



Violence against Women: Human Rights Perspective

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Abstract: *The concept of human rights and duties is perhaps as old as the civilization. Whether entitled under specific provisions or names, mankind has always enjoyed certain basic freedom and rights. The extent and the proportion of these rights enjoyed by the people have never been universally uniform. It varied from time to time, place to place, person to person depending upon the prevailing politico-religious and cultural settings and situations of the time. The idea of rights and duties has grown along with the growth of civilization. In present times it has under-gone metamorphism, encompassing all kinds of rights, ensuring the welfare and of human beings transgressing all kind of boundaries: physical territorial, religious, political, culture, gender, colour or race. Today the idea of Human Rights has gained such a momentum the every nation- state guarantees certain basic rights to its citizen to ensure their individual and collective well being. Despite such guarantees, there is exploitation, discrimination and violation of basic Human Rights. The reality is that it is the woman who is discriminated, exploited and denied such freedom and privileges which are available to their countries.1 Human Rights education is one of the imperatives that women must adopt.*

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I. INTRODUCTION

Human Rights are universal and indivisible, and that the violation of even one single human right of women is a violation against humanity. Women's equal dignity and human rights as full human beings are enshrined in the basic instruments of today's international community. From the charter of the united nation's endorsement of the equal rights of men and women, to the Universal declaration of Human Rights and the subsequent intentional treaties and declarations, the rights of women are central to our vision of a democratic society.

But the fine words of these documents and of the Vienna declaration in 1993 and declaration of Beijing in 1995 stand contrast to the daily reality of life for millions of women. Of the 1.3 billion people living in poverty, 70 percent are women; female illiteracy is invariably higher than male illiteracy. Women and girl- children are treated as commodities in cross-border prostitution rackets and the pornography industry.2

Significant number of the world's population is routinely subject to torture, starvation, terrorism, humiliation mutilation and even murder simply because they are female. Crimes such as these against any group other than women would be recongnized as a civil and political emergency as well as a gross violation humanity.3 Women in every country are regular victims violence. In many countries, women lack access to reproduction health care and every day women are targeted in armed conflicts. Women's economic, social and culture rights continue to be neglected.4

Women's human rights are violated in a variety of ways. of course, women sometimes suffer abuse such as political repression that are similar to abuse suffered by men. In these situations, female victims are often invisible, because the dominant image of the political actor in our world is male. However, many violations of women's human rights are distinctly connected to being female- that is, women are discriminated against and abused on the basis of gender.5

In those days of globalization, the global picture of women in most ignoble and inequitable. Women constitute 50 per cent of the world's population and account for 66 per cent of the work done, but they have only a share of 10 per in the world's income and own one percent of the world's property.6

In the early stages of civilization in societal customs were rather crude. Refinement came with the passage of time. Gross injustices to women were rectified. Sati was abolished. Child marriages were made illegal. Social stigma attached to widowhood was removed. Widows found the climate changing in favour of their remarriage. Domestic violence and eve-teasing because punishable crimes. The ignominious dowry system came under the stern scrutiny of law. Yet, violence against women continues.7

Violence affects the lives of millions of women worldwide, in all socio-economic and educational classes. It cuts across cultural and religious barriers, impeding the right of women to participate fully in society. Violence against women takes a dismaying variety of forms, from domestic abuse and rape to child marriage and female circumcision. All are violations of the most fundamental human rights. Women are denied human rights from the cradle to the grave.8



We as a country are committing everyday in eliminating our daughters through sex selection or burning young brides because they could not bring enough 'dowry' or simply, the rising graph of violent crimes against women, it is now large in different to these crimes being played out every day.

And that is why the mayhem that unfold in a pub in the once idyllic coastal town of Mangalore in Karnataka where young girls were brutally assaulted, openly molested and physically injured and overpowered by a bunch of goons who claimed to be part of an organization called the Sri Ram Sene certainly angers us but does not surprise. It is yet another dagger through our broken hearts.⁹

Violence against women is compounded by discrimination on the ground of race, ethnicity, sexual identity, social status, class, and age, such multiple forms of discrimination further restrict women's choices. Increase their vulnerability to violence and make it even harder for women to obtain justice.

II. THE DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN

Article 1 states that 'violence against women' means any Act of gender based on violence that results in, or is likely to result in, physical, sexual or psychological harm on suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Article 4-C further asserts that states have an obligation to exercise due diligence to prevent, investigate and in accordance with natural legislation, furnish acts of violence against women, whether those acts are perpetrated by the state or by private persons.

III. THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Article 1 defines discrimination against women as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality between men and women, of the human rights or fundamental freedoms in the political, economic, social, cultural, civil or any other field.¹⁰

Article 1 provides a comprehensive definition of discrimination which is then applicable to all provisions of convention. In contrast to the international Bill of Human Rights, which simply refers to "distinction" or "discrimination" on the basis of sex, Article 1 gives a detailed explanation of the meaning of discrimination specifically against women. Such discrimination encompasses any difference in treatment on the grounds of gender which:

Intentionally or unintentionally disadvantages women;

Prevents society as a whole from recognizing women's rights in both the domestic and public spheres.

Prevents women from exercising the human rights and fundamental freedoms to which they are entitled.¹¹

In a number of countries throughout the world, women are denied their basic legal rights, including the rights to vote and the right to own property such instances of legally entrenched differentiation will be easily identified as discriminatory.

At the same time, not every differentiation will constitute discrimination. The definition set out in Article 1 makes it clear that in addition to establishing the criterion of differentiation (sex), it is also necessary to consider the outcome of the differentiation. If the result is nullification or the differentiation is discriminatory and therefore prohibited under the convention.

In 1992, the committee on the elimination of Discrimination against women extended the general prohibition on sex discrimination to include gender-base violence.¹²

Article 2 states that violence against women shall be understood to encompass, (a) physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, on-spousal violence and violence related to exploitation. (b) physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution. (C) physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.¹³

IV. VIOLENCE AGAINST WOMEN: A HUMAN RIGHTS VIOLATION

Violence against women is an obstacle to the achievement of the objectives of equality, development and peace, violence against women violates and impairs the enjoyment by women of their human rights and fundamental freedoms. Violence against women is rampant in all corners of the world. Such violence is a human rights violence that manifests itself in a number of ways, including violence against women in custody, acid burning and dowry deaths, female foeticide, domestic violence, female genital mutilation.



V. CONCLUSION AND SUGGESTION

Despite progress world wide guaranteeing the enjoyment of human rights without discrimination on the basis of sex, we still see in India, economic, social and cultural rights are not significantly enjoyed by women because as a groups, they are disproportionately affected by poverty, and social and cultural marginalization.

Development international laws to protect humanity against rights violations, regulate, set and interpret standards and norms and call attention to the potential human rights infringements.

Women development must be gender sensitive, law must fully include women, and women must understood human rights as relevant to their daily lives and their family's daily lives. Women must move from the private to the public sphere and participate in weaving a viable economic future for their communities in which they have full say. This is imperation.

Women must lead the human rights resolution. We women have the energy and insight for changing the world with the men who wish to join in as equal.

Furthermore, there are no human rights without economic rights and economic development must be within the human rights conditionalities and, women are central to development and must be fully included in all the decision making process.

We believe that the economic, social and cultural rights and civil and political rights are particularly in divisible and interconnected in the live of women. In equality in economic, social and cultural rights undermines women's ability to enjoy their civil and political rights, leading them to limit their capacity to influence decision and policy making in public life. Since "all human rights are universal and interdependent and interrelated", equality in civil and political rights is undermined unless equality in the exercise and enjoyment of economic, social and cultural rights is secured.

Right to education implies the right to information about law, health care and opportunities in different fields of activity including the right to a carrier. Only when this right is protected one can expect to have a congenial atmosphere for the practices and promotion of human rights of women. According to first prime minister of India, Nehru he said to awake the people, it is the women who must be awakened, once she is on the move, the family moves, the village moves and the nation moves.

Even when education is free, there are many costs to attending a school including uniforms, textbooks and participation in social activities of the school. Added to this is the opportunity cost of sending girls to school when they could be helping at home with household work or with family's income-earning activities.

This also explains the higher school drop out rate for girls when they are growing up, since their opportunity cost far staying at school keeps increasing for their families.

The supply side factors such as lack of conveniently located schools, flexible hours, irrelevant curricula, non availability of female teachers and the absence of single sex schools play an even greater role in preventing girls from enrolling in schools. The location of a school is an important factor affecting parents decision. Longer distance is often perceived as a threat to a daughter's security and might make the parents reluctant to send their daughters to school,. Education helps a person grow cognitively, intellectually and emotionally and enables a person to take right decisions on the basis of logic and reason. Women are empowerment and their human rights protected and promoted in India. If we concentrate on education the girl child who is often discriminated against and whose rights are relegated to background in comparison to those of the male child and the irony of all this is that she is not even aware of the prevailing situation which undermines her worth as an individual and makes her a second grade citizen. So education is a need because the children of educated mothers improve their capabilities and thereby enlarge their choices enjoying long and healthy life, educated environment and having access to better educated qualifications.

Despite the constitutional guarantee of quality of sexes, rampant discrimination and exploitinal of women continues. The incidence of bride burning woman bettering, molestation and ill treatment of women are on increases. Their discrimination and exploitation in father's house, in law's abode and at work place are still the order of the day. It is through education and education only that the grand finale in all acts of discrimination against the girl child, the act of female feticide and infanticide [femicide] aimed to remove from the face of the earth the very womb from which was born the man, can be stopped from being played to the detriment and irrevocable harm to human kind. The real and viable solution to this discrimination against the girl child lies in education.

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