



Human Rights Violation Against Women and Their Nature

Dr. N. Venkat Ram

Post Doctoral Fellow, Department of Economics, Acharya Nagarjuna University, Nagarjuna Nagar, Guntur District, Andhra Pradesh, India.

ShivamSakshi

Pursuing MBA, Department of management, INDIAN INSTITUTE OF INFORMATION TECHNOLOGY AND MANAGEMENT, Gwalior Madhya Pradesh.

KEYWORDS :

Introduction:

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

Human rights violation against women:

"Violence against women is perhaps the most shameful human rights violation. And it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace". (Kofi Annan, Secretary-General of the United Nations. 8th March, 1999.)

Violence against women and girls continues to be a global epidemic that kills, tortures, and maims – physically, psychologically, sexually and economically. It is one of the most pervasive of human rights violations, denying women and girls equality, security, dignity, self-worth and their right to enjoy fundamental freedoms.

Definition of violence against women:

There is no universally accepted definition of violence against women. Some human rights activists prefer a broad-based definition that includes "structural violence" such as poverty and unequal access to health and education. Others have argued for a more limited definition in order not to lose the actual descriptive power of the term. In many cases, the need to develop specific operational definitions has been acknowledged so that research and monitoring can become more specific and have greater cross-cultural applicability.

The United Nations Declaration on the Elimination of Violence Against Women (1993) defines violence against women as

"any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life".

This definition refers to the gender-based roots of violence, recognizing that "violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men". It broadens the definition of violence by including both the physical and psychological harm done towards women, and it includes acts in both private and public life. The Declaration defines violence against women as encompassing, but not limited to three areas: violence occurring in the family, within the general community, and violence perpetrated or condoned by the State.

Scale and dimensions of the problem:

The World Health Organization estimates that over one in three women globally will be beaten, raped or otherwise abused in her lifetime. Violence against women is present in every country, cutting across boundaries of culture, class, education, income, ethnicity and age. Even though most societies proscribe violence against women, the reality is that violence against women's human rights are often sanctioned under the grab of cultural practices and norms or through misinterpretation of religious tenets. Moreover, when the violation takes place within the home, as is very often the case, the abuse is effectively condoned by the tacit silence and the passivity displayed by the state and law-enforcing machinery.

The global dimensions of this violence are alarming, as highlighted by studies on its incidence and prevalence. No society can claim to be free of such violence. The only variation is in the patterns and trends that exist in the countries and regions. Specific groups of women are more vulnerable including minority groups, indigenous and migrant women, refugee women and those in situations of armed conflict, women in institutions and detention, women with disabilities, female children and elderly women.

Forms of violence against women:

1. Violence occurring within the family:

a) Domestic violence:

Domestic violence is a very serious and widespread problem. It includes physical and sexual violence, usually accompanied by psychological abuse. It is estimated that 10% to 50% of women have suffered this kind of violence. A study by the United States Centre for Disease Control and Prevention revealed that battery is the greatest single cause of injury among American women accounting for more emergency room visits (over one million for year) than car accidents, muggings and rapes combined.

b) Female Genital Mutilation (F.G.M.)

It has been estimated that nearly 130 million women worldwide have undergone FGM and that approximately two million undergo the procedure every year. It can lead to death, infertility and long term psychological trauma combined with extreme physical suffering.

c) Dowry-related violence:

Even though India has legally abolished the institution of dowry, dowry-related violence is actually on the rise.

d) Early marriages:

Early marriage, with or without the consent of the girl constitutes a form of violence as it undermines the health and autonomy of millions of young girls.

e) Acid attacks:

Sulphuric acid has emerged as a cheap and easily accessible weapon to disfigure and sometimes kill women and girls for reasons as varied as family feuds, inability to meet dowry demands and rejection of marriage or love proposals.

f) Killing in the name of 'honour':

Women can also risk abuse from family members in accordance with

socially accepted notions concerning “family honour”. According to Un Special Rapporteur on Violence Against Women, thousands of women and girls are killed by members of their own families every year in order to restore family honour.

2. Violence occurring within the general community and at the work place:

a) Sexual harassment:

Sexual harassment at the work place and in educational institutions is currently one of the most serious hazards. Young people are especially vulnerable to work place exploitation. Employers abuse their authority to seek sexual favours from their female co-workers or subordinates. According to the International Labour Organisation, about 250 million children aged between five and fourteen and living in developing countries are subjected to forced labour. Girls in particular are subjected to extreme exploitation through illegal and informal work. As domestic workers, carpet weavers, industrial workers or prostitutes, these girls are at the mercy of their employers and have little prospect of a better future.

b) Prostitution and Human Trafficking:

Many women are forced into prostitution either by their parents, husbands or boyfriends – or as a result of the different economic and social conditions in which they find themselves. A large number of women are exploited through modern form of slavery human trafficking, is a flourishing trade that is comparable with the global drugs and arms trade in its magnitude. Recent I.L.O estimates suggest that the annual earnings gained specially from this form of trafficking could be as high as 27.8 billion US dollars (ILO,2005).

c) Violence against women migrant workers:

Female migrant workers typically leave their countries for better living conditions and better pay. But migrant workers themselves fare bad by and sometimes tragically. Many become virtual slaves, subject to abuse and rape by their employers.

3. Violence perpetrated or condoned by the State:

a) Virginitiy test:

In some countries, girls are forced to undergo a virginitiy test if they are victims of sexual assault or if they want to do special training or certain jobs. Recently virginitiy testing is seen as a way to curb women's sexual activity before marriage and, therefore, as a means of combating the HIV/AIDS epidemic. This is particularly common in Africa.

b) Custodial violence against women:

Governments can also condone violence against women by tolerating the existence of institutionalized forms of violence within its various institutions. This is particularly true in relation to the police force. According to Amnesty International, thousands of women held in custody worldwide are routinely raped in Police detention centers.

c) Violence against women in the situations of war and armed conflicts:

Civilians become victims of wars and armed conflicts. As a recurrent deliberate act of war, women and girls are systematically raped to destroy the dignity or even the existence of people. Using sexual violence as a war strategy, militant groups not only aim to cause pain to women and girls, they also target their fathers, husbands or sons, by seeking to prove to them that they are unable to protect their daughters, wives and mothers. Spreading HIV/AIDS can also form part of these warstrategies.

d) Violence against refugee and displaced women:

According to the United Nations High Commissioner for Refugees, around 80 percent of all refugees are women and children. Mass rape has been extensively documented in recent civil conflicts and has been used systematically as an instrument of torture or ethnic domination.

CAUSES OF VIOLENCE AGAINST WOMEN:

There is no one single factor to account for violence perpetrated against women. Several complex and interconnected institutionalized social and cultural factors have kept women particularly vulnerable to the violence directed at them, all of them manifestations of historical-

ly unequal power relations between men and women.

Factors that perpetuate violence against women:

Social and Cultural Factors:

- Gender specific socialization
- Cultural definitions of appropriate sex roles
- Expectations of roles within relationships
- Belief in the inherent superiority of males
- Values that give men proprietary rights over women and girls
- Notion of the family as the private sphere and under male control
- Customs of marriage (bride price/dowry)
- Acceptability of violence as a means to resolve conflict

Economic Factors:

- Women's economic dependence on man
- Limited access to cash and credit
- Discriminatory laws regarding inheritance, property rights, use of communal lands and maintenance after divorce or widowhood
- Limited access to employment
- Limited access to education and training for women

Legal Factors:

- Lesser legal status of women either by written law and / or by practice
- Laws regarding divorce, child custody, maintenance and inheritance
- Legal definition of rape and domestic abuse
- Insensitive treatment of women and girls by police and judiciary

Political Factors:

- Under representation of women in power, politics, the media and in the legal and medical professions
- Violence against women not taken seriously
- Notions of family being private and beyond control of the State
- Risk of challenge to status quo/religious laws
- Limited organization of women as a political force
- Limited participation of women in organized political system

Consequences of Human Rights Violence against Women

1. Denial of fundamental human rights:

Perhaps the most crucial consequence of violence against women and girls is the denial of fundamental human rights to women and girls.

2. Human development goals undermined:

There is a going recognition that countries cannot reach their full potential as long as women's potential to participate fully in their society is denied. Data on the social, economic and health costs of violence leave no doubt that violence against women undermines progress towards human and economic development.

3. Health Consequences:

Violence against women leads to far-reaching physical and psychological consequences, some with fatal outcomes.

While physical injury represents only a part of the negative health impacts on women, it is among the more visible forms of violence. Sexual assaults and rape can lead to unwanted pregnancies, and the dangerous complication that follow from resorting to illegal abortions. Girls who have been sexually abused in their childhood more likely to engage in risky behavior such as early sexual intercourse, and are at greater risk of unwanted and early pregnancies. Women in violent situations are less able to use contraception or negotiate safer sex, and therefore run a high risk of contracting sexually transmitted diseases and HIV/AIDS.

The impact of violence on women's mental health leads to severe and fatal consequences. Battered women have a high incidence of stress and stress-related illness such as post-traumatic stress syndrome; panic attacks, depression, sleeping and eating disturbances, elevated blood pressure, alcoholism, drug abuse and low self-esteem. For some women, fatally depressed and demeaned by their abuse, there seems to be no escape from a violent relationship except suicide.

EFFORTS TO COMBAT VIOLENCE AGAINST WOMEN:

At present, there are a large number of international agreements and national laws that prohibit gender-based discriminations and violence against women and girls. This achievement was brought about by long persistent lobbying by women's and Human rights organizations.

At the beginning of the UN Decade for Women (1975-1985) violence against women had not yet developed as an issue. Even the 1979 Convention on the Elimination of All Forms of Discriminations against Women (CEDAW) did not initially include any specific provisions relating to violence. In 1992, the CEDAW committee finally adopted General Recommendation No. 19 on "violence against women".

During the World Conference on Human Rights at Vienna in 1993, women's NGOs from all over the world mobilized and were successful in bringing about the formal acknowledgement of violence against women as a human rights violation. This position has been reaffirmed at the Cairo Conference on Population and Development (1994), the World Conference on Women in Beijing (1995) as well as each of the subsequent world summits. Thus the rights of women and girls form an inalienable and fundamental part of the universal human rights framework. The General Assembly of UN adopted the Declaration on the Elimination of Violence Against Women (1993). The Declaration essentially contributed in making violence against women an issue of public concern.

In 1994, the United Nations Organization appointed a special Rapporteur on violence against women. Optional Protocol to CEDAW also came into force at the end of the year 2000. The UNO Protocol to Prevent, Suppress and Punish Trafficking in persons, especially women and children entered into force at the end of the year 2003, providing a key supplement to the Convention on Transnational Organized Crime. In the year 2004, the UNO appointed a Special Rapporteur on trafficking in persons, with a particular responsibility for addressing trafficking issues concerning women and children.

CONCLUSION:

A lot has been done in last two decades to bring violence against women and girls into the public consciousness and to ensure that it is no longer treated as a taboo or private matter. A milestone was the UN Conference on Human Rights in Vienna in 1993. The international community finally recognized the rights of women as fundamental human rights. Since that time the international community understands violence against women and girls as a human right's violence. Since then, the international commitment to counteract gender based violence has increased and innovative work has been accomplished in many countries.

Combating and eradicating human rights violation against women require enhanced and concerted efforts to protect women at the local, national and international levels. Any approach designed to combat violence must be twofold, addressing the root cause of the problem and treating its manifestations.

As UN Secretary-General, Ban Ki-moon rightly said on 8th March, 2013:

"All of us- men and women, soldiers and peace keepers, citizens and leaders- have a responsibility to help end violence against women".

States have tended to adopt a positive attitude when confronted by cases of violations of women's rights. State responsibility is clearly underlined in article 4 of the Declaration on the Elimination of Violence Against women, which stipulates that "States should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or private persons".

Society at large, including judges and police officers, must be educated to change the social attitudes and beliefs that encourage male violence. Combating violence against women requires challenging the way that gender roles and power relations are articulated in the society. Raising awareness of the issue of violence against women and educating boys and men to view women as valuable partners in life, in the development of a society and in the attainment of peace.

It is also important in order to prevent violence that non-violent means be used to resolve conflicts between all members of the society.

Breaking the cycle of abuse will require concerted collaboration and action between governmental and non-governmental actors including educators, health care authorities, legislations, the judiciary and the mass media.

REFERENCES

1. Amnesty International- 'it's in our hands. Stop violence against women'. London, 2004. | 2. Benninger- Budel C. and Lacroix A. (1999), Violence against Women: A Report. Geneva: World Organization Against Torture. | 3. Heise, L. et al. --- Violence against Women : The Hidden Burden, world bank Discussions Papers No. 155. Washington (DC), 1994. | 4. Lockwood, B. (ed.). 2006. Women's Rights: A Human Rights Quarterly Reader, Baltimore: Johns Hopkins University Press | 5. State of the world's children 2000, New York: UNICEF, 2000. | 6. The Human Rights Watch Global Report on Women's Human Rights, New York. | 7. UN General Assembly Resolution 48/104 of 20 December, 1993. | 8. United Nations Department of Public Information, DPI/1772/HR- February 1996 | 9. Violence against women - Wikipedia, the free encyclopedia. | 10. World Health Organization (1996) 'Violence Against Women'. WHO Consultation, | Geneva. | 11. WHO (2005), "who Multi-country study on Women's Health and Domestic Violence | Against Women: Initial Results on Prevalence, Health Outcomes and Women's Responses. |