

GENDER DISCRIMINATION PARALYSING THE CIVILIZATION

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“All human beings are born with equal and inalienable rights and fundamental freedoms.”

- *Universal Declaration of Human Right*

‘Equality’ is the *prima facie* object and aim of the United Nations. The Preamble to the Charter of the United Nations radiates one of its central goals the reaffirmation of “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women”. Despite the various prosperous efforts of the United Nations, the detrimental effects on lives of women are still prevailing. It should be borne in mind that making of laws for the enforcement of right to equality is just one of the tools in larger context of other overarching policies and approaches that need to be addressed for protecting women rights. I address the relevance of gender equality *per se* women’s rights from three main perspectives. The first examines the laws and conventions of the United Nations on regard to equality. The second reviews the degree of promoting those laws and conventions by the nations as goal of Human Rights regime. The third perspective delivers the approach yet to be adopted by the People of the Nations in the war against gender discrimination. It concludes that an overriding aim of the present paper is to promote and attain justice in equality. On this regard the spiritual leader, *Swami Vivekananda*, observed: “*Future Religion is Vedanta and it will be brought by women.*”

INTRODUCTION

“Until women assume the place in society which good sense and good feeling alike assign to them, human improvement must advance but feebly.”¹

Her cry became the hymn of the society; pain is all in herself to exist. Then also we assert that we believe in equality, we are abiding by the *Rule of Law*. Is it the real spectrum of our

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¹ Quoted in Eleanor Flexner, *Century of Struggle: The Woman’s Rights Movement in the United States*, Cambridge Mass: The Belknap Press of Harvard University, 1959, p. 27.

developing Civilization? Or else it can be rendered that we are yet not civilized enough to adopt the concept of “equality”. It is indeed very surprising to learn that woman, who is exploited worldwide, was chosen to be the earliest entity to voice the classic example of inalienable rights of human beings. All history attests that man has subjugated woman to his will, used her as a means to promote his gratification, to minister to his sensual pleasures, to be instrumental in promoting his comfort; but never has he desired to elevate her to that rank she was creating to fill. He has done all he could to debase and enslave her mind; and now he looks triumphantly on the ruin he has wrought, and says, the being he has thus deeply injured is his inferior. But I ask no favour for my sex. All I ask our brethren is that they will take their feet off from our necks and permit us to stand upright on that ground which God designed us to occupy.²

The impoverished status of women is in sharp contrast to an otherwise developing millennium in which social change does not accompany the rapid modernization process. The prevalent gender bias, being offensive to human dignity and human rights, has emerged as a fundamental crisis the world over. Before claiming for human rights, its concept must be made clear that these are the minimal rights which every individual must have against the State or other public authority by virtue of his being a ‘member’ of the human family, irrespective of any other consideration. Human rights may be said to be those fundamental rights to which every man or woman inhabiting any part of the world should be entitled merely by virtue of having born as human beings. To make it concise, *human rights can be defined as the utmost fundamental rights of every person for his or her survival with dignity without any discrimination but with reasonable restriction*. To it contrast, democracy, development, respect and dignity of individual for human rights and fundamental freedoms are independent and have mutual reinforcement. The same is accepted principle for woman also. The full development of personality, fundamental freedom and equal representation and status of women in political, social, and economic scenarios are commitment for international as well as national development for social and cultural solidarity. All forms of discrimination on grounds of gender are, therefore, violative of fundamental freedom and human rights. Gender injustice and insensitiveness manifests itself in the form of discrimination, crime and violence on the ground of discrimination. The struggle for the status of

² Sarah M. Grimke, *Letter on the Equality of Sexes and the Condition of Woman*, Boston: Issac Kanapp, 1838, reprinted by Sources Book Press, New York, p. 10 ff.

women seems to have a much ancient history as that of the inception of this mother Earth. The agony of those human beings called “women” meeting its fate is still unsolved. Therefore, we cannot contest for development until and unless we accomplish the ultimate goal of international and national solidarity and it can be achieved only when status and respect for the most pious human beings i.e.; women is achieved. Pain is to be felt from within to eradicate it from its very roots.

Era of Women Movement:

Women are the only creatures in this vast earth who are able to borne the pain of creating other human beings. Inception of woman is also the same as that of man but the difference and the discrimination for women injected only with the development of human mind. According to Confucius, the subordination of woman to man was one of the supreme principles of government. Aristotle deemed the dominion of the male over the female, in our organization of the family, to be natural and necessary. He believed that the head of the household is unmistakably man who rules it, woman may be said to be an inferior man.³ The Hindu sage, Manu, condemned woman to eternal bondage. The real champion of women’s right was *John Stuart Mill*. Nearly 20 years before him, Spencer had already attacked the subjection of women.⁴ However, John S. Mill, an ardent liberal, propounded that the emancipation of women to a level of equality with men was not solely for the happiness of women themselves, but was a prerequisite for the improvement of mankind. Liberty and self-determination were the themes of Mill’s argument against the gross inequality in marriage laws and severe discrimination suffered by women in the areas of educational and occupational opportunity. According to him, the emancipation of women will have effect in two ways- they themselves be happy and they will add to the happiness of society as such and education is the best method to liberate them from the bonds of domesticity. In John S. Mills’ famous work “The Subjection of Women”, liberty, individuality, democracy and justice run like a golden thread cherishing equal rights to women except when some recognized social expediency required otherwise. He considered family as a

³ Bodenheimer Edgar, *Jurisprudence*, Harvard University Press, Cambridge, 1974.

⁴ Barker Ernest, *Greek Political Theory: Plato & His Predecessors*, London, Methuen, 1960, p. 85.

“school of sympathy in equality, of living together in love, without power on one side and obedience on the other”.

It is evident that various thinkers regarded women as subordination of men in every society. They speak of physical inferiority of women but in a very practical aspect is it really the fact? It is actually not the circumstance. It is a woman who is blessed with the immortal gift of fertility, adorn with the flair of love and affection, patience and endurance. She is the only creature composed of all the flavours prevailing on the soil of the Earth. And this struggle for equality on the basis of gender showed its new face only in the last two hundred years. It was only western civilization that had the idea that women should have equal rights with men. Art portrayed women as objects of mystery and beauty. The seed for the first Woman's Rights Convention was planted in 1840, when Elizabeth Cady Stanton met Lucretia Mott at the World Anti-Slavery Convention in London. In July of 1848, Elizabeth Cady Stanton and Lucretia Mott spearheaded the first women's rights convention in American history. Although the Convention was hastily organized and hardly publicized, over 300 men and women came to Seneca Falls, New York to protest the mistreatment of women in social, economic, political, and religious life. The Declaration of Sentiments and Resolutions issued by the Convention, which was modeled after the Declaration of Independence, detailed the "injuries and usurpations" that men had inflicted upon women and demanded that women be granted all of the rights and privileges that men possessed, including the right to vote.⁵

INTERNATIONAL COMMITMENTS TOWARDS GENDER EQUALITY:

“The United Nations is committed to the principle of equality of men and women, meaning equality in their dignity and worth as human beings as well as equality in their rights, opportunities and responsibilities. In its work for the advancement of women, the entire United Nations system has dedicated itself to ensuring the Universal recognition, in law, of equality of rights between men and women and to exploring ways to give women, in fact, equal opportunities with men to realize their human rights and fundamental freedoms.”

⁵ Seneca Falls Convention, 1848, November 28, 2014; available at <http://faculty.uml.edu/sgallagher/SenecaFalls.htm> (Last visited on November 28, 2014)

- *United Nations*⁶

The dedication and commitments of United Nations evidently explain the concept and principle of equality among men and women. Before giving any turn to the plethora of equality without any discrimination, a brief definition of the term “equality” is required. The terms “equality”, “equal,” and “equally” signify a qualitative relationship. ‘Equality’ (or ‘equal’) signifies correspondence between groups of different objects, persons, processes or circumstances that have the same qualities in at least one respect, but not all respects, i.e., regarding one specific feature, with differences in other features. Equality is a mere perception and an ideology to equalify all individuals without any discrimination. Simultaneously, the doctrine of equality believes on notion “likes to be treated alike, and unlikes to be treated alike”. For centuries, women have been socially and economically handicapped. They have been deprived of equal participation in the socio-economic activities. Laws have taken silent and slow steps in the direction of political participation of women preventing gender biases and removing lacunas in procedural laws and laws relating to evidence.

Equality of rights for women is a basic principle of the United Nations. The Preamble to the Charter of the United Nations sets as one of the Organization’s central goals the reaffirmation of “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women”. Taking cognizance of this repression all over, the United Nations passed various instruments with a focus on women’s emancipation and with the object of enhancing the dignity of women all over the world. One of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to, *inter alia*, sex. The United Nations has come a long way from being a security agency to become an organization concerned with human rights, justice and equality. A model stating ‘common minimum standards’ has been structured by the United Nations which is to be adopted by member countries for eradicating gender discrimination. Its mandate clearly states the significance of gender equality which follows as⁷:

⁶ United Nations, New York, 1984, p. 148.

⁷ <http://www.un.org/mandatereview/executive.html> (Last visited on November 28, 2014), Executive Summary, Mandate & Delivering: Gender Equality and Women Empowerment (I).

“Gender issues deserve the same consideration of other cross-cutting priorities in the work of the Organization. Overlapping mandates for reports on gender could be examined and, most importantly, an overall assessment and evaluation of the institutional resources across the system is needed to strengthen the United Nations work in the area of gender equality and gender mainstreaming.”

Securing the mandate of the United Nations, it is evidently observed that the Organization has initiated all the steps required to accomplish the goal of gender equality. A brief look at certain important instruments of the United Nations is required which have proved to be milestones in achieving gender justice and against the philanthropy of gender discrimination.

Universal Declaration of Human Rights:

“All human beings are born with equal and inalienable rights and fundamental freedoms....These rights belong to you. They are your rights. Familiarize yourself with them. Help to promote and defend them for yourself as well as for your fellow human beings.”

- *Universal Declaration of Human Right.*⁸

The 20th century has witnessed the upsurge of women empowerment movement universally. The Universal Declaration of Human Rights (1948) reaffirming faith in the fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women, contemplated the entitlement of all cherished freedoms to all human beings without any distinction of any kind, including discrimination based on sex. According to Bunch, “Human Rights instruments and mechanisms provide avenues for challenging the challenging the systematic abuse of women and governments can be made to take gender-based violations more seriously by being held accountable for the implementation of laws against them...”⁹

Since its adoption in 1948, the Universal Declaration on Human Rights has exercised a powerful influence both internationally and nationally. Fawcett has remarked:

⁸Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948.

⁹ C.Bunch: *Transforming Human Rights from a Feminist Perspective*, 1995.

“The UN Declaration on Human Rights in 1948 was a public and indeed a global proclamation of ‘a common standard of achievement for all peoples and all nations’ ...it is the mine from which other conventions as well as national constitutions protecting these rights have been and are being quarried.”¹⁰

The Preamble of the United Nations (1945) begins by referring a “faith in fundamental human rights, in the dignity and worth of the human persons, in the equal rights of men and women and of nations large and small”. The United Nations Charter states that the United Nations aspires to “achieve international cooperation...in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion”.¹¹ As per Article 1 of the Declaration, all human beings are born free and *equal* in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Simultaneously, Article 2 of the Declaration confers that, “Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property or other status”. Article 3 of the Declaration lays down right to life, liberty and security of every person without any discrimination. The UDHR also guarantees equal protection of law under Article 7 of the Declaration and states that all are equal before the law and are entitled without any discrimination to equal protection of law.

Fifty years ago, the world's governments adopted the Universal Declaration of Human Rights. Furthermore, developing nations are often incapable of protecting rights within their borders, and the international community needs to bolster their capacity to do so-especially in the wake of the *Arab Spring*. The historical document promised that human beings-wherever they live and whoever they are- have rights that should be respected at all times. According to Amnesty International, half the world's governments still imprison people solely because of their beliefs, race, gender or ethnic origin. Despite the said efforts of the Declaration the result in context of equality with regard to gender is yet null and is again shifted to its fresh agenda of 2015 with the following provisions:

¹⁰ T.E.S. Fawcett: *The Law of Nations*, 1968, p. 156.

¹¹ Article 1(3) of the United Nations Charter

The central challenge of 2015 is the challenge of equality. The overly-narrow focus on economic growth that has dominated development analysis in recent years, without adequate attention to notions of equity, has, in the wake of successive crises, widening disparities, and growing social unrest, by now been widely discredited. And, beyond aggregate economic disparities, the spectra of discrimination against minorities, indigenous peoples, women, older persons, persons with disabilities, migrants and others has the dual effect of a denial of the human rights of those persons and a reduction of their potential contribution to the economic development of the societies in which they live.

Thus, the post-2015 agenda must be designed to advance the three closely-related concepts of equity (fairness in distribution of benefits and opportunities), equality (substantive equality, of both opportunity and results, with full “protection under law”), and nondiscrimination (prohibition of distinctions that are based on impermissible grounds and that have the effect or purpose of impairing the enjoyment of rights).

Doing so requires efforts to disaggregate data to determine who is benefitting, and who is not, to analyse the social and political conditions in which people live, to close gaps in the enjoyment of civil, political, economic, social and cultural rights, and to take proactive positive measures to dismantle entrenched patterns of discrimination, particularly on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Indeed, so important is the removal of inequalities to sustainable development, that achieving equality should be both a self-standing goal for the post-2015 agenda, and explicitly integrated across all other goals, through data collection and disaggregation, equality benchmarking, and equality monitoring for each.”¹²

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

It was adopted in 1979 by the UN General Assembly, and is often described as an international bill of rights for women. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

¹² United System Task Team on the post-2015 Development Agenda, November 28, 2014; available at http://www.un.org/millenniumgoals/pdf/Think%20Pieces/9_human_rights.pdf (Last visited on November 28, 2014)

*"...the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields"*¹³

With the above said context begins the most worthy Convention adopted by the UN General Assembly for the elimination of discrimination against women. The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document. In its preamble, the Convention explicitly acknowledges that *"extensive discrimination against women continues to exist"*, and emphasizes that such discrimination *"violates the principles of equality of rights and respect for human dignity"*.

There are also resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women. However, despite all these instruments, extensive discrimination continues to exist against women who violate the principles of equality of rights and respect for human dignity. This discrimination is also an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth and the prosperity of social and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity.

As defined in article 1, discrimination is understood as *"any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field"*. The Convention gives positive affirmation to the principle of equality by requiring States parties to take *"all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men"* (Article 3).

¹³ The Convention on the Elimination of All Forms of Discrimination against Women, Full text of the Convention in English, November 28, 2014; available at <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (Last visited on November 28, 2014)

It was noted in the Convention that State parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights.¹⁴ The Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations. The problem lies than also. Even if a rights document is ratified, states often use reservations, understandings, and declarations (RUDs) to evade obligations, especially those of legally binding documents. They do so to avoid negative press or the potential for imbroglios from even moderately intrusive monitoring mechanisms. Saudi Arabia is an apt example. The country has ratified the **Convention on the Elimination of All Forms of Discrimination against Women** (CEDAW), but one RUD states that the convention is not applicable when it conflicts with sharia law, which allows Riyadh to continue denying basic rights to women. Similarly, many have argued that the United States has undermined its already limited commitments on human rights by invoking complex RUDs.

The international community thus remains at serious risk of overemphasizing the creation of international norms. For these to be effectively implemented, the language in international treaties must be transplanted directly into domestic legal structures, but this process is often quite slow. Furthermore, rather than pursuing broader protections, the international community should at times focus on securing transparency guarantees from governments and assurance that nongovernmental organizations and UN reporters can freely monitor human rights within national borders. Implementation of existing rights treaties and agreements might have more concrete effect than expanded protection on paper.

¹⁴ The Convention on the Elimination of All Forms of Discrimination against Women, Full text of the Convention in English, Available at <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (Last visited on December 10, 2014)

OTHER INTERNATIONAL CONFERENCES, RESOLUTIONS AND CONVENTIONS

1. **Beijing Declaration, September 1995:** In its Thirty-seventh Session, the Commission urged the Fourth World Conference on Women to consider women's right and concerns. This Conference was held in the capital city of China, Beijing in September 1995.¹⁵ The Beijing Conference, in a series of UN- sponsored global conferences on women laid the foundation in the field of human rights of women, who constitute nearly half of the world population.
'The Platform For Action', a 362-paragraph document was the blueprint for women's advancement in countries around the world. A draft document was approved at the Thirty-ninth session of the UN Commission on the Status of Women¹⁶ for presentation in Beijing. The exercise led to the adoption of a Platform for Action, unanimously, by about 40 countries.¹⁷
2. **ILO Vision on Gender Equality:** The primary goal of the ILO is to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Thus, ILO considers gender equality as a key element in its vision of **Decent Work for All Women and Men** for social and institutional change to bring about equity and growth. The main focus or thematic areas of the ILO on gender equality coincide with the organization's four strategic goals, which are to: promote fundamental principles and **rights** at work; create greater **employment** and income opportunities for women and men; enhance the coverage and effectiveness of **social protection**; and strengthen **social dialogue** and tripartism.

The ILO's mandate on gender equality is to promote equality between all women and men in the world of work. This mandate is grounded in International Labour Conventions of particular relevance to gender equality - especially the four key equality Conventions.

The Changing Status of Women in Asian Societies

¹⁵ From 4-15th September, 1995

¹⁶ In April 1995

¹⁷ Prof. Harry Dhand: *Teaching Human Rights*.

Economic, social, and political developments in Asia have brought with them profound changes in the status of women. In general, women's conditions have improved with economic development and social and political change that favors equality and individual rights. At the same time, cultural traditions, especially those related to family life, continue to have a strong impudence on the status of women in the region. By the mid-1990s, more than 60 percent of girls of secondary-school age were attending school in all East Asian countries plus Malaysia, the Philippines, and Singapore in Southeast Asia and Sri Lanka in South Asia; 30 to 60 percent were attending secondary school in India, Indonesia, Myanmar, Nepal, Thailand, and Vietnam; and fewer than 30 percent were attending secondary school in Cambodia, Laos, Afghanistan, Bangladesh, and Pakistan.¹⁸ In South Korea, Thailand, and Hong Kong, secondary-school enrollment is nearly the same for both sexes, while in the Philippines enrollment is slightly higher for women. Yet in many countries, substantial gender gaps remain, especially in South Asia.

Simultaneously, over the past half-century, women's participation in the labor force has increased steadily in many Asian countries, particularly in the rapidly growing economies of East and Southeast Asia. Singapore is a clear example. There, rapid industrialization generated a strong demand for labor, but few could be drawn from the countryside because the agricultural sector was already small.¹⁹ Thus economic growth relied in large measure on women's movement into the labor force. About 22 percent of women age 15 to 64 were employed in 1957²⁰, rising to 55 percent by 1999²¹. In Thailand at the beginning of industrialization, women were already widely employed in agriculture, so their overall employment rates have not gone up. However, many have moved from agriculture into other sectors of the economy. In South Korea, women's employment levels have gone up steadily since about 1980, while in Taiwan, women's employment stagnated during the 1990s with economic setbacks in Asia.

¹⁸ UNESCO 1999

¹⁹ The Changing Status of Women in Asian Societies, December 1, 2014; available at <http://www.eastwestcenter.org/fileadmin/stored/misc/FuturePop05Women.pdf> (Last visited on December 1, 2014)

²⁰ Bauer 2001

²¹ ADB 2001

Now the exact question arise that what does the future hold? Advances in women's education can be expected to continue, although in some countries the pace of change is slow. A shrinking proportion of working-age men in some Asian populations combined with continuing reductions in hours worked will exert pressure on employers to hire women and to encourage women to remain in the workforce. In the process, employers will have to accommodate women's needs to manage both work and family responsibilities, and husbands will have to provide more help at home.

Lingering problems of son preference and the advent of sex-selective abortion pose a dilemma for Asian policymakers. Evidence suggests that social and economic development alone may not fully counteract these manifestations of women's low status in a patriarchal society—at least not right away. As one South Korean observer remarked, “Given the existing gender differences in earnings in the marketplace, parents or parents-in-law may perceive long-run returns from sons to be substantially higher than from daughters.”

Each country study describes the incidence of violence against women perpetrated through generally accepted customs, traditions and practices in that country and analyzes the broader implications of such practices in infringing on women's human rights. Despite the various efforts taken by the United Nations along with the continuous efforts of the nations' laws, all the legislations and conventions have failed to restore the dignity and rights of the women. Still there are malpractices which are prevalent in various countries of Asian and African continents. The major ill-practices prevailing are to be discussed briefly under the following heads:

1. **Honour killing & Acid attacks:** Such behaviour could be illicit relationships, extra marital affairs, speaking to unrelated men, desiring to choose one's spouse or marrying a man of one's choice, refusal to accept a forced marriage, divorcing an abusive husband, loss of virginity or bringing shame on the family by being raped, all actions which threaten men's control of women's behaviour and sexuality. Despite the availability of legal measures to punish these acts of violence, killers are rarely punished and may, in fact, be treated by the community as heroes who have defended the honour of their families, while women are denied their right to life. Bangladesh has its own form of femicide or disfigurement and bodily injury by “acid throwing”, which is reported to be a practice of relatively recent origin and is found predominantly in Bangladesh and

Pakistan.²² The Bangladesh Women's Legal Centre reported that police recorded 174 incidents from April to December 1999.²³ It was reported also that around 2,200 women were disfigured each year in acid attacks by jealous or estranged men. From 1996 to 1998, acid attacks were said to have increased fourfold from 47 to over 200.²⁴

2. **Fatwa:** A fatwa is a punishment meted out to women by the shalish, or local body of male leaders, which makes rules for behavior in the community which it seeks to justify by Islamic religious traditions and by Imams based on their personal interpretation of Islam. Punishments are for behaviour such as extramarital love affairs or defiance, and take the form of stoning, caning, and burning by throwing kerosene over the body or burning at the stake.

In this case, the lawyer was able to secure a penalty for the killers.

“Married Nurjahan of Faridpur village developed love relationships with one Farid of neighbouring village and they both left their home and were untraceable. Nurjahan's husband filed a case following which Nurjahan was found and brought back to the village. The influential parents and uncles kept Nurjahan confined for 12 days. The verdict of the shalish was to spill “kerosin” oil upon Nurjahan's body and burn her alive. The verdict was carried out at dead of night.”²⁵

3. **Female genital mutilation and Incest:** They are being practiced widely in contemporary societies – chiefly in South and South-East Muslim Asia and Africa – at all ages, from a day-old infant to young children, adolescents and adults. Female genital mutilation is the surgical removal of parts or entire sensitive female genital organs. It is claimed to be necessary to promote cleanliness and to reduce sexual desires and thereby ensure virginity until marriage. An operation is reported to take 10 to 20 minutes and is conducted without local anesthesia using tools such as pieces of glass and fingernails,

²² Forms of Gender-based Violence and their Consequences, Women's Feature Service. From UNFPA, Populi, March 1999

²³ (UNFPA, Populi.1999)

²⁴ (UNICEF, 2000)

²⁵ Quoted from lawyer Sigma Huda's case in Hayward Ruth Finney (2000), Breaking the Earthenware Jar, UNICEF Regional Office, Kathmandu, p. 277.

although the process is said to be becoming medicalized in urban communities in more developed countries.²⁶

Incest is considered a harmful practice as it tends to be culturally tolerated within some families in all countries, including Bangladesh.²⁷ Perpetrators are fathers, brothers, uncles and grandfathers or other male relatives closely connected with the families of the girl victims of such sexual abuse. Incest extends from sexual fondling to rape, and its effects are psychological, physical, including the impact of childbirth at an early age, as well as in the form of lost childhood with its entitlements such as access to education.

4. **Son preference:** The consequences of a strong son preference could extend to the denial of girls' right to life or their vulnerability to discriminatory practices in the environment in which they live. The Women's Rehabilitation Centre (WOREC) (1998) and the World Health Organization (WHO) (2000) have stated that Nepal has a long history of induced abortion, although abortion has been legal since 2002 and even now is permitted to only 12 weeks after conception. At the same time, abortion is not necessarily an outcome of son preference.
5. **Dowry:** The giving and taking of dowry as a wedding ritual is said to have become a cultural practice around the mid-nineteenth century (Hayward, 2000) and became accepted widely in recent decades as the Marriage Act, Provision 6 of the Civil Code, which permits payment of a dowry if it is a custom in the community. It has been argued that the dowry system developed initially among high caste, affluent families and that a substantial dowry is perceived as a symbol of high socio-economic status. Even tribes which did not subscribe to this tradition are reported to have adopted the practice, but the most extreme form of the dowry system is reported to be in the Terai in the south, bordering India.
6. **Bonded labour:** The International Labour Organization's Convention 182 identifies bonded labour as a "worst form of child labour" (below 18 years) and the South Asian Association for Regional Cooperation (SAARC) has set a target of eliminating child labour by 2010. There is no sex-disaggregated data, but bonded labour survives, making

²⁶ Warzazi, 1994

²⁷ Coomaraswamy, 2002

female bonded labour more vulnerable to exploitation, physical assault and rape in a patriarchal and feudal society.

CONCLUSION

The organic structures of United Nations are upset and failing in eradicating the most vital plethora of the society. The Rule of Law is abrogated by letting the survival of the evil of all evils i.e., gender discrimination, inequality and violence on its counterpart. Long-term, sustainable development will only be possible when women and men enjoy equal opportunity to rise to their potential. But today, women and girls continue to face disadvantages in every sector in which we work, while in some cases, boys are falling behind.

In agriculture, women make up more than 40 percent of the labor force, but only represent between 3 to 20 percent of landholders. And despite representing half the global population, women comprise less than 20 percent of the world's legislators. If we can erase these inequities—and put women on equal footing with men—we know that we can unlock human potential on a transformational scale.

There is a lack of clarity around what gender mainstreaming entails, which can endanger the implementation of gender mainstreaming strategies. Therefore, gender advocates should frame mainstreaming objectives in practical terms in consideration of the strengths and weaknesses of particular kinds of bureaucracies. For instance, health ministry officials in developing countries should not be chided about not working on gender equality goals, but should be asked how they can improve healthcare services for women, which they would view as falling within their purview. An added challenge is measuring progress. Tracking relative contributions to different goals within the same project is difficult. This requires social impact analysis during the design phase of the project, and sophisticated tracking mechanisms and gender disaggregated data to examine program impact.

The global economy has produced not only the feminization of poverty but the “feminization of working poverty”. Grassroots strategies are needed to address problems related to the fact that women are used as a source of cheap labor as part of an economic development strategy, while labor standards around the world are declining. One way to support women is to encourage them to become part of the labor movement. This allows women workers to monitor the conditions of

their own workplaces and make sure people are being treated fairly. It is important to include men when addressing concerns of women in the global labor market. In particular, men can play an important role in addressing the sexual exploitation of women.

Currently, the accountability framework consists of several agreements at the global level, such as the Convention on the Elimination of All Forms of Discrimination against Women, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, the Beijing Platform for Action, the Millennium Development Goals, and the Universal Declaration of Human Rights. However, gender equality is not just related to human rights, but also women's empowerment.

The legislature has done its work to a large extent, now it is the turn of the executives to execute those legislations in a very effective manner. The plethora of the societies needs a broad change and it can be only achieved by the involvement of every human beings of this globe. Thus, despite the adoption of various constructive by the United Nations in the form of Conventions and treaties, the vibration is yet to be felt.