

## **THE ROLE OF INTERNATIONAL HUMAN RIGHTS LAWS IN PROTECTING WOMEN'S RIGHTS**

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### **Abstract:**

The goal of all current international systems is the human being. International law's concern for the people and their rights has become a natural matter, and the individual has become the subject of all human rights. Also, if the principle of equality between human beings is one of the most important principles of human rights, then there is no difference between people because of gender, religion, language or belief. This principle makes no distinction between men and women in all areas of life, but the status that women enjoy and their rights are not always proportional to the role they play in the continuation of humanity and the tasks they undertake to maintain the order of life. However, societies in different civilizations have different views on the concept of equality between men and the women between accepting and rejecting.

### **Introduction:**

The status of women in any society is a reflection of the level of social justice in that society, and a woman is of the level of human rights in that country. In her society, the principle of equality between men and women is the most important pillar of human rights, and women's rights in general are among the critical issues that have become the focus of the international community's attention, which called for the protection of human rights. These rights aim for the protection of women, the promotion of their status and equality with men in all rights without discrimination.

This work is important because women acquire in the continuation of humanity, as they are the birthplace of life and the component for generations, and the need for them to enjoy their rights to improve the numbers of future generations. Therefore, it is necessary to know the protection provided by the human rights law to women. The rights must be given to them in addition to the mechanisms that help them to assume the position they deserve. On the one hand, due to the recent increased interest in women's rights, especially in some Arab countries, in which the political movement of women has increased activating the rights recognized in international human rights law, the problem of research appeared in determining the types of rights entrusted by international law. For this reason, our study will focus only on the rules of international human rights law and in explaining the analysis of the issue of women in international human rights law, not to mention the use of the descriptive and analytical approach due to the appropriateness of the form of our research. Therefore, in response to the problems of our research, we divided our study into two topics:

**The first topic: women's rights in international law**

**The second topic: Mechanisms for protecting women's rights in international law**

**Then conclusions, the sources and references are provided**

**The first topic: women's rights in international human rights law**

International human rights law is the law that governs relations between people of international law, whether states or organizations, and even individuals in peacetime, who possess rights and duties under this law. Human rights are those rights that aim to guarantee and protect the meaning of humanity in various political, economic and social fields. Accordingly, two requirements fall within this topic, the first: it deals with international law and gender equality, and the second is the role of human rights in preserving women's rights.

**The first requirement : international law and gender equality:**

That principle of equality is one of the most important principles underlying any legal regulation of public freedoms and rights as it is the stronger principle contained in any constitution. It stems from other political and civil rights. The rights upon which a keen democratic society on justice and human rights and in the absence of women emerge in all societies and in different lives due to different conditions of inequality, whether due to law or reality (Ahmad, 2007). The degree of equality from the point of view of the law is that the law is applied to everyone without distinction based on a sect or distinction based on origin, sex, religion, language, or social position in acquiring and exercising rights, bearing obligations and condemning them (Fahmy, 2007). Non-discrimination means inequality before the law and equality in its protection without any preference. The principle forms the basis of international human rights law. However, the distinction between persons and groups of persons cannot always be considered discrimination in the true sense (Youssef, 2009). Equality in several aspects, including equality in the law, the judiciary, political rights, burdens and public costs, international charters and conventions have confirmed this by including in their clauses articles that guarantee the right to equality and non-discrimination in all areas and despite the fact that women are not explicitly mentioned in the Universal Declaration of Human Rights. The international

conventions on civil and political rights or the international convention on economic and cultural rights, except that all conventions, include women in an implicit way in the context of equality (Mansour, 2011). The concept of international legitimacy is considered to be used to refer to the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the two optional protocols attached to it. These protocols are considered as the center of the structure of international human rights instruments, which are International Human Rights Law or International Legitimacy for Human Rights in the broadest sense. This sense seeks to include, in addition to the previous components, the Universal Declaration and the Covenants, agreements, treaties, declarations and principles that favor the components of the international legitimacy of human rights and deepen their protection of rights (Al-Din, 2011a).

**Second, the role of human rights in preserving women's rights:**

This role is considered the first contribution by the United Nations, it came in the charter of this organization ("The Charter of the United Nations ( became effective ) in 24 / October ( October ) / 1945 review ", 1945). The charter affirmed any other rights that women can talk about, which is the right to equality, and the United Nations preamble defined equality in women's rights as a fundamental principle (2009, Nabil Mustafa Ibrahim Khalil).

- In the text of Article (1 / Paragraph / 3), one of the purposes of the United Nations is to achieve international cooperation in promoting respect for human rights and fundamental freedoms for all people and to encourage this without discrimination based on gender (or language or religion).

- Article (68) of the Charter also stipulates that the Economic and Social Council establishes committees for economic and social affairs to promote human rights, and it also establishes other committees that they may need to perform a function.

Hence, the Commission on Human Rights is the only commission specifically named in the charter ("The issuance of the Declaration came with the consent of the semi - collective, as it received the support of 48 countries from the total 56 State of Iraq , including , and who made up all the members of the United Nations at the time and without objection by any State,"). The importance of this committee stems from the fact that it is the institutional framework in which all international conventions related to human rights were drafted beginning with the Universal Declaration of Human Rights of 1948. In respect to women, the Commission on the Status of Women was established in 1946 as a subsidiary part of the United Nations Economic and Social Council. With a mandate to provide broad guidelines for improving the status of women in the economic, social and political fields, the Economic and Social Council was entrusted with the task of forming the Commission for Human Rights, drafted the Universal Declaration of Human Rights on the 12th of December 1948 (Aelchenark, 2008). It included a preamble and thirty articles that began in the first and second articles by emphasizing the three principles governing the totality of the rules and provisions related to human rights in the declaration (the principle of freedom, the principle of equality and the principle of non-discrimination) (Masri, 2000). Also, there is no doubt that this declaration had achieved an important gain for women. Also, for the entire human group, it reaffirmed the

principle of equality between the sexes in dignity and right. The second article stated that "every human being has the right to enjoy all the rights and freedoms mentioned in this declaration without discrimination of any kind, particularly discrimination because of race, color, sex, language, religion, opinion, political and social origin, property or birth". It stresses that the right to enjoy these rights and fundamental freedoms based on equality in dignity and rights, which the United Nations Charter previously referred to, as an important aspect of political participation represented in the freedom to participate in peaceful assemblies and groups. Also, it focuses on the emphasis on election and nomination for elections assuming public office as a mechanism of participation and the necessity adopting gender equality in these rights, in the texts of the following articles:

Article (20): Everyone has the right for freedom to participate in peaceful societies and groups. No one is compelled to join an association.

Article (21): Everyone has the right to manage the public affairs of the country, either directly or through representatives who are freely chosen, and every person has the same right that others have to hold public positions. Also, the will of the people is the source of government authority, and this will is expressed in fair elections that take place on the basis of the ballot. Confidential and equal for all, or according to any similar procedure that guarantees freedom of voting.

However, despite its importance, the declaration remained limited, as it did not explicitly address the rights of women. Rather, it ignored some of them and confined themselves to declaring the principle of gender equality among a set of principles endorsed by the international community ("The Arab Network for Human Rights Information has developed international instruments that recognize the right of women," ). Moreover, the legal value of the declaration itself has been subject to controversy since the first moment in which it was issued, which centered on binding status of its provisions, and the possibility of initiating the international liability lawsuit against the states that violate the requirements of these provisions. The first believes that the declaration does not contain any legal value. It is nothing more than a recommendation issued by the United Nations General Assembly, while the other opinion considers that the declaration has legal value and constitutes an effective international reference (Al-Salhi, 2018). Regardless of the above controversy, it can be said that the Universal Declaration of Human Rights came in general to define the rights that should be enjoyed by people in general in which women are equal in particular. However, the spirit of the declaration was adopted in creating more detailed agreements for these rights and for vulnerable groups who need to highlight the need to enjoy them Equally. The first step in this path was the 1952 Convention on the Political Rights of Women ((13)). The Convention emphasized in its preamble that the main reason for preparing such an agreement is the desire of the United Nations to implement the principle of equality between men and women in the rights mentioned in the United Nations Charter. Then, it can be said that the United Nations attached great importance to the political rights of women, because this agreement preceded a historically speaking. The two international covenants (the International Covenant on Political and Civil Rights - and the International Covenant on Economic, Social and Cultural Rights) are the basis for the text on political rights, of which participation is an essential part, in addition to that they preceded the Convention on the

elimination of all Forms of discrimination against women. This convention demonstrates the importance of the role of participation in promoting women's rights , and this agreement stipulated exclusively a number of political rights (which together constitute the basic aspects of women's political participation) such as the right to vote in all elections, eligibility for elections in all bodies elected by universal suffrage, holding public offices and exercising all positions. The public and all equal terms with men in the texts are in articles (1, 2, 3)of this agreement. Thus, this agreementof the foundation was formed to assert the right of political participation of women on an equal footing with men and gave a legal and constitutional impetus to this assertion of rights. Thus, the text on these rights was included in an international agreement which obliges signatory states in recognition of the contents of the rights and consequences of this recognition of the rights of women that could invoke in exchanging for national legislation or practices. It has received the Convention and broad support from the countries of the world. This confirms the growing interest in the role of women in society, in 1963. The economic and social Council declared in the United Nations that the vast majority of countries formally granted women the same political rights granted to men (Alwan & Musa, 2014). However , this agreement does not include any mechanism to activate its work or monitor the extent of compliance with it.

### **Second: Mechanisms for protecting women's rights in international law.**

The interest in the rights of women in the world is evident through holding conferences, seminars and concluding international conventions at the regional and international levels in order to address all aspects and circumstances. All these contribute to the promotion of women's human rights and facilitate all means to protect them. Therefore, the researcher in this study deals with two requirements, the first: what are the international mechanisms that contribute to protecting women's rights, and second what are the types of international mechanisms?

The first requirement: What are the international mechanisms that contribute to the protection of women's rights: It is meant by the international mechanisms in protecting the rights of women. It is the method and means adopted by the United Nations and the institutions emanating from it to ensure the implementation and monitoring of the performance and actual practice related to human rights and the preparation of reports for them(Al-Din, 2011b). Therefore, they are universal legal guarantees that protect individuals and societies from the actions of governments that interfere with basic freedoms and human dignity, and to achieve human rights and ensure this. The various international bodies, especially the United Nations, have created a set of international agreements. They are considered indirect mechanisms that are signed by whom Desires from states such as the Convention on the Rights of the Child, the Convention on the Cessation of Racial Discrimination (Ahmed, 1970). It also ensures the implementation of these agreements on the ground.The United Nations established a group of committees with special mechanisms to implement and follow up the implementation of the texts and provisions of these agreements on the ground by the signatory countries and to ensure the amendment and development of local laws in line with them (Shelton ND, 1995). All international agreements (previously mentioned) have contributed to the creation of mechanisms to monitor the extent to which states restrict their obligations in this field, including the submission of regular reports on the measures taken by states to implement

the provisions of these conventions. Thus, individuals in some cases have the right to file a complaint against the state if their rights are violated, and many regional and international tools have been adopted on the protection of women's rights, such as international covenants, decisions and recommendations. Many specialized bodies, programs and agencies within the United Nations work on developing women's human rights indirectly, as each of these parties assumes a specific role and responsibility under supervision and coordination of The United Nations High Commissioner for Human Rights. An example of this is the United Nations Fund for Women and Children in UNICEF, which has a mandate to defend the rights of women and children (Klaus Hofner, 2004). The International Organization for UN work (workers' rights), as well as the United Nations Educational, Cultural and Scientific UNESCO contribute to achieving security and peace by spreading the concept of cooperation among peoples through education, culture, science, and greater respect for justice and the rule of law and human rights and fundamental freedoms in the world. However, UNESCO works mainly to spread the rights to education and the right to freedom of opinion and expression, and to participate in cultural and political life (Al-Nimri, 2014). Many multinational organizations are active in the field of women's human rights and indirectly from these institutions: the European Council, the African Union, the United Nations, and the European Organization for Security and Cooperation. Likewise, many non-governmental organizations in this field act as an observer who monitors any neglect or non-implementation for human rights tools and as a catalyst for the advanced development of women and human rights laws (Leah, 2009). Also, the challenges and obstacles that stand in the way of implementing women's rights and human rights require serious analysis and the necessity to raise awareness among all parties to find radical solutions to the existing problems and those that are emerging as education in the field of women. In addition, human rights are one of the important means that works to increase the sensitivity of societies in general. Towards issues related to these rights (Leah, 2009).

**The second requirement: the types of international mechanisms for protecting women's rights: The mechanisms for protecting women's rights varied. Of these types, they are international and regional mechanisms:**

International Mechanisms : There are many types and international mechanisms to protect women's rights, including the institutional mechanisms established by the United Nations by internal decisions from its various bodies. Also, there are also agreement mechanisms that are designated bodies that monitor and control the implementation of international conventions (Alloun & Khalil). These mechanisms adopt the executive tool for implementing international conventions, a set of actions, including preparing and submitting periodic reports on practices and the extent of compliance with the agreement and the possibility of directing complaints between countries. They enable the individuals and groups to submit complaints, making recommendations to amend local laws in a manner consistent with achieving best practices in the field of Human rights and reporting to the United Nations and the supreme committees of international conventions. They are the first to take charge of protecting human rights is the United Nations, where respecting and protecting human rights is one of the main concerns of the organization (Alloun & Khalil). The Human Rights Committee is the focus of attention, oversight, implementation mechanism and respect for human rights in the name of the

United Nations, as the Council concluded, directly and indirectly, to establish a working group and rapporteurs on specific human rights issues to follow up and monitor their implementation (Rashid, 2019). Also, according to the role of the United Nations General Secretariat as a center for human rights, the United Nations General Secretariat considers a prominent role as one of the mechanisms for preparing human rights charters, following up on implementation and canceling complaints about violations. It is based in Geneva under the supervision of the High Commissioner for Human Rights in the world (Rashid, 2019). In addition, according to the work of international bodies in accordance with human rights charters, the Committee on the Elimination of Racial Discrimination found this committee as one of the mechanisms for monitoring the extent of compliance and implementation of the International Convention on the Elimination of Forms of Racial Discrimination. However, the Human Rights Committee was established by the International Covenant on Civil and Political Rights, the Committee on Economic and Social Rights, the Committee on the Elimination of Racial Discrimination against Women. These committees follow up on the conditions of women and the practices and violations issued against them. They submit recommendations and proposals to activate the role of women and raise their status. Then the Committee Against Torture is a committee specialized in stopping acts of violence and torture in its various forms for those who are practicing in their right either individually or in group. The last is the Committee on the Rights of the Child and aims to monitor the rights of the child on their rights in various aspects of life (Al-Shafei, 2007).

### **Second: Regional mechanisms for the protection of women's rights:**

These are agreements formulated and put in place by a role linked geographically, ethnically or economically. Also, others are connected to agreements that guarantee a person his rights and serve these countries in their entirety as an individual person or as groups in this society (Al-Shafei, 2007). These mechanisms can be:

The African Commission on Human and Peoples' Rights aims to protect human rights defenders. It is the primary means of protecting African human rights. The commission exercises oversight powers vis-à-vis the states party to the charter. In 1998, its member states adopted an additional protocol attached to the charter to establish an African court on human and peoples' rights. It entered into force in 2003 and, like others, enjoys judicial and consultative competence and receives communications from individuals and non-governmental organizations (Al-Hijazi, 2007).

The Inter-American Commission for Human Rights: It carries out follow-up work in the field of human rights to raise awareness of the community and deal with cases of violations. This committee was established after the Universal Declaration of Human Rights in accordance with a resolution of the Fifth Consultative Conference of American Foreign Ministers in 1959. It was entrusted with the promotion of human rights, as its quasi-judicial function is a monitoring mechanism for investigation. Its most important function is to examine notifications of states and individual petitions against states that commit violations, then the Inter-American Court of Human Rights was established in support of the Inter-American Convention on Human Rights in 1969, which is an independent judicial body with consultative and judicial competence (Aziz, 1987).

The High Commission for Human Rights (Europe and Central Asia), the main task here is to work for the protection of human rights for all human beings. It also aims to help empower women to realize their rights and help those responsible to preserve these rights in order to implement them.

The European Court of Human Rights, this court was established in 1959 and the purpose of it is to create a collective guarantee for the provisions contained in the convention (Aziz, 1987) .

As for the Arab protection of human rights in general and women's rights, its decisions are still not serious in regulating human rights and far from what exists in the European and African committees that dealt with human rights. The Arab League Charter in 1945 did not include an organization of human rights. Then the Arabs activated and left the Arab Committee for human rights in 1986, which is an organization similar to the European organization. Then the draft human rights charter came to the Council of the Arab League in 1994, and the following mechanisms are most prevalent in the Arab arena, including the Arab Charter for Human Rights, the Arab Network for Human Rights, the Arab Network for Human Rights Information, the organization Islamic Cooperation, League of Arab States, Arab Labor Organization(Jamhuri, 2014).

This was an important aspect of the international and regional mechanisms and an active role of the international mechanisms in drafting international laws for protecting women's rights. As for regionalism, it seems that the index of the Western regional committees is larger and more operational compared to the Arab regional committees that contribute to preserving human rights, especially women. This is because the lack of Modernizing laws in the charter of the Arab League contributes to the existence of mechanisms that preserve human rights, including women's rights.

### **Conclusion:**

The rights recognized for women, varied to include all recognized human rights on an equal basis between men and women, are the principle that, in order to achieve it. Some countries have taken the path to concluding international treaties and establishing mechanisms aimed at advancing the rights of women based on the above. The researcher has reached the following results

1. Women enjoy, according to international conventions, many economic, social, cultural, civil and political rights, such as the right to life and safety, the right to movement, the right to be recommended, the right to run for office, the right to have public office and the right to health care.
2. The principle of equality between men and women in all rights is stipulated in international covenants such as the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants of 1966.
3. The international community has established mechanisms of a global nature and others of a regional character to protect the rights of women, whether they are institutional or legislative. Also, the legislative mechanism are represented by international instruments of various kinds.

4. The international organization, whether global or regional, plays an important role in protecting human rights in general and women's rights in particular, such as the role played by the United Nations and its agencies.
5. At the level of mechanisms of an international character, the Economic and Social Council plays a very important role in promoting and strengthening the protection of human rights, in addition to the specialized committees such as its human rights committee and the specialized sub-committees.

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