

Violation of Women's Human Rights

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Abstract

Human rights are those rights and conditions conferred to human beings by virtue of being human. Human rights are commonly understood as those rights which are necessary to live a standard and decent life. Human rights are offered by the Universal Declaration of Human Rights in relation to matters such as security of person, slavery, torture, protection of the law, freedom of movement & speech, religion, and assembly, and rights to social security, work, health, education, culture, & citizenship etc. These rights are awarded to all human being on the basis of equality and these are equally available to all men and women irrespective of any differences. However, in the existing human rights framework violations of women's rights have been overlooked and their experiences have not been counted. Realization of discrimination against women within prevailing human rights framework has led to the growth of protests all over the world to recognize various rights specific to women's lives as human rights and violation of those as human rights violation. In my paper I will try to give a brief understanding of Human rights, Women's Human Rights and Gender-based violence against women as an issue of violation of women's human rights.

Keywords: Human Rights, Gender, Women, Violation, Abuse

1. Introduction

All human beings- men and women- are created equally and endowed by their creator with certain inalienable rights. These are commonly understood as human rights. Human rights are offered by the Universal Declaration of Human Rights (UDHR) in relation to matters such as security of person, slavery, torture, protection of the law, freedom of movement & speech, religion, and assembly, and rights to social security, work, health, education, culture, & citizenship. It clearly stipulates that these human rights apply to all equally 'without distinction of any kind such as race, color, sex, language... or other status'. Rights are claimed by virtue of their humanity and those are inevitable for their survival and development. Based on their claims, UDHR assured rights for all human being, equally applicable for women also.

2. Women's Human Rights: Why not only Human Rights

It's a known fact that all human beings are born with equal dignity and everyone must enjoy rights equally. Women though created equal, were subjected to numerous discrimination in the process of enjoying their rights. Since beginning, women are being less benefited in the prevailing mainstream human rights framework and

by the existing mechanisms. Though it was framed as non-discriminatory and available for women, women and their experiences were almost non-existent. 'Tradition, prejudice, social, economic and political interests have combined to exclude women from prevailing definitions of general human rights and to relegate women to secondary and or special interests status within human rights considerations'. In formulation of gender-neutral mainstream human rights, participation of women were very less which resulted in exclusion of many issues of central concern to women. Furthermore, the strict division of public and private spheres always restricted women from gaining the benefits within the human right framework.

Human rights framework, which got the legal status after UDHR, did not consider the violation occurred in relation to non-state actors, communities and religions. Regulation were imposed in cases of violation occurred in public spheres, but violation within private spheres were not counted or left out of the execution. This was the greatest lacuna in the mainstream human rights framework because private sphere namely home or family is not always a place of protection for women. Women suffer a lot in family and their rights are violated by family members. Incidents of domestic violence, marital rape, negligence, deprivation related to food, care and safety etc. are examples of clear violation of rights and dignity of women. But these incidents are exempted

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from the regulation of human rights framework in the name of family privacy, culture, religion etc. Though rights were made equally available for men and women by UDHR on ground of being human, women lag far behind men. Gender-equality, a special feature of UDHR did not work properly. This principle has been violated in everyday practices and women have to face discrimination in their day-to-day lives and that discrimination and violation remained unaddressed by the UDHR.

As stated above due to various factors human rights framework has always been discriminatory towards women and their rights. The discrimination faced by women is the reason that finally led to the growth of a new concept- 'women's human rights' during women's movement of 1970s-80s. Women claimed and fought for rights that are inherently their by virtue of being human. Women movements tried to give greater visibility to hitherto invisible women and their experiences and also to improve their status via strong and wide movements. To bring those violation and abuses into the fold of human rights framework and to look into the gender-specific dimension of human rights violation of women, attempts were taken up all over the world during 1970-80s via women's movements. The important point was to look into the concept of human rights from women's perspective to minimize the abuse and secure rights for the half of female citizen of world. Human rights framework specially focused on state's relationship with citizens and left the private and community sphere untouched where women are violated more and taking up this point women's movement started pressurizing the own governments as well as international organizations like UN to consider women's right as human right and its violation as an issue of international concern.

Women's human right was one of the central terms used widely during these movements. Women are human so they have human rights. This is a simple sentence and nullifying it is impossible because for that one has to prove women not to be a human being. Women's movements provided a new framework to incorporate various experiences and rights of women in various situations and develop policies or plans for bringing better changes to lives of women to give them their due status as human being. The movement to establish women's right as human right became more coordinated during 1990s. The outcome of demands by women's groups came in the form of a few new international treaties/ mechanisms to protect and ensure women's human rights namely Vienna Conference, CEDAW etc. Women keep on using international conferences in their attempts to get women's rights recognized as human rights.

3. Violence against women

Violence against women refers to all the violent acts that are carried out against women simply because they are

women. The pushing factor behind acts of violence against women is their gender. The very root of such acts lays in prevailing patriarchal social structure where power plays important role and women are the worst victims of the power-play. Gender-based violence reflects the existing power asymmetry between men and women, which further perpetuates the subordination and devaluation of the women. Other factors like culture, religions etc too contribute towards violence against women. According to UN, VAW is 'violence that is best understood through a gender framework as it is partly the result of gender relation in society that assumes men to be superior and women as inferior', and this unequal power relation in society leads to violence against women in the form of domination and discrimination. CEDAW states that gender based violence is a form of discrimination that inhibits a woman's ability to enjoy rights and freedom on the basis of equality with men. UDHR defines rights as 'belonging to all human beings' irrespective of gender. But inspite of having international agendas, declaration, work-plans, VAW are occurring in an increasing rate hampering the basic human rights of women guaranteed by constitutions. VAW is a problem that is prevalent all over the world in all countries, all cultures and every strata of society. It is a widespread and serious crime that too long has been invisible within politics, legal systems and human rights agenda. While it has taken several decades to bring women's rights to the forefront in the United Nations, it has taken the UN system even longer to address the problem of violence against women.

Gender-based violence can take many forms and, depending on the type of relationship that is its context and the type of power being exerted, this crime may therefore fall into any of the following categories: rape and incest, sexual harassment at work or at school, sexual violence against women detainees or prisoners, acts of violence against displaced women, trafficking in women and domestic violence. The last form is more prevalent than reported. It is because such crimes occur in intimate relationship or by related/ known persons in private spaces.

4. Violence against women and Human Rights Violation

Violence against women is the most pervasive yet least recognized human rights violation in the world. The women's movements all over the world occurred for recognizing VAW as women's human rights violation due to the adverse consequences of those directly hampering women's lives. To save women from subordination and secure their due status is the main aim of considering human rights from a feminist perspective including women's experiences.

Here is a brief description of how VAW actually lead to violation of women's human rights and how important it is to consider VAW from human rights perspective.

a. Violence against women and Equality: Constitution of India grants equality to all the citizens irrespective of their caste, sex, race, creed and others. VAW mainly affects women's right to equality. VAW results in due to women's gender and secondary status in the power hierarchy. Occurrence of these acts ensures their subordination and inequality status in society. Forcing women into subordination attacks their basic dignity as human being. Thus violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms.

b. Violence against women and Women's health: Violence against women is a profound health problem. Violence against women affects women physically, psychologically and sexually. Violence against women weakens women's energy, compromising their physical health, and eroding their self-esteem. In addition to causing injury, violence increases women's long-term risk of a number of other health problems, including chronic pain, physical disability, drug and alcohol abuse and depression. Women with a history of physical or sexual abuse are also at increased risk for unintended pregnancy, sexually transmitted infections (STIs), and adverse pregnancy outcomes.

c. Violence against women and culture: Sometimes cultural practices also hamper women's rights. Practice of female genital mutilation has a very strong cultural sanction and it is prevalent widely in African counties. Women and girls who are subjected to FGM are exposed to short and long term effects on their physical, psychological, sexual and reproductive health. FGM is a violation of the right to enjoyment of the highest attainable standard of physical and mental health. This practice of controlling women's health and body is a direct violation of their sexual rights and reproductive freedom. Furthermore it prevents women from advancement and full participation in society because of the painful short and long term effects.

d. Violence against women and economic independence: Violence against women restricts women in all areas of social life and their access to resources, services and activities. Violence against women in workplace hampers women's work participation and their contribution towards development of state. This way violence against women not only hampers the victim women but also the state's development. Violence against women is an additional reason for poverty of women and their children. It is also a reason for so called hidden homelessness of women and their children, who have to move to safe houses, maternity homes or to their relatives' homes. Thus violence against women restricts women from enjoying a sound economic life and violates their right to just and favourable conditions of work.

e. Violence against women and rights to protected life: Violence against women includes, but it is not limited to violence occurring in the family, marital rape or rape in

a relationship, other sexual abuse, sexual harassment at work, trafficking in women and girls with intention of sexual and other forms of exploitation, forced prostitution, sex selective abortion and infanticide of baby girls, forced or too early marriage, widow burning, honour killing, acid attacks, stoning, war rape, and other. All these forms violate women's right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

Conclusion

Violence against women is the most shameful human rights violation, and is the most pervasive. It does not consider any boundary economic, educational, racial or geographical and occurs in every strata of society. Despite progress made regarding women's human rights through the campaigning of women's organisations and activists, and despite governments adopting policies and legal reforms to eradicate it, women are still not safe from violence. This reflects the seriousness and danger of the issue of violence against women. The need of the time is to change the mindset of society to end violence against women and establish an equal society where both women and men can enjoy rights as equal human being.

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