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**Aspects of UN Activities on the
International Protection of Women's Rights**

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Abstract: Human rights and their protection represent the regulation object of a major part of all the legal rules encompassing the international public law. The Members' efforts to protect women's rights and to promote gender equality have resulted in the adoption of important documents, fundamental to all mankind. In the light of these international regulations, States have assumed obligations and they have created mechanisms to achieve them. Through the analytical approach we have highlighted the activities of the United Nations and international bodies for protecting women's rights and gender equality in all sectors of public and private life. In preparing this article we used as research methods the analysis of problems generated by the subject in question with reference to the doctrinal views expressed in the Treaties and specialized articles, documentary research, interpretation of legal norms in the field.

Keywords: Universal Declaration of Human Rights; Convention on the Elimination of all Forms of Discrimination against Women; the Beijing Declaration and Platform for Action; International Women's Day

1. Introduction

Year 2015 is a time of balance and reflection concerning the assertion of women's rights as it marks 20 years since the Fourth World Conference regarding Women of the UN, held in Beijing in 1995, on which occasion there were established by the participating States a set of objectives to be met for the effective achievement of women's rights and equality of chances between women and men, commitments contained in the *Beijing Declaration and Action Plan in Beijing*.

Much of the history of states reflects a clear imbalance between women's rights and the rights of men, and the condition of women in society has generated pros and cons of the feminists and conservative, and sometimes heated disputes, protests, riots. The role and place of women in society of the 18th century, for example, in relation to man (which is referential) was explained by Jean Jacques Rousseau, who legitimized the sexual dichotomy and patriarchal hierarchy men / women as being simple, natural (Rousseau, 1754).

The realities of international society shows that, although important steps were made concerning the protection of women's rights and the fulfillment of gender equality goals, the states must intensify the efforts to eliminate the idea of inferiority of woman towards the man, of stereotypes regarding the

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women's role in society and family, for the exclusion of any distinction based on gender and to ensure the exercise by women of all human rights and fundamental freedoms in all areas (political, economic, social, cultural, etc.).

By drawing attention to the fact that today's society fails to use 50% of its human capacity (statistical data showing that the number of women is even slightly higher than men), famous businessman Warren Buffett said in an interview in Fortune Magazine that “*we've seen what we can be accomplished when we use 50 percent of our human capacity. If you visualize what 100 percent can do, you'll join me as an unbridled optimist about America's future.*” Apud (Weisenthal, 2013) If we were to translate this picture at global level, we can calculate how much the humanity loses by maintaining a deficit of women's participation in the economic decision-making, a low level of education among women and still a lower status compared to men.

Not to exhaust the subject, we have tried to highlight in the following aspects of the UN activity on the protection of women's rights and gender equality.

2. The UN Activities for Women Protection

2.1. The UN Documents

The international community has registered a marking evolution in terms of protection of women's rights and a series of documents recommend/obliges states to take a series of measures to protect women's rights and gender equality in all sectors of public and private life.

The international legal valence of the protection of women's rights results from the documents adopted within the international legal order by the states. The United Nations created the conditions, since its creation, to establish global standards for the protection of women's rights. The UN Charter¹, adopted in 1945, reaffirms in its Preamble the belief of the State Parties in “equal rights of men and women” and article 1, paragraph 3 of the same document states that one of the purposes of the UN is to promote and encourage the respect for human rights and fundamental freedoms for everyone, without distinction as to race, **gender**, language or religion. The principle of non-discrimination and equality between women and men is reiterated in article 8: “The United Nations will not impose any restriction to the participation *on equal terms of men and women* at any position within its principal and subsidiary organs.” By article 13 it established the task of the UN General Assembly the initiation activity of studies and to make recommendations on the implementation of human rights and fundamental freedoms for everyone, without distinction as to race, gender, language or religion. Article 55 of the Charter states that the UN promotion of universal and effective respect for human rights and fundamental freedoms for everyone, without distinction as to race, gender, language or religion is able to create the stability and well-being conditions, necessary for peaceful and friendly relations between nations.

The 1948 remains in the history of the United Nations as the year in which it was adopted and proclaimed by the General Assembly the *Universal Declaration of Human Rights*², which includes (as recommendation value) rules relating to the Status of Women. In 1966, the UN General Assembly adopted two covenants on Human Rights: International Covenant on Economic, Social and Cultural Rights and The International Covenant on Civil and Political Rights, which have conferred compulsoriness to the legal force of the provisions of the Universal Declaration of Human Rights.

¹ The Charter of the United Nations, <http://www.un.org/en/documents/charter/>.

² The Universal Declaration of Human Rights, <http://www.un.org/en/documents/udhr/>.

But the first treaty adopted under the auspices of the UN, which confirms the legal status of women in society, is *the Convention on the Political Rights of Women*¹, adopted by the General Assembly on 20 December 1952 and entered into force on 7 July 1954. The Document on universal value, this international convention lists the following women's rights: the right to vote in all elections on equal terms with men, without any discrimination; the eligibility of women on equal terms with men in all elected public bodies, constituted under the national law without discrimination; the same rights as men, on equal terms, to hold any public office and to exercise all public functions established by the national law without discrimination (art. 1 and 3). To the political rights of women stated in this agreement there have been added those established by the two pacts adopted in 1966. The extent to which states have managed to transfer at national level the fulfillment of the desideratum regarding the political rights of women can easily be observed in the table where we presented below, as example, the situation in early 2012 on the number of women (in percentage) within the national parliaments.

Table 1. World Ranking Women in Parliament for Select Countries²

Rank	Countries	% Women
1.	Rwanda	56.3
2.	Andorra	50
3.	Cuba	54.2
4.	Sweden	44.7
10.	Iceland	39.7
16.	Belgium	38
21.	Germany	32.9
40.	Canada	24.8
61.	Bulgaria	20.8
64.	Republic of Moldavia	19.8
69.	France	18.9
78.	USA	16.8
91.	Russian Federation	13.6
103	Romania	11.2
135	Lebanon	3.1
143	Quatar	0.0

On 7 November 1967 the UN General Assembly adopted the *Declaration on the Elimination of Discrimination against Women*³. As stated in the Preamble, the need to adopt this document stems from the fact that, despite the provisions of the UN Charter, the Universal Declaration of Human Rights and other international documents, the equal rights of women continues to be the subject of numerous discriminations. In the 11 articles there are proclaimed rules with the value of principles in the matter. In the first article, for example, it is appreciated that discrimination against women is unjust and it constitutes an infringement of human dignity, and in the following two articles it requires the abolition of laws, customs, regulations and practices which constitute a discrimination against women and the adoption of appropriate legal measures to ensure the equal rights of men and women, to educate public opinion in order to eliminate the idea of inferiority of women.

The Declaration on the Elimination of Discrimination against Women was an important step in the International regulatory process through a reference document, fundamental for the protection of women rights, *Convention on the Elimination of All Forms of Discrimination against Women*

¹ The Convention on the Political Rights of Women, https://treaties.un.org/doc/Treaties/1954/07/19540707%2000-40%20AM/Ch_XVI_1p.pdf.

² IPU, Women in Politics. Situation on 1 January 2012, http://www.ipu.org/pdf/publications/wmnmap12_en.pdf.

³ Proclaimed by the General Assembly, Resolution 2263 (XXII), A/RES/22/2263, 7 November 1967.

(CEDAW)¹ which was adopted on December 18, 1979², opened for signature on 1 March 1980 and entered into force on 3 September 1981, at 30 days after “*the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession*”, as established by Article 27, paragraph 1 of the Convention. Although the number of signatory states was of 99 and at the tenth anniversary of the States Parties was around 100, the importance of the subject has made this Convention to be ratified until today to 188.³

The importance of this Convention lies also in the fact that it covered the first definition of the term discrimination against women: “...*any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*” In its 30 articles, organized into six parts, CEDAW extends states liability also for violations from the private sphere, article 2, point f, obliging the States Parties to take all appropriate measures to eliminate the discrimination against women, organization or enterprise which ever it would be. The articles contained in Parts II, III and IV identify areas in which states must act to ensure the equality between women and men not only legally, but also practically: the exercise of civil and political rights, rights in the social, cultural, economic domain, equality before the law in terms of legal capacity and marriage.

Many of the States Parties have formulated reservation to the Convention, unwilling to assume all the obligations. Romania has ratified the Convention stating that it does not consider itself bound by the provisions of article 29, paragraph 1, a reservation which decided to withdraw from April 2, 1997 by a notification that the Romanian government has sent it to the Secretary General.⁴

Articles 17-22 regulate the establishment and activity of the Committee to eliminate the discrimination against women in order to assess the progress of the countries in the implementation of the presented Convention, in reports to indicating “factors and difficulties affecting the extent to which the obligations provided for in this Convention are fulfilled”.

In 1999 it was adopted the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women by Resolution A / RES / 54/4 of 6 October, opened for signature on 10 December 1999 and entered into force on 22 December 2000 and it has 105 States Parties⁵. Unlike CEDAW, article 17 of the Protocol states that reservations are not admitted. In the 21 articles, the Protocol adds to the competence of the Committee the reception and analysis of complaints by or on behalf of individuals or groups of individuals under the jurisdiction of a State Party, which claims that they are victims of a violation of any of the rights established in the Convention by that State Party. So, for this protective mechanism to be put into operation, communication to the Committee must regard a State Party to both the Convention and the Protocol. Article 4 of the Protocol also requires that:

¹The Convention on the Elimination of All Forms of Discrimination against Women <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

²Resolution 34/180, Official Records of the General Assembly of the United Nations, Thirty-fourth Session, Supplement No. 46 (A/34/46), p. 193. Romania signed the Convention on 4 September 1980 and ratified by Decree 342 of 26 November 1981 published in the Official Monitor of Romania, Part I, no. 94 of 28 November 1981.

³ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en#EndDec.

⁴ United Nations, *Treaty Series*, vol. 1259, p. 437.

⁵ Romania has ratified The Protocol by Law no. 283/2003, published in Official Monitor of Romania, Part I, no. 477 of 4 July 2003.

- the person or group of persons have been victims of the infringement of one or more of the rights set out in the Convention;
- the state belonging to the person or group of individuals filing the complaint to be party to the Convention and to the Protocol, optional;
- to have exhausted all ways of settlement of the case in its national law; The Committee shall declare a communication inadmissible, if the same matter has already been examined by the Committee or it has been or is being examined under another international procedure of investigation or settlement;
- the complaint will be accepted if in the State concerned there are still not provided legal ways in which women can go to court;

The UN General Assembly adopted on 20 December 1993 by Resolution A/RES/48/104¹, ***Declaration on the Elimination of all forms of violence against women***, the document describes the following facts as forms of violence against women, in public and private life, and hence human rights violations:

- *“physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;*
- *physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;*
- *physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs”.* (article 2)

A year later it was recorded another step forward, The United Nations Commission on Human Rights inaugurating the position of Special Rapporteur on violence against women in resolution 1994/45, adopted on 4 March², whose mandate includes activities such as: requesting and receiving information on violence against women, its causes and consequences from Governments, specialized agencies, other special rapporteurs responsible for various human rights issues, intergovernmental and nongovernmental organizations; recommending measures, ways and means to eliminate all forms of violence against women and its causes; collaboration with the Commission on the Status of Women and other bodies in order to integrate the human rights of women and a gender perspective into their work etc.

In 2013, the mandate of the Special Rapporteur was renewed by Resolution 23/25³, adopted by the Human Rights Council: “20. Welcomes the work of the Special Rapporteur on violence against women, its causes and consequences and of the Special Representative of the Secretary-General on Sexual Violence in Conflict, and takes note with appreciation of the report of the Special Rapporteur on State responsibility for eliminating violence against women.” Ms. Rashida Manjoo⁴ who occupies the position of UN Special Rapporteur on violence against women in 2009, considered that, although the two regional instruments, the Council of Europe Convention on preventing and combating violence against women and domestic violence and the Inter-American Convention on the Prevention,

¹ <http://www.un.org/documents/ga/res/48/a48r104.htm>.

² <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>.

³ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/150/98/PDF/G1315098.pdf?OpenElement>.

⁴ <http://www.unwomen.org/en/news/stories/2012/11/needed-specific-international-legally-binding-instrument-on-violence-against-women>.

Punishment and eradication of violence against women, establish a set of normative standards in this matter, it is time for the adoption of an international convention by UN on violence against women, a comprehensive document to reaffirm the existing commitments of States, but also to impose clear, decisive measures.

2.2. Bodies and Mechanisms Created to Protect and Guarantee the Rights of Women

Commission on the Status of Women

By the resolution 11 (II) of the UN Economic and Social Council of 21 June 1946¹ it was created the main intergovernmental body with competence in promoting women's rights and gender equality, the Commission for Women's status, a functional commission of the Council.

The Commission is composed of representatives of 45 member states of the United Nations, elected by the Economic and Social Council on the basis of equitable geographical distribution criterion (13 members from Africa, 11 from Asia, 9 from Latin America and the Caribbean, 8 from Western European and other countries and 4 from the Eastern Europe²) and it has responsibilities in relation to the conduct of studies, preparing reports on the development of women's rights in the political, economic, social and educational domain, formulation of recommendations to the *Economic and Social Council* on issues as a matter of emergency in this area, the drafting of international conventions projects in its field of activity.³

The Commission for Women's activities contributes through its activity to the establishment of global standards on women's rights and promoting gender equality.

The Commission adopts multi-annual working programs and priorities aiming at eliminating and preventing all forms of violence against women and girls, the access and participation of women and girls to education, training, science and technology, including for promoting equal access to full employment and a decent work, reviewing the implementation of the Beijing Declaration and Platform for Action, etc.

Also the Commission for Women has organized several World Conference on Women, in Mexico City – 1975, in Copenhagen – 1980, in Nairobi - 1985. In the year when the UN celebrated 50 years since its creation, it was held in the Beijing the Fourth World Conference on Women, in which states have adopted the Beijing Declaration and Platform for Action⁴, signed by 189 governments, which set a very important goal, the achievement of the equilibrium 50-50 gender balance, in all spheres of society. The Report of the General Secretary of the UN, on the analysis and evaluation of the implementation of the Beijing Declaration and Platform for Action, which brings together the complex image of progress from the 20 years in the 12 areas of major concern, points out, however, that the pace implementation of the Platform for Action was unacceptably slow and it is imperative for it to be accelerated. The report highlights five priority areas: transforming discriminatory social norms and gender stereotypes, macroeconomic policy reorientation for achieving gender equality and sustainable development, ensuring women's participation in decision-making process fully and equally and at all levels, the increase of investment in gender equality significantly, strengthening the accountability in matters of gender equality and achievement of human rights. (UN Secretary-General, 2015)

¹ www.un.org/womenwatch/daw/csw/pdf/CSW_founding_resolution_1946.pdf.

² Membership of the Commission on the Status of Women,
http://www.unwomen.org/~media/headquarters/attachments/sections/csw/59/csw59_membership%20pdf.ashx.

³ http://www.un.org/womenwatch/daw/csw/csw58/CSW58_Membership.pdf.

⁴ http://www.unesco.org/education/information/nfsunesco/pdf/BEIJIN_E.PDF.

Committee on the Elimination of Discrimination against Women

Based on the regulations, it was established CEDAW Committee on the Elimination of Discrimination against Women to implement the Convention. Article 17 of the CEDAW establishes the number of experts in the Committee's structure: 18 at the time of entering into force of the Convention and 23 after the ratification or accession of 35 states.¹ They are nominated and elected by secret vote by the Member States on the basis of equitable geographical distribution and keeping in mind the “*representation of the different forms of civilization and of the main legal systems*” for a term of 4 years.²

According to article 20, The Committee shall normally meet for a period of 2 weeks each year, to examine reports of countries on the situation of women's rights. Article 20, paragraph 1 was amended by Denmark, Iceland, Finland, Norway and Sweden and the Secretary-General, as depositary, notified the States Parties on this amendment in December 1994. The five Nordic countries, UN members, propose replacing the words *normally meet for a period of not more than two weeks annually in order...*” with “*meet annually for a period necessary*”³. Although the States Parties to the Convention decided to amend Article 20, paragraph (1) of the Convention and adopted the amendment to the eighth meeting of the General Assembly (22 May 1995), by resolution 50/202, it has not yet entered into force, as it has not been yet fulfilled the condition laid down by section 3 of the amendment which states that it will enter into force when it was accepted by a two-thirds majority of States Parties.

In accordance with article 21 of CEDAW, the Committee shall submit an annual report, through the Economic and Social Council, the UN General Assembly on its activities and it may make suggestions and general recommendations⁴ on any issue of states affecting women, based on the examination of reports and information received from States Parties. In the 1992 session, for example, the Committee adopted the general recommendation 19⁵, which required the state to include in national reports of statistics on the incidence of violence against women, as well as information on the provision of services for victims and reviewing the legislative measures and policies to protect women against violence. By 2013, the Committee made 29 general recommendations.

UN Women

By Resolution adopted by the General Assembly on 2 July 2010, A/RES/64/289⁶, it was established a special entity, UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women whose main objective is to accelerate the gap between the genders. The creation of UN Women is the result of reforms in the UN and the concentration of activity of four entities within the most important international organizations:

- Division for the Advancement of Women (DAW);

¹ Membership of the Committee on the Elimination of Discrimination against Women, <http://www2.ohchr.org/english/bodies/cedaw/membership.htm>.

² Romania was represented in the Committee on the Elimination of Discrimination against Women by Victoria Popescu Sandru, in the period 1 January 2003-31 December 2006. <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAWListMembersNew.pdf>.

³ <https://treaties.un.org/doc/Publication/CN/1994/CN.373.1994-Eng.pdf>.

⁴ <http://www2.ohchr.org/english/bodies/cedaw/comments.htm>.

⁵ General Recommendation No. 19 (11th session, 1992),

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom9>.

⁶ http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/289&Lang=E.

- International Research and Training Institute for the Advancement of Women (INSTRAW);
- Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI);
- United Nations Development Fund for Women (UNIFEM).

The attributions of the UN Women relate to: supporting the inter-governmental bodies, in formulating their policies, standards and global rules; supporting the Member States in applying these standards; leadership and coordination of the activity of the entire UN system in the field of gender equality.

UN Women Executive Director Phumzile Mlambo-Ngcuka said dramatically in her message for International Women's Day 2015 that, unfortunately, no country has achieved equality and, although they have taken significant steps, the changes are not enough, humanity is still far from full equality between men and women. The encouragement at the end of this message: "*Empower women, empower humanity*" (Phumzile Mlambo-Ngcuka, 2015), which was actually this year's theme for the celebration of International Women's Day draws attention to the entire international community on the importance of gender equality and on the fact that building a better world for women is to build a better world for us all.

3. Conclusions

The UN has been involved since its creation in various activities for the promotion and protection of women's rights, it has created organizations and programs for improving its condition. One of the ambitious projects of the UN, equality of chances, gender equality implies profound changes in the relationship between people, the mentality and social behavior of state policies (Hurubeanu 2011, p. 69) and even special, differentiated treatment through positive discrimination leading to equivalent results (Hurubeanu, 2011, p. 62).

The UN permanent concern in this direction was transposed in promoting actions to attract the attention of governments on the importance and necessity of recognizing the role of women in society, the adoption of basic documents for the protection of women's rights, such as the Convention on the Political Rights of Women or the Convention on the Elimination of All Forms of Discrimination against Women, which lead states in taking measures to ensure real conditions for making changes in this area, the creation of bodies such as the Commission on the Status of Women supporting states and managing progress in the fulfillment of this objective.

The UN initiatives such as the proclamation of the International Year of Women (1975) and the UN Decade for Women (1976-1985), the celebration of the International Women's Day were added to the sustained efforts to accomplish the major desideratum of gender equity and equality.

Mankind must place women's rights and gender equality into the center of all efforts and development concerns, for economic growth, to ensure respect for human rights. The eradication of poverty among women, ensuring a quality education for girls, eliminating barriers in terms of women's involvement in politics, business, occupying leadership positions are just some of the ways in which we can make a reality the elimination of gender imbalance. Christine Lagarde reduced metaphorically these paths to 3Ls: their *learning*, their *labor*, and their *leadership* (Lagarde, 2014). Otherwise, as the UN Secretary Ban Ki-moon strongly affirmed, *the world will never realize 100 per cent of its goals if 50 per cent of its people cannot realize their full potential.*" (Ban Ki-moon, 2015)

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