
HUMAN RIGHTS OF WOMEN: LEGAL FRAMEWORK, SOCIAL CHALLENGES AND EMPIRICAL INSIGHTS

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*Each time a woman stands up for herself, without knowing it possibly,
without claiming it, she stands up for all women.*

- Maya Angelou

ABSTRACT

Women are one of the vulnerable groups in society due to historical, economic, social and cultural differences. They are at a disadvantage due to discrimination faced in all spheres, such as in the domestic environment, family, workplace, etc, because of a low-grade mindset of people in the case of women. They consider women as weak, deny them their basic rights, which ultimately makes women a vulnerable group. Time has changed a lot of things in society, but despite recognition of the rights of women in cases of equality, dignity, and freedom under international and national legal frameworks, women continue to face discrimination and are denied basic human rights today also. This research paper examines the concept of human rights, the vulnerability of women, legal frameworks under national and international views, major issues affecting women's rights and measures for effective implementation.

Keywords: Women's human rights, Gender equality, Legal framework, Gender based violence, Women empowerment, Social discrimination.

INTRODUCTION

Human rights are the basic rights and freedom inherent to all human beings irrespective of gender, caste, colour, religion, or status. These include right to life, equality, freedom, dignity, and also covers very wide ambit i.e. right of accused and right of terrorist (Mohammed Ajmal Amir Kasab vs State of Maharashtra 2012). The women in India have always been considered subordinate to men. Though the provisions contained in the Indian Constitution mandates equality and non – discrimination on the grounds of sex but women are always discriminated and dishonored on various grounds. Although various efforts have been taken to improve the status of women in India, the notion of gender equality as under the constitution is miles away from becoming a reality.¹ Human rights are the minimum rights given to every individual, but then also it can be seen that women's rights are being violated in one or other way. Women account for half the world's population, yet many face discrimination in work, health care, education, suffer physical and sexual violence.²

The focus of this paper is on social and political spheres, sexual and reproductive health rights, rights to an adequate standard of living, violence against women, migration, conflict and crisis, and access to justice. Across all of these, education and the family context are particularly addressed as discrimination starts from own family only in respect of education and forced marriage at early age. The crimes against women in India are increasing at a very fast pace. The National Crime Records Bureau (NCRB) had predicted that growth rate of crime against women would be higher than the population growth by 2012, and this has become true. Although special rights are given to women and the government is also taking measures to protect basic rights of women, there is a long way to go to provide them at least their basic rights, like the right to live with dignity, education, health, the right against violence, etc. Thus this paper will examine various human rights of women, how are they violated and what measures we all can take to overcome this.

CONCEPTS:

Protect And Promote Women's Human Rights

1. State responsibility in protecting women's human rights in public and private spheres- Earlier

¹ Dr. T.R Maruthi and Sridevi Krishna , "Violation of Human Rights of Women in India" ISSN 2321-4171.

² Women's Rights, available at : <https://www.ipu.org/impact/gender-equality> (last visited on april 20, 2026).

human rights main focus was on violation committed by the state in public sphere i.e. negative obligation of state (not to refrain from violating rights) but this ignored the abuse women faced in private sphere like domestic violence, discrimination against women etc. that's why the approach evolved including both negative and positive obligations (to protect human rights of women) of state. Positive duty includes safeguarding women from violations committed by organisations or private individuals, the workplace, etc. At the international level, mainly CEDAW (Convention on Elimination of All Forms of Discrimination Against Women) emphasize that it is the duty of the state to take steps to eliminate discrimination against women, keep a check on harmful & discriminatory cultural and social practises, thus ensuring gender equality. State can do this through due diligence by preventing, investigating and punishing those who violate the rights of women in both the public and private spheres.

2. Universality of women's human rights and cultural practises- Human rights of women are universal, indivisible and must be protected in all contexts. Culture and traditions should not be used to justify practices that violate women's rights, like honour killings, denied education, and female genital mutilation (cultural practice of cutting, removing, or injuring parts of girls' or women's genital organs for non-medical reasons). As mentioned in declarations and conferences under the international framework, women's rights are an integral part of universal human rights. Its duty of state to stop harmful traditional practises, gender stereotype etc.

3. Equality before law and Equal protection of law- Under Article 14 of the Indian Constitution both are given. Equality before law is a negative concept that states that no person is above law and women are treated equally with men without any arbitrary discrimination. But as women faced more historical and social disadvantages, this formal equality is not enough. Therefore, the principle of equal protection of law, a positive concept, allows the state to make special provisions and reasonable classifications to uplift vulnerable groups, such as women. Thus ensuring substantive equality. It also includes the concept of equality (equal rights to all and non-discrimination) and equity (focuses on fairness and involves different treatment based on individual needs). eg- article 14, 15(3) empower the state to eliminate gender based discrimination and make special provisions for women.

4. Gender based approach- It highlights issues like unequal access to education, resource, jobs, decision making. Need for laws, policies and their implementation to promote human rights of women. Gender here means when roles, behaviour, expectations are divided between men and

women, which often place women at a disadvantage in relation to their rights, opportunities and resources. Understanding it is important to identify how women face discrimination and denied basic rights.

5. Non discrimination and gender equality- International human rights laws prohibit discrimination based on gender and states that women must enjoy equal rights in all spheres. Includes direct discrimination(de jure): women are disadvantaged through laws or policies and indirect discrimination(de facto)c: laws and practises have unequal effects on women. Societal barriers also need to be removed to see to inequality.

HYPOTHESIS- Social, cultural and economic factors like patriarchy, gender inequality, lack of awareness and unequal access to resources continue to hinder human rights of women. Despite the existence of comprehensive national and international frameworks, there is a significant gap between laws and their actual implementation in society. The study also assumes that general awareness of concepts like equality, dignity, state responsibility etc, has increased among individuals but there is lack of in-dept legal knowledge and practical understanding in relation to specific laws(property rights), rights enforcement mechanism and remedies available to women. Finally, it is assumed that a multidimensional approach involving legal reforms, education, awareness, and change in society is needed to bridge the gap between law and reality.

RESEARCH METHODOLOGY

This research contains both **Primary and Secondary Data**, including Empirical and Doctrinal research methods respectively, to see and analyse the legal awareness among people in relation to human rights of women. The research study is analytical and descriptive in nature. It aims to examine the concept of women's human rights, identifying key issues affecting them and evaluate the awareness level among individuals through survey data.

1. Literature Review- It is theoretical foundation of the study. Primary data is collected through a doctrinal research method through a literature review, which focuses on analysing existing legal principles, statutes, and case laws to develop a comprehensive understanding of legal issues. They depend on secondary sources like legal text, case summaries, emphasizing theoretical analysis and interpretation of legal doctrines. Information has been collected from-

a. Books, journals, and research articles on women's human rights

- b. National and International frameworks like constitutional provisions(ARTICLE 15, 21, 42, 38 etc) and conventions(CEDAW)
- c. Data reports related to crime against women(by news reports, NCB)
- d. General discussions during lectures in class on gender equality, vulnerability and their legal protection.

The literature review helped in understanding key concepts like vulnerability of women because of socio, economic and cultural factors, state's role in protecting women's rights in both public and private spheres, issues like violence against women, discrimination, lack of access to healthcare facilities, legal protections through national and international framework.

2. Surveys- The research also used empirical data involving collection and analysing the real world data to study how law operates in society. This data is collected through structured survey conducted through google forms.

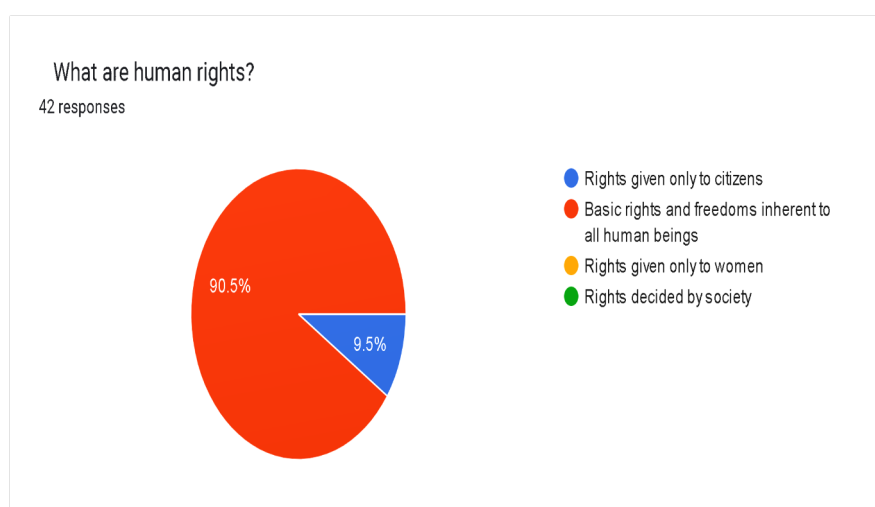


FIGURE 1 Result:

The survey's findings indicate that participants had a high degree of awareness of the idea of human rights. A significant majority (90.5%) of the 42 respondents correctly

defined human rights as "basic rights and freedoms inherent to all human beings." This suggests that the majority of participants comprehend the universal character of human rights, acknowledging that they are not restricted by citizenship, gender, or social standing. However, a little percentage of respondents (9.5%) had false beliefs, thinking that human rights are either socially determined, exclusive to women, or restricted to citizens. This indicates that some people are still unclear regarding the universal and intrinsic basis of human rights, reflecting a small but significant awareness gap. So, in conclusion, the data suggests that the general

awareness is strong, but the need for legal education and awareness programmes is more to address misconceptions and understanding of human rights among different sections of society.

FIGURE 2

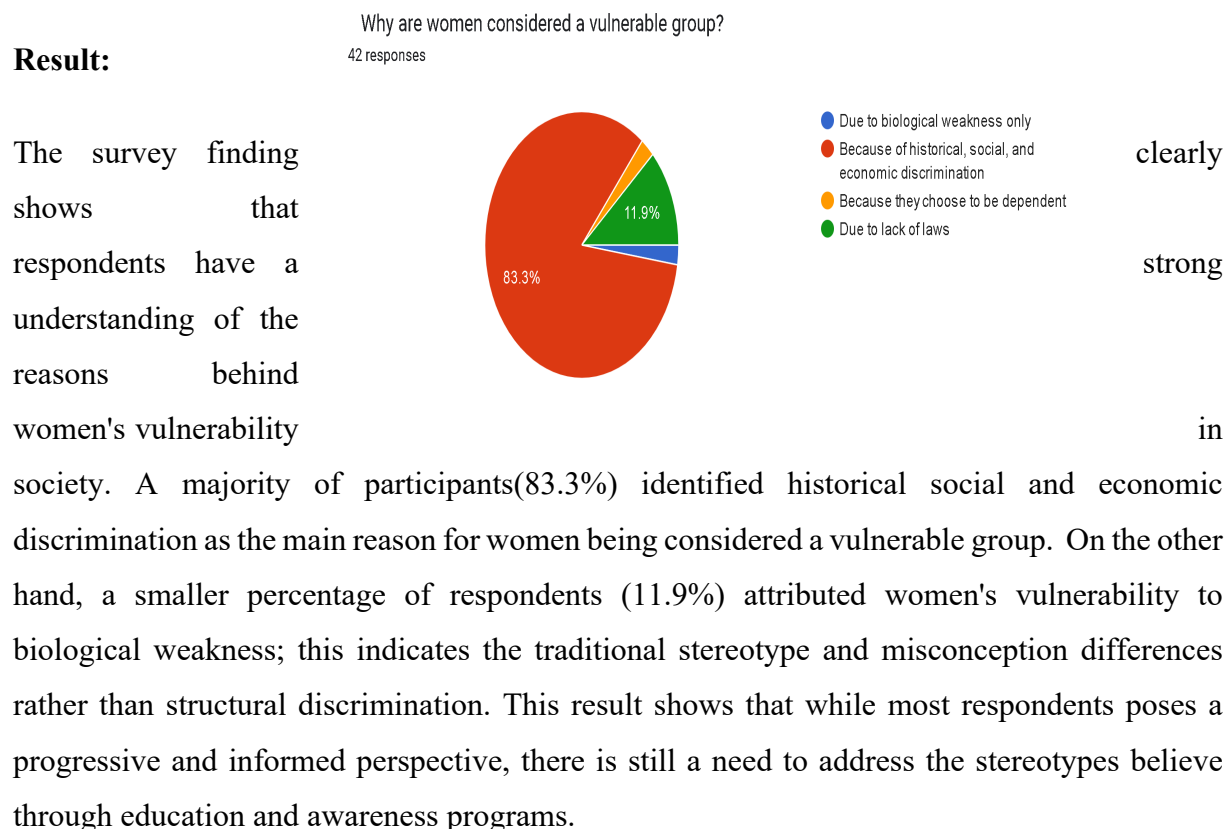
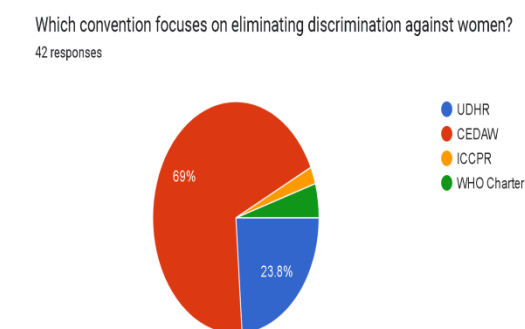


FIGURE 3



Result:

The survey results show a moderate to high level of awareness among respondents regarding the International Convention for Women's Rights. 69% of them correctly identified CEDAW(Convention on the Elimination of All Forms of Discrimination against Women).31% of them selected incorrect options like UDHR, ICCPR, etc. This shows some confusion or partial legal understanding of these legal instruments. So this suggests that there is a need for legal awareness of international conventions by strengthening education on international human rights law.

Difference between equality and equity
42 responses

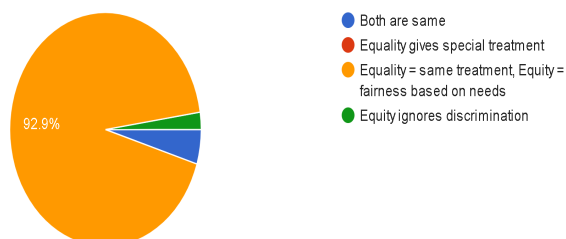


FIGURE 4 RESULT:

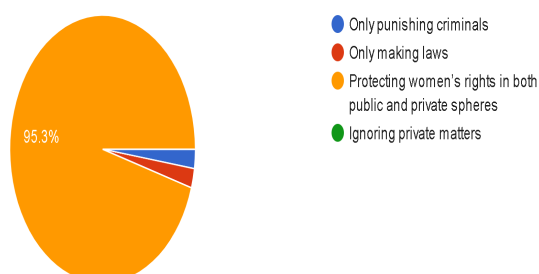
Survey reveals that 92.9% of respondents have a high level of understanding regarding the difference between equality and equity, which is very important to understand why

women should be given more rights and privileges than men based on needs, but a small portion of respondents selected incorrect options, which shows minimal confusion on this topic. This shows progressive awareness to understand the concept of equity in addressing historical and structural disadvantages faced by women. The findings also show that respondents also know the importance of substantive equality (achieving fairness by considering different social and economic problems). Overall, a strong conceptual clarity is seen as essential for promoting gender justice.

FIGURE 5

Result:

What does "state responsibility" include?
43 responses



A majority of respondents (95.3%) correctly identified that state responsibility is to protect women's rights in both public and private spheres. Most of them are aware that state responsibility includes both negative (not violating rights) and positive (taking steps to protect women from violations by private actors) obligations. But some of the respondent selected incorrect options such as "only making laws" etc, shows minimal misunderstanding. Overall it shows that effective protection of human rights of women need comprehensive state action across all spheres.

Measure to improve women's political participation
43 responses

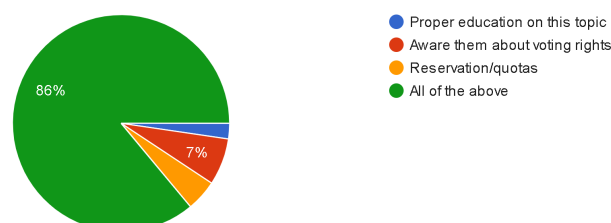


FIGURE 6

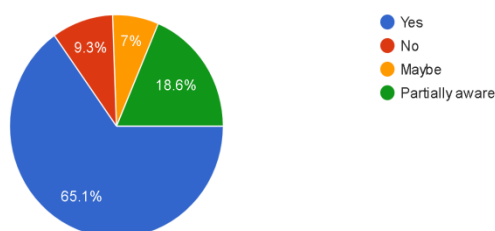
Results:

86% of respondent selected “all of the above” option which includes education,

awareness of voting rights and reservation or quotas. This shows that no single measure is sufficient and a combined approach is necessary. Only some of the respondents selected individual options suggesting limited disagreement and showing that no single solution is sufficient on its own. Overall the result suggest that respondents hold a balanced and practical approach requires both social awareness and legal support mechanisms.

FIGURE 7

Are you aware of women's property rights?
43 responses



Result:

It shows that 65.1% of respondent

selected “YES”, indicating they are fully aware of such rights. Further, 18.6% are partially aware, showing that they have understanding but lack detailed knowledge of laws and practical application. 9.3% of respondents stated that they are not aware at all, and 7% selected maybe, showing uncertainty or lack of clarity.

The result shows a large gap between awareness and the implementation of knowledge in real life, emphasising the need for legal education and awareness. Which is very important for women’s economic independence, empowerment and secure life.

Which law deals with workplace harassment?
43 responses

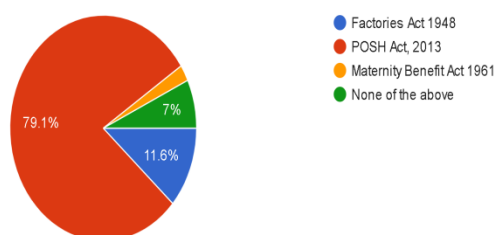


FIGURE 8

Result:

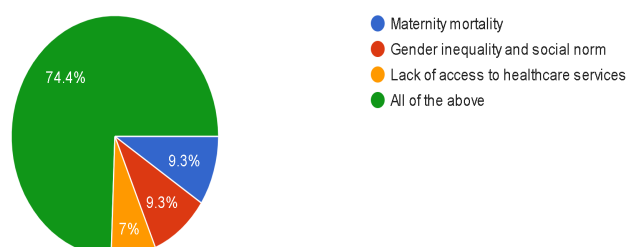
79.1% of the respondents identified the POSH Act 2013 as a law dealing with workplace harassment, which shows that

most participants are aware of a legal framework specifically made to prevent and address sexual harassment of women at the workplace. But some have selected incorrect options like the Factories Act 1948, etc, while 7% chose “none of the above”, showing confusion among them regarding the laws applicable to workplace harassment. So more clarity and legal education is needed to understand the protections available to women under workplace harassment laws.

FIGURE 9

Result:

What is a major issue in women's reproductive health rights?
43 responses



74.4% of respondents selected all of the above, which includes maternity mortality, gender inequality, social norms

and lack of access to healthcare services, showing that reproductive health issues are multidimensional and can't be attributed to a single factor. 9.3% of them selected individual factors like maternity mortality or gender inequality, while 7% chose lack of access to healthcare services. Finally, it reflects a comprehensive and informed perspective, showing that to improve women's reproductive health rights, multiple issues need to be addressed, like healthcare accessibility, social norms which harm the reproductive health of women and maternal health concerns.

3. Qualitative Analysis Method

Along with quantitative survey analysis, the research also adopted a qualitative analysis method through an open ended question included in the questionnaire to understand the

personal opinions, suggestions and perspectives of respondents in respect of promotion and protection of women's human rights in society. The respondents were asked to provide their views on measures that can improve awareness regarding human rights of women in all spheres of life.

In your opinion, what more can be done to aware people about women's human rights in all spheres?

This open ended question shows a broad and thoughtful understanding among respondents regarding measures needed to improve awareness of women's human rights. One common answer among all was to focus on education from the school level by including gender equality, legal rights and respect for women into the curriculum from an early stage. This will shape attitudes and eliminate discrimination at its root. One of the significant suggestions was the need for awareness campaigns and community-level initiatives, especially in rural and underdeveloped areas. The role of seminars, workshops, social media and street plays (nukkad natak) in spreading awareness among public. Many respondents also stressed the importance of changing the mindset of people in society and eliminating discrimination within families and communities (awareness at grassroots level). Also suggested stronger implementation of laws, equal representation of women and providing a platform for women to express their views are essential for real empowerment. Overall, the responses suggest that a multi-dimensional approach is needed, including law enforcement properly, education, social change, and active participation of both individuals and institutions to provide women with their basic rights and human rights also.

Human Rights of Women in Practise

1.Women's participation in public and political decision-making- Women have been excluded from politics and decision-making at both family and societal levels from earlier times only. Although international frameworks like CEDAW and UDHR recognize women's right to participate in governance, right to vote and contest elections but in practical view their actual representation remains low. Equal participation is restricted due to male dominance in both the public (politics) and private sphere(family matters). Some measures like reservation of seats, quotas, and policies to increase participation of women in decision-making bodies should be adopted by the state. The world's parliaments are no exception. Most parliaments remain male-

dominated, and women MPs are often under-represented on decision-making bodies.³ For achieving true democracy and gender equality, strengthening women's political representation is important.

2. Applying the Human Rights Framework to Women's Sexual and Reproductive Health-

Women's sexual and reproductive health is an important component of their entire human rights. It mandates that states should give proper health care in affordable price. Women's rights are violated when they are denied access to essential health services like during pregnancy, delivery, and reproductive care. Reducing maternal mortality(death of a woman during pregnancy) and morbidity(injuries, long-term disease arising from pregnancy) is very important to give at least basic rights to live with dignity. Preventable deaths during pregnancy and childbirth, poor regulation of private healthcare providers, inadequate facilities, and delays in diagnosis are main issues.

3. Food, water, sanitation, housing and standard of living- Under article 21 of the Indian Constitution, access to basic necessities like shelter, food, clean water, sanitation, is fundamental to women's dignity and well being. Especially in rural areas women often face problems like poor nutrition, lack of sanitation facilities and unsafe living conditions, increasing their vulnerability.

Inadequate housing and lack of property rights are one the reason why women remain in abusive relationship(economic dependence). For empowering women and improving their quality .of life, equal access to resources, property rights and safe living conditions are necessary All the above come under an adequate standard of living with continuous improvement of living conditions. UDHR provides right to everyone to own property regardless of sex under Article 17.1 and 2, right to adequate standard of living including housing and to security in the event of a lack of livelihood under article 25.⁴

4. Sexual and gender-based violence during and after hostilities- Particularly women are vulnerable to violence during armed conflicts and post conflict situations. Serious human rights violations like rape, trafficking, forced pregnancies, sexual exploitation, etc, are often faced by women. Effects of conflict, after such violence is seen in physical, psychological and social forms. Violations of law and existing gender inequalities intensify such violence. The

³ Gender Equality, available at : <https://www.ipu.org/impact/gender-equality> (last visited on april 20, 2026).

⁴ The Universal Declaration of Human Rights, 1948, art. 17.1 and 2.

Committee on the Elimination of Discrimination Against Women acknowledged this in its General Recommendation No. 19 (1992) that "wars, armed conflicts, and the occupation of territories often lead to increased prostitution, trafficking in women, and sexual assault of women, which require specific protective and punitive measures." The fundamental causes of violence in both peace and conflict are the same: systemic or structural factors like gender-based discrimination and a patriarchal value system, as well as historically unequal power relations between men and women. Despite being forbidden by international humanitarian law, wartime sexual violence was not tried as an international crime until the 1990s. Sexual violence was not seen as a distinct serious crime, but rather as an assault on a woman's honor or morality. The Security Council's passage of resolution 1325 (2000) on women, peace, and security is another significant step in identifying and combating gender-based violence in conflict. Prevention, involvement, protection, and relief and recovery are its four primary focal areas.⁵

5. Violence Against Women - It is one of the most widespread human rights violations against women across the world, including physical, sexual and mental harm occurring in both public and private spheres. Women face violence not only at home but also at workplaces, public institutions regardless of their age, class or background. Particularly vulnerable to violence are some groups of women who experience various sorts of prejudice, such as women with disabilities, migrant women, lesbian, bisexual, and transgender women. The preamble of the United Nations General Assembly's unanimously adopted Declaration on the Elimination of Violence Against Women ("The Declaration") states that "violence against women is a manifestation of historically unequal power dynamics between men and women, which have resulted in men's prejudice and dominance over women."⁶ In its general comment No. 28 (2000), the Human Rights Committee emphasized that all of the Covenant's civil and political rights should be guaranteed on the basis of equality between men and women. In its general comment No. 20 (1992) on the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, the Human Rights Committee stated that it is the responsibility of the State party to provide everyone with protection through legislative and other measures as may be used by individuals acting in their official capacity, outside of it, or in a private capacity.⁷

⁵ Women and girls are most affected by conflict related sexual violence, available at: <https://unric.org> (last visited on April 28, 2026).

⁶ Radhika Coomaraswamy and Lisa M. Kois (eds.), "Violence against women", in *Women and International Human Rights Law*, vol. 1, pp. 184–186.

⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR), art. 7

Crimes against women in 2023: NCRB report**India records close 4.5 lakh crimes against women in 2023: NCRB report⁸**

CATEGORY	NUMBER OF CASES	RATE(PER LAKH WOMEN)
Total crimes against women	4,48,211	66.2
Cruelty by Husband/Relatives (IPC 498A)	1,33,676	19.7
Kidnapping and abduction	88,605	13.1
Assault on women(ouraging modesty)	83,891	12.4
Rape	29,670	4.4
Dowry Deaths	6,156	0.9
Abetment of suicide	4,825	0.7
Insult to modesty	8,823	1.3
Acid attacks	113	-
Rape (adult women)	28,821	-
Crimes under special and local laws (SLL)	87,850	-
Dowry Prohibition Act,1961	15,489	-
Immoral Traffic(Prevention) Act,1956	1,788	-

Table: case disposal and judicial status (2023)

Particulars	Number
Total cases for investigation	6,35,159
New cases registered	4,48,211
Cases pending from previous year	1,85,961
Cases chargesheeted	1,82,219

⁸ Editorial,"India records close 4.5 lakh crimes against women in 2023: NCRB report" The Economic Times, September 30 2025.

Cases pending investigation	1,82,219 (28.7%)
Total cases in courts	25,35,693
Pending trials	23,03,657 (90.8%)

Table: State wise and other key highlights

Indicator	Data
Highest number of cases	Uttar Pradesh (66,381)
Other high cases states	Maharashtra (47,101), Rajasthan (45,450), West Bengal (34,691), Madhya Pradesh (32,342)
Highest crime rate	Telangana (124.9 per lakh women)
Arrest made	6,67,940 persons
Male arrested	5,87,441
Female arrested	80,490
Transgender arrested	9

These statistics shows that crime against women continue to rise, with many offenses and most commonly domestic cruelty. Despite very high chargesheeting rate, the pendency of cases in courts are extremely high (over 90%), indicating serious issue in the justice delivery system. Proving the quote **“Justice delayed is justice denied.”** The data also shows the gap between laws and their effective implementation, need for stronger enforcement, faster judicial processes and awareness to ensure protection of women’s rights.

CONCLUSION

From this research paper, it can be concluded that women’s human rights are very well recognised under both national and international frameworks, but their implementation in practical life remains a significant challenge. Today, women continue to be a vulnerable group only due to deep-rooted social, economic and cultural discrimination, which continues today and limits their access to basic rights like equality, dignity, health, and participation in decision-making in both public and private spheres.

The study in the paper, through both doctrinal analysis and empirical survey, shows that people have strong general awareness of women’s human rights, especially regarding basic concepts

like human rights, equality, state responsibility, etc. But there is a gap between awareness and actual implementation, especially in areas like property rights, legal provisions and practical enforcement.

Further, the statistical data on crimes against women concerns rise in offences and a high rate of pending cases shows a serious issue in the justice delivery system. Despite the laws, their effective enforcement and timely justice remain inadequate.

Findings of the study emphasise that ensuring women's human rights requires a multi-dimensional approach by doing stronger legal enforcement, faster judiciary, increased awareness and a change in the mindset of people. To lower the gap between laws and realities, compulsory education, policy reforms and active participation of both government and society are needed.

At last, for achieving gender equality in a true sense and for protection of women's human rights, not only laws but also a Collective Social Responsibility with continuous efforts at all levels are needed to ensure that women can also live with dignity, freedom and equality.

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