

World War II demonstrated that power politics was not a sufficient mechanism to establish peace. There is a development of a new legal order that links peace with rules, institutions, and the protection of human dignity. The United Nations (UN) Charter established an organization to work together, to maintain security, and to cooperate, and made human rights one of the purposes of the UN, indicating that post-war stability meant the prevention of conflict and rejection of discrimination (United Nations, n.d.). This change was significant because rights were not equally recognized either in ideology or in reality, and women were often omitted from political life, the protection of the law, and decision-making. The collective security arrangements were also ineffective in preventing aggression and mass atrocities, leading to the decision to build the UN after 1945. The Charter tried to operationalize 'never again' by integrating the rule of law and co-operation into the institutions, but not as a promise, as a universal organization (United Nations, n.d.; U.S. Department of State Archive, 2005).

In this regard, the United States has contributed to the establishment of the UN. Between August 1941 and October 1945, wartime planning and diplomacy helped make the UN the center of the post-war order, supported by the United States' vision for multilateral security and reconstruction (U.S. Department of State Archive, 2005). Black (2023) noted that Eleanor Roosevelt, chairperson of the human rights commission, required a global vision of human rights. Therefore, he attempted to promote a declaration that would not be limited to one state. In the case of women, the language of universality provided a legal and moral arena upon which to challenge exclusion. As a matter of fact, Bunch (1990) asserts that women's rights should be regarded as human rights since the neutral means of addressing human rights tend to overlook gendered power relations.

Accordingly, international human rights law became a feature of the new order. Universal Declaration of Human Rights (UDHR) made a shared standard of rights and was the inspiration of subsequent binding documents (United Nations, 2021; OHCHR, n.d.-i). Over time, nine core human rights treaties have been adopted by the UN, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the International Covenant on Civil and Political Rights (ICCPR). Concisely, the combination of the nine treaties addresses equality and non-discrimination (ICERD and CEDAW), civil and political freedoms (ICCPR), socio-economic rights (ICESCR), protection against torture (CAT), special protections of children (CRC), rights of migrant workers (ICRMW), equality and accessibility of persons with disabilities (CRPD), and protection against forced disappearance (CPE). Each of the treaties has monitoring processes (OHCHR, n.d.-a). The monitoring uses either treaty-based (treaty bodies) or charter-based (Human Rights Council, Universal Periodic Review, Special Procedures, and independent investigations) mechanisms (OHCHR, n.d.-b). Moreover, monitoring is supported by practical tools. According to OHCHR, the United Nations human rights mechanisms give recommendations through review and investigation processes other than complaints; they aim to ensure that these abuses are prevented, stopped, investigated, or remedied; a person making a complaint use Special Procedures, treaty bodies, or the Human Rights Council complaint procedure according to certain requirements (OHCHR, n.d.-b). It also identifies indicators and the Universal Human Rights Index as tools to monitor implementation and to follow up on recommendations within mechanisms (OHCHR, n.d.-b). When it comes to the issue of human rights of women, the unification of women's rights as a human right raises the question of whether universality was substantial. This essay maintains that the CEDAW and the treaty body

ensure and safeguard women's rights, whereas systematic breaches of women's rights are observed by charter-based international treaties, as seen in the cases of Afghanistan and Ukraine.

Additionally, women's rights required a specialized treaty because general human rights guarantees did not dismantle structural discrimination. CEDAW operationalizes the concept of equality as a duty rather than as a policy option by establishing that discrimination against women can be construed as any distinction or limitation of sex that limits women's enjoyment of rights (OHCHR, n.d.-d). Hence, CEDAW can be the legal basis for arguing that women's human rights are recognized within the UN framework.

Moreover, the effectiveness of CEDAW relies on the monitoring by the CEDAW Committee and associated processes. According to OHCHR, the treaty bodies are committees of independent experts that oversee the implementation of the core treaties, and it states that the CEDAW Committee comprises 23 experts and that States parties must report on implementation (OHCHR, n.d.-e; OHCHR, n.d.-a). The documentation of the sessions illustrates the Committee's working practice: in the 92nd session (22 February 2026), there were schedules for dialogues and the adoption of concluding observations (OHCHR, 2026). Often, domestic institutions and social norms are difficult to identify. Furthermore, the use of the "Optional Protocol" increases accountability because it provides an avenue for individuals or groups to communicate domestic remedies.

CEDAW empowers women in practice by addressing gender-based violence and women's participation in decision-making in two areas that reflect both bodily integrity and structural power. General Recommendation No. 35 also specifies that gender-based violence against women is a type of discrimination, which takes a serious toll in enabling women to enjoy

their rights and establishes due diligence expectations concerning prevention, investigation, punishment, and reparation (CEDAW Committee, 2017). This understanding makes violence a state issue when it is condoned, rather than a private issue, when the authorities deny services or allow impunity, which formulates the human rights principle of the indivisibility and interdependence of rights (OHCHR, n.d.-c). Therefore, CEDAW defends women by ensuring that non-violence is not linked to freedom, but demands an institutional response, not just criminal prohibition.

Moreover, decentralization of decision-making is equally a focal point since powerlessness in one sector extends discrimination in others: education, work, justice, and health. The General Recommendation No. 40 presents a direction on the right of women to equal and inclusive representation in the decision-making systems and makes parity a central concept of transformative equality (CEDAW Committee, 2024). Treaty body practice has interpreted equality provisions as requiring states to overcome structural impediments and to take steps that would render equality pragmatic rather than formal (Henrard, 2007). In addition, international standards can be made applicable locally through such initiatives as the Cities for CEDAW campaign, which makes use of local government commitment, education, and supervision in order to ensure that international obligations become a part of daily governance (Cities for CEDAW, n.d.).

Similarly, mechanisms based on charters should be used when women's rights abuses are prevalent, acute, or politically disputed, as they can act more promptly than periodic reporting under treaties. OHCHR differentiates between treaty-based and charter-based bodies and names the Human Rights Council, the Universal Periodic Review (UPR), Special Procedures, and independent investigations as important charter-based monitoring procedures (OHCHR, n.d.-b).

Such mechanisms provide public and political pressure, fact-finding mandates, and credible authoritative records of the population that can provide accountability. As such, they frequently serve as the main UN mechanisms of tracking gross or systemic violations against women.


Moreover, the Human Rights Council and the UPR establish a periodic channel for examining the records of the human rights of states, including the performance of women in the rights arena. OHCHR refers to the Council as an intergovernmental entity comprising 47 states and charged with the promotion and protection of all human rights, and to UPR as a unique procedure that examines the records of all UN Member States with regard to human rights (OHCHR, n.d.-b). These processes can highlight or point out discriminatory laws, gender-based violence, failures to provide education and employment to women, as well as offer standards on which domestic reform can be based for analyzing domestic changes. Yet, despite the political considerations, the machinery of the Council assists in normalizing the view that the rights of women are under scrutiny by international bodies.


Additionally, the Special Procedures are particularly applicable to women's rights as the independent experts are able to record violations and discuss acute issues in public. In accordance with the OHCHR, Special Procedures refer to “external experts tasked with reporting and advising on country or thematic situations” (OHCHR, n.d.-b). Concerning Afghanistan, in October 2021, the mandate for the Special Rapporteur was established by the Human Rights Council, while in April 2022, Mr. Richard Bennett was appointed with an assignment of human rights monitoring, gender perspective integration, information about the human rights situation, and reporting to UN institutions (OHCHR, n.d.-j). Such a structure of mandate enables long-term focus on women's rights at a time when domestic authorities are limited or not receptive. Practically, a 2026 communication to end Taliban constraints against women and other

statements related to the mandate are visible as public updates, which demonstrate real-time monitoring and advocacy in charters (OHCHR, n.d.-j). This shows that CEDAW remains active through ongoing monitoring and advocacy, especially where women's rights are being restricted in real time.

Moreover, charters may support the role of treaty-based mechanisms in a crisis, as witnessed in the CEDAW review of Afghanistan following the Taliban takeover. In June 2025, the CEDAW Committee will examine the compliance of Afghanistan, without consultation with de facto authorities, indicating that CEDAW is legally binding despite political leadership and making a public discussion on compliance with former officials and women's rights leaders in exile (OHCHR, 2025a; United Nations Digital Library, 2025; CEDAW Committee, 2025). The summary of the UN meeting in Geneva verifies that analysts had issues with discriminatory decrees and the prohibition of educational progress among girls, and the discussion was intended to uphold Afghanistan in the global mechanism (United Nations Office at Geneva, 2025). The response to this strategy minimizes accountability holes that arise due to non-cooperation and holds women accountable to their rights. The use of UN Web TV dialogue enhances transparency and supports further advocacy (United Nations Web TV, 2025). These initiatives can reduce gaps in accountability from state non-cooperation and increase transparency by providing access to treaty dialogue (subsequently increasing further advocacy).

Additionally, investigation bodies mandated by the human rights council are meant to respond to acts of severe offenses, foster accountability, and discourage impunity. OHCHR describes that UN-requiring investigation agencies react to severe acts against human and humanitarian rights and law, and its oversight emphasizes that such agencies collect and confirm facts and determine a historical document (OHCHR, n.d.-h; OHCHR, 2015). These are very

important functions to women since sexual violence and other gendered harms are often under-reported and prosecuted, especially in conflict. Based on this, investigative processes are capable of converting the testimonies and harm patterns of women into knowledgeable conclusions. These documents can subsequently directly support prosecutions, reparations programs, and survivor-based policy reforms. 

An example of documenting the rights of women during war is the Independent International Commission of Inquiry on Ukraine (OHCHR, n.d.-k). In 2026, the Commission reported to the Human Rights Council that there have been many acts of crime and violation such as sexual violence towards young girls without any prosecution for these crimes, which would cause the victim to suffer from physical and psychological trauma as well as being stigmatized, displaced from their home, and disrupted in their families (Independent International Commission of Inquiry on Ukraine, 2026). Sexual violence is not by chance but a situation that is embedded in patterns of abuse, which impose international legal responsibility and demand justice for the survivor. In this way, the Commission contributes to the monitoring of the rights of women by generating evidence that can be utilized in accountability regulations. 

Moreover, accountability for gross violations requires pathways beyond documentation. The repertoire by the UN Security Council provides the practice of the UN with regard to international tribunals and indicates how the UN system can make or assist in making accountable mechanisms in reaction to mass atrocities. Commissions of inquiry do not engage in prosecuting individuals, but they compile validated reports that create a basis for taking legal, political, or restitutionary action after establishing responsibilities and violations. As such, the specific obligations of each treaty set out due diligence standards regarding the protection of women's rights under CEDAW. This means that the UN will only be able to enhance the

protection of women's rights through existing mechanisms as a result of the harmonization of the UN Treaty Law (with respect to the Charter-based system of accountability/monitoring mechanisms).

To summarize, the post-WWII international legal order was focused on the United Nations and associated peace with human dignity and equality, and it was the leadership of Eleanor Roosevelt that contributed to making a universal vision of human rights that can be mobilized to confront exclusion (Tinker et al. 1981). CEDAW has established a specialized and binding treaty to end discrimination against women, with expert monitoring and the communications and inquiry procedures of the Optional Protocol. Its interpretive work, notably that on gender-based violence (GR 35) and equal representation in decision-making (GR 40), demonstrates that women need to be not only guarded against harm but also have equal access to power.

Nevertheless, the necessity of monitoring via charters becomes most apparent in modern crises. The Human Rights Council, UPR, Special Procedures, and independent investigations are a timely scrutiny and documentation of serious violations. Afghanistan demonstrates how special processes may highlight the systemic gender discrimination women experience and request protections, while the CEDAW Committee's 2025 Review demonstrates that women's responsibility to their rights remains even if there has been a change of government. This is evidenced by the fact that commissions of inquiry can provide documentation for sexual violence, among other crimes against humanity, which should be dealt with (Independent International Commission of Inquiry into Ukraine 2026). The protection of women's rights has international ramifications, as equality and dignity are vital for peace and prosperity globally.

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