

TOWARDS PROTECTING MEN'S RIGHTS TO RESTORE BALANCE BETWEEN GENDER RIGHTS

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Abstract:

The international community did not limit its research to human rights in general, but focused on specific rights, including women's rights. However, excessive focus on women's rights and their protection has led to the neglect of men's rights, which has become evident today, whether in personal status rights, political rights and positions, or the issue of violence. Additionally, there are international and national legislations and institutions that only focus on women's rights, creating a gap in human rights between genders, undermining the principle of equality, human dignity, and other legal principles upon which the idea of human rights is based.

The violation of the principle of gender equality has become one of the issues that require urgent intervention by the human community to pay attention to men's rights in terms of recognition and enjoyment to restore balance and achieve the basic principle of human rights based on non-discrimination and achieving equality regardless of gender, and this will only be achieved through international and national legislation and institutions that focus on men, similar to those established for women.

Keywords: man, woman, gender, human rights, freedom, international legislation, international institutions, protection, balance

INTRODUCTION

Human rights have been and continue to be the primary concern of all of humanity and the international community in general, and of specialized researchers and scholars in particular, because of their connection to the security and stability of society, preserving the existence of the state, and achieving justice and social justice.

The principle of equality and human dignity serves as the cornerstone for the establishment of human rights, allowing individuals to enjoy and safeguard them. However, on numerous international and domestic platforms, he urged the international community to incorporate these principles into national laws and international instruments to achieve the maximum degree of legal protection and to serve as a benchmark for gauging the degree of urbanization and progress in a given nation.

The international community's efforts to find general rights that everyone should have access to without exception and to find rights pertaining to minorities and special groups marked the beginning of the recognition of the significance of human rights; these latter two categories have come to dominate human rights discourse. We are interested in defining the set of rights that both types must be granted in light of the current state, as well as in figuring out how to safeguard them against any kind of violation, particularly grave ones. By doing so, we hope to uphold human dignity.

However, the topic of interest in the rights of minorities and special groups has caused a great deal of controversy and problems among human rights scholars because it has a negative aspect that could lead some to view it as a justification for meddling in national affairs and toppling established governments. That cultural diversity may be the source of these researchers' fears. In spite of the unity of creation, it is difficult for all peoples and groups, regardless of their diversity, to enjoy the same rights recognized by positive legislation (international and national). This is because social, ideological, and religious factors differ from one society to the next, sometimes even within a single society.

The rights of men and women are among the most significant human rights issues that have generated controversy among those who are interested in studying the concepts of equality and human dignity.



In the past, attention to women's rights was often given preference over men's rights because women are considered to be weaker groups than men. This is because the idea that men should have more rights than women has persisted. The traditional perception of men is that they stand for tyranny, aggression, power, and a monopoly of rights for themselves at the expense of women.

Therefore, humanity has sought, within the framework of conferences, seminars, and international and regional organizations, to pay attention to women's rights in particular, without taking into account the negative impact this may have on men's rights.

Based on this last idea; In view of the development that the international community has witnessed, and the excessive interest in women's rights in particular, to the exclusion of men, and the collapse in societal values that they have resulted in and the threat to the principles of equality and human dignity, which are considered the basis for the establishment of human rights, we have been led to research an idea that revolves around reconsidering the necessary rights that must be granted. Men enjoy it, and how to protect it as it has become the weakest link in human rights issues at the present time. This is done through research into the following problem:

What are the global and national measures that need to be implemented to protect men's rights to bring the rights of the two sexes back into balance and prevent men from becoming the weaker group, which would take us back to the starting point that inspired the study of women's rights and how to defend them?

The research problem at hand requires us to focus on two fundamental points: searching for manifestations of imbalance in gender rights and how to address this imbalance by proposing mechanisms to address it.

We will try to answer this by dividing this research paper into two main parts:

- Manifestations of imbalance in gender rights related to women's rights
- Manifestations of imbalance in gender rights related to mechanisms protecting women's rights

1/ Manifestations of imbalance in gender rights related to women's rights

The exaggeration in defending women's rights as a result of adopting Western intellectual fallacies has led to setbacks in the rights that men enjoy due to their human nature, and what man-made laws have legislated for them. Rather, the matter goes beyond another idea, which is summed up in diminishing the dignity of women in and of themselves.

This is the wrong starting point in understanding women's rights¹How to defend them has led to an imbalance between the rights of the sexes in many of the legally recognized rights of women, which cannot be confined to one category. Therefore, we will take some rights as inference because they are the most important and most obvious in the imbalance between the rights of men and women.

1/1 At the level of rights related to family law

Family building in all societies is based on mutual understanding and cooperation between spouses as required by religious, humanitarian and social considerations²Which humanity has become acquainted with in matters of marriage, divorce, inheritance, childcare, alimony, and the independence of the spouses' financial liabilities...etc.³However, the exaggerated interest in researching women's rights has led to compromising those aforementioned considerations.

By referring to the text of Article 16 of the International Convention against All Forms of Discrimination against Women⁴ we find that it has taken the absolute concept of the principle of equality without taking into account the differences imposed by human nature.

This article gives women the same absolute rights as men when it comes to exercising their right to marry, including the ability to contract or dissolve a marriage. This goes against religious precepts and requirements, particularly in Islamic nations where women are allowed to marry but not the absolute power to do so. It makes sense in this case that women are more easily influenced by emotion than men would be, and that women are more likely to be deceived or to indulge in unrestrained passion—both of which are considered legal grounds for impairing one's will.

The text of the aforementioned article, which grants women the rights of guardianship, wardship, guardianship over children, and adoption—a duty that in reality falls on the man who alone bears the burden of forming a family and ensuring its care—also contributes to the unequal treatment of men and women. Since the beginning of time, humanity has been aware of this problem.⁵



According to Article Sixteen, dividing up responsibilities between men and women is deemed to be against women's rights and a derogation of men's duties. For instance, a man is expected to provide for all family members, including his wife, and this obligation cannot fall on a woman since she is responsible for the man and falls under her jurisdiction. It is not related to finance.

The interest in women's family rights also led to their demands on numerous international and national platforms to share the inheritance equally with men. This is also something we find illogical, especially when we consider that men should be the ones responsible for stewardship and spending. However, it is certain that Islamic inheritance laws are the most appropriate and suitable, as actuality has demonstrated that gender equality has been achieved, as some Western experiences have recognized.

Women's demands to prohibit men from having several wives (polygamy) or to limit their ability to exercise this right also sprang from the quest to attain complete equality between the sexes. In a few cases, women even went so far as to assert their right to polygamy—something that is contrary to both human nature and reason. The primary hazards associated with granting women the ability to exercise this right are the potential for diseases and the mixing of ancestries, as numerous scientific, medical, and social studies have demonstrated. This is because granting women this right deprives them of their right to equality with men and turns it into one of their material possessions.

Also among the manifestations that are considered a violation of the man's rights is the wife's abuse of her right to custody, which she has become a weapon to pressure the man by depriving him in many cases of exercising this right, especially in the absence of real and effective mechanisms that enable him to do so, and this represents a decline in the morals of the custodian.⁶

From the above, we find that the manifestations of the imbalance between the rights of the sexes are in the interest of women and can be summarized as follows:

- Giving women full guardianship over themselves in the marriage contract.
- Women's demand for absolute equality in the right to inheritance (parity).
- Women's abuse of custody rights.
- Restricting a man's right to polygamy, which led to the emergence of a new type of marriage that is contrary to human nature (same-sex marriage).
- Confusing women's rights with women's freedom, which has led to women demanding on many occasions absolute freedom in how to live and act like men, which makes them lose their femininity, which is the basis for preserving their dignity.

For this reason, it is necessary to restore balance between the rights of the sexes in a way that is consistent with human nature and the origin of creation, and enables both parties to fully exercise their rights without derogation or discrimination, in order to eliminate what may cause the superiority of one sex over the other (such as if the husband has the right to spend, for example, and the wife is responsible for Raising children, also establishing more effective controls to prevent women from abusing their right to custody), in addition to the necessity of adopting relative rather than absolute equality in demanding that the wife be able to exercise her natural and legal rights.

1/2/ In the field prohibiting violence

It led to exaggeration in defending women's rights, especially in the area of rejecting all forms of violence that may be practiced against them by men⁷To the emergence of a new and strange phenomenon in societies, which is violence against men and women-As the physical rule stipulates (in proportion to the action, so is the reaction) - the violence that may be practiced against a woman prompts her to adopt the same method under the pretext of defending her recognized rights.

Whereas violence constitutes one of the forms of serious violations of human rights for both sexes without discrimination; However, the emergence of international agreements and internal legislation concerned with combating violence against women led to ignoring the idea of violence that may be directed in reverse (from women to men).

There are many forms of violence practiced by women against men, ranging from physical violence to moral violence. As for the first form, it may be embodied through beating, wounding, etc., using



material tools that affect the physical integrity of the man, which constitutes one of the recognized human rights (the right to physical integrity).

As for the second form, it may appear through means of coercion and moral pressure that a woman may use as a means against a man. Examples of these include the threat of divorce, divorcing, separation, or resorting to institutions concerned with defending women's rights without any justification. This moral violence can also be through exploitation. Exercising some of the rights granted by law to women, such as the right to custody, alimony, and care in all its forms.

In addition to material and moral violence, the abundance of legislation and institutions concerned with defending women's rights has led to the emergence of a new type of violence embodied in legislative violence against the man whose life has become unstable due to the legislation's interest in women's rights more than the man whom it considers to be the only one who practices all forms of violence and that Women are exempt from this.

Violence is a common issue between the sexes. Just as it can come from men, it can also come from women. Therefore, the matter requires reconsidering legislation related to violence against women and treating both sexes equally. Either legislation should be allocated to prevent violence against men in the same way as against women, or To leave the issue to general texts that deal with combating violence, regardless of the nature of gender, considering that violence is an outcast and rejected idea because it affects a person's physical and mental integrity.

1/3/ In the field of exercising political rights and holding jobs and senior positions

Among the main topics of interest to the international group is the defense of women's political rights and their right to hold public jobs and senior positions.⁸It included the principle of parity between men and women.

Although the motive for adopting the principle of gender parity is to lift the marginalization practiced on women by excluding them from exercising their political rights and holding senior positions, the creation of this principle led to the violation and destruction of two other principles that are considered the basis from which the international community and legislation began in defending the idea of human rights, which are: My principles: equality and equal opportunities, and merit or competence, which stipulate the idea of the fittest and most suitable to occupy public positions and hold high political and civil positions alike, which has had a negative impact on men's rights and excluded them on many occasions from enjoying some of their political rights and holding high jobs and positions in the state. Despite the competence and merit that he possesses, which place him in a superior position over women, thus transforming the application of the principle of parity from a basis for protecting women into an exclusionary standard for men, and this is a serious imbalance between the rights of both sexes.

Some state constitutions and legislation have included a stipulation of the principle of parity between men and women in holding jobs, such as the Algerian constitution.⁹Some countries have also allocated special legislation for women in the field of exercising their political rights, which we find no counterpart for men, such as the right to run for office and hold parliamentary seats equally between the sexes, or allocating certain percentages of seats within parliamentary bodies in favor of women, in addition to the existence of legislation that imposed that Jobs within organizations (public facilities) are divided equally between men and women.

The forcible inclusion of women in the field of exercising some political rights, holding jobs, and assuming senior positions in the state has led to the diminution of men's rights due to the neglect of the principles of merit and competence that men may enjoy. This is an issue that requires the international and national system to reconsider in a way that eliminates the exclusion and deprivation of men. What is his right, thus achieving the principle of equality, which was taken as the basis for human rights called for and from which all international and national legislation began.

2/ Manifestations of imbalance in gender rights related to mechanisms for protecting women's rights

Through their contribution to women's rights issues, countries have sought to accelerate and focus on the development of international legislation and internal laws that define a set of procedures and devices that enable them to achieve real and effective protection of women's rights, while men's



rights remain subject to public procedures and agencies concerned with protecting human rights. Due to the many examples that can be provided regarding women's protection tools that have created an imbalance between gender rights, we will limit ourselves to mentioning only two parts in this second part of the research paper.

2/1/ Allocating women with their own legislation, but not men

Although international and national legislation related to women's rights has taken into account in its formulation the presence of men alongside women as a comparison and comparison between them, we have noticed that these legislations are issued in the name and for the account of women, the most important of which is the International Convention for the Prevention of All Forms of Discrimination against Women, which does not. We find a similar agreement for men, and various of these legislations have allowed the establishment of international and national bodies based on the defense and protection of women's rights, which has not been addressed or recognized for men, with the general texts concerned with human rights being sufficient for them.

It encouraged countries to establish exclusive bodies and legislation for women only; Such as the establishment of women's associations at the international and national levels, the establishment of institutions concerned with women oppressed by all forms of violence, and other institutions that ensure the rights of absolute women and many other bodies, the most important of which is what was stipulated in the International Convention for the Prevention of All Forms of Discrimination against Women by establishing a committee to eliminate discrimination against women. Women from Article Seventeen to Article Twenty-Two, which works to achieve the objectives of the Convention by establishing its internal system according to which it operates, which is what has been achieved on the ground. This committee has begun to receive complaints and reports regarding those violations that may hinder women in exercising their rights.¹⁰

The absence of international or national legislation specifically defending men's rights, in contrast to the abundance of legislation defending women's rights, made men the weakest link in the circle of human rights, so that the equation moved from considering women to be among the weak groups to making men the weakest, and it was better to achieve a balance between human rights. Gender: International and national legislation should pay attention to protecting the rights of men in particular and establishing the mechanisms required by this new situation and the imbalance of power between the two parties.

2/2/ The international community's interest in establishing bodies concerned with women's rights and not men's rights

In order to fulfill the provisions of the International Convention on the Prevention of All Forms of Discrimination against Women, countries rushed to translate those demands made by women in various international conferences into creating special procedures and bodies to defend and protect women's rights in various social, political, economic, etc. fields, and provided them with all the legislative and material tools to achieve them. The purpose of its establishment, which is headed by the Committee on the Elimination of Discrimination against Women¹¹ referred to above.

Excessive interest in these institutions has raised them and made them have a significant impact on the public policies of countries by making it mandatory to involve them in all state affairs.

On the other hand, the national agreements and legislation concerned with human rights did not include anything that requires or allows men to establish similar bodies, so that men's rights remain presented only to public and private bodies concerned with human rights (such as the World Council for Human Rights) on an equal footing with women based on their human qualities and not in view of their gender.

This issue has become a real and realistic threat to the rights of men, who have come to feel that the superiority granted to women constitutes clear discrimination against them, and has come to need the presence of devices and institutions similar to those devices and institutions that were established to protect women's rights and which have created an imbalance in the rights of both sexes in terms of The right to protect human rights.

It has become necessary to accelerate the restoration of balance between the sexes at the level of the legislative system and the level of institutional building of the bodies concerned with the



protection of human rights, either by giving men the same status as women in terms of exclusive legislation by stipulating agreements related to men's rights, or at the level of institutional building by creating international and other bodies. There is a national agreement concerned with defending men's rights from any violation that may prevent or affect him in exercising his rights by women. There is nothing preventing there from being a convention concerned with preventing all forms of discrimination against men, and there is nothing preventing the establishment of a committee to prevent discrimination against men. Until the two basic principles governing human rights are achieved: the principle of equality and the principle of human dignity, which constituted the beginning of the search for human rights, which will truly reflect on the stability of societies and ensure the sound and correct construction of the human group.

CONCLUSION

The observer of women's rights in particular and human rights in general finds that these rights have drawn significant attention from the international community within the framework of domestic and regional institutions as well as international organizations. This has been achieved through a variety of international and national declarations, instruments, and legislation that have focused on formulating states, researching the rights that should be enjoyed, achieving texts, and establishing mechanisms to achieve their goals in the area of affirming women's rights and protecting ways to protect them. Their objectives in the area of promoting and defending women's rights through texts and the establishment of procedures.

This is what the international community and state governments did not do regarding those rights enjoyed by men, which led to the destabilization of the principle of equality and non-discrimination in treatment as a basis for human rights, as excessive interest in women's rights led to the creation of an imbalance between gender rights in terms of recognition and protection.

We attempted to demonstrate through this research that after societies attempted to advance women's rights and put them on par with men in terms of enjoying human rights, they fell into the trap of ignoring their rights and means of protection. As a result, we were able to arrive at a number of conclusions that determine reviewing gender rights is necessary to address this grave disparity and prevent going back to the beginning, as was the case with women's rights. The following is a summary of these findings:

- Infringement of men's rights in the field of personal status, especially in the matter of guardianship in marriage, authority, and the duty of spending, in addition to infringing on men's rights in inheritance, the right to have multiple wives, and the right to custody. Accusing men of being the only ones who resort to violence, both physical and moral, without women.
- Detracting from the political rights and holding of jobs and senior positions for men by adopting the principle of parity at the expense of the principles of equality, equal opportunities, and merit or competence that they possess.
- In the field of legislation, women urged special legislation of an international and national nature, which men did not.
- The international community and national governments rushed to establish special bodies to monitor women's rights, and in doing so they neglected to create bodies concerned with monitoring men's rights, leaving the recognition and protection of men's rights to public bodies for the protection of human rights, in which both sexes participate on an equal basis.
- Confusing the concept of women's rights and women's freedom.

In order to bridge this gap and raise the imbalance in rights between the sexes, we believe that it has become necessary to reconsider those rights that men enjoy and the mechanisms for protecting them, such as developing special legislation concerned with men's rights, and establishing devices that track men's enjoyment of their rights and protect them, just as is the case for women. In addition to adopting the idea of violence practiced against men and how to reduce it, among the solutions is also a return to competition between men and women on the basis of equality and



equality so as not to destroy the basic principle from which the idea of building human rights began in terms of recognition, enjoyment and protection that all societies seek.

Footnotes

¹Discrimination against women is based on gender. For more information, see: Jamal Fasmiyeh, Prevention of Discrimination in International Human Rights Law and its Effects. New University House, Alexandria, Egypt, 2014, pp. 139 to 146.

²Muhammad Al-Ghazali, Human Rights between the Teachings of Islam and the United Nations Declaration. Dar Al-Ma'rifa, Algeria, 2001, pp. 84-94.

³ Muhammad Al-Ghazali, pp. 182-183.

⁴Convention on the Elimination of All Forms of Discrimination against Women, issued by the General Assembly pursuant to Resolution No.: 34/180 dated: December 18, 1979.

⁵Blue Tucker - Yousfi Zahira, **(Women's rights in Islam and international law: a comparative study)**. Journal of Legal and Political Research, Volume: 03, Issue: 01, 2021, p. 333.

⁶ Look at the corruption of the foster carer's morals: Hadfi Basma, Lamouchi Adel, **(The corruption of the custodian's morals and its impact on the right to custody - a study in the light of Algerian jurisprudence and law supported by the jurisprudence of the Supreme Court)**. Journal of Legal and Political Thought, first issue, 2023.-

⁷For information on the topic of violence against women, see: Baghdad Bay Abdul Qadir, **(Violence against woman reading Analytical In fact Pension And explore ways opposition)**. Mediterranean Thought Magazine, Issue: 02, 2017.

⁸See: Convention on the Political Rights of Women Adopted and opened for signature, ratification and accession by resolution of the General Assembly United Nations 640 (VII) of 20 December 1952 Date of entry into force: 7 July 1954, in accordance with the provisions of Art6

⁹See: Text of Article 68 of the Algerian Constitution issued pursuant to Presidential Decree No.: 20-442 of December 7, 2020, Official Gazette, No. 82.

¹⁰The Committee on the Elimination of Discrimination against Women is a body of independent experts that monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women by States Parties. The committee consists of 23 experts in the field of women's rights from all over the world.

The Convention on the Elimination of All Forms of Discrimination against Women is a tool that helps women around the world make a difference in their daily lives. In countries that have ratified it, the Convention has proven invaluable in addressing the effects of discrimination, which include violence, poverty and lack of legal protection, as well as denial of inheritance, property rights and access to credit..

See website: www.ohchr.org day: March 14, 2020: Time: 19:36.

¹¹Muhammad Youssef Alwan, Muhammad Khalil Al-Mousa, International Human Rights Law (Sources and Means of Control), first edition, part one, Dar Al-Thaqafa for Publishing and Distribution, Amman, Jordan, p. 253.