

GENDER JUSTICE STANDARD AND INTERNATIONAL LAW

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Abstract :-

From a natural perspective, man and woman are two ounces of the same seed. In the lap of nature, both are equal. Due to certain physical differences, women differ from men in terms of physical strength. Because of this, patriarchal societies across the world have committed injustices against women in the past. Therefore, with changing times, keeping in mind the need for women to have equal authority alongside men in a civilized society, legal provisions have been established at the international level regarding the status of women.

In international law, gender justice means ensuring equality between women and men, and treating all human beings with dignity and respect, regardless of their gender identity or orientation. It ensures that laws and policies provide equal opportunities and rights for everyone, eliminate discrimination, and guarantee equal access to justice for all.

Key words :-

International level, Law, Gender Justice, women.

Introduction :-

Since ancient times, women have been marginalized in the civilized societies of the world. Women were not considered equal to men. They were neglected in all spheres. Men treated women as property and behaved badly with them, due to which women had to live in the slavery of men. Because of social restrictions and traditional, conservative customs, women were constantly subjected to atrocities, and their role in economic matters was negligible. Women did not have the right to exercise their franchise in the political field. The condition of women across the world was equally miserable and serious.

Before the First World War, the status of international law remained largely unchanged and somewhat limited. After the First World War, with the establishment of the League of Nations to review international law, discussions on women's issues began. After the Second World War, in 1945, the United Nations replaced the League of Nations. In the UN Charter, the concept of 'equality' evolved as a part of human rights and humanitarian values. The intellectual nations of the world began to consider women's equality and rights, and international legal standards concerning the status of women were established, which have been systematically examined in this research paper.

Literature Review :-

- S.K. Kuba's work in the Period status of Women in International Law.
- Commission on the Status of Women, (<https://share.google/uJWsIju8JRvMUnXng>)
- United Nations, (<https://share.google/LETEFKa7ljYFPvGVw>)
- International labour organisation, (<https://share.google/sZBn97boI5RNRKIDV>)

Objectives of the Study :-

- The aim is to examine the effects of international law on the status of women in the present time
- The objective is to study the impact of international laws relating to women on national laws.
- To study the role and activism of international organizations regarding women's rights at the global level.

Research Methodology:-

The research paper under the title "Gender Justice in International Law" has been prepared using a theoretical research methodology, in which quantitative information has been utilized. The data has been collected from books, journals, newspapers, and web pages on the internet, and the research paper has been developed through an in-depth study of these sources.

Research Hypothesis :-

- Is the status of women in the present time dependent on international law?
- Are the local and national laws that protect women an effect of international law?

- Do international organizations help in the protection of women's rights?

The League of Nations and Women's Equality:-

The League of Nations was an intergovernmental organization formed as a predecessor to the United Nations as a result of the Paris Peace Conference. At its peak, from 28 September 1934 to 23 February 1935, it had 58 members. Its primary goals, as described in its charter, were the prevention of war through collective security and disarmament, and the resolution of international disputes through negotiation and mediation. Other objectives included in this and related treaties were improving labour conditions, ensuring fair treatment of indigenous peoples, combating human and drug trafficking, regulating the arms trade, promoting global health, overseeing prison systems, and protecting minorities in Europe.

After the end of World War I, women's organizations began to be included in the meetings of the Paris Peace Conference. Even after the League of Nations committee was instructed to hold its twelfth session, women remained restricted on questions of equality issues the committee considered to have a direct impact on women. The women's groups presented a "Women's Charter" in which they demanded that a woman's nationality be declared independent of her husband's, that the League of Nations put a stop to the trafficking of women and girls, and that women be granted equal labour rights. Many of the women who took part in the 1919 Paris Peace Conference later became involved in the work of the League of Nations, both alongside men and directly or through women's organizations.

Women's issues during the drafting of the UN Charter:-

The United Nations Charter, also called the UN Charter, is the founding treaty of the international organization the United Nations. It establishes the purposes, operating structure, and basic framework of the United Nations, including its six principal organs: the Secretariat, the General Assembly, the Security Council, the Economic and Social Council, the International Court of Justice, and the Trusteeship Council.

The United Nations Charter research project played an important role in establishing women's rights as an integral part of fundamental human rights and in promoting gender equality, particularly through organizations representing women's communities and women's rights in the Global South. When the United Nations Charter was signed at the San Francisco

Conference in 1945, the process was dominated by men. Out of all the member countries represented at the conference, only four women participated in the drafting of the UN Charter. Among all the member states that ratified the UN Charter, only 30 countries had granted women the right to vote. This situation ensured the rise of women's rights movements and the feminist movement.

The United Nations Charter contains 111 articles, including the Preamble, and the issues concerning women are discussed in the Preamble and in Articles 1, 8, 13, 55, and 76.

The role of the United Nations (Sub-)Commission and non-governmental organizations (NGOs) in shaping the status of women since 1946.-

The Commission on the Status of Women (UNCSW) was established in 1946 as an international body with the purpose of promoting issues related to women's social, economic, civil, political, and educational rights, reporting on women's rights, and monitoring the status of women. It served as an important official structure within the United Nations to draw attention to women's concerns and leadership. The first meeting of the UNCSW was held on February 15, 1947, in Lake Shore, New York. All 15 government representatives were women, ensuring a majority of female representatives in the UNCSW, unlike other United Nations movements. During its first session, a guiding principle for women's rights was proclaimed.

This commission was established in 1946 to present proposals for women's rights at the international level, and it has achieved its goals through various means. Generally, efforts to collect data indicate that discrimination against women is widespread. In collaboration with the global women's rights movement, the United Nations and the CSW declared the period from 1976 to 1985 as the United Nations Decade for Women. During this period, the main functions of the commission included rights against gender-based discrimination. The Convention on the Elimination of All Forms of Discrimination Against Women came into effect in 1981. The Convention states that, in terms of rights, "there should be no discrimination based on sex. Childcare and maternity protection are fundamental rights and should be extended to all areas of women's lives." It is the only international human rights treaty that explicitly refers to family planning. Family planning is included within the human rights perspective, and any member state is required to provide education on the right to family planning as part of the treaty. Forced abortion violates the treaty. During this period, the commission also organized four world

conferences on women to consider issues, including rights: in Mexico City in 1975, Copenhagen in 1980, and Nairobi in 1985.

International Labour Organization and Women's Rights :-

Women's rights have been a significant area of concern for the ILO. The organization works to ensure gender equality in the workplace, focusing on the following:

Equal Pay for Equal Work

- ILO conventions, such as Convention No. 100 (Equal Remuneration, 1951), mandate equal pay for men and women performing work of equal value.

Elimination of Discrimination

- Convention No. 111 (Discrimination, 1958) addresses discrimination in employment and occupation on the basis of gender, race, religion, and other factors.

Maternity Protection

- Convention No. 183 (Maternity Protection, 2000) ensures maternity leave, health protection, job security, and non-discrimination for working women.

Decent Work for Women

- Programs promoting access to employment, social protection, and training specifically target women, especially in informal sectors and developing countries.

Combating Violence and Harassment

- ILO provides guidelines and support for eliminating gender-based violence and harassment in the workplace

Political Rights of Women:-

Women's political rights are implemented at the international level through the Universal Declaration of Human Rights of 1948, the Convention on the Political Rights of Women of 1952, and the 1979 Convention on the Elimination of All Forms of Discrimination against Women.

Political Rights of Women refer to the legal, social, and institutional rights that enable women to participate fully and equally in the political life of their country. These rights are

fundamental to achieving gender equality and ensuring that women have a voice in governance and decision-making processes. Here's a detailed overview.

Right to Vote (Suffrage)

- Women have the right to vote in elections at local, regional, and national levels.
- This is often considered the most basic political right, allowing women to influence government policies and leadership.

Right to Stand for Election

- Women can contest elections and hold public office, from local councils to the highest positions in government.
- This ensures representation of women in legislative and executive bodies.

Right to Participate in Political Parties

- Women can join or form political parties.
- They have the right to be active members, hold leadership roles, and influence party policies.

Right to Access Political Education and Information.

- Women should have access to civic education to understand political systems, their rights, and responsibilities.
- Equal access to information empowers women to make informed choices in elections and governance.

Right to Equality Before the Law

- Includes involvement in:
 - Local bodies
 - Community councils
 - Government committees
 - International organizations
- Ensures women's voices influence policies on education, health, labor, and more.

Right to Freedom of Expression

- Allows women to express political opinions freely without discrimination or intimidation.

- Includes the right to protest, publish, speak, and campaign.

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Right to Information

- Enables women to access government information, essential for informed political participation.

Right to Participate in International and National Organizations

- Women can engage with global and national bodies, including the UN, NGOs, and civic organizations working for policy change.

Sexual exploitation of women.:-

At the international level, the provisions for the protection of women from sexual exploitation include the International Convention for the Suppression of White (European) Slave Traffic of 1910 and 1921, the activities of the League of Nations, the United Nations' work programs, the 1949 Convention for the Suppression of the Traffic in Women and Children, and the recommendations of the World Tourism Organization (WTO) on sex tourism

Sexual exploitation of women” refers to any situation in which women are taken advantage of sexually, often through coercion, manipulation, abuse of power, or economic pressure, for someone else's benefit. It can occur in many forms, including.

Forms of Sexual Exploitation

- Trafficking for sexual purposes (forcing or deceiving women into prostitution or sexual labor)
- Exchange of sex for basic needs (money, housing, employment, safety)
- Sexual abuse within unequal power relationships (employers, teachers, caregivers, officials)
- Pornographic or explicit content produced through coercion or manipulation
- Online grooming or coercive sextortion
- Forced marriage or situations where consent is not freely given

Key Features.

- Lack of true consent (because of fear, manipulation, poverty, or power imbalance)
 - Benefit to another person or group (financial, social, or personal gain)
 - Harm to the woman — psychologically, physically, socially, or economically
- If you want, I can also provide:
- A shorter or more academic definition
 - Causes and contributing factors
 - Global statistics
 - Effects on survivors
 - Prevention and legal frameworks

Nationality of Married Women:-

Under the auspices of the United Nations, an international convention on the nationality of married women was established on 22 January 1957. Its purpose was to eliminate conflicts of law arising from the loss or acquisition of nationality by women as a result of marriage, as well as from the legal provisions related to the dissolution or alteration of marriage.

Conclusion :-

In the male-dominated global society, women have been victims of unequal treatment for many years. After the two World Wars, the League of Nations and the United Nations rapidly advanced the concept of human rights at the international level, viewing equality as central to human rights.

A study of the provisions of this research paper related to gender equality and women's rights at the international level shows that the current status of women has improved significantly, and in the coming times, the pace of women's empowerment will increase even further.

Suggestions :-

- It is necessary to ensure the protection of women's rights in all fields at the international level, for which a more effective legal system is required.

- There is a need to ensure special measures to improve the status of women in underdeveloped countries.
- With modernization, international organizations should remain continuously vigilant regarding new issues and problems relating to women's rights.

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- S.K. Kuba's work in the Period status of Women in International Law.
- International Women's Rights Law and Gender Equality Making the Law Work for Women, Edited by Ramona Vijayarasa

Web page

- The United Nations Office at Geneva, The League of Nations, <https://www.ungeneva.org/en/about/league-of-nations/overview>
- The United Nations Commission on the Status of Women – <https://share.google/qxxqEBMNoiLk8QEV5>
- International Labour Organization
<https://www.ilo.org/>