

The Gender Dimension of Human Rights: Historical Evolution and Institutional Development of the International Framework for Women's Rights Protection

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Abstract

This study explores the historical evolution and institutional formation of the **International Institute for Women's Rights** within the broader framework of universal human rights development. Drawing on the analogy of the three generations of human rights, the paper argues that the evolution of international mechanisms for the protection of women's rights mirrors the progressive expansion of human rights law—from the recognition of basic individual liberties to collective and gender-specific rights. The article provides a structured overview of the main international conventions, declarations, and legal instruments addressing women's rights, and examines the transformation of these norms from abstract declarations to enforceable international standards.

Particular attention is devoted to the **United Nations Charter**, the **Universal Declaration of Human Rights (1948)**, and subsequent institutional mechanisms, such as the **Commission on the Status of Women** and the **Committee on the Elimination of Discrimination against Women (CEDAW)**. The analysis reveals that the institutionalization of women's rights was shaped by both the global expansion of the human rights system and the influence of feminist critique, which challenged the gender-neutral conception of “universal” rights. The study concludes that gender equality emerged in the twentieth century not only as a moral and legal imperative but as a cornerstone of democratic governance and international justice.

Keywords: human rights; women's rights; gender equality; international conventions; United Nations; feminist movement; legal institutionalization; international law; social justice

Introduction

The **gender dimension of human rights** represents a pivotal yet often underestimated aspect of the modern human rights system. Within the broader framework of universal rights, the formation of an **international institute for women's rights** constitutes both a natural extension and a corrective development in global legal consciousness. This article

views the institutionalization of women's rights not as a separate movement but as an integral component of the global human rights system—one that developed in parallel with the universalization and deepening of human rights in the twentieth century.

Two complementary tendencies contributed to this formation. First, the expansion of human rights on a global scale brought new social groups—women among them—into the sphere of legal recognition. Second, the rise of the **feminist movement** critically challenged the “universalist” conception of rights, arguing that traditional human rights discourse failed to address structural inequalities rooted in class, race, ethnicity, and gender. Feminist scholars thus emphasized that “universal” rights often reflected the experience of men while overlooking the lived realities of women.

In the context of **Azerbaijan**, one of the central pillars of the state's gender policy has been the **improvement of women's legal status** and the integration of gender equality principles into domestic law and practice. Over the last two decades, Azerbaijan has actively implemented international norms and conventions promoting women's rights, reflecting the broader global transformation toward equality and inclusion.

Historical and Theoretical Context

The **gender dimension** of human rights emerged as a defining condition of social justice in the twentieth century, embodying democratic principles, universal values, and international legal standards that explicitly extend human rights to women [Barandova, 2012]. This process is inseparable from the creation of **political, legal, and social institutions** designed to guarantee equal opportunities for all genders and eliminate discrimination in all its forms.

At the global level, the **United Nations (UN)** and the **International Labour Organization (ILO)** have been instrumental in developing conventions and resolutions promoting gender equality. Regional frameworks such as the **Council of Europe (CoE)** and the **European Union (EU)** have likewise introduced specific instruments for advancing women's rights. Similarly, the **Commonwealth of Independent States (CIS)** constitutions include clauses ensuring gender equality and prohibiting discrimination.

The **institution of international protection of women's rights**, as part of international law, encompasses the totality of treaty norms regulating inter-state cooperation to respect, observe, and protect women's rights across all spheres of life.

Three Generations of Women's Human Rights

The development of women's rights parallels the **three generations of human rights** recognized in legal theory:

1. **First Generation – Liberal Rights:**

These include the classical civil and political liberties such as the right to life, personal freedom, property, conscience, religion, and justice. For women, this phase corresponded to demands for equal participation in marriage, education, and

political life—culminating in suffrage and legal equality [Borodin, 2002; Voronin, 2004].

2. **Second Generation – Socioeconomic Rights:**

The realization that pure individual liberty led to social inequality brought about a new set of rights emphasizing social justice, economic welfare, and cultural participation. These include the right to education, work, social protection, and fair labor conditions. Governments were now required to ensure the **institutional mechanisms** and resources necessary to realize these rights. Modern Azerbaijan's commitment to a **social welfare state** reflects this tradition, recognizing social protection and gender equality as complementary objectives of human development.

3. **Third Generation – Collective and Solidarity Rights:**

Emerging in the late twentieth century, these rights include freedom from discrimination on the basis of gender, ethnicity, race, or age; the right to self-determination; and the right to a healthy environment [Polenina, 2000]. For women, this stage represents both the formal recognition of equality and the establishment of **positive legal measures** to ensure actual participation and protection.

Modern international law thus combines both **generalized** approaches (extending universal rights to all persons, including women) and **specific** approaches (recognizing particular groups requiring targeted protection) [Borodina, 1999].

Institutionalization under International Law

The necessity for a specialized international system to protect women's rights arose from the historical reality that the recognition of women as part of "humanity" was not sufficient to ensure equality. Despite claims of universality, traditional European law was effectively **androcentric**, addressing men as the default subjects of rights.

The decisive moment in institutionalization came **after the Second World War**, with the establishment of the **United Nations** and the incorporation of gender equality into its foundational documents. Article 1(3) of the **UN Charter (1945)** affirms the need for international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" [Zyabkin, 2008]. Article 8 further prohibits any restriction based on gender regarding participation in UN organs [Dimitrieva, 1985].

This enshrinement of gender equality elevated it to the status of a **jus cogens norm**—a universally binding principle of international law. Consequently, all subsequent conventions and treaties had to conform to the standard of equal rights for men and women.

A major milestone followed with the **Universal Declaration of Human Rights (1948)**, which declared in Article 2 that:

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status."

Formation of Specialized UN Mechanisms

The **Commission on the Status of Women (CSW)**, established on 21 June 1946 as a functional body of the UN Economic and Social Council (ECOSOC), represented the first permanent mechanism devoted exclusively to the advancement of women's rights. The CSW's mandate includes recommending measures to promote women's participation in political, economic, and educational fields, as well as preparing reports on gender equality.

Over time, the Commission's agenda evolved from securing **formal equality** to addressing **substantive equality**, encompassing empowerment, participation, and protection from gender-based violence. The creation of the CSW marked the transition of women's rights from social activism to **an institutionalized component of international cooperation**.

Complementing the CSW, the **Committee on the Elimination of Discrimination against Women (CEDAW)**, established under the **Convention on the Elimination of All Forms of Discrimination against Women (1979)**, monitors compliance with state obligations. Together with agencies such as **UNIFEM (now UN Women)**, **UNESCO**, **UNICEF**, the **WHO**, and the **ILO**, these bodies form an integrated system dedicated to promoting gender equality globally.

United Nations Architecture for Gender Equality

In 1997, the UN Secretary-General appointed a **Special Adviser on Gender Issues and Advancement of Women** to coordinate gender-responsive action across UN entities and ensure that gender concerns were systematically integrated into policies and programs [Voronin, 2004]. This appointment consolidated earlier decades of norm-setting and monitoring.

Core Instruments and Doctrinal Distinctions

UN conventions and declarations dedicated to women compose the backbone of the protection system. Among the landmark instruments are: the **Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others** (in force 25 July 1951); the **ILO Equal Remuneration Convention** (in force 25 July 1951); the **Protection of Maternity Convention** (in force 7 September 1955); the **Convention on the Political Rights of Women** (adopted 20 December 1952, in force 7 July 1954); the **Convention on the Nationality of Married Women** (in force 11 August 1958); the **UNESCO Convention against Discrimination in Education** (1960); and the **International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights** (adopted 16 December 1966, in force 1976). Declarations include the **1967 Declaration on the Elimination of Discrimination against Women**.

It is crucial to distinguish **declarations** (political commitments articulating state intentions) from **conventions** (multilateral treaties with **binding** obligations upon ratification). Most women-focused conventions are **universal** in scope rather than regional.

Political Rights and General Non-Discrimination

The **Convention on the Political Rights of Women** codified equal suffrage, eligibility for elective office, and equal access to public service on a non-discriminatory basis, reflecting mid-twentieth-century achievements.

Article 2 of both the **ICCPR** and **ICESCR** obliges states parties to guarantee rights **without discrimination** on grounds including **sex**; **ICCPR Article 26** mandates legal prohibition of discrimination and equal, effective protection for all. UN treaty bodies interpret these duties as covering both **de jure** and **de facto** discrimination, attributable to **state, public, or private** actors alike [Barandova, 2012]. Thus, the equality principle surpasses formal parity and requires **effective** protection.

From Formal to Substantive Equality

The **1967 Declaration** broadened the legal equality principle across political, socioeconomic, educational, and maternal-protective domains. In the **1970s**, a qualitative shift occurred: women ceased to be construed as passive recipients of aid and were recognized as **equal partners** in development. The UN proclaimed **1975** the **International Women's Year** (GA Res. 3010), followed by the **UN Decade for Women (1976–1985)** under the triad “**Equality, Development, Peace**” (GA Res. 3520) [Shakuro, 2000]. Three global conferences—**Mexico City (1975)**, **Copenhagen (1980)**, and **Nairobi (1985)**—advanced women's rights from social aspiration to **legal-policy** priority, informed by feminist scholarship calling for the “**inclusion**” of women as full rights-bearers (Voronin).

CEDAW and the Consolidation of Binding Obligations

The **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** (GA Res. 34/180, 1979) constitutes the most comprehensive treaty on women's rights. **Article 1** defines discrimination against women as any **distinction, exclusion, or restriction** based on sex that impairs or nullifies women's human rights and fundamental freedoms in political, economic, social, cultural, civil, or other fields, regardless of marital status. **Article 4** clarifies that **temporary special measures** aimed at accelerating **de facto** equality are **not** discriminatory.

CEDAW's **universality clause** (Art. 23) ensures that nothing in the treaty restricts national measures that further sex equality; where domestic law falls short, CEDAW standards prevail as the international benchmark. The Convention embraces a **comprehensive approach**—legal, social, cultural, political, and ethical—requiring states to reform stereotypes, redistribute caregiving responsibilities, and secure women's participation in international, political, and diplomatic life. As **Polenina** observes, CEDAW placed the **equalization of rights and opportunities** on a firm legal footing [Polenina, 2000].

The **Committee on the Elimination of Discrimination against Women (CEDAW Committee)** monitors compliance through periodic state reporting, general recommendations, and, where applicable, individual communications and inquiries under the **Optional Protocol**.

Nairobi, Vienna, and Beijing: From Norm Text to Policy Praxis

The **Nairobi Forward-looking Strategies** (1985) reframed equality from a **de jure** to a **de facto** imperative, identifying priority domains and implementation mechanisms, and acknowledging intersectional differences (race, ethnicity, and social status).

The **Vienna World Conference on Human Rights** (1993) produced the **Vienna Declaration and Programme of Action**, affirming that “**the human rights of women and of the girl-child are an inalienable, integral, and indivisible part of universal human rights.**” It called for intensified international action against violence, exploitation, trafficking, and sex-based discrimination in justice systems [Aivazova, 2001]. In line with Vienna’s recommendations, the GA adopted the **1993 Declaration on the Elimination of Violence against Women**, and the **UN Commission on Human Rights** appointed a **Special Rapporteur on violence against women** [Shakuro, 2000; Polenina, 2000].

The **Fourth World Conference on Women (Beijing, 1995)** and the **Beijing Platform for Action (BPfA)** marked a new operational stage. The **Beijing Declaration** insisted that “**women’s rights are human rights,**” urged removal of barriers to equality, and emphasized equal access to **economic resources** (land, credit, technology, training, information, communications, and markets). The BPfA articulated **12 critical areas of concern**—including poverty, education, health, power and decision-making, institutional mechanisms, human rights of women, and violence—setting **strategic objectives** for states, international organizations, and the private sector. Post-Beijing reviews (**Beijing+5, +10, etc.**) entrenched these priorities in global and national agendas.

Gender Mainstreaming: Concept and Method

Following Nairobi and validated at Beijing, **gender mainstreaming** became a leading strategy: the **systematic integration** of gender perspectives into all stages of **policy design, budgeting, implementation, monitoring, and evaluation**. Initiatives by the **Council of Europe** (1995 specialist group) catalyzed comprehensive approaches across the **EU** and member states, shifting from isolated projects to **whole-of-government** methodologies. Mainstreaming’s novelty lies in addressing the **structures** that reproduce inequality, not only its outcomes, and in recognizing **multiple, intersecting** stratification factors.

ILO Standards: Labour, Equality, and Protection

The **International Labour Organization (ILO)** has long considered women’s labour rights a core concern. Foundational instruments include:

- **Convention No. 100 (Equal Remuneration, 1951)**: first to give binding international legal force to **equal pay for work of equal value**, operationalizing UDHR norms within labour relations.
- **Convention No. 111 (Discrimination—Employment and Occupation, 1958)**: prohibits discrimination, including on grounds of **sex**, in employment and occupation.

- **Convention No. 103 (Maternity Protection, 1952; revised later)** and **Convention No. 45 (Underground Work (Women), 1935)**: early protective standards reflecting both physiological considerations and equality principles.
- Complementary instruments address occupational safety, social security, and work-family reconciliation.

These conventions supplement UN norms by supplying **technical standards**, **inspection mechanisms**, and **tripartite** implementation (governments, employers, workers).

Azerbaijan's Legislative and Institutional Trajectory

Within the framework of state women's policy pioneered by **Heydar Aliyev**, Azerbaijan incorporated international gender-equality norms into domestic law. The **Constitution of the Republic of Azerbaijan** enshrines **equality before the law** and **non-discrimination**, forming the legal basis for women's equal participation in democratic state-building. Institutionally, the **State Committee on Women's Issues** (Presidential Decree 14 January 1998) laid groundwork later expanded into the **State Committee for Family, Women and Children Affairs** (6 February 2006). The **Law of the Republic of Azerbaijan "On Guarantees of Gender (Men and Women) Equality"** (10 October 2006) seeks to ensure equal opportunities across political, economic, social, and cultural spheres and to eliminate all forms of gender-based discrimination.

These measures, aligned with UN and ILO standards, provide the **legal and institutional scaffolding** for advancing **de facto** equality in Azerbaijan.

Conclusion

A review of developments since the mid-twentieth century confirms that women's rights traversed **three stages**—from civil-political liberties to socioeconomic rights and, finally, to collective/solidarity entitlements—mirroring the evolution of the broader human rights regime. A defining feature of this trajectory is the **transition from de jure to de facto equality**, given systematic expression in the **Nairobi Strategies** and operationalized through **Beijing** and subsequent mainstreaming initiatives.

The maturation of the international institute for women's rights depended on (i) the **universalization** of human rights after 1945 and (ii) the **feminist critique** that exposed gender bias in ostensibly neutral norms. Today, meaningful compliance requires **domestic legislation**, **institutional capacity**, **budgeted policy instruments**, and **social norm change**. Azerbaijan's ongoing reforms exemplify how international standards can be **localized** to reinforce substantive equality.

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Ethical Considerations

This article adheres to standards of academic integrity, with full and accurate citation of sources. No human participants or confidential data were involved; therefore, ethics committee approval was not required.

Conflict of Interest

The author declares **no conflict of interest**.

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