



EXAMINING HUMAN RIGHTS THROUGH A FEMINIST PERSPECTIVE

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RESEARCH ARTICLE



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Abstract

Human rights are the fundamental freedoms and entitlements that every individual needs to lead a life of dignity and respect. This concept is multifaceted and can be analysed from a variety of viewpoints, with one of the most critical being the feminist perspective. Feminist critiques of human rights challenge the conventional definitions that have historically dominated this field. According to it, the ways in which men and women engage with governmental systems and state institutions are influenced by deeply rooted historical and social dynamics. This study delves into the significant contributions that feminist thought has made to the conversation surrounding human rights. It seeks to illuminate how feminist perspectives can reshape our understanding of these rights, especially in the context of contemporary issues such as globalisation, democratisation, and cultural practices. By examining how women's experiences and struggles are often distinct from those of men, the research aims to highlight the necessity of integrating gendered viewpoints into broader human rights discussions.

Keywords: Human Rights, Women, Right, Feminist, Globalisation, Democracy, Culture

Introduction

Human rights are those rights that are essential for someone to live a life of a human. Like every concept, the concept of human rights is also evaluated from various perspectives. One of the most important of them is the feminist perspective. Feminist critiques of human rights challenge traditional definitions and argue that men's and women's interaction with the government and state is different due to historical and social contexts. This present study explores feminism's contributions to human rights discourse. It also tries to examine feminist perspectives on human rights in relation to globalisation, democratisation, and culture.

Human Rights and the Feminist Interpretation

The first phase of feminism highlighted how gender roles affected the rights of not only women but also the minority groups. The debates from this time continued after World War II, especially during the creation of the United Nations and the drafting of the Universal Declaration of Human Rights (UDHR). The liberal feminists during this period believed that men and women have equal reasoning abilities and deserve the same rights and opportunities. Some argued that women needed special support because of their differences from men. This support would help create fair opportunities for women to pursue their own goals and govern their lives. Many early liberal feminists saw laws, like the right to vote, access to education, and labour rights as the most effective approach to attain equality. The idea of treating women and men equally influenced international women's rights, including the work of the United Nations and the UDHR in 1948. (Grewal, 1999) The UDHR does not specifically discuss women's rights. However, it mentions equality in Article 2. Some advocates pushed to include 'sex' in that article to address women's inequality and promote equal treatment with men. Others thought this was unnecessary since the UDHR states that rights apply to 'everyone.' Discussions around women's rights have influenced important policies at the UN Committee on the Status of Women (CSW) and the UN High Commissioner on Human Rights (UNHCHR) over the years. (Hudson, 2009) After setting up CSW and approving the International Bill of Rights, liberal feminists focused on gaining civil and political rights for women. This focus was particularly strong in the UN system, especially among Western countries and those allied with the United States during the Cold War. (Parisi, 2017)

Contemporary feminist scholars have pointed out problems with the liberal ideas about 'equality' in the Universal Declaration of Human Rights (UDHR) and other international laws. (Arat, 2015) Two main issues are: the focus on a male view of human rights and the misleading separation of public and private life. The public-private divide suggests that women belong in the home or private sphere while men belong in the workplace or public sphere. These ideas are connected to radical and socialist feminisms from the 1970s, which emerged in response to the limits of liberal feminism. The 1979 UN Convention on the

Elimination of Discrimination Against Women (CEDAW) touches on the link between gender and the public and private spheres. This convention was created during the UN Decade for Women (1975–85) to offer a strong international tool for eliminating discrimination against women. However, it wasn't until the late 1980s that this link was fully examined in terms of women's rights, development, and international law. This led to important changes in both theory and practice. Both androcentrism and the division between public and private life are part of patriarchy. Many modern feminist discussions about human rights laws and practices focus on critiquing this broader idea of patriarchy. Rights are shaped by society and reflect a specific set of social values and practices. Therefore, understanding the context in which human rights were developed is crucial. The claim that human rights development focuses too much on men raises two important points, as noted by Charlesworth. (Charlesworth, 1995) First, we need to consider who is speaking and making rights claims, and whose interests they are representing. Historically, human rights discussions have been largely shaped by ideas that prioritise men. Therefore, we should question the idea that these rights are objective.

Another issue focuses on the liberal ideas of human rights, which consider them to be universal and inalienable. This belief is based on John Locke's Second Treatise on Government. Locke is of the opinion that all have natural rights which are inalienable in nature. This perspective suggests that individual rights are universal and should always come first. Governments must not follow the principle of 'greater good' as it can limit individual choices. Locke had faith in human being that they could rationally exercise rights. But, during his time, right was not given to all. Women, slaves, poor people were not considered fit to have rights. Rights were only for the elites and rich. (Hoffmann, 2009) Thus, the principle of universality cannot be applied as a feature of right. Only the experiences of men became seen as the standard for human rights. Feminists have been challenging this traditional view. (Bektas, 2024)

The difference between two spaces-public and private is based on how society views citizenship for men and women. Human rights laws have mainly focused on men, protecting a male perspective that deals with issues mainly affecting men in male-dominated areas. The public sphere is seen as masculine. Men enjoy certain rights that women do not, as women have historically been pushed into the private sphere. (Guha, 2022) This connection between women and private space has often labelled women as non-citizens, viewing them as less independent. Focusing on the public domain as the main zone for human rights makes experiences of women in the private life less important. This trend supports male-centered views of human rights. This public-private divide gives state a chance to seem neutral and hides how legal equality in public can strengthen gender inequality at home. States are never made answerable for any inaction in case of gender violence in private spheres. Credit must be given to the feminist research and activism for which gender-based violence is now recognised as a serious human rights issue. (Friedman, 2006)

The feminist critique also talks about how people often think of families as only being made up of a man and a woman. The Universal Declaration of Human Rights (UDHR) says that men and women have the right to get married and start a family without discrimination based on race, nationality, or religion. However, it doesn't mention whether families can be made up of same-sex couples, which shows a bias towards heterosexual families. At the Beijing conference, people talked about gender, sexual orientation, and family. Some conservative groups wanted to define gender simply as men and women, so they didn't include sexual orientation. Because of this, the Platform for Action (PFA) defined gender as just male and female in society. Many cultural feminists have realised that focusing on being the same as men has its limits. Instead, they began to analyse gender relationships, appreciate differences, and highlight experiences specific to women. This new approach rejected the idea of sameness from liberal feminists and brought attention to gender-specific abuses within human rights discussions. It can pave the way of inclusion and recognition of women's rights as human rights. (Mahdanian, 2023)

In the 1970s, feminists noticed that just focusing on civil and political rights for women wasn't enough, and that women need things like food, shelter, education, and healthcare to truly enjoy their rights. The concept of Women in Development (WID) also did not solve the deeper problems causing inequality. There needed a better plan to ensure women's rights. A new movement began that explained how all human rights are connected. This idea became the theme for the UN Decade for Women: "Equality – Development – Peace." These goals showed that when we help women's rights in one area, it helps in others too. The early plan for these ideas was called the World Plan of Action, which eventually helped create a document called Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) that was adopted by the UN in 1979 and put into action in 1981. Most of the rules in CEDAW talk about women's rights to work, get an education, and participate in culture. Only a few rules focus on women's voting and other freedoms. It also cares about problems that affect women in poorer countries. It wants to make sure women have the power to decide about their own lives and families, including when to have children. (Udu, 2023)

Human Rights and Globalisation from a Feminist Lens

Feminists believe that globalisation impacts women more. Global trade not only creates unfair situations for women but also relies on these situations to help businesses grow. The government has an important job in helping to fix problems with gender equality. While there are agreements around the world that say rights should be improved over time, they also depend on governments trying to find ways to share resources better. For those fighting for women's rights, this means paying attention to how government actions can sometimes create problems for women and hoping that the government will change for the better. Women's rights activists from different parts of the world often disagree about whether to work with the government, because different governments have different amounts of power and resources. Despite these challenges, a major agreement called the

Beijing Platform for Action says that governments must protect women's rights, especially when facing problems from globalisation, which means how countries are connected and affected by each other. The focus is also increasingly on making women strong through financial means. Overall, the way governments manage resources is very important in both rich and developing countries. (Barberet, 2022)

The PFA has faced a lot of criticism, especially from indigenous women. They believe that globalisation is making things worse for their lands and causing poverty and environmental problems. These women do not think it's enough to just try to reduce the bad effects of globalisation. They want people to see how it creates unfairness and affects their lives. Another issue is markets. Elson explains that the neoliberal view is that reducing the government's role supports human rights by encouraging business, improving efficiency, and promoting economic growth. This idea that the state should step back from its responsibilities seems to contradict the human rights framework, which emphasises the need for active state involvement in fulfilling human rights. However, other experts argue that economics and politics are connected through the ideas of neoliberalism. Neoliberal economics advocates for a separation between states and markets, allowing markets to function with minimal state intervention. This relationship highlights the roles of the public and private sectors, where the private sector includes the capitalist economy and the patriarchal family, both considered areas for limited state involvement. Feminists have challenged the idea that there is a strict divide between public and private areas in human rights. They argue that the current global economy, driven by neoliberal capitalism, does not separate the government (public) from the markets (private). Instead, economic globalisation needs a connection between the two to succeed. However, neoliberal ideas often shift the responsibility for social rights from the state to the market. Markets lack accountability and regulation in the human rights system. This situation creates hurdles for feminists. They claim that while the neoliberal democratic state and international human rights law could help redistribute resources to promote gender equality, they do not see the neoliberal state as completely neutral or without issues. (Laruffa, 2023)

Feminists argue that economic globalisation creates and relies on gender inequality to thrive. Many agree that globalisation worsens gender inequality, affecting women's access to the same socioeconomic rights as men. Feminists have looked at globalisation's effects on gender inequality and rights in various areas. These include household relationships, migration, sex work and trafficking, informal labour, and identity. To stay competitive, states often focus on boosting the private sector, which can harm the public sector. This leads to weaker institutions that used to take care of people's welfare, passing responsibilities to others who cannot handle them. (Roll, 2024)

Meanwhile, developing countries follow structural adjustment programs (SAPs) that enforce strict economic measures to revive the economy at the cost of important public services. Research by feminist economists shows that these SAPs affect men and women differently. They also enter the workforce more to provide extra income for their families. As a result, women's poverty and economic inequality have increased, which violates their socioeconomic rights. Globalisation means that countries depend on each other for work and money. Usually, people think that men's jobs, which happen outside the home, are more important than women's jobs, which often happen at home. Even though women do a lot of important work at home, it is not seen as real work, and they often get little credit for it. The way work is divided by gender and the unfair treatment of women helps keep capitalism running. Capitalism relies on people working for low pay or for free, which helps businesses save money. Because women are often seen as connected to home life, this keeps costs low for companies. As a result, women often have limited job opportunities and are paid less. Many jobs, especially in areas like clothing and electronics, have a lot of women workers because companies can pay them less money. Many women do not get basic rights, like safe work conditions and fair pay, because it would cost too much for governments. (Abouharb MR, 2007)

Democracy, Human Rights and the Feminist Angle

The women's rights movement believes that social and political rights are closely connected, but people do not always agree on how. It's important to look at whether a country is changing to democracy or building on it. Some studies show that women often have more chances for equality during the time when a country is moving to democracy than when it is trying to make democracy work properly. However, in some places, like after communism, women have lost power during this change. Hawkesworth, says that when countries become more democratic while also focusing on capitalism, it can hurt gender equality. First, these countries often feel pressured to adopt practices that help capitalism grow, believing it will support democracy. Second, many countries try to copy Western democracies, but these often do not do a good job at helping women. Except for a few countries in Scandinavia, women are still not well represented in important jobs. Even though these democracies promise equal rights, the reality is that a small group often controls the power, which can make it harder for everyone to participate in government, especially those without money. (Hawkesworth, 2001)

More women are working in paid jobs now, but many of these jobs happen because the government is not providing the help people need. This does not mean women are becoming more equal; in fact, it can make things tougher for them. When women have to work just to get by, they have less time and energy to fight for their rights. So why do some think that democratic governments are still the best way for women to get equal rights? (Roy, 2022) There are a few reasons. First, no country is fully democratic yet. Even if many countries say they support rights for everyone, there are still chances to change things for the better. There are many countries using gender quotas to make sure women can take part in politics. Second, even though globalisation has some ill effects, it can also create new chances for women to be involved in politics. Saskia Sassen believes that globalisation opens doors for more people to take part in their communities and government. Third, states are still very important, even as their roles change in our connected world. Human rights continue to be a big topic on the global stage. Finally,

some feminists see a link between human rights and economic growth as a way to help women. They think working with the government and other countries could help lessen the evil effects of the global economy. However, some worry that calling women victims can hurt their strength and independence. When women are seen only as victims, it might cause the government to treat them as if they need protection, which can go against what many feminists want. (Sassen, 1998) Feminists also emphasise that all rights are connected. They show how women's rights relate to economic and social rights. By focusing on how different areas connect, they believe we can better understand and work on gender inequality. Understanding how globalisation affects women's rights helps us see the big picture of the world we live in.

The Role of Culture in Women's Rights Discourse

There are two main ideas about human rights. One idea says that everyone has the same rights, no matter where they come from. The other idea says that we should not judge other cultures because they are different from our own. Sometimes, culture is used to justify not giving women the same rights as men. This can create a problem because women may want to follow their culture, but also want to have their own choices in life. Scholars have noticed that arguments for women's rights are often treated differently from arguments about cultural rights. When we look at the word 'culture,' we see that it is not just one thing. Culture changes and can mean different things to different people. Some people believe that culture is fixed and cannot be questioned. This can hide harmful practices that might hurt people, especially women. Feminist scholars help us understand how culture and rights work together. They ask important questions about who gets to decide what culture means and who benefits from these decisions. Understanding culture as something that grows and changes helps us see these issues more clearly. (Allen, 2023)

There is a lot of discussion about how universal human rights can be understood differently in different cultures. Some feminist researchers think that human rights are not always helpful in countries that are not Western, like Mexico and Pakistan. For example, suppose we try to understand how rape is talked about in these two countries. In that case, we will find that even though they have very different cultures, they both have similar ways of treating women that make violence against them acceptable. This shows that we need to think about the global problems that cause violence against women. According to Uma Narayan, using labels like 'Western' and 'non-Western' can create unfair ideas about people. She says that these ideas can help some groups deny women's rights. Narayan also argues that ideas of equality and rights are not just Western but come from many different struggles around the world. Many feminist scholars are now trying to find a middle ground between universal rights and cultural differences to help improve women's rights. They talk about the capabilities approach, which tries to understand what people can actually do, instead of just their rights. They believe that basic capabilities, like health and the ability to think and feel, are important for everyone, no matter where they are from. (Narayan, 1998)

Nussbaum believes human rights can help people achieve their capabilities by ensuring that everyone has choices and support from their governments. But, to the critics, the capabilities approach does not focus enough on fairness for everyone. Some feminist thinkers believe that working together in groups can help balance different cultures and big ideas like human rights. When feminists from different places discuss their views, it helps them understand each other better. Instead of rejecting the idea of equal rights for women, these discussions can help make these ideas more fair and include everyone. (Nussbaum, 2000)

There is another view called cosmopolitan feminism. This view does not believe that all women are the same or that they have the same experiences. Instead, it sees how women can work together for change. Cosmopolitan feminism helps create a global understanding among women. This can push back against false ideas that separate people by gender, race, or class. By looking at how different identities overlap, it can help us understand important ideas like laws and human rights in new ways. (Ahmad, 2021)

Conclusion

Many rights are available for women, but we do not have enough information to see if these rights are being met. Women's rights are more complicated than just sharing money and resources. It is also about helping individuals become stronger and more capable, which is hard to measure. Human rights data shows how well countries treat people. This data often focuses on public issues, like laws. Feminist scholars say that public and private life are connected and affect each other. However, many of these numbers do not really show what happens at home or how it relates to people's rights. They tend to show only issues between men and women in a specific way, instead of the bigger problems of how gender affects people's lives. They look at sex as a simple category but confuse it with the more complicated idea of gender. Many human rights measures look at men's experiences as the standard. They compare women's rights to men's rights. This can make it seem like women are not treated as well because they do not have the same rights as men. Even though many people are trying to change this view, it still exists. The indices and measures focus too much on money and power, ignoring how women are treated in society. Because of this, it can look like women have equal rights, even when they do not. This makes it hard to show that women still need help. Some feminists worry that this makes it seem like women do not need support anymore. Cynthia Wood adds that treating men and women the same way in discussions hides important differences between them. (Wood, 2005) It is important to understand how different things like class and race affect how policies impact men and women. We need better information to see who is in power and who is not and why.

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