and enthusiasm and for protecting the constitutional rights of the women. Discrimination against must be discouraged through the enactment of various legislations and by effective and efficient enforcement mechanisms.

Measures of gender equality include access to basic education, health and life expectancy, equality of economic opportunity, and political empowerment. Although there have been evident progresses, many alarming issues regarding gender discrimination still prevail today. In its oversight functions the National Assembly should devote more attention to ensure that government agencies respect the rights of women in line with Nigerian laws. Labour unions and other civil society organizations should support the National Assembly by exposing acts of discrimination of women's right.

The significance of equality should start in the classroom by teaching children that gender discrimination is not right. If girls are offered equal opportunities both academically and in their careers, they will grow up to enter the workplace assured that their talents and abilities will not be overlooked.

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