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Gender dimension of human right

M G, Mallika

Zamoorin's Guruvayoorappan College Calicut

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Introduction

Woman's role as economic agents has attracted much attention and there has been a boom in the literature on women studies in recent years. The entry and participation of women in the labour market has been a major concern in labour economic research. The central issue of female labour force participation has been a recurring theme in research on labour at the national and international context, both at theoretical and empirical grounds. In India, the woman's employment as an area of research assumed prominence in 1980's. However, even after decades of research, woman's employment and its determinants are still vague though some broad associations and conclusions are put forth. Within India, the state of Kerala shows impressive performance over the years in the demographic and social development, have low level of female economic participation invites scholarly attention. Much has been written about Kerala's high level female literacy, custom of matriarchal inheritance, political achievement regarding decentralized governance, commitment towards social welfare, high levels of life expectancy, low infant mortality etc (Bhatt and Rajan, 1990; Kannan, 1990; Kumar, 1994). However, the very low economic participation of women in such a society, well acknowledged for higher status and position of women, invites special attention by the researchers (Devi, 2008, Mazumdar and Guruswamy, 2005). This can be considered as a violation of right of opportunities. Gender studies mainly concentrate the rights of women, and the reproductive role of women has not received much attention in present day research. As "mothers and infants form biological and social unit" (WHO, 2003, P.5), every action in increasing the market work time of female will have its direct impact upon the right of the child. As it is stated in the Convention on the Rights of the Child, children have the right to get access to safe and nutritious food, essential for fulfilling their right to the highest attainable standard of health (ibid). In this context, the present study formulates a theoretical model for explaining the paradox of gender justice and child's right. The aim of this paper is to provide a basic analytical explanation to the existing dilemma in front of the researchers for the unfulfilled objective of gender justice.

Empirical facts about the gender difference in labour market involvement in Kerala

Empirical results computed from the NSSO 61st rounds Employment Unemployment survey unit level data¹ shows that among female up to the age of fifteen, no member is reported to be in labour force, while among male though it is negligible, 0.3 percent of children were in labour force need to be seen seriously. This should be read in connection with the findings from Mukhopadhyay (2007) that

"the natal families did not discriminate among children on the basis of gender, at the time they were growing up. Most women report a relatively happy childhood, unless of course, there was an alcoholic father. The sex specific restrictions on mobility and norms of behavior came only with the onset of puberty. The

¹ Usual principal status. All the data used follows the same approach for determining activity status.

situation worsened for most women only after marriage (p.24).

This clearly indicates that the gender division of labour executes mainly after childhood or most probably after marriage.

A close observation of the table clearly gives a picture that, after childhood, majority of female members are engaged('en-caged') in non-economic work while male, economic work .(Table:1).

The influence of marital status on the economic and non-economic division of labour is visible in table:2. It shows that marriage is a strong force which push away the female from labour market to domestic corridors. Study (Devi 2008) shows that those who are already engaged in market work are over burdened with domestic work duties. Marriage plays an important role to pushing the female community to household work and male to market job.

Table.1

Occupational status among different age groups in Kerala as a percentage to total population in different age category, 2004-05.

Age Category	Female			Male		
	Employed	Unemployed	Domestic duty	Employed	Unemployed	Domestic duty
Up to 15	0	0	0	0.1	0.2	0
15-19	4.9	10.3	15.1	18.7	13.2	0.3
20-24	16.5	29.1	40.1	66.3	17.7	0.4
25-29	19.3	26.9	50	87.1	9.5	0.4
30-34	25.8	18.9	52.4	91.1	5.9	0.9
35-39	31.2	9.4	56.1	94.9	2.6	0.3
40-44	35.1	5	56.6	95	2.2	0.7
45-49	35.1	2.2	59.9	93	2.3	0.8
50-54	32.4	1.7	62.2	88.1	3.9	0.7
55-59	26.7	0	63.8	73	2.1	0
60 above	12.1	0.5	43.6	46.6	1.1	1.5

Source: Computed from NSSO 61st rounds unit level data.

Table :2

Relation between Activity status and marital status (Male and Female)

Kerala, 2004-05

Activity status	Male				Female			
	Never married	Currently married	Widowed	Divorce/separated	Never married	Currently married	Widowed	Divorce/separated
employed	51.1	91.4	81.8	74.7	16.9	23.8	44.7	57.9

unemployed	14.9	2.9	0	6	19.5	12.3	3.9	8.2
student	31.4	0.2	0	0	47.3	0.4	0	0.3
domestic duty	0.2	0.6	2.2	7.6	12.7	61	42.6	28.6
others	2.4	4.9	16	11.7	3.5	2.5	8.8	5
Total	100	100	100	100	100	100	100	100

Source: Computed from NSSO 61st rounds unit level data.

Table : 3
Educational status and activity status (15-59 age category.) Percent.
Kerala

	Employed		Unemployed		Student		Domestic duty		Others	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Middle school&below	82.4	26	5.8	6.3	6.4	3.9	0.7	59.8	4.7	3.9
Secondary&higher secondary	57.7	13.8	8.6	18.4	30.5	29.3	0.1	36.3	3.1	2.2
diploma	76.9	31.8	15.6	38.1	5.9	6.1	0	22.6	1.6	1.4
Graduates	74.5	34.8	10.8	39.7	11.5	7.3	0.6	17.2	2.6	1
Postgraduate	81	57.3	12.2	33.8	6.2	0.5	0	8.3	0.6	0.1
No technical education	75.8	23.4	6.8	11.4	12.7	11	0.5	51	4.2	3.9
Technical education below graduation	77.2	31.9	15.2	37.8	6.1	6.2	0	23.3	1.5	2.2
Techn.educ.graduation and above.	75.9	46.1	12.7	42.7	9.6	5.2	0	6	1.8	1.4

Source: Computed from NSSO 61st rounds unit level data.

Table: 3 show that it is not because of lack of potential that female market work is lesser. In the case of technical educated also, clear gender difference in labour market participation is visible. All these results show that the market work of female is very low in Kerala. Hence it can be considered a violation of the equal right of opportunities. The next section of this paper develops a theoretical model to explain why the existing remedial measures are irrelevant in solving the problem. It is connected with the reproductive role of women and the importance of this role in increasing the total welfare of the society. And any reduction in quality and quantity(below desirable level) will make the economy to be in a lower levels of welfare, that should be another

type of violation of social right.

Theoretical model

In an economy there is equal opportunities,

$$PEC(x1) = AE(x1), PEC(x2) = AE(x2)....., PEC(xn)= AE(xn).....(1)$$

Therefore,

$$\text{In an egalitarian society, } PEC(x1)/AE(x1)= PEC(x2)/AE(x2)=PEC(xn)/AE(xn)=1.....(2)$$

Where, PEC is the potential earning , the maximum earning capacity of an individual, given the existing social development of the economy and AE is the actual earnings of an individual.

If there is human rights violation, due to market discrimination, or any other restrictions or control, the identity of (2) may not hold.

Let us analyse the situation of a market, where x1 is a male and x2 is a female.

If there is equal opportunity for male and female,

$$PEC(m)/AE(m)=PEC(f)/AE(f)=1.....(3)$$

But it evident that $PEC(m)/AE(m)<PEC(f)/AE(f).....(5)$

ie., $AE(m) >AE(f).....(6)^2$

It is the duty of the society to make $PEC(m)/AE (m) =PEC(f)/AE (f)^3$ or that it is needed to make $AE(m) = AE(f)$

Let us analyse the determinants of AE at period t.

$$AE(t) =f(N, W, MT(t), E(t), P).....(7)$$

Where N is the total availability of employment (demand), W is the wage rate, MT(t), supply of present labour time, E(t) is the total work experience, and P the efficiency parameter.

For making $AE(m) = AE(f)$

$Nm=Nf, Wm= Wf, MT(m) = MT(f), E(m)=E(f), Pm=Pf$. In Kerala, the potential of male and female expected to be equal due to equal levels of education and high GDI. Let us analyse each of this variables separately for male and female.

$$N =f(JB, ED,..E).....(8)$$

JB is the job search boundary , ED, level of economic development, E, other variables together like technology,

² It is given that the average earnings of females are very low in all employment categories(Devi, 2008), HDR(2005) and it is found from table:3 that with same educational status, female market work participation is very low. These together made us to reach this non-identity.

³ It is found from studies that the literacy rate, number of years of schooling, the enrollment rate etc, there is not much male female difference exists in tKerala, which shows that the potential of male and female in Kerala not much difference.

government policy etc. Here JB is an important factor in case of gender is concerned.

$$JB=f(\text{mobility, Language, adaptability...etc})$$

It is assumed that the difference in mobility, that is a major variable differentiate the job availability of male and female.

$$JB=f(\text{Mobility})$$

mobility of female is restricted mainly due to the reproductive role and related domestic responsibilities. Hence mobility is a very important determinant of the actual earning of male and female and the mobility of female is restricted mainly due to reproduction and related responsibilities.

Let us analyse the market time (supply of labour by male and female)

$$MT(m) = f(TT(m)-DT(m) -LT(m))\dots\dots\dots(9)$$

$$\text{And } MT(f) = f(TT(f)- DT(f)-LT(f))\dots\dots\dots(10)$$

Where TT(m) and TT(f) is the total time for male and female and it is equal to TT.

And it is a fact that the needed leisure time of female and needed leisure time of male is same, from(9) and (10),

$$MT(m)-MT(f) = DT(f)-DT(m)\dots\dots\dots(11)$$

The aim of an egalitarian society is to reduce the difference in market supply time for male and female to its minimum level, for removing the gender difference in labour market, DT(f) should reduce. This is possible through increasing the DT(m) or through the supply of care substitutes or through mechanization of domestic work. Here one should study the peculiarity of domestic work by male and female.

$$DT(m) = \text{time for domestic production by male}(DPm)\dots\dots\dots(12)$$

$$DT(f) = \text{time for domestic production by female}(DPf) + \text{Time for Reproduction. (at younger ages)}\dots\dots\dots(13)$$

Where, DP(m) and DP(f) are the domestic production of goods and services by male and female. RT is the non substitutable reproductive role of female.

If $Dpm=DPf$, given that the productivity of male and female is same for domestic production(in reality, $Mpf>MPm$, due to domestic work experience) and the productivity of market work by male and female are same(in reality due to market work experience $MPmm>MPfm$), $MTf< MTm$ due to RT.

Another variable influences actual pay is the past experience. Here also the younger age and the reproductive role in youth reduce the market time and there by the scope of achieving high level actual earning like male.

$$E(t) = f(\text{Age of job entry, N, Age, breaks, } \sum MT(t-1))\dots\dots\dots(13)$$

in which, market entry is early in the case of male, and job breaks are frequent as far as female is concern. Let us assume all the other variables except the past supply, is same for male and female. The supply of labour time for market work by female during their younger periods, in the existing socio-economic condition of female is very low, hence female will have lesser market experience in their younger stages and the experience at younger ages are crucial for deciding the actual life time earnings. The market supply time and related job opportunities are low for female due to so many reasons, predominant one is the RT, cannot be substituted by no one.

From all these analysis it is evident that the common element make differences in actual earning of male and female is related with RT.

As it is a well known fact that the welfare of any society depends upon the total goods and services available to the society, ie., (not mentioning the leisure time,))

$$WE(t) = f(TP(t)) \dots \dots \dots (12)$$

WE(t) is the total welfare of the economy at time t., TP(t) is the the total goods and services available to the society during time t.

$$TP(t) = f(L, K) \dots \dots \dots (13)$$

$$TP \text{ is a function of Labour and capital, and capital is man made means of production, } K=f(L) \dots \dots \dots (14)$$

therefore,

$$TP(t) = f(Lt) \dots \dots \dots (15)$$

That means the total production is a function of the quality and quantity of human asset at time t.

As it is found from studies that the quality and quantity of L(t) depends upon the quality and quantity of

Reproductive time in 't-n' th period. This should be supported by the quotation;

“In a number of works I have described the earliest ontogeny of these adaptive brain functions, and have argued that the essential events that allow for the emergence of the regulatory systems that control such functions occur during the brain growth spurt (Schoore, 1994, 1996, 1997b, 1998a, 1998b, 2000b, 2000d). Moreover, I have offered data that suggest that the inceptive stages of development represent a maturational period of specifically the early maturing right brain, which dominant in the first three years of human life (Chiron, Nabbout, Lounes, Syrota, & Dulac, 1997; Schoore, 1994). The right brain is centrally involved in not only processing social-emotional information, facilitating attachment functions, and regulating bodily and affective states (Schoore, 1994, 1998a), but also in the control of vital functions supporting survival and enabling the organism to cope actively and passively with stress (Wittling & Schweiger, 1993). Furthermore, in a series of contributions I have proposed that the maturation of these adaptive right brain regulatory capacities is experience dependent, and that this experience is embedded in the attachment relationship between the infant and primary caregiver (Schoore, 1994, 1999b, 2000a, 2000b, in press c). But it is important to point out that this experience can either positively or negatively influence the maturation of brain structure, and therefore, the psychological development of the infant. This developmental psychoneurobiological model clearly suggests direct links between secure attachment, development of efficient right brain regulatory functions, and adaptive infant mental health, as well as between traumatic attachment, inefficient right brain regulatory function, and maladaptive infant mental health(Schoore,2001, p.10)

Hence any reduction in the quality and quantity of RT of mother during 't-n' th period reduces the societies PEC in (t) period and hence the total welfare of the economy suffers. In the micro level point of view, without adequate understanding and respect of the very important basic asset creation role of female, any increase in MT(f) by reducing RT violates the right of an infant through reducing his/her PEC during (t) time and that will reduce the total welfare , will violate the right of the entire society is concerned. Due to the reproductive work,

world wide, the market work share of male is greater than female and the care work share is higher for female. Due to this the accessibility of money was less for female and that creates a lot of atrocities against women. The only solution is to increase economic dependency for that it is needed to reduce RT. Avoiding RT will adversely affect labour supply in future and hence the total welfare. Whatever reduction of RT will have its adverse impact of their kid up to the age of three. Hence these time period mothers presence(natural parent) is a must. In the present world, human asset is considered to be the most valuable asset, the major producer and developer of this human asset, female should get adequate protection and care during their pregnancy and minimum three years after delivery. The child is an asset for the entire society, hence, the time devoted by each and every mother should be considered to be an asset creation time, need to be identified by the society. It should not be the responsibility of the father to look after the mother and child, but it is the duty of the society to assure a safe and healthy reproduction of the human asset. This has an important role to play in gender dimension.

Policy suggestion:

The importance of reproductive role should be identified by the society. During the reproductive stage, economic, social and emotional support should be provided to the mother by the society through the recognition that they are creating most valuable assets in the society. The experience lost during the younger periods of female should be compensated by age relaxation. Conduct bridging courses for females, those who are completed their reproductive role. Special programmes should be initiated to increase the efficiency of market work for females coming back from reproductive role. Adequate care giving mechanism should be initiated by the society for reduce the domestic work burden and there by market work participation. Moreover, the entire economic units should change its structure to accommodate a female with a child. The sanction of any production units should be on the basis of women friendly environment like, creches, play schools, flexible timing, bridging courses, age relaxation for females etc.

Conclusion:

This study looks Gender justice in a different perspective. The right to health of a child should not be compromised with the right to work by the mother. Without adequate increase in care substitutes and the setting up of infrastructure with gender perspective to accommodate female with child, any movements to increase women participation in socioeconomic sphere adversely effect the right of a child and the welfare of the society in the long run. A macro outlook is essential for the gender issues especially in a migration prone economy like Kerala.