

# Women Empowerment Across The Globe: Problem, Perspectives and Challenges

*Nitesh Saraswat\**  
*Nibras Salim Khudhair\*\**

“There is no tool for development more effective than the empowerment of women.”  
Kofi Annan<sup>1</sup>, Secretary General of U.N.O.

## I. INTRODUCTION

Empowerment is a multi-dimensional process which enables individuals or a group of individuals to realize their full identity and powers in all spheres of life.<sup>2</sup> Conceptually the term empowerment can be described as a process wherein a group or individuals are able to enhance their status in the society on the one hand and overall participation and growth in the other.<sup>3</sup> Empowerment provides greater opportunity in the decision-making process at home and in the matters concerning society so that they could be able to find their rightful place in the society.

According to the United Nations,<sup>4</sup> women’s empowerment mainly has five components<sup>5</sup>:

1. *Generating women’s sense of self-worth;*
2. *Women’s right to have and to determine their choices;*
3. *Women’s right to have access to equal opportunities and all kinds of resources;*
4. *Women’s right to have the power to regulate and control their own lives, within and outside the home; and*
5. *Women’s ability to contribute their might in creating a more just, social and economic order.*

Thus, women empowerment is nothing but recognition of women’s basic human rights and creating an environment where they are treated as equal to men. The women empowerment does not mean ‘deifying women’ rather it means replacing patriarchy with parity.

In this regard, there are various **facets of women empowerment** which are recognized at Global level, such as:

1. **Individual Rights:** A woman is a being with senses, imagination and thoughts; she should be able to express them freely. Individual empowerment means to have the self-confidence to articulate and assert the power to negotiate and decide.<sup>6</sup>

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\* Assistant Professor, Law Centre- II, Faculty of Law, University of Delhi, India.

\*\* Assistant Professor, Faculty of Law, Alkunoze University College, Basra, Iraq.

<sup>1</sup> Chairman and founder of the Kofi Annan Foundation, <https://www.kofiannanfoundation.org/kofi-annan/>.

<sup>2</sup> Available at: <https://livinggoods.org/international-womens-day-2019-there-is-no-tool-for-development-more-effective-than-the-empowerment-of-women/> (last visited on February 25, 2019).

<sup>3</sup> <https://www.quora.com/What-is-women-empowerment-7> (last visited on February 25, 2019).

<sup>4</sup> The United Nations Charter, 1945.

<sup>5</sup> <https://www.indiacelebrating.com/social-issues/women-empowerment/> (last visited on February 25, 2019).

2. **Social Empowerment:** A critical aspect of social empowerment of women is the promotion of gender equality. Gender equality implies a society in which women and men enjoy the same opportunities, outcomes, rights and obligations in all spheres of life.<sup>7</sup>
3. **Educational Empowerment:** It means empowering women with the knowledge, skills, and self-confidence necessary to participate fully in the development process. It means making women aware of their rights and developing a confidence to claim them.<sup>8</sup>
4. **Economic and occupational empowerment:** It implies a better quality of material life through sustainable livelihoods owned and managed by women. It means reducing their financial dependence on their male counterparts by making them a significant part of the human resource.<sup>9</sup>
5. **Legal Empowerment:** It suggests the provision of an effective legal structure which is supportive of women empowerment. It means addressing the gaps between what the law prescribes and what actually occurs.<sup>10</sup>
6. **Political Empowerment:** It means the existence of a political system favoring the participation in and control by the women of the political decision-making process and in governance.<sup>11</sup>

Since the adoption of the **Universal Declaration**<sup>12</sup>, States have repeatedly emphasized the universality and indivisibility of human rights. At the World Conference in Vienna it was specifically recognized that women's human rights are part of universal human rights and it has been subsequently reaffirmed it in World Conferences on Women. The Vienna Programme of Action explicitly stressed the importance of eradicating "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."<sup>13</sup>

Various Instruments and Conventions have been developed for women's Empowerment and their protection at International Level. These International Conventions and instruments are specifically focused keeping intact multifacets of women Empowerment and challenges, some of these International instruments are:

- Universal Declaration of Human Rights (1948)
- Convention on the Political Rights of Women (1952)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- Declaration on the Elimination of All Forms of Discrimination against Women (1967)
- Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974)

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<sup>6</sup>Available at: <http://www.educationjournal.in/download/90/1-8-37-932.pdf> (last visited on February 02, 2019).

<sup>7</sup> [http://www.un.org/womenwatch/daw/news/speech2007/CH\\_stmts/2007%20Promoting%20Women%20in%20Cities%20Korea%20August%202007.pdf](http://www.un.org/womenwatch/daw/news/speech2007/CH_stmts/2007%20Promoting%20Women%20in%20Cities%20Korea%20August%202007.pdf) (last visited on February 02, 2019).

<sup>8</sup> [http://www.worldwidejournals.com/global-journal-for-research-analysis-GJRA/special\\_issues\\_pdf/September\\_2017\\_1507115716\\_\\_61.pdf](http://www.worldwidejournals.com/global-journal-for-research-analysis-GJRA/special_issues_pdf/September_2017_1507115716__61.pdf) (last visited on February 02, 2019).

<sup>9</sup>Available at: <https://telanganatoday.com/what-is-women-empowerment> (last visited on February 10, 2019).

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

<sup>11</sup>Available at: <https://www.omicsonline.org/open-access/challenges-and-opportunities-of-women-political-participation-in-ethiopia-2375-4389-1000162.php?aid=64938> (last visited on February 10, 2019).

<sup>12</sup> The Universal Declaration of Human Rights, 1948.

<sup>13</sup>Available at: <https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf> (last visited on April 10, 2019).

- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Declaration on the Elimination of Violence against Women (1993)
- Inter-American Convention for the Prevention, Punishment and Elimination of Violence against Women (Belém do Pará Convention) (1995)
- Universal Declaration on Democracy (1997)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)

Above conventions and declarations have been ratified by various participating countries but not in toto, Countries member to it have either modified them or have adopted them according to their country's situations and position of women in their countries. After the declaration of Universal Declaration of Human Rights, we cannot say that there are separate set of rights for women, but still when empowerment comes into focus, above conventions specifically recognize the rights of the Women separately. Apart from these various regional conventions have also been developed empowerment of women at Regional levels or continent levels.

The Constitution of India<sup>14</sup> in this respect guarantees: Right to equality under Article 14 to all Indian women equality before law; Article 15(1) specifically prohibits discrimination on the basis of sex. Article 15(3) empowers the State to take affirmative actions in favor of women. Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office. Article 39(a) provides that the State to direct its policy towards securing for men and women equally free legal aid. Equal pay for equal work under Article 39(d), guards the economic rights of women by guaranteeing equal pay for equal work; and Maternity Relief under Article 42, allows provisions to be made by the state for securing just and humane condition of work and maternity relief for women. Article 51(A)(e) expects from the citizen of the country to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women.<sup>15</sup>

Through 73rd and 74th Constitutional Amendment of 1993, a very important political right has been given to women by making provision for 33.33 percent reservation in seats at different levels of elections in local governance i.e. at Panchayat, providing. This amendment can be said to be a landmark in the direction of women empowerment in India. But at the same time it is a matter of serious concern that Women's Reservation Bill is still pending before Parliament providing for reservation of 33% seats in the Lok Sabha and in all State Legislative Assemblies for women. If passed, this Bill will give a significant boost to the position of women in politics. Because of these Constitutional provisions the State is duty bound to apply these principles in taking policy decisions as well as in enacting laws.<sup>16</sup>

In addition to this number of laws have also been enacted like The Immoral Traffic (Prevention) Act, 1956, Dowry Prohibition Act, 1961, The Maternity Benefit Act, 1961, The Medical Termination of Pregnancy Act, 1971, The Equal Remuneration Act, 1976, The Commission of Sati (Prevention) Act, 1987, The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994. Protection of Women from Domestic Violence Act, 2005, The Prohibition of Child Marriage Act, 2006 Sexual

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<sup>14</sup> Part III and Part IV

<sup>15</sup> Available at <https://edugeneral.org/blog/polity/women-rights-in-india/> (visited on 10<sup>th</sup> April, 2019)

<sup>16</sup> [https://www.academia.edu/35719313/\\_Rights\\_Laws\\_and\\_Policies\\_for\\_Women\\_Empowerment\\_in\\_India\\_](https://www.academia.edu/35719313/_Rights_Laws_and_Policies_for_Women_Empowerment_in_India_) (last visited on April 10, 2019).

Harassment of Women at Work Place (Prevention, Prohibition, and Redressal) Act, 2013, to create a conducive environment at home and at workplace for women, The Criminal Law Amendment Act, 2013 & The Criminal Law Amendment Act, 2016.<sup>17</sup>

Apart from the above mentioned laws several other laws are there which not only provide specific legal rights to women but also give them a sense of security and empowerment.

## II. JUDICIAL APPROACH ON WOMEN EMPOWERMENT

Judiciary, worldwide has recognized and followed the International Conventions. Various cases at International level are landmark for scripting the empowerment of women in the Century.

Freedom from violence and fear of violence is essential to the full enjoyment of all human rights. Under international human rights law, States have an obligation to refrain from committing acts of violence against women and to put in place laws and policies to prevent others from doing the same (such as by criminalizing domestic violence).<sup>18</sup> In fulfilling the latter duty, the State cannot be expected to prevent all violence between individuals; however, the State must implement effective mechanisms to reduce the frequency of the violence, prosecute perpetrators, and assist victims.<sup>19</sup>

The Inter-American Court of Human Rights examined Mexico's responsibility for violations of both the American Convention on Human Rights and the Convention of Belém Do Pará in connection with a wave of murders and disappearances of girls and women in Ciudad Juarez.<sup>20</sup> The Court found the State responsible for violating the victims' rights to life, humane treatment, personal liberty, due process, and judicial protection in relation to its obligation under the Convention of Belém do Pará to prevent, punish and eradicate violence against women.<sup>21</sup> The Court pointed to "irregularities in the handling of evidence, the alleged fabrication of guilty parties, the delay in the investigations, the absence of lines of inquiry that took into account the context of violence against women in which the three women were killed, and the inexistence of investigations against public officials for alleged serious negligence" and concluded, "This judicial ineffectiveness when dealing with individual cases of violence against women encourages an environment of impunity that facilitates and promotes the repetition of acts of violence in general and sends a message that violence against women is tolerated and accepted as part of daily life."<sup>22</sup> As such, the Court determined that Mexico had failed to adopt the domestic legislation or measures necessary to ensure that authorities conducted an effective investigation, as required by the American Convention and Convention of Belém do Pará.<sup>23</sup>

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<sup>17</sup> Available at: <https://digitallylearn.com/role-women-organization-general-studies-indian-society-upsc-ias/> (last visited on April 10, 2019).

<sup>18</sup> Available at: <https://ijrcenter.org/thematic-research-guides/womens-human-rights/> (last visited on April 10, 2019).

<sup>19</sup> See, for e.g., *ECtHR, Eremia v. Republic of Moldova*, no. 3564/11, Judgment of May 28, 2013, paras. 48-52, 56; I/A Court, H.R., *Rosendo Cantú et al. v. Mexico*, Judgment of August 31, 2010. Series C No. 216; IACHR, Report No. 80/11, Case 12.626, *Jessica Lenahan (Gonzales) et al.* (United States), July 21, 2011.

<sup>20</sup> See I/A Court H.R., *González et al. ("Cotton Field") v. Mexico*, Judgment of November 16, 2009. Series C No. 205, para. 232 *et seq.*

<sup>21</sup> *Id.*, paras. 388, 389.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

Sexual violence includes rape, enforced prostitution, and other forms of sexual assault. As with other forms of violence, as described above, States have an obligation to prevent State actors from committing sexual violence against women, as well as a duty to adopt laws and policies to prevent such abuses by private persons and to ensure the effective investigation and prosecution of those responsible.<sup>24</sup>

The European Court of Human Rights has interpreted the European Convention on Human Rights to require States “to establish and apply effectively a criminal-law system punishing all forms of rape and sexual abuse.”<sup>25</sup>

The African Commission on Human and Peoples’ Rights has condemned armed forces’ use of sexual violence as a military tactic against civilian populations.<sup>26</sup> In the case of *D.R. Congo*, armed forces of Burundi, Rwanda, and Uganda raped and killed women in the Democratic Republic of Congo, among other violations. The Democratic Republic of Congo also alleged that the Rwandan and Ugandan forces specifically attempted to decimate local populations by spreading AIDS through the rape of Congolese women and girls.<sup>27</sup> The African Commission found violations of the First Protocol Additional to the Geneva Conventions and the Convention on the Elimination of All Forms of Discrimination against Women, and the African Charter on Human and Peoples’ Rights.<sup>28</sup>

The European Court of Human Rights held Bulgaria responsible for its failure to promptly enact interim measures to protect the applicant from further violence and explained the State’s duty to investigate and provide mechanisms to prosecute allegations of domestic violence.<sup>29</sup>

Human rights bodies have held that States have positive obligations to investigate and prosecute domestic violence. In a landmark decision concerning Brazil, the Inter-American Commission declared that the State had an affirmative obligation to take all measures to prevent and end violence against women, including prosecution of domestic violence.<sup>30</sup> In this regard, the CEDAW Committee has noted that “women’s human rights to life and to physical and mental integrity cannot be superseded by other rights, including the right to property and the right to privacy.”<sup>31</sup>

Indian Judiciary too have adopted wider approach in uplifting the status and position of women in India. A social worker was brutally gang-raped by five men for preventing a child marriage. Determined to seek justice, she decided to go to court. In a shocking decision, the trial court acquitted all five accused. Vishaka, a Group for Women’s Education and Research, took up the cause. They joined other women’s organizations, and filed a petition before the Apex Court of India on the issue of sexual harassment at the workplace. On

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<sup>24</sup>See, for e.g., Convention of Belém Do Pará, art. 7; ECtHR, *Aydin v. Turkey*, ECtHR, no. 23178/94, Rep. 1997-IV, Judgment of September 25, 1997.

<sup>25</sup>ECtHR, *M.C. v. Bulgaria*, no. 39272/98, ECHR 2003-XII, Judgment of December 04, 2003.

<sup>26</sup>See, ACommHPR, *D.R. Congo v. Burundi, Rwanda, and Uganda*, Communication No. 313/05, 33<sup>rd</sup> Ordinary Session, May 2003.

<sup>27</sup>*Id.*, paras. 4, 5.

<sup>28</sup>*Id.*, para. 86.

<sup>29</sup>ECtHR, *Bevacqua and S. v. Bulgaria*, no. 71127/01, Judgment of June 12, 2008; see also ECtHR, *Opuz v. Turkey*, no. 33401/02, ECHR 2009, Judgment of June 09, 2009.

<sup>30</sup>IACHR, Report No. 54/01, Case 12.051, *Maria da Penha Maia Fernandes* (Brazil), April 16, 2001.

<sup>31</sup>CEDAW Committee, *Ms. A. T. v. Hungary*, Communication No. 2/2003, Views of January 26, 2005.

August 13, 1997, the Supreme Court commissioned the Vishaka guidelines that defined sexual harassment and put the onus on the employers to provide a safe working environment for women.<sup>32</sup>

The Supreme Court in *Vaddeboyina Tulasamma v. Vaddeboyina Shesha Reddi*,<sup>33</sup> highlighted the Hindu female's right to maintenance as a tangible right against property which flows from the spiritual relationship between the husband and wife. It was held that section 14(1) of the Hindu Succession Act, 1956 must be liberally construed in favour of the females so as to advance the object of the Act. This section makes female Hindu a full owner of a property, instead of a limited owner.<sup>34</sup>

The Supreme Court in *Mohd. Ahmed Khan v. Shah Bano Begum*,<sup>35</sup> ruled in favour of Shah Bano and ordered maintenance from her ex-husband under section 125 of the Criminal Procedure Code (with an upper limit of Rs. 500 a month) like any other Indian woman. The judgment was not the first granting a divorced Muslim woman maintenance under Section 125. But a voluble orthodoxy deemed the verdict as boon for Muslim women. This was a milestone, however, the Muslim Women (Protection of Rights on Divorce) Act, 1986 has been seen as making an attempt to dilute the effects of this judgment. The Act was seen as discriminatory as it denied divorced Muslim women the right to basic maintenance which women of other faiths had recourse to under secular law.<sup>36</sup>

The Supreme Court in *Daniel Latifi v. Union of India*,<sup>37</sup> held that liability of Muslim husband to his divorced wife arising under section 3(1) (a) of the Act to pay maintenance is not confined to iddat period. A Muslim husband is liable to make reasonable and fair provision for the future of the divorced wife which obviously includes her maintenance as well. Such a reasonable and fair provision extending beyond the iddat period must be made by the husband within the iddat period in terms of section 3(1) (a) of the Act.

The Supreme Court in *Upendra Baxi & Ors. v. State of Uttar Pradesh*,<sup>38</sup> treated a letter as a Writ Petition. The Petitioners had pointed out that the conditions in which girls were living in the Government Protective Home at Agra were abominable and they were being denied their right to live with basic human dignity by the State of Uttar Pradesh which was running the Protective Home. The Court issued several directions to the State Government for better administration of protective homes, such as proper ventilation, mosquito nets and cooking gas provisions. The Superintendent of the Protective Home was directed to take care that no woman or girl is detained in the Protective Home without due authority and process of law. The District Judge, Agra was directed to nominate two socially committed advocates who would by turns visit the Protective Homes once in a fortnight.<sup>39</sup>

The Supreme Court in *Sakshi v. Union of India*,<sup>40</sup> passed directions that must be adhered to while conducting trial of child sexual abuse or rape. Special arrangements such as

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<sup>32</sup>*Vishaka & Ors. v. State of Rajasthan*, AIR 1997 SCC 241.

<sup>33</sup>1977 SCR (3) 261.

<sup>34</sup>Available at: <https://www.livelaw.in/womens-day-special-15-judgments-that-made-india-a-better-place-for-women/> (last visited on April 10, 2019).

<sup>35</sup>1985 SCR (3) 844.

<sup>36</sup>*Supra* note 34.

<sup>37</sup>2001 (7) SCC 740.

<sup>38</sup>AIR 1987 SC 191.

<sup>39</sup>*Supra* note 34.

<sup>40</sup>AIR 2004 SC 3566.

a screen must be made so as to ensure that the victim or witness do not see the body or face of the accused. The questions for cross examination must be framed and given to the Presiding Officer of the Court who must then put them to the victim or witness in a language that is clear and not embarrassing. Adequate breaks must be given to the victims of child abuse or rape while they give their testimony in court. The Petitioner NGO had also sought a declaration that all forms of penetration be included within “sexual intercourse” in section 375 of the Indian Penal Code. The Court however declined to redefine rape.

Apart from above revolutionary Judgments many other rulings of Honorable Supreme court have proven to be boon for Indian women and empowering them to live with a dignified life. However, still there are certain Challenges existing at Global level.

### III. WOMEN EMPOWERMENT — GLOBAL CHALLENGES

- i. **Gender Biased Perspective:** Gender equality is a human right, but our world faces a persistent gap in access to opportunities and decision-making power for women and men.<sup>41</sup>  
The most widespread and dehumanizing discriminations against women are on the basis of the biased perspective. The discrimination against the girl child begins from the birth itself. Boys are preferred over girls; hence, female infanticide is a common practice in India. The ordeal that an Indian girl faces at birth is only the beginning of a lifelong struggle to be seen and heard.<sup>42</sup>
- ii. **Patriarchate Bottlenecks:** Socially-constructed roles and responsibilities for man and women across the globe is most common, Roles are decided considering appropriation for men and women keeping in Societal status. Although its an international feature, but the traditional Indian society is a patriarchal society ruled by the diktats of self-proclaimed caste lords who are the guardians of archaic and unjust traditions. They put the burden of traditions, culture, and honor on the shoulders of women and mark their growth. The incidences of “honor killing” reveal the distorted social fiber in the male-dominated society.<sup>43</sup>
- iii. **Economic Backwardness:** Area of focus in attaining gender equality is women's economic and political empowerment. Though women comprise more than 50% of the world's population, they only own 1% of the world's wealth. Across the globe, women and girls perform long hours of unpaid domestic work. In some places, women still lack rights to own land or to inherit property, obtain access to credit, earn income, or to move up in their workplace, free from job discrimination. In India, Women constitute only 29% of the workforce but forms majority of the destitute in the country. There has been a failure in transforming the available women base into human resource. This, in turn, has hampered not only the economic development of women but also of the country's development as a whole.<sup>44</sup>
- iv. **Implementation Gaps:** Globally, no country has fully attained the gender equality. Scandinavian countries like Iceland, Norway, Finland, and Sweden lead the world in their progress toward closing the gender gap.<sup>45</sup> In these countries, there is relatively equitable distribution of available income, resources, and opportunities for men and

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<sup>41</sup>Available at: <https://www.peacecorps.gov/educators/resources/global-issues-gender-equality-and-womens-empowerment/> (last visited on April 10, 2019).

<sup>42</sup>Available at: <https://telanganatoday.com/challenges-faced-women> (last visited on April 10, 2019).

<sup>43</sup>Supra note 18.

<sup>44</sup>Ibid.

<sup>45</sup>Supra note 17.

women. The greatest gender gaps are identified primarily in the Middle East, Africa, and South Asia. However, a number of countries in these regions, including Lesotho, South Africa, and Sri Lanka outrank the United States in gender equality.<sup>46</sup> In India, through all these years, the attention is only on developing and devising new schemes, policies and programmes and have paid less attention to the proper monitoring system and implementation short-sightedness, for e.g. despite the presence of The Pre-Natal Diagnostic Techniques Act 1994 and various health programmes like Janani Suraksha Yojana 2005, National Rural Health Mission 2005 (NHRM), our country has a skewed sex ratio and a high maternal mortality rate (MMR).<sup>47</sup>

- v. **Loopholes in the legal structure:** Guaranteeing the rights of women and giving them opportunities to reach their full potential is critical not only for attaining gender equality, but also for meeting a wide range of international development goals.<sup>48</sup> Empowered women and girls contribute to the health and productivity of their families, communities, and countries, creating a ripple effect that benefits everyone.<sup>49</sup> Although there are a number of laws to protect women against all sorts of violence yet there has been the significant increase in the episodes of rapes, extortions, acid, attacks etc. This is due to delay in legal procedures and the presence of several loopholes in the functioning of a judicial system.<sup>50</sup>
- vi. **Lack of Political Will:** At all levels, including at home and in the public arena, women are widely underrepresented as decision-makers. In legislatures around the world, women are outnumbered 4 to 1, yet women's political participation is crucial for achieving gender equality and genuine democracy.<sup>51</sup> In India, the still- pending Women's Reservation Bill underscores the lack of political will to empower women politically. The male dominance prevails in the politics of India and women are forced to remain mute spectators. Women should have access to resources, rights, and entitlements. They should be given decision-making powers and due position in governance. Thus, the Women Reservation Bill should be passed as soon as possible to increase the effective participation of women in the politics of India.<sup>52</sup>
- vii. **Replacing 'Patriarchy' with Parity:** A strong patriarchy society with deep- rooted socio-cultural values continues to affect women's empowerment. The need of the hour is an egalitarian society, where there is no place for superiority. In India, The Government should identify and eliminate such forces that work to keep alive the tradition of male dominance over its female counterpart by issuing inhumane and unlawful diktats.<sup>53</sup>
- viii. **Education:** Education is a key area of focus. Although the world is making progress in achieving gender parity in education, girls still make up a higher percentage of out-of-school children than boys.<sup>54</sup> Approximately one quarter of girls in the developing

<sup>46</sup> Available at: [http://www3.weforum.org/docs/WEF\\_GenderGap\\_Report\\_2010.pdf](http://www3.weforum.org/docs/WEF_GenderGap_Report_2010.pdf) (last visited on March 22, 2019).

<sup>47</sup> Available at: <https://www.iaspaper.net/women-empowerment-in-india/> (last visited on March 22, 2019).

<sup>48</sup> Available at: <https://www.peacecorps.gov/educators/resources/global-issues-gender-equality-and-womens-empowerment/> (last visited on March 22, 2019).

<sup>49</sup> *Ibid.*

<sup>50</sup> Available at: <https://www.slideshare.net/debabratnayak756/an-empirical-study-on-women-empowerment-and-their-status-in-society> (last visited on March 22, 2019).

<sup>51</sup> *Supra* note 24.

<sup>52</sup> <https://www.thehindubusinessline.com/opinion/pass-the-womens-reservation-bill/Article21421141.ece> (last visited on March 23, 2019).

<sup>53</sup> Available at: <http://absjournal.abs.edu.in/ABS-Journal-Volume-4-issue-2-December-2016/abs-j-v-4-i-2-dec-2016-Article-16.pdf> (last visited on April 02, 2019).

<sup>54</sup> Available at: <http://www.worldbank.org/en/topic/girlseducation> (last visited on April 02, 2019).

world do not attend school. Typically, families with limited means who cannot afford costs such as school fees, uniforms, and supplies for all of their children will prioritize education for their sons.<sup>55</sup>Families may also rely on girls' labor for household chores, carrying water, and childcare, leaving limited time for schooling. But prioritizing girls' education provides perhaps the single highest return on investment in the developing world. An educated girl is more likely to postpone marriage, raise a smaller family, have healthier children, and send her own children to school. She has more opportunities to earn an income and to participate in political processes, and she is less likely to become infected with HIV.<sup>56</sup>

Education is the most important and indispensable tool for women empowerment. It makes women aware of their rights and responsibilities. Educational achievements of a woman can have ripple effects for the family and across generations.<sup>57</sup>

- ix. **Justice delayed is justice denied:**Guaranteeing the rights of women and giving them opportunities to reach their full potential is critical not only for attaining gender equality, but also for meeting a wide range of international development goals.<sup>58</sup> Empowered women and girls contribute to the health and productivity of their families, communities, and countries, creating a ripple effect that benefits everyone. Efforts should be made to restructure the legal process to deliver fair and in- time justice to the victims of heinous crimes like rapes, acid attacks, sexual harassment, trafficking and domestic violence. The idea of fast-track courts, devised to impart speedy justice to the victims of rapes and other crimes against women, is a good initiative taken by the judiciary and the Government of India.<sup>59</sup>

#### IV. INDIA'S INTERNATIONAL COMMITMENTS FOR WOMEN EMPOWERMENT

India is a part to various International conventions and treaties which are committed to secure equal rights of women.

One of the most important among them is the Convention on Elimination of All Forms of Discrimination against Women(CEDAW) 1979, ratified by India in 1993.Other important International instruments for women empowerment are: The Mexico Plan of Action 1975, The Nairobi Forward Looking Strategies 1985,The Beijing Declaration as well as the Platform for Action 1995, and the Outcome Document adopted by the United Nations General Assembly Session on Gender Equality and Development & Peace for the 21st century, titled "*Further actions and initiatives to implement the Beijing Declaration and the Platform for Action*". All these have been whole-heartedly endorsed by India for appropriate follow up.<sup>60</sup>

Despite these national and International commitments, laws and policies women's situation on the ground have still not improved satisfactorily. Varied problems related to women are still subsisting; female infanticide is growing, dowry is still prevalent, domestic

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<sup>55</sup>*Supra* note 30.

<sup>56</sup>*Supra* note 27.

<sup>57</sup>*Available at:* <https://www.sgt.in/women-empowerment/> (last visited on April 02, 2019).

<sup>58</sup>*Supra* note 24.

<sup>59</sup>*Available at:* <https://www.irjet.net/archives/V5/i4/IRJET-V5I4596.pdf> (last visited on March 25, 2019).

<sup>60</sup>*Available at:* <http://wcd.nic.in/womendevlopment/national-policy-women-empowerment> (last visited on March 25, 2019).

violence against women is practiced; sexual harassment at workplace and other heinous sex crimes against women are on the rise.<sup>61</sup>

Though, economic and social condition of women has improved in a significant way but the change is especially visible only in metro cities or in urban areas; the situation is not much improved in semi-urban areas and villages. This disparity is due to lack of education and job opportunities and negative mind set of the society which does not approve girls' education even in 21st century.<sup>62</sup>

In the year 2001, the Government of India launched a National Policy for Empowerment of Women. The specific objectives of the policy are as follows<sup>63</sup>:

1. *Creation of an environment through positive economic and social policies for full development of women to enable them to realize their full potential.*
2. *Creation of an environment for enjoyments of all human rights and fundamental freedom by women on equal basis with men in all political, economic, social, cultural and civil spheres.*
3. *Providing equal access to participation and decision making of women in social political and economic life of the nation.*
4. *Providing equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public life etc.*
5. *Strengthening legal systems aimed at elimination of all forms of discrimination against women and the girl child.*
6. *Changing societal attitudes and community practices by active participation and involvement of both men and women.*
7. *Mainstreaming a gender perspective in the development process.*
8. *Building and strengthening partnerships with civil society, particularly women's organizations.*

The Ministry of Women and Child Development is the nodal agency for all matters pertaining to welfare, development and empowerment of women. It has evolved schemes and programmes for their benefit. These schemes are spread across a very wide spectrum such as women's need for shelter, security, safety, legal aid, justice, information, maternal health, food, nutrition etc., as well as their need for economic sustenance through skill development, education and access to credit and marketing.<sup>64</sup>

To make women self-reliant Various schemes have been launched by the Central and State Government like Beti Bachao Beti Padhao Scheme, Women Helpline Scheme, Ujjawala which is a Comprehensive Scheme for Prevention of trafficking and Rescue, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation, Working Women Hostel, Swadhar Greh a Scheme for Women in Difficult Circumstances, Support to Training and Employment Programme for Women (STEP). The Central and State Government also supports autonomous bodies like National Commission, Central Social

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<sup>61</sup> Available at: <https://acadpubl.eu/hub/2018-120-5/2/167.pdf> (last visited on March 25, 2019).

<sup>62</sup> Available at: <https://presidencyuniversity.in/specific-laws-for-women-empowerment-in-india/> (last visited on March 29, 2019).

<sup>63</sup> Available at: <http://wcd.nic.in/womendevlopment/national-policy-women-empowerment> (last visited on April 02, 2019).

<sup>64</sup> Available at: [www.imrfjournals.in/pdf/MATHS/arts-education/AEIRJ-41/5.pdf](http://www.imrfjournals.in/pdf/MATHS/arts-education/AEIRJ-41/5.pdf) (last visited on March 22, 2019).

Welfare Board and Rashtriya Mahila Kosh which work for the welfare and development of women. Economic sustenance of women through skill development, education and access to credit and marketing is also one of the areas where the Central and State Governments have special focus.<sup>65</sup>

The Draft National Policy for Women - 2016 has been released by the Women and Child Development Ministry, Government of India.<sup>66</sup>

The policy is roughly based on the Pam Rajput Committee report set up by the Women and Child Development Ministry in 2012. The draft is a comprehensive document which puts effort towards bringing a gamut of issues critical to the progress of Indian women and the ways in which they might be actualized.<sup>67</sup> The policy envisions a society in which women attain their full potential and are able to participate as equal partners in all spheres of life. It also emphasizes the role of an effective framework to enable the process of developing policies, programmes and practices which will ensure equal rights and opportunities for women.<sup>68</sup> The broad objective of the policy is to create a conducive socio-cultural, economic and political environment to enable women enjoy de jure and de facto fundamental rights and realize their full potential.<sup>69</sup> The 24-page draft policy sets out a detailed plan of action for the mainstreaming of women in areas such as health, education, economy, governance and many others including: Bringing down India's high maternal mortality rate, boosting nutrition for girls and women, protecting their reproductive rights, ensuring adolescent girls stay in school, improving child sex ratio, preventing female foeticide, eliminating gender wage gap, skill development, ensuring safety for women at home and outside, involving men and boys in gender sensitization efforts and many others.<sup>70</sup>

#### Priority Areas of the Draft:<sup>71</sup>

1. *Health including food security and nutrition:*
2. *Education*
3. *Economy*
4. *Governance and Decision Making*
5. *Violence against Women*
6. *Enabling Environment*
7. *Environment and Climate Change*

The Draft National Policy for Women is a step in the right direction providing backing hand to those Indian women who have been breaching one constricting social norm after another.<sup>72</sup>

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<sup>65</sup> These are the schemes launched by the Government of India and State Government.

<sup>66</sup> [http://www.wcd.nic.in/sites/default/files/draft%20national%20policy%20for%20women%202016\\_0.pdf](http://www.wcd.nic.in/sites/default/files/draft%20national%20policy%20for%20women%202016_0.pdf) (last visited on March 20, 2019).

<sup>67</sup> Available at: <https://iasscore.in/national-issues/draft-national-policy-for-women-2016> (last visited on March 20, 2019).

<sup>68</sup> *Ibid.*

<sup>69</sup> Available at: <https://aspirantforum.com/2017/09/21/women-empowerment-schemes-in-india/> (last visited on March 02, 2019).

<sup>70</sup> Available at: <https://iasscore.in/national-issues/draft-national-policy-for-women-2016> (last visited on March 03, 2019).

<sup>71</sup> The Draft National Policy for Women, 2016.

<sup>72</sup> *Supra* note 37.

## V. CONCLUSION AND SUGGESTIONS

Attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights and United Nations values. 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.<sup>73</sup> The United Nations has a long history of addressing women's human rights and much progress has been made in securing women's rights across the world in recent decades. However, important gaps remain and women's realities are constantly changing, with new manifestations of discrimination against them regularly emerging. Some groups of women face additional forms of discrimination based on their age, ethnicity, nationality, religion, health status, marital status, education, disability and socioeconomic status, among other grounds.<sup>74</sup> These intersecting forms of discrimination must be taken into account when developing measures and responses to combat discrimination against women.<sup>75</sup>

The Committee on the Elimination of Discrimination against Women (CEDAW), the treaty body that monitors compliance with CEDAW, reviews States parties' reports on their implementation of the convention's provisions and identifies areas for improvement. The CEDAW Committee also publishes "General Recommendations" interpreting the convention's protections. For States that have elected to become party to the Optional Protocol to the Convention on the Elimination of Discrimination against Women, the Committee may receive individual complaints, or "communications," alleging violations of CEDAW by States parties. As of May 2014, there are 104 States parties to the Optional Protocol.<sup>76</sup>

Two United Nations Human Rights Council's "special procedures" specifically monitor women's human rights worldwide. In 1994, the United Nations Commission on Human Rights (predecessor to the UN Human Rights Council) established a Special Rapporteur on Violence against Women to report on the causes and consequences of violence against women. In 2010, the UN Human Rights Council established an expert Working Group on the issue of discrimination against women in law and in practice, which is charged with studying and promoting dialogue and policy reform to eliminate laws that discriminate against women. Other UN human rights treaty bodies and special procedures may also monitor States' progress in respecting and guaranteeing women's rights to the extent that such issues fall within their mandates.<sup>77</sup>

Women in India, through their own uncompromising efforts and Constitutional and other legal provisions and moreover with the Government's aid relating to various welfare schemes, are trying to make their own place in the universe. Their participation in

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<sup>73</sup>Available at: <https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf> (last visited on March 03, 2019)

<sup>74</sup>*Ibid.*

<sup>75</sup>*Ibid.*

<sup>76</sup>Available at: <https://ijrcenter.org/thematic-research-guides/womens-human-rights/> (last visited on April 10, 2019).

<sup>77</sup>*Ibid.*

Employment, in socio-political activities of the nation and also their presence at the highest decision and policy making bodies is improving day by day.

There is no denying the fact that women in India have made a considerable progress in almost seven decades of Independence, but still positioned at the 29th rank among 146 countries across the globe on the basis of Gender Inequality Index.<sup>78</sup>

However, we are still far behind in achieving the equality and justice. The real problem lies in the patriarchal and male-dominated system of our society which considers women as subordinate to men and creates different types of methods to subjugate them.<sup>79</sup>

The need of hour is to educate and sensitize male members of the society regarding women issues and try to inculcate a feeling of togetherness and equality among them so that they would stop their discriminatory practices towards the fairer sex.<sup>80</sup>

For this apart from Government, the efforts are needed from various NGOs and from enlightened citizens of the country. But first of all efforts should begin from our homes by empowering female members of our family by providing them equal opportunities of education, health, nutrition and decision making without any discrimination.<sup>81</sup>

*“There is no chance for the welfare of the world unless the condition of women is improved; it is not possible for a bird to fly on only one wing.”<sup>82</sup>*

Swami Vivekananda

Therefore, we should have “Women Empowerment” as one of the prime goals if we want to achieve the status of a developed country.

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<sup>78</sup>[https://www.worldwidejournals.com/global-journal-for-research-analysis-GJRA/special\\_issues\\_pdf/September\\_2017\\_1507115716\\_61.pdf](https://www.worldwidejournals.com/global-journal-for-research-analysis-GJRA/special_issues_pdf/September_2017_1507115716_61.pdf) (last visited on April 10, 2019).

<sup>79</sup>Available at:<https://www.ohchr.org/Documents/Events/WHRD/WomenRightsAreHR.pdf> (last visited on April 10, 2019).

<sup>80</sup>Available at:<https://www.nipccd-earchive.wcd.nic.in/sites/default/files/PDF/Gender%20Sensitization%20of%20Police%20Officers.pdf> (last visited on April 10, 2019).

<sup>81</sup>Available at:[https://www.indusedu.org/pdfs/IJREISS/IJREISS\\_1311\\_28913.pdf](https://www.indusedu.org/pdfs/IJREISS/IJREISS_1311_28913.pdf) (last visited on April 10, 2019).

<sup>82</sup> [https://en.wikisource.org/wiki/The\\_Complete\\_Works\\_of\\_Swami\\_Vivekananda/Volume\\_6/Epistles\\_-\\_Second\\_Series/LXXV\\_Shashi](https://en.wikisource.org/wiki/The_Complete_Works_of_Swami_Vivekananda/Volume_6/Epistles_-_Second_Series/LXXV_Shashi) (last visited on March 03, 2019).