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Tools for Regulating Women's Rights

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Abstract: Acts that that guarantee the specific rights of women are various national regulations on conventions and instruments of international and European law. Several international legislative instruments - conventions involving obligations for acceding states, as well as political declarations of universal value - prohibit the gender-based exclusion from the exercise of all rights of any individual but especially of women.

One such instrument is the Universal Declaration of Human Rights as well as the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and other conventions of this organization, in particular the Convention on the Elimination of All Forms of Discrimination against Women. However, there are several Conventions of the International Labour Organization in this area, or Action Plans approved at the last major UN conferences, especially those dedicated especially to the situation of women that took place in Beijing in September 1995.

The current situation has shown that women are a product that imposes protection against discrimination of any kind. The status of women through the new regulations now opens a new perspective.

There are currently regional instruments, in particular those of the Council of Europe - the European Convention on Human Rights - that prohibit discrimination based on sex.

Keywords: *Rights and freedoms, women's freedom, human dignity, domestic violence, women's rights.*

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1. Introduction

The meaning of "women's rights" takes on different meanings depending on the cultural variation. Today there are differences over women's rights. Some experts believe that a woman's primary right is to lead a family, while others believe that the right of a woman means equal opportunities with a man's work.

In this paradigm it would be argued that women's rights must be considered in a representative dimension. However, women's rights are embodied in much more complex issues.

Women's rights are enshrined in various regulations and these rights have been derogated from by the opposite sex, in this sense reminded of a maternity right transformed into a paternity right.

The 1979 "Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW, 1979) was a major step in establishing the field of women's rights. (General Assembly of ONU, 1981).

One of the newest instruments identified by the European Union, through the Treaty of Amsterdam (European Economic Community, 1997), included the promotion of equal opportunities among its missions through directives on equal opportunities in areas such as employment, participation in life economic protection and social protection, is a fundamental right and a factor of economic and social cohesion.

2. The position of women in international regulations

The legal concept that amends the position of women and that is of particular importance is the "Charter of the United Nations" (ONU, 1945), which, in its preamble and in six articles1, defines the legal status of women.

In the Charter, the United Nations proclaims its belief in "equal rights for men and women", and later Article 1 states that one of the fundamental goals of the UN is to develop respect for human rights without gender dissent. According to Art. 8, "no distinction shall be imposed by the Organization on equal access for men and women to all functions in its

[1] Articles 1, 8, 13, 55, 56 and 76 of the *Charter of the United Nations*

principal and subsidiary bodies", and Articles 13, 55 and 76 require the participants in the Convention are obliged to respect human rights and fundamental freedoms "for all, regardless of race, sex…". Consecration capitalizes on the equity that exists between men and women; this gives women a secure guarantee against the exercise of other rights (ONU, 1945).

As stated in Article 21 of the Declaration (UN, 1948) in the introduction to the Convention, the Contracting Parties recognize that human rights are governed by the authorities of each country.

The Contracting Parties also express their desire to grant gender equality in the use and enforcement of their political rights, as enshrined in the UN Charter and the "Universal Declaration of Human Rights". (ONU, 1948).

The first three articles of the Convention set out the following specific rights of women, such as: the right to participate in elections, on an equal footing with men, without discriminatory sanctions; women will be eligible, on an equal footing with men, for public office; women have equal rights with men without any sanctions being imposed.

Women's rights were constituted by the three categories of rights established in the 1952 Convention, adding others by art. 25 of the International Covenant on Civil and Political Rights. This text of the law emphasizes the cessation of discrimination as well as the fact that every citizen has the right without any of these discriminations mentioned above in the document: to be active in political life; to vote and be voted, in local or parliamentary or European elections, honestly, through a democratic electoral process, and to have access to the functions of dignity. (International Covenant, 1974).

The adoption of these provisions played a major role in granting political rights to women. After 1977, 139 UN member states (from a total of 147 at the time) recognized women's right to vote2.

In order to emphasize the stability and need for women's involvement, the UN General Assembly established the International Year

[2] We mention the states that do not guarantee the right to vote for women: Bahrain, Kuwait, the Northern States of Nigeria, Oman, Qatar, Saudi Arabia, the United Arab Emirates and Yemen.

of Women on 16 December 1972 in order to know the issues of equality between men and women and to establish that women are present in the global development race as a result of strengthening world peace.

Throughout history, there have been more and more manifestations in which the woman is the consecrated element that signals the perpetuation of the balance between the rights of men and those of women.

The New York Seneca Falls Convention on the Rights of Women of 1848 was the world-renowned convention by which the organizers emphasized that "men and women are created equal."

In this context, the feminist current in America conveyed the emancipatory idea that women are on the same level in society as men.

In the "Declaration of Sentiments", Seneca Falls members vehemently supported the idea of gender equality and political rights, to own property rights, the right to an employment contract and to be able to pursue university studies and the right to pursue occupations in first of all men. In 1966, the National Organization for Women (NOW) published a declaratory document summarizing concisely the defining aspects of women's rights during that period.

Outlined rights outline the terminology of equality as a phenomenon by which women "develop their full human potential" and participate in political life. Women's work should be known in all areas: from politics, economics, education, medicine, justice to the family.

3. Approved tools to eliminate discrimination against women

An adjunct to the elimination of gender differences is the "Convention on the Elimination of All Forms of Discrimination against Women. The document is an engine that generates and develops a woman's ability to take part in decision-making life by accessing political rights, positioning herself in the sphere of political activities and raising awareness of the world, which is generally in the category of exercising male power.

The right to vote ensures control, a balance between the opinion of men and women and as such the conceptual basis of discrimination disappears.

The Convention also takes into account the issue of nationality, Article 9, paragraph 2, states that "States Parties shall grant women equal rights with men with respect to the nationality of their children". In this document, it was taken into account that the woman (Radu, 2018, p.162), regardless of the status, should not become stateless, should be deprived of citizenship and as such should be deprived of state protection (Art. 9(1)).

The principles of non-discrimination and equality were expressed at the International Conferences - at Dumbarton Oaks and San Francisco - which drafted the UN Charter. They were then enunciated, reiterated and developed in both general and specific instruments on women's rights.

Four years of debate and negotiations in the "Commission on the Status of Women", on November 7, 1967, the 22nd session of the UN General Assembly. adopted unanimously the Declaration on the Elimination of Discrimination against Women.

The measure of adoption of this document is the fact that, despite the provisions of the "UN Charter", the "Universal Declaration of Human Rights"(OHCHR, 10 december, 1948) and the two International Covenants, women's rights continue to be the subject of numerous discriminations.

Of particular importance in the Declaration is Article 3, which mentions, for the first time in an international instrument, the role of education in changing the mentality.

The other articles set out the rights or certain categories of rights: in Article 4 - public freedoms; in Article 5 - the right to citizenship; in Article 6 - civil rights; in Article 7 - repeal of discriminatory provisions in the penal codes; in Article 8 - elimination of trafficking in live meat and prostitution; in Article 9 - the right to education; in Article 10 - economic and social rights.

Another political instrument for guaranteeing women's rights is the "Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence", known as the Istanbul Convention (2016). The Istanbul Convention is the legal support through which world bodies provide protection against domestic violence, a phenomenon that is very common in women's lives. (Merry, 2003, p. 948).

The Convention lays down the first mandatory definition from a legal perspective of the concept of gender (Article 3 (c)).

The Convention promotes the status of women in the world of men and possible guarantees in the exercise of their rights (Florea & Galeş, 2016, pp. 220-225). The obligations contained in (Article 4 (2); Article 6; Article 12 (1), Article 14) constitute supports and guarantees for the reduction discriminatory acts. (CEDAW) (UN Women, 1979)

The Istanbul Convention is the first European instrument designed to combat phenomena such as violence regardless of its form. Finding that acts of violence against women constitute a violation of human rights, the Convention makes it impossible to classify the issue as private and domestic. Whether it is domestic violence, genital mutilation, forced marriage, sexual harassment, mental violence, obsessive stalking, forced sterilization or forced abortion the Istanbul Convention obliges the signatory states to renounce forms of degradation of women's dignity, thus giving them the dignity to climb the social ladder.

The convention is guaranteed to provide more security for women, preventing violence, (Krantz, 2002, p. 242) protecting victims and holding perpetrators accountable. What is important is what this document emphasizes, namely that effective prevention of violence against women requires that signatory states improve the situation of gender equality and combat deep-rooted inequalities and stereotypes about the role of women and men in society. The transposition of the provisions of the Istanbul Convention has had positive consequences.

4. Conclusions

Although national and international law has developed a wealth of documentation on so many means of promoting and protecting women's rights, they still face a mentality that should have changed so far.

However, the customary habit practiced by many mothers who educate their daughters in the spirit of the same outdated concepts shows that religion and tradition are stronger than the normative act. That is why, from this point of view, it is commendable the establishment in Romania of

institutions that emphasize the observance and promotion of the principle of equal rights and equal opportunities between women and men. On the other hand, the same principle must be applied in the education of students, in order to be able to hope for a real application of both the principle of equal rights and the principle of equal opportunities.

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