

INTERNATIONAL REGIME ON HUMAN RIGHTS SYSTEM FOR THE PROTECTION OF WOMEN'S RIGHT

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DOI: doi.org/10.55662/AJMRR.2022.3504

ABSTRACT

The formation of the United Nations brought about the protection of International Human Rights. The United Nations in its bids to protect International human rights established mechanisms to address human rights issues. These mechanisms have played vital roles in the elimination, promotion and protection of women's rights. However, in theory these mechanisms exist to address women's rights issues but in reality the result has been less than the system's expectations. This failure has raised concerns for the protection and enforcement of international regime on women's rights.

The UN human rights system has also been actively involved in monitoring the core international human right treaties by state parties. The state parties that have ratified the treaties has an obligation to ensure the reform of discriminatory laws and practices; submit periodic reports to the treaty bodies which reviews State action including legislation and policies, reviewing States report on their compliance with international standard, visiting countries to carry out fact-finding, promoting human rights and making policy recommendations to States. This article will give a better understanding of International regime on women's rights through the working of the United Nations human rights mechanism that is categorized into charter based bodies and the treaty based bodies. These human rights mechanisms work together for the promotion and protection of women's rights. However, despite the human rights instrument provisions to protect the rights of women, there are some challenges that may impede the

[Asian Journal of Multidisciplinary Research & Review \(AJMRR\)](#)

ISSN 2582 8088

Volume 3 Issue 5 [September October 2022]

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enforcement of these rights. Therefore, this article has identified some of these challenges and will proffer solutions to these challenges.

Keywords: Women's rights, human rights, state parties, treaties, United Nations, National jurisdiction, equality, discrimination, UN Charter, ratification, domestication, implementation, international law, international regime

INTRODUCTION

Women's right is a concept of international human rightsⁱ. The recognition of women rights as a concept in international law has fully been accepted in modern nations. The legal obligation to eliminate all forms of discrimination against women is a fundamental tenet of International human rights law. However, International human rights law has not yet been fully applied to address the injustice women face in their lives solely because of their gender and this is due to the complexity of enforcement of women's rights as it varies from country to country. The failure to respect human rights as universal can be attributed to the lack of understanding the systemic nature of the subordination of women as a human rights violationⁱⁱ.

In order for the fundamental human rights to be upheld, the United Nations was established. The primary purpose for the creation of the United Nations was to maintain peace and protect human rights. Its foundation was to recognize human dignity by promoting respect and protection of fundamental human rights. The United Nations Human Rights systems developed human rights treaties which addressed human rights issues such as the International Covenant on Civil and Political Rights (ICCPR), the International Convention on Economic, Social and Cultural Rights (ICESCR) pays special attention to women's rights and prohibit gender-based discrimination and the Convention on the Elimination of Discrimination against Women (CEDAW), which specifically obligates State parties to take steps to eliminate gender discrimination and to achieve gender equality. Despite a dedicated treaty on the subject of women's rights, newer treaties such as the Convention on the Rights of the Child (CRC), and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families have continued to include specific prohibitions on sex-based discrimination. The Convention on the Rights of Persons with Disabilities further recognizes multiple forms of

discrimination against women, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment also regularly addresses issues of violence against women and girls. These treaties are multilateral instruments of international law which emphasize specific aspects of human rights by mandating state members to the treaties to incorporate the treaties in their domestic legal system. These charter based bodies also has the responsibilities of interpreting human rights treaties, accepting and deciding on individual complaints against the State, issuing emergency protective orders, reviewing States report on their compliance with international standard, visiting countries to carry out fact-finding, promoting human rights and making policy recommendations to States.

PROTECTION OF WOMEN'S RIGHTS UNDER INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

The United Nations was established primarily to maintain world peace and protect the human rights of man. Its foundation was to recognize human dignity by promoting respect and protection of human rightsⁱⁱⁱ. The United Nations recognition of women's rights is one of the principles in international human rights.

Human rights mechanism at the United Nations comprises of two categories, which includes the charter based bodies and the treaty based bodies.

The Charter based bodies under the United Nations

The Charter based bodies are formed pursuant to the resolutions of principal organs of the United Nations by virtue of the UN Charter which includes the Human Rights Council, its special procedures and the Universal Periodic Review (UPR). The Human Rights Council formerly known as the Human Rights Commission and its subsidiaries, including the sub commission on the promotion and protection of human rights is made of 47 government delegates and reports directly to the UN General Assembly. The Human Right Council forms the core component of the United Nations Human rights system from it was established the Universal Periodic Review (UPR) procedure which provides member states of the UN to review human rights records of each of the states and address human rights situations in any member state of the UN.

The Council mandate include to oversee its own complaints procedure which is used to retrieve information concerning specific issue of violation of human rights, work on thematic and country focused special procedure which are independent human rights body. They are also referred to as Special Rapporteurs, Working Groups or Independent Experts.^{iv}

- The Human Rights Council

The Human Rights Council (HRC) was established by the General Assembly pursuant to resolution 60/251 of 15 March 2006. It is an inter-governmental body within the United Nations system which is made up of 47 states obligated to promote and protect human rights globally. It is mandated to discuss all thematic human rights issues and situations that require its attention throughout the year. The commission meets three times annually. And has constantly had special panels that focus on the rights of women and the integration of a gender perspective since its inception in 2006.

In 2007, the Human Rights Council instituted a new complaint procedure to address issues that pertains violation of all human rights in any part of the world. The council adopted its institution building package pursuant to resolution 5/1 which is a detailed document including the procedures, mechanisms and structures of its work. The mechanism includes subsidiary bodies that directly report to the Human rights council. The subsidiary bodies include the universal periodic review working group, advisory committee and the complaint procedure. The human rights council also established the subsidiary expert mechanisms which provide the council with thematic experts and forum for cooperation and dialogue^v.

In October 2009, pursuant to resolution 12/1 at the 12th session the council established an open ended intergovernmental working group to review the work and functioning of the Human Rights Council by negotiating and finalizing new draft instruments or make recommendation as to the implementation of the implementation of the existing instruments^{vi}. From 25-29 October 2010, the working group held its first session which marked the formal launch of the review process^{vii}. Just recently, on June 13-July 8 2022 the Human rights council had its 50th regular session.

The human rights commission calls state parties to implement their obligation of promotion of women rights relating to women's right by resolutions. These resolutions and discussions by member states help to keep the women's rights on the international agenda. The council also has the authority to call for special session to discussion and address human rights violations

and emergencies. These special sessions have in some instances address issues related to violation of women's rights. For example, the special session on Darfur Sudan, where specific concerns on rape, sexual violence and inaccessibility to justice for the crime led to the report of the high level mission on the situation^{viii}. The special session on the Democratic Republic of the Congo concern on gender equality and sexual violence was reported in the situation^{ix}. Furthermore, there was an establishment of the commission of inquiry in Libya and also in Syrian Arab Republic to investigate human rights violation of humanitarian law and human rights. Expert on sexual and gender based violence was also on the mission. The experts reported finding related to gender based violence and recommendations on gender aspects^x.

- Special procedures

The Special Procedures, such as the Special Rapporteur have been working since 1947. Initially it was reporting to the commission then to the Human Rights Council. Pursuant to Resolution 60/1 of September 2005, the General Assembly adopted the World Summit Outcome at its 60th session which led to the eventual establishment in the session of the Human Rights Council. The special procedures of the Human Rights Council are independent human rights experts, they are mandated to investigate, report and advise on human rights from a thematic or country specific perspective. The elected experts are mandated to work for 3 year which can be re-conducted for another 3 years. There are 45 thematic and 13 country mandates as of October 2021.

The Special procedures are supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The mandate-holders have contributed immensely to the advancement of the promotion and protection of human rights including but not limited to contributing to government and judicial processes; raise human rights awareness; set human rights standards; improve access to mechanisms of redress; legislative reform and policy reform^{xi}.

The special procedures also receive complaints from victims of human rights violation through the special procedures communications process and also undertake country visits.

- The Universal Periodic Review (UPR)

The Universal periodic Review (UPR) is a unique record of United Nations member states human rights database that has information produced during the universal periodic review process. The universal periodic review is a state-driven process under the auspices of the United

Nations Human Rights Council which gives the member states to declare the actions that have been taken in their various countries on the situation of human rights and its obligations to fulfill human rights^{xii}.

The Universal Periodic Review (UPR) is also mandated to monitor and report state compliance to their international obligation to promote and protect human rights which include rights related to women. Women rights issues are frequently raised in the UPR recommendations. The UPR is based on several stages including documentation, revision of the documents and follow up to the conclusion and general recommendations.

Till present, there is no other universal mechanism of its kind that exists that aims to improve the human rights situation in all countries and address human rights violations. UPR gives the state parties opportunity to address major human rights issues in their state reports before submission to the treaty bodies in their regular reports including the implementation of general comments. The UPR is mandated to ensure equality for every member states rights are protected when those human rights are violated.

The Treaty based bodies under the United Nations focused on women's rights

The Treaty based bodies ensure member states implementation of a specific human rights treaty such as relevant convention, publish General comments and in some instances review individual complaints concerning violations of the convention by member states that have specifically agreed to the procedure. The treaty bodies include the Committee on the Elimination of Racial Discrimination is the first treaty body to be established. It monitors the implementation of ICERD as from 1969^{xiii}, the Human Rights Committee created in 1976 to review the application of the ICCPR^{xiv}, the Committee on Economic, Social and Cultural Rights created in 1985 to carry out the functions of the Economic and Social Council under the ICESCR^{xv}, the Committee on the Elimination of Discrimination against Women monitors the implementation of the CEDAW by its State parties^{xvi}, the Committee on the Rights of the Child, since 1991, monitors the application of the CRC, and its Optional Protocols relating to the involvement of children in armed conflicts, the sale of children, child prostitution and child pornography^{xvii}.

- International Covenant on Economic, Social and Cultural Rights (ICESCR)

International Covenant on Economic, Social and Cultural Rights (ICESCR)^{xviii} was adopted by the General Assembly in Resolution Res 2200A (XXI) 1966, it entered into force on January 3, 1976^{xix}. The treaty provides equality between men and women by upholding the non discrimination and equal enjoyment of all economic, social and cultural rights set in the treaty^{xx}.

ICESCR comprises of five parts; Part I recognizes the right to self determination; Part II defines the general nature of states parties' obligations, Part III enumerates the specific substantive rights, Part IV deals with international implementation and Part V contains typical final provision of a legal nature.

ICESCR guarantees the equal enjoyment of rights provided by the treaty to earn a decent living including food, clothing and housing^{xxi}. It also provides legal protections and remedies to the entire economic and social challenges women encounter. Article 12(1) mandate state parties to recognize the rights of each person to enjoy the rights provided by the treaty in the highest attainable standard of physical and mental health

Many African Countries are signatories to this convention and are obligated by the treaty to respect the rights of women and girl child. This treaty can be used a tool for defense and relief if any of the member states does not fulfill its obligation but unfortunately many African Countries have failed in fulfilling the terms of the treaty. In most situations where there is a problem, women suffer the most.

- The International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights (ICCPR) entered into force on March 23, 1976^{xxii}. It is a multilateral treaty that commits states to respect the civil and political rights of individuals. It is a universal standard mechanism that has been used for the protection of women's rights and girl child in Africa^{xxiii}. Article 28 of the ICCPR provides that all persons have equal protection before the law be it male or female. This provision is generally referred to as a non discrimination by member states, it prohibit any discriminatory act and guarantee equal and effective protection against discrimination on the ground of race, color, sex, language, birth, national or social origin, political or other opinion, religion or other status^{xxiv}. By this provision, all member states that signatories to this instrument have all agreed to prohibit any form of discrimination against women and girl child on the basis of sex or gender.

Article 3 of Covenant on Civil and Political Right affirms that the state parties undertake to ensure equality of men and women, however, women has not fully enjoyed equality in many aspects of their lives. Article 7 states that no one should be subjected to torture or cruel, inhuman or degrading treatment or punishment. Many activists have argued the many African countries who have ratified this treaty still violates the provision of this article, for example female genital mutilation is a violation of this provision. Article 26 stipulates that any law which discriminates on the basis of gender is in breach of this provision. The treaty prohibits discrimination and guarantee equality between men and women^{xxv}.

As of June 2022, the treaty has the total of 173 state parties^{xxvi} out of which 50 are African countries, virtually all the African countries have signed and ratified this covenant. However, women and girls equality with men and boys is still far-fetched. Discrimination and gender stereotype is still a major issue to be addressed in many African countries^{xxvii}. ICCPR has been a valuable instrument used for the protection of the rights of women in African, notwithstanding the short comings of African countries.

- The Convention on the Elimination of Discrimination against Women (CEDAW)

The Convention on Elimination of all Forms of Discrimination against women (CEDAW) was adopted by the General Assembly in 1979^{xxviii}. It is the most comprehensive bill on the rights of women all over the world. Almost all the African states have ratified the treaty^{xxix} and they are obligated to promote and protects the rights of African women. The treaty prohibits discrimination and mandate state parties make policies and measures to eliminate against women, apply sanctions and other measures to redress discriminatory practices and repeals and amend discriminatory regulations.

The main purpose for the treaty is to focus on the development of women and guarantee the protection and enjoyment of human rights and equality with men^{xxx}. CEDAW has played a major role in addressing issues faced by women all over the world. Despite the comprehensive provisions, all form of discrimination against women still exists around the world. Women in African are continuously victims of all the discriminatory practices although there has been progress achieved in many African countries in respect of human rights of women^{xxxi}.

The convention mandates state parties to prohibit all forms of discrimination against women such as trafficking and sexual exploitation of women^{xxxii}, rights of women to equal participation in political life including right to vote and to be voted for, participate in politics, decision

making and hold public offices both at the national and international levels^{xxxiii}. Articles 10-13 of the convention reaffirm the human rights of women in the areas of education^{xxxiv}, employment^{xxxv}, health^{xxxvi}, economic and social activities^{xxxvii}, and call for the elimination of ongoing discrimination^{xxxviii}.

Article 14 pays special attention to the situation of women in rural areas with regard to those rights. Although, progress has been made in the area of education, however, literacy rate for girls are still very low compared to the boys^{xxxix}. Likewise in the area of employment, the convention obligates state parties to ensure equality of men and women. Generally, women work is less paid jobs with poorly regulated conditions and often times not in top positions of organizations they work in^{xl}.

The convention on the Elimination of all forms of Discrimination against women (CEDAW) is a treaty that has been ratified by almost all the African countries. The treaty has also helped in the drafting of the Human and Peoples' Rights protocol on Women's rights in Africa-Maputo Women Protocol.

- The Convention on the Rights of the Child (CRC)

The convention on the Rights of the Child (CRC) is another treaty that is universally available for children including girl child in Africa for the protection of their rights. The treaty was adopted by the United Nations General Assembly on November 20, 1989 and entered into force on September 2, 1990^{xli}. The child's right became a topic of concern when the League of Nations adopted the first declaration of the rights of the child in 1924 which was commonly referred to as the Declaration of Geneva.

The treaty is the main treaty for the protection of the rights of children. Almost all the African countries have ratified the Conventions^{xlii} including many nations of the world. However, most countries have failed children despite the comprehensive promises contained in the UN treaty on the Rights of the child^{xliii}.

The 1990 convention of the rights of the child focuses on the four "Ps" namely, the participation of children in decision affecting their own destiny; the protection of children against discrimination and all forms of neglect and exploitation; the prevention of harm to children; and the provision of assistance for their basic needs. The Convention on the Rights of the Child is the main international treaty focus on addressing the protection of children.

The first draft of the Convention was in 1979 and was completed ten years later under the support of the working group from the Commission on Human Rights. The convention revolved and developed into a theory that “depicts the child as an individual with the right to have opinion; be a participant in decisions affecting his or her life and to be respected for his or her human dignity”. The convention recognizes the individual personality of a child’s right as holder of the right and not adult who care for the child.

The Convention is one of most widely ratified treaty in existence^{xliv}. Many African countries have ratified the treaty. This treaty gives a girl child to find redress when her rights are in jeopardy.

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

The International Covenant against Torture and other cruel, inhuman or degrading treatment or punishment (CAT) is another treaty used for the protection of human rights of women and girls in Africa. The treaty was adopted by the General Assembly on December 10, 1984 and entered into force on June 26, 1987^{xlv}. CAT with Universal Declaration of Human Rights and the United Nations Charter all promotes universal respect for human rights and fundamental freedoms^{xlvi}. CAT specifically prohibits torture that no human being should be subjected to torture or cruel inhumane or degrading treatment or punishment^{xlvii}. CAT defines torture as “any act by severe pain or suffering whether physical or mental, which is intentionally inflicted on a person^{xlviii}”. The provisions of CAT are very relevant to the lives of African women and girls because of the societal and cultural practices that exist in Africa, such practices are sometimes referred to as degrading and inhumane to women. Example of such is Female Genital Mutilation (FGM) practiced in some part of Africa. African women who aren’t willing to part take in this practice has the opportunity to use this convention to make a case against states that have ratified the convention. This convention has been an instrument used by some African women to secure asylum in other countries, if they have valid evidences to proof that are in danger of torture or inhumane treatment in their country of origin^{xlix}.

CAT relevance to women’s rights in African can be traced back to the conflicts between African culture and some international human rights provisions and norms. However, some of these cultural practices that are perceived to be women rights abuse are not indeed human rights

abused but mere normal cultural practices in some African communities which have been generally accepted by the people¹.

INTERNATIONAL REGIME ON HUMAN RIGHTS IN THE PROTECTION OF WOMEN'S RIGHTS

International Regimes on Human Rights Treaties

- Universality of Human Rights

The concept of universalism in international human rights law means that every human being has equal rights^{li}. The Universal Declaration on Human Rights clearly stated the prohibition of discrimination on the basis of sex thereby confirming the universality of human rights by proclaiming equality between men and women^{lii}. The term “all human beings” and “everyone” was adopted by the UDHR in order to address the issue of equality between men and women.

International Women rights’ is an attempt by international law and international human rights regime to address the unfairness of the legal, cultural and political system to women’s rights and needs^{liii}. International human rights law has been criticized for not be able to address the plights, injustices and violence suffered by women just by the mere reason of being women. As a result, international law has been accused failing to be universal since it hasn’t addressed the issues of women fully.

Scholars have argued about the international human rights law for women. There are those who argue against special international human rights for women. This argument is based on the fact that human right is universal and not restricted by sex or race or nationality. The logic of the argument is that human right is universal which covers the rights of human beings including women^{liv}.

- Non-Discrimination and Equality

One of the basic principles of international human rights law is the legal obligation to eliminate discriminatory practices against women. Discrimination on the basis of gender is prohibited by provisions of the Universal Declaration of Human rights, the three human rights conventions- the American Convention on Human Rights (the American convention, the European

convention for the protection of Human Rights and Fundamental Freedoms (the European convention) and the African Charter on Human and Peoples' Rights (the African Charter), and the International human right treaties which includes International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), and the Convention on Elimination of all Forms of Discrimination against women (CEDAW).

Some scholars have argued for the favor that international human right is male oriented to the detriment of women rights and that women suffer discriminatory treatments. While some feminist advocates and human rights activists have argue that women are not treated as same as men and this is evident in public and private world^{lv}. More so, advocates of special regime of international human rights had to deal with the issue of protection of women rights due to lopsided applications of human rights.

The Human Rights Committee, in its comment No. 18 (1989) on non-discrimination and the Committee on Economic, Social and Cultural Rights in its general comments Nos. 16 (2005) that equal right of men and women and state parties are obligated to eliminate both direct and indirect discrimination. They must refrain from discriminatory practices and ensure that rights of women are not violated. General recommendation No. 25 (2004) also emphasized the need for state parties to address discrimination by adopting temporary special measures. The term special measures was stated to encompass a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or support programs, allocation and/or reallocation of resources, preferential treatment, targeted recruitment, hiring and promotion, numerical goals connected with time frames, and quota systems. They should be adopted with a view to achieving substantive gender equality, which is required by the Convention.

- States obligations to eliminate violation of women's rights

International law saddles the states with the responsibility to be accountable for breaches of international obligations that are attributed to it. The convention on the Elimination of all Forms of Discrimination against women requires states to take appropriate measures to modify social and cultural harmful practices which are based on the idea of inferiority or superiority of either sexes or stereotypes roles for women. The committee in its general recommendations No 19

(1992), comments on articles 2(f), 5 and 10 (c) that practices which makes women subordinate to men uphold the subjugation of women and denies them their human rights. Also in its comment on Article 12 on the right to health, it states that some cultural or traditional practices causes harm to the health of women and even children. The special Rapporteur on violence against women in her reports argues that culture can be negotiated with human rights, discriminatory and oppressive aspects of culture can be eradicated leaving the positive aspects^{lvi}.

In General recommendation No. 28 (2010), the committee reiterates that State parties are responsible for all actions that affect human rights of its citizens and non-citizens, internally displaced, refugees, asylum-seekers and stateless persons within its territory. The committee reaffirmed in the recommendation that state parties are required to address the rights and discrimination against women. Article 2 (e) of the convention also stated that state parties to eliminate any form of discrimination by any public or private actor, which extends to acts of national corporations operating extraterritorially. There may be cases in which States Parties have extraterritorial obligations of international cooperation as set out in International law, such as treaty law on women with disabilities (art. 32 of the Convention on the Rights of Persons with Disabilities), girls in armed conflict (art. 24 (4) of the Convention on the Rights of the Child and the first two optional protocols thereto) and the non-discriminatory enjoyment of economic, social and cultural rights (arts. 2 (1), 11(1), 22 and 23 of the International Covenant on Economic, Social and Cultural Rights). In such cases, the extraterritorial application of the Convention requires States to comply with the Convention in implementing those obligations.

Challenges of enforcement of International regime on Human Rights

- Cultural Relativism

One of the major challenges of enforcing international regime on human rights is cultural relativism whereby there is often conflict between human rights and cultural practices which has limited the enjoyment of women's right. Gender inequality, patriarchal systems and cultural norms are underlining factors that has undermined the principle of women's right thereby making it difficult for women to enjoy their rights^{lvii}.

Cultural relativism significantly impact the universality of human rights by making human rights incapable of cross-cultural application on the basis that human rights differ from one culture to another, with justification that what is right for a particular society may not be rights in another society^{lviii}. For instance, if a culture accepts the practice of early child marriage, then other principle cannot overrule the cultural practice. It was argued that cultural relativism gives states parties the excuse to default in their international human rights obligations^{lix}. State parties have the obligation to ensure the implementation of the principles of human rights is properly incorporated into national contexts.

- Quality of concluding observations and General comments

The writing of the concluding observations and general comments of the treaties bodies has contributed to the development and understanding of international human rights standards. Issuance of the concluding observation is one of the functions of the human rights system which gives countries guidance and advice on the condition of its human rights. However, the quality of concluding observation is a challenge that is raising the question as to what extent concluding observations may provide sufficient guidance to states for implementation of treaties^{lx}.

It has been argued by several scholars including the UN Independent Expert, Philip Alston in 1997 stated that the quality of the concluding observation needs to be improved in terms of clarity, specificity, accuracy and detail^{lxi}. A major issue with the concluding observation and comments issued by the treaties bodies is that they are always formal and descriptive in nature. It does not address the salient issues that require special attention for the promotion and protection of human rights.

- Issue of limited implementation of Recommendations

It is the primary responsibility of the state to ensure human rights are implemented its national jurisdiction^{lxii}. The Human Rights institution has only supervisory powers to review state fulfill its obligation to protect international human rights standards in its national jurisdiction but does not have means to enforce its recommendations. Enforcement mechanism of the treaties bodies depend on the willingness of the state parties to implement the recommendations made by the treaties bodies. While it may be an effective way to make state parties to fulfill their objections,

it rather leaves the treaties bodies with limited enforcement of the implementation of the recommendations.

Also, financial constraint is another major issue for many state parties in the implementation of recommendations. Limited financial resource deprive state parties to comply when human rights instruments gives directive to state parties to adopt legislative, administrative and other activities for the protection of human rights.

- Non compliance of State reporting procedures

State parties are obligated to submit regular reports to relevant human rights institutions and treaty bodies for implementation in the national context. State reporting is very essential for effective protection of human rights because it help treaty bodies to scrutinize the state of human rights in a country's jurisdiction. One of the challenges of enforcing international human rights is issue of compliance of reports submission at the appropriate time. For example, the initial reports under CERD, CAT, CEDAW, ICCPR and ICRMW are expected to be submitted within one year of the treaty entering into force by the state party while ICESR, CRC, CRPD and CPED are to be submitted within two years of the treaty entering into force then followed by periodic reports. This means if a state ratifies all the nine core international human right treaties and optional protocols with a reporting procedure, it is expected to submit approximately two reports annually. However, many state parties have defaulted in submission of the reports at the appropriate time; the rate of overdue report is high^{lxiii}.

Also, the quality of state report is another challenge that needs urgent attention. The preparation of a good quality state report is an opportunity for states to report their legislative, judicial and administrative; to review their actions and measure they have taken to fulfill their international obligations in the protection of human rights^{lxiv}.

- Limitation on Civil society and Non State actors

The role of civil society, non state actors or Non Governmental Organizations cannot be over emphasized in the international human rights system. They contribute immensely to but not limited to giving valuable information and ideas for positive change, facilitate communications and accountability of global programs^{lxv}. NGOs also contribute by making suggestions and recommendation which is referred to as shadow reports, these shadow reports can be use in

examination of a state report. Their participation in reporting system has improved the quality of work under state reports, however, their participation in mainstream discussions and activities relating to human rights are limited which undermines the practical role they play. Furthermore, only expert members and government representatives are giving the opportunity to speak during formal meetings but NGOs are rarely given the opportunity to participate in such discussion which could have been an opportunity for them to discuss a government answer during proceedings^{lxvi}.

SOLUTIONS TO CHALLENGE OF INTERNATIONAL REGIME ON HUMAN RIGHTS

State commitment

Member parties who have ratified international human rights instruments must be willing and committed to fulfill its obligation to promote and protect human rights. It is the duty of state parties to implement the provisions of the international human instruments and to demonstrate that its domestic legislation as well as judicial and legislative actions conforms to the principles of human rights. States are subjected to international obligations and must fulfill its obligation for the promotion and protection of human rights in their national jurisdictions.

State parties must be committed to take all necessary protective measures to guarantee the enjoyment of human rights and ascertain equality between men and women. It is the responsibility of the state to take appropriate measures including legislations to modify or abolish existing laws, regulations, customs, and practices which constitute discrimination against women. It is pertinent for state parties to renew its commitment on fulfilling its obligations.

State Compliance

A proper monitoring mechanism has to be put in place in order to achieve compliance of states in the protection and promotion of human rights. Once a state is party to any of the international human rights instrument, it is bound by the provision of the treaty which include compliance

to but not limited to reporting procedures, general comments and general recommendation and implementation of these principles in national context.

Access and participation of civil society and non state actors

Civil society, non state actors or NGOs are an essential body in the success of promotion and protection of human rights. It is important for state parties and human rights institutions to treat NGOs as equal partners for the implementation of human rights obligations because they provide valuable and alternative information about a country's compliance as well as providing advice. Furthermore, NGOs needs to be adequately supported financially, collaborate with human rights systems and state governments in order to be able to carry out their work effectively and efficiently in achieving the protection and promotion of human rights.

Implementation of treaties

Adoption and ratification of international human rights treaties is not enough for the protection of women's rights but implementation. Many countries have ratified and adopted majority of the international human rights treaties, however the implementation of the treaties into domestic laws is very slow in practice. Women all over the globe including African women continue to be classified as second class citizens who are poorly treated with respect to human rights standards.

In conclusion, the United Nations human rights system has played a significant role in establishing human rights mechanism for the promotion and protection of women's rights. Non- discrimination and Equality of men and women are core principles under these mechanisms for women's rights. However, despite the recognition of women's rights within the United Nations treaties system, enforcement of women's rights is still a major issue. Women all over the world are still victims of women's rights violation, discrimination and inequality.

The adoption of the Declaration on the Elimination of Discrimination against Women states that discrimination against women is an offense against human dignity. It calls on States to "abolish existing laws, customs, regulations, and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women". This is

a tool to combat against discrimination against women thereby holding state parties responsible for discrimination that takes place in their territory.

It is recommended that State parties' obligations under the international human rights to protect and promote human rights must be upheld. State parties should comply, make adequate use of the provisions, fulfill its mandate to implement provisions of the treaties in its domestic legislations and take all necessary protective measures to guarantee women's rights are attainable.

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Asian Journal of Multidisciplinary Research & Review

[Asian Journal of Multidisciplinary Research & Review \(AJMRR\)](#)

ISSN 2582 8088

Volume 3 Issue 5 [September October 2022]

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