



## Apply Human Rights

### Introduction to Litigators and others

#### Women's Human Rights

The human rights of women are an inalienable, integral and indivisible part of universal human rights.

Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of governments.

The full and equal enjoyment of all human rights and fundamental freedoms by women is a priority for the advancement of women.

Equal rights of men and women are explicitly mentioned in the *Preamble to the Charter of the United Nations*. All the major international human rights instruments include sex as one of the grounds upon which states may not discriminate.

On our website we draw attention to the main UN international conventions, resolutions and declarations in which women's rights are stipulated. The full enjoyment of these rights is set out in *the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights*.

Every person should be entitled to participate in, contribute to and enjoy cultural, economic, political and social development. In many cases women suffer discrimination in the allocation of economic and social resources. This directly violates their economic, social and cultural rights.

Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. Taking into account *the Declaration on the Elimination of Violence against Women*, gender-based violence, such as battering and other domestic violence, sexual abuse, sexual slavery and exploitation, and international trafficking in women and children, forced prostitution and sexual harassment, as well as violence against women, resulting from cultural prejudice, racism and racial discrimination, xenophobia, pornography, ethnic cleansing, armed conflict, foreign occupation, religious and anti-religious

extremism and terrorism are incompatible with the dignity and the worth of the human person and must be combated and eliminated.

*The Convention on the Elimination of All Forms of Discrimination against Women* is an important international instrument in bringing the female half of humanity into the focus of human rights concerns. The document spells out the meaning of equality and how it can be achieved.

These most important international standards can be found under the **Regulations** category.

We have also covered the regional agreements on the rights of women and published them under each region, such as **Africa, Americas, Asia, Middle East, Europe and Oceania**.

At the national level, most countries have implemented and enforced the human rights of women in national law as well as in national practice in family, civil, penal, labour and commercial codes and administrative rules and regulations.

Still the effective enjoyment of these rights through their full recognition, effective protection and application is lacking in many States. Governments must not only refrain from violating the human rights of all women, but must work actively to promote and protect these rights.

The closer examination of **National Precedents** gives a clear picture of the application of law on women rights by the international and national courts. In some systems precedent is not binding but is taken into account by the courts.

Under the category **Case Law** we give reference to the most important databases with access to cases on the violation of women rights. Case law incorporates courts' decisions from individual cases and encompasses courts' interpretations of statutes, constitutional provisions, administrative regulations and, in some cases, law originating solely from the courts. Ex. a link to the full text of decisions referred to the Convention on the Eliminations of all Forms of Discrimination against Women – Committee.

Under the **Legal Opinions** category we have the most eminent opinions by international and national attorneys and law experts. These formally written opinions state the experts' reasoned analysis about legal questions regarding women's rights, how the court would interpret the law or how the law applies to specific circumstances. For example the legal opinion "Rights of Women in Tanzania" is written by a national law expert of Tanzania and the National Organisation for Legal Aid in Tanzania. It gives a short summary of the opinion, questions for which the opinion is sought, description of women's rights in Africa, international legal obligations for Tanzania, recommendations for on-going litigation in this case.

Access to legal recourse against violations of women's rights is essential. The **Complaint Procedures** category contains an overview of complaint procedures under different international and regional human rights bodies.

The **Bibliography** category consists of the list of important publications on specific issues of women's rights. For example the series of publications by the ICJ (International Commission of Jurists) which serve as a human rights policy and advocacy tool for judges, legal practitioners, training institutions and human rights organisations. It is intended to help them conduct their activities, from judicial training to the adoption of laws and policies in accordance with international standards.

The **Experts within this area** category gives contact details for the legal experts on women rights issues.

The **Contact persons/organisations category** provides a comprehensive collection of the largest women's rights organisations, both international and regional. Here you can quickly find support organisations in your region to which you can turn in the event of a violation.