

## **Most pressing concern in International Human Rights Law**

The most pressing concern in international human rights law is undoubtedly the violence against women and international law's failure to address the challenges faced by women. This essay seeks to look at whether the international human rights frameworks adequately protect women from discrimination and abuse, it will also go further to dissect the femicide index reports as provided by the Human Rights Watch as well as the in-depth analysis of the status of girls in the international human rights framework with references to international policy documents as provided by the research done by Plan International.

As alluded to above the most pressing concern in international human rights law is violence against women and girls, gender based violence has so many forms that it has without doubt become one of the most pressing issues in international human rights law, from sexual violence and harassment, domestic violence, forced marriage, female genital mutilation, denial of medical care, human trafficking and forced prostitution, just to name a few. The fact that there exists no legally binding international human rights instrument that is expressly devoted to the proscription of gender-based violence<sup>1</sup> attest to the fact that this is a concern which needs to be addressed in international human rights law, even though there are declarations, recommendations and resolutions at the international level this is not enough. For instance international human rights law instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (1979)<sup>2</sup>, the Declaration on the Elimination of Violence Against Women (1993), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (1994)<sup>3</sup>, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), and the Vienna Declaration and Programme of Action (1993) strongly prohibits gender based violence at all times but the enforcement mechanisms are fragile or do not exist in many parts of the world.

In addition to this, on top of the gender based violence cited above and the inadequate protection afforded to women by international human rights law, women and girls still face discrimination in their daily lives as was shown in the report by Plan International titled *Girls' Rights are Human Rights* it shows that millions of girls are disproportionately disadvantaged in education, health, work and family life. Even though there are conventions such as the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) and the Convention on the Rights Of the Child (CRC) the challenges that girls face are not specifically addressed rather

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<sup>1</sup> Patricia Viseur Sellers, *The Prosecution of Sexual Violence in conflict: The Importance of Human Rights as Means of Interpretation*, pg.30

<sup>2</sup> Convention on the Elimination of All Forms of Discrimination against Women (1979), Article 6.

<sup>3</sup> Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, 33 I.L.M. 1534 (1994), March 5, 1995

they are concealed under the gender-neutral category of children, adolescents or youth.<sup>4</sup> The *Girls' Rights are Human Rights* report also points out that the Convention on the Rights of the Child (CRC) is biased against protection afforded to girls and women as compared to boys and men, for instance the report points out that violations that typically affect boys for instance child soldiers are covered in Article 38 of Convention on the Rights of the Child (CRC) but not those that predominantly affect girls such as child marriages<sup>5</sup>. The inadequate fulfillment and protection of these rights is both a cause and consequence of child marriage in South Sudan<sup>6</sup>.

Furthermore, the prevalence of domestic violence against women clearly shows that this is pressing concern in international human rights law, for instance a study conducted by the World Health Organization (WHO) states that almost one third (30%) of all women who have been in a relationship have experienced physical and/or sexual violence by their intimate partner<sup>7</sup>. In Australia, while the #MeToo movement has spurred women to come forward with their experiences of sexual harassment and abuse, a number of high-profile cases of alleged sexual harassment by actors and politicians highlighted ongoing barriers to justice for victims.<sup>8</sup> The UNFPA, the UN's sexual and reproductive health agency is also shining the spotlight on the daily sexual harassment of women and girls using public transportation in Sri Lanka<sup>9</sup>. Also women in Finland, women suffer from direct and indirect discrimination established in laws as was established by the WHO citing major international criticism for the way it has dealt legally with the issue of violence against women<sup>10</sup>. All this goes on to show that the international community has ignored or neglected blatant violations of women's human dignity, refusing to perceive them as gross violations of fundamental human rights. Such issues were left to be taken up, if at all, as social and humanitarian issues in marginalised, procedurally weak fora dealing with women's issues.

Moreover, the participants of the Vienna Symposium on Femicide, held on 26 November 2012 at the United Nations Office at Vienna clearly stated that femicide was increasing all over the world and often remained unpunished which not only intensified the subordination and powerlessness of women and girls, but also sent a negative message to society that violence against females may be both acceptable and inevitable, this was a clear indication that

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<sup>4</sup> Plan International, *Girls' Rights Are Human Rights: An in-depth study of the status of girls in the international human rights framework*.

<sup>5</sup> *Ibid.*

<sup>6</sup> Human Rights Watch, "The Old Man Can Feed Us, You Will Marry Him", pg. 82, 2013

<sup>7</sup> World Health Organization, *Violence Against Women*, 29 Nov. 2017, available at: <https://www.who.int/en/news-room/fact-sheets/detail/violence-against-women> (last visited July 25, 2019)

<sup>8</sup> Human Rights Watch, *Human Rights in 2018: Ten Issues That Made Headlines* published in The Conversation, 9 Dec. 2018.

<sup>9</sup> UN News, available at: <https://news.un.org/en/tags/metoo> (last visited July 25, 2019)

<sup>10</sup> Clarke, Kris, "The paradoxical approach to intimate partner violence in Finland". (August 2011), *International Perspectives in Victimology*. Tokiwa University via The Press at California State University

international human rights instruments such as the Declaration on the Elimination of Violence Against Women and the Convention on the Elimination of All forms of Discrimination against Women had failed to adequately protect women and girls.

In conclusion, it is evident that with all the challenges being faced by international human rights law, violence against women is arguably one of the most pressing challenges which needs effective action such as more binding international human rights instruments with effective enforcement mechanisms that specifically protect women and girls both in times of conflict and peace across the globe.

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