

PREVIOUS YEAR QUESTION

UPSC 2015 · 20 marks

Do you endorse that the conventional discourse on human rights has failed to include women's rights? Explain in the context of feminist theories.

FLOW SNAPSHOT how the answer moves

Intro routes

- R1** universalism only apparent → **Okin**: rights of "man and male household heads" → endorse the failure
- R2** the neutral human subject was male → **de Beauvoir**: "becomes a woman" → male bias built into rights

Body flow

Okin: framework defends male household heads → **de Beauvoir**: gender constructed, male experience as standard → public/private dichotomy, UDHR Art. 12 shields the home → women's harms fall outside the state → **Charlesworth**: all three generations built on male life → evidence: reproductive rights scant, Amnesty on pregnancy deaths

Counter-view

failure is a defect to fix, not fatal to rights → CEDAW (1979) + Beijing (1995) reframe gender as a human-rights issue → **Walby**: transform the framework itself

Conclusion routes

- R1** discourse failed by universalising a male subject + privatising women's suffering → feminism exposes and repairs
- R2** not abandonment but a transformed, gender-sensitive conception of rights (**Walby**) → the exclusion is corrigible

The human rights framework claims to protect every person, but feminists argue its universalism is only apparent. Susan Moller OKin states that its founding treaties and principles were written to defend "the rights of man and male household heads".

The neutral human subject of rights was, in practice, a man. The root of the problem lies in how gender is built. Simone de Beauvoir, in *The Second Sex* (1949), argues that "one is not born, but becomes, a woman", and that women are defined in relation to men. Rights language absorbed this bias & took the male experience as the standard for everyone.

The mechanism of exclusion is the public/private dichotomy. UDHR Article 12 shields privacy, the family & the home and keeps the domestic sphere, where women's harms are concentrated, beyond the reach of the state.

According to Hilary Charlesworth, all three generations of rights carry this flaw. They rest on male life experiences & do not answer the risks women most face.

Reproductive rights find scant provision, & Amnesty International records that pregnancy-related causes are the leading killer of girls aged 15 to 19 worldwide.

CEDAW (1979) obliged states to remove discrimination against women and the Beijing Conference (1995) reframed gender equality as a human rights issue, moving the focus from women to gender. According to Sylvia Walby in *Theorizing Patriarchy* (1990), genuine equality requires transforming the framework of rights itself.

The conventional discourse did fail women, by universalising a male subject & privatizing their suffering. Feminist theory exposes the failure and shows how a gender sensitive conception of rights can repair it.