

# CHAPTER-02

## A GLOBAL DIALOGUE ON EMPOWERED WOMEN TO WORK EQUALLY

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DOI: <https://doi.org/10.52458/9788197357114.nsp.2024.eb.ch-02>

Ch.Id:-GU/NSP/EB/WWILCC/2024/Ch-02

## **ABSTRACT**

*Women's Empowerment and Right to Work are intertwined aspects that enable women to stand shoulder to shoulder in the patriarchal civilisation. Achieving equality in women's lives is a diversified approach not only limited to the legal realm but also extends to philosophical approaches. This Chapter explores the multifaceted dimensions of gender equality, stressing the pressing need for the State's commitment to eradicate discrimination at the grassroots level. The discourse further delves into the philosophical lens of gender equality, conceptualising the importance of transformation in cultural, social and political norms. The Chapter emphasises the role of International legal frameworks such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the ILO Discrimination (Employment and Occupation) Convention and the International Organisations such as United Nations, International Labour Organisation, United Nations Women, among others, to eradicate the discrimination based on gender. The Chapter concludes with a compelling call to action that advocates for inclusivity and intersectional approaches, inclusive political participation of women, economic empowerment with an inclusive culture, and encouraging women to education as some practical solution for the problem that persists deeply in our society.*

**Keywords:** *Empowerment, Gender equality, Global dialogue, Women's workforce participation, Economic empowerment.*

## **1. INTRODUCTION**

*"I have chosen to no longer be apologetic for my femaleness and my femininity. And I want to be respected in all of my femaleness because I deserve to be,"*

- ~ Chimamanda Ngozi Adichie

Gender equality is important in its own right. Development is a process of expanding freedoms equally for all people - male and female (Sen, 2009). Gonzales argues that equality of women and men in all aspects of life cannot be achieved totally by mere signature, ratification or accession to an international convention or treaty. It is extremely necessary that the State and other instrumentalities of the State show solemn commitment in the best spirit and implement the law at the grassroots level (Gonzalez, 2015). Women's Empowerment and Right to Work are intertwined aspects that enable women to stand shoulder to shoulder in the patriarchal civilisation. Achieving equality in women's lives is a diversified approach not only limited to the legal realm but also extends to philosophical approaches. This Chapter explores the multifaceted dimensions of gender equality, stressing the pressing need for the State's commitment

to eradicate discrimination at the grassroots level. The discourse further delves into the philosophical lens of gender equality, conceptualising the importance of transformation in cultural, social and political norms. The Chapter emphasises the role of International legal frameworks such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the ILO Discrimination (Employment and Occupation) Convention and the International Organisations such as United Nations, International Labour Organisation, United Nations Women, among others, to eradicate the discrimination based on gender.

## **2. EMPOWERED WOMEN EQUALITY: A PHILOSOPHICAL LENS**

In theoretical discourse, gender equality grew substantially as a fundamental human right. In this context, all individuals, regardless of gender, should have equal access to justice, rights, opportunities, and access to resources. It is based on fairness, justice and respect for human dignity. The essential philosophical framework delves into feminist thoughts and perspectives for combating and analysing gender-based inequality provided by feminist theory. It recognises systematic oppression and historical attempts to demolish patriarchal mechanisms prolonging gender inequality (Gilligan, 1982; Butler, 1990). According to feminist thought, Gender equality needs not only the exclusion of apparent discriminatory acts but also the modification of cultural, social and political norms that affirm gender inequalities (Young, 1994). The principle of non-discrimination is the heart of gender equality as a human right. The United Nations General Assembly in 1948 adopted the Universal Declaration of Human Rights (UDHR). Article 1 of the UDHR affirms that “*all human beings are born free and equal in dignity and rights*” (United Nations, 1948, Article 1). This foundational declaration lays the groundwork for recognising no discrimination based on gender as a universal human right. In addition, feminist theory emphasises the interdependence between human rights and gender equality (Nussbaum, 1999). Similarly, fair employment practices and the right to work are enshrined under Article 23 of UDHR, including gender-based discrimination in the workforce and guaranteeing equal pay for equal work (Charlesworth et al., 1991).

Additionally, feminist scholars emphasise the importance of intersectionality for combating and comprehending gender discrimination. It acknowledges that gender-based discrimination overlaps with other forms of oppression, such as race, caste, ethnicity, and sexuality, producing unique disadvantaged experiences and discrimination (Crenshaw, 1989). From this vantage point, the necessity for an inclusive,

conducive and intersectional approach to gender equality was emphasised to tackle and acknowledge the multifaceted discrimination that individuals suffer. In inference, gender equality as a human right leans on a theoretical framework based on feminist approaches and the ideals of fairness, justice, and human dignity. It recognises the necessity to eradicate the patriarchal norms established in society, secure gender-neutral rights, challenge discriminatory practices, and procure opportunities for all individuals. Adopting an intersectional lens and incorporating feminist perspectives, civilisations can endeavour to protect human rights and true gender equality for all.

### **3. WORKFORCE OF EMPOWERED WOMEN: INTERNATIONAL DIMENSIONS**

Three United Nations instruments collectively called the International Bill of Human Rights, viz. the Universal Declaration of Human Rights (United Nations, 1948); the International Covenant on Civil and Political Rights and its two Optional Protocols (UN General Assembly, 1966); and The International Covenant on Economic, Social and Cultural Rights (UN General Assembly, Dec. 1966). These instruments induced the legal and ethical basis for United Nations Human Rights works and laid the foundation upon which the global system for promoting and protecting human rights has been developed (Reilly, 2009).

Although human rights are provided for all humans, women, in particular, are denied human rights by virtue of customary and traditional setups that ascribe lesser status to women. The discrimination faced by women ranges from different aspects, such as race, language, religion, colour, political opinion, property, birth, social origin, caste, and many others, resulting in compound disadvantage. In 1979, the UN adopted the International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (UN General Assembly, 1979), otherwise called as International Bill of Rights of Women. Article 4 of the CEDAW provides the status of equality of women (de facto), also in the case of labour codes and eliminating discrimination in both public and private spheres (UN General Assembly, 1979). Article 6 of the CEDAW encourages the states to take appropriate actions to combat women trafficking. The root causes of female prostitution are underdevelopment, drug abuse, poverty, lack of education, and employment opportunities (UN General Assembly, 1979). Article 10 of CEDAW recognises equality in education, employment and labour rights (UN General Assembly, 1979). Women's education lays the foundation for empowering women in all spheres, ultimately resulting in better opportunities and lesser discrimination in the competitive world globally (Robinson, 2018). The stereotype attached to the role of men and women would be eradicated by education and increased awareness. Article 17 of

CEDAW establishes the Committee on Elimination of All Forms of Discrimination against Women (UN General Assembly, 1979) to overlook the implementation of the provision by the State Members. India also ratified the CEDAW in July 1993, and the outcome of ratification is seen in the domestic legislation of India, like The Sexual Harassment of Women at Workplace Act, 2013 (Garcia, 2022).

In the absence of domestic legislation, In India, the Supreme Court decided in the case of *Apparel Export Promotion Council v. A.K. Chopra*, using CEDAW, and defined sexual harassment along the lines of intimidation. “The Court explicitly stated that the Parliament had not clarified definitions of sexual harassment, but by ratification of CEDAW, the domestic courts were bound to consider such cases. In the absence of legislative guidance, the Court promulgated its standard to conform with CEDAW.” (*Apparel Export Promotion Council v. A.K. Chopra*, 1999)

At the international level, the United Nations has organised four world-level conferences with their member states. The first conference was held in Mexico City in 1975, followed by Copenhagen in 1980, then at Nairobi in 1985 and the fourth at Beijing in 1995. In the Fourth Conference in Beijing in 1995, the Beijing Declaration and the Platform for Action were adopted by 189 member States unanimously, with an agenda for women’s empowerment and considered the key global policy document on gender equality (Beijing Declaration, 1995). In 2000, the General Assembly, in their 23rd special session, considered future action and initiatives to implement the Beijing commitments. A political declaration, ‘Women 2000: Gender Equality Development and Peace for the Twenty-First Century,’ is the outcome of the special session in New York. Following 25 years since the *Beijing Declaration* was made, the Commission welcomed the advancements made in effectively implementing the Declaration through policy action at the international, national, and regional levels in a political declaration it adopted at its 64th session in March 2020. The declaration was endorsed by the Member States. The *Beijing Declaration's* Chapter IV, Part F, describes the real disparities between men and women's access to, and ability to exercise any kind of control over, the economic institutions in their respective cultures. Women are underrepresented in economic decision-making, especially that related to money, finance, commerce, and other economic policies, in the majority of States (Bauer, 2018). This declaration states that many women have been compelled to accept low pay and unfavourable working conditions because they lack negotiating power and are in precarious economic positions as a result of gender inequality (Beijing Declaration, 1995).

Targeting economic discrimination within the context of international law is the historic ILO Discrimination (Employment and Occupation) Convention (No. 111). It

encourages fairness in terms of treatment as well as opportunities in the workplace. It might be argued that democratically elected leaders have different views than authoritarian leaders about an international legal framework that protects citizens' fundamental rights (Cho, 2014). Stated differently, elected executives in democracies are more motivated to uphold the human rights of their constituents by adhering to international human rights treaties (Bjørnskov, 2010); in contrast, ratification of a human rights treaty may serve as little more than a symbolic act in autocratic nations, with potentially harmful consequences (Vreeland, 2008).

UN Women (2010) ropes all facets of the Commission on the Status of Women's work and enables civil society representatives' involvement. In July 2010, the United Nations General Assembly created UN Women, the Empowerment of Women, and the United Nations Entity for Gender Equality (UN Women, 2010). *Women, Business and the Law*, is a Research based on different indicators that measure the legal differences between men's and women's access to economic opportunities in 190 economies (WBL, 2023). The chart for 2023 with respect to India depicts that India is performing well with respect to other South Asia regions. Nepal shows the highest performance in the South Asia region.



**Source: World Bank (WBL, 2023).**

From the research, it can be clearly inferred that despite India having the 5<sup>th</sup> position in the top ten economy of the world in 2024 (Forbes, 2024), India was not able to perform good in providing better financial pay and economic aid to the women in workforce. This fact posits on the lacking of good governance on the matter pertaining to the important issue of gender equality. Promotion of women participation in the political realm, ensuring representation equally in the society is among the first milestone that is yet to achieve by the India.

#### **4. CONCLUSION AND SUGGESTIONS**

In the contemporary world, the leadership style is dominated by competitiveness, with a win at all costs, 'Start with me' thinking and focus on short-term benefits. Thus, it depicts an erosion of public trust in leadership and ethical

breakdowns. In a world where justice and equality are highly valued, the concerns persist with the empowerment of women remain crucial. Unfortunately, discrimination against women subsists in the diversified world, impeding their political, social and economic progress.

Promoting women's political participation is requisite for achieving gender equality and inclusivity in governance. Legal frameworks like CEDAW and regional Human Rights legislation provide a basis for progressing women's political rights. Women's empowerment economically is another significant aspect of addressing gender discrimination. Having inclusive and intersectional approaches is required to address this concern. Efforts to economically promote empowerment involve a range of measures, including access to employment opportunities, equal pay for equal work, entrepreneurship support, affordable childcare, and financial inclusion, which can contribute to sustainable development. Education acts as a catalyst to promote women's empowerment and enhance the workforce skillfully and potentially.

The overall development of a progressive society, such as a better quality of life and access to justice, including fundamental rights, demands a necessary change in the working culture. Proper representation of women should have been made mandatory not only in the public sector but also in the private sector. A thorough investigation of the concept of women's empowerment within the international law regime is of utmost significance. This investigation is vital in promoting gender equality, inclusivity, and a conducive environment and addressing the challenges that women face on a global scale. Now is the time to promote gender equality in the workforce, and this starts from within.

*Together, we can make a difference!*

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