

REGULATING CRUEL CONDUCTS AGAINST WOMEN ENSURING WOMEN'S HUMAN RIGHTS

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Abstract

Women are an essential part of society, but through corridors of time they had seen discrimination, exploitation and violation of their human rights. Women attain human rights by birth, which are violated by the society since many ages. Equality between men and women and eliminating all forms of exploitation and discrimination should be the major concern for development and empowerment of women around the world. Society around the world are considering women as a means of sexual pleasure as well as an instrument to carry on a generation, but a women is something more. Humanity should be the major concept of living, and human rights are irrespective of gender. Gender inequality is the major problem of human rights violation; women were treated as an instrument and were exploited by the majority groups in society. Women had seen a cruel type of human conduct against them like physical, mental and sexual abuse. Some women had raised their voice against such type of deviant behavior towards them which inspired other women too. This lead to 'Universal declaration of Human Rights' in 1948, no discrimination should be made on the basis of gender all are equal. For eliminating all kinds of discrimination against women, requires a comprehensive understanding of the ways in which women face discrimination and exploitation.

This paper aims at the problems women had faced through corridors of time and how to protect women right as well as to which extent work for women human rights had been done yet.

Keywords: Human rights, right to equality, right to life, Universal Declaration of Human Rights, 1948.

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Introduction

Women as an important part of society should know to and aware of their rights as well as others should value too. Eliminating all forms of discrimination and attaining equality between men and women are fundamental human rights which should be valued by all the nations. Many countries has given rights especially for this social group for their empowerment and also international as well as national organizations were working out to ensure rights for women, as they were also humans. This society could work properly by the coordination of men and women no one is superior. Human rights are those rights which are claims of an individual by birth. Women had struggle a lot to achieve this goal of equality by raising their voice and fighting against discrimination many Asian countries were prominent in exploiting women in the name of culture and ethics. Women in modern times are entering into certain new fields that were unknown to the women sphere of role-sets. They are activating participating in social, economic, and political activities. But majority of our women are still content to accept an inferior status.

Misconduct against women in Indian society

Violence against women has become an important issue in our country. Due to continuous increase in violence report during 2008-2012¹, media and politicians have placed focus on this topic. NCRB added three more heads under which cases of crime against women have been reported in 2014. These include attempt to commit rape (4,234)², abetment of suicide of women (3,734)³ under section 306 of Indian Penal Code and protection of women from domestic violence (426)⁴.

In every two minute, a crime is committed against women in 2014. According to Indian men, women should tolerate violence in order to keep the family together. This is the most disgust mentality of Indian society. The International Men and Gender Equality Survey (IMAGES) questionnaire report that states 24% of Indian men had committed sexual violence in their lives. From dowry death, honor killings, female infanticide/feticide, rape, forced prostitution to acid attack has been done against women. A murder or suicide of a women is caused by a dispute over her dowry is called dowry deaths and when it is done by setting a

¹ <http://ncrb.gov.in/CD-CII2012/cii-2012/Chapter%205.pdf>, National Crime Records Bureau, 2013.

² <http://ncrb.nic.in/StatPublications/CII/CII2014/chapters/Chapter%205.pdf>

³ *Supra* note 1.

⁴ *Supra* note 2.

woman on fire, it is called bride burning. Dowry is illegal in India but still it conducted by the family of bride to keep groom's family happy and satisfied by giving them expensive gifts. It is the most common practice in India. Even well educated people give dowry to the groom and in his family. The highest numbers of dowry cases are in Uttar Pradesh (23,824) and Bihar (13,548). One more crime, honour killing are rooted to tradition and cannot be justified by any major world religion, because none of the major word religion condone honour-related crimes. Northern regions of India are the most prominent areas where honour killings take place.

In India, birth of a female child is considered to be social and economic burden for her parents. Female infanticide is another crime done by the parents to get rid from a girl child. There was increase in the no. of sex-selective abortion in the 1990s than 2000s. Significantly more abortion occurs in rural areas as compare to urban areas when the first child is female. People should understand this that whether it is a girl or a boy, it is a gift of god which should be accepted by their parents. Now, one of the most common crimes against women in India is rape. Rape is the most gruesome and barbaric act of violating bodily integrity and honor of a woman. It destroys the entire physical and mental composure and pushes the victim into a deep emotional crisis and reduces her to a living corpse⁵. In India, the National Crime Records Bureau (NCRB) has an even more horrifying statistic to share-every 20 minutes, a woman is raped somewhere in India.⁶ A rape can become a nightmare in a life of any woman. Women are not safe in their own house as their own husbands force them to have sex without their concern and this act is called marital rape. Although it is not a crime in India but it is a social offence. Not only this, women are tortured in many other ways like domestic violence, forced prostitution and acid attacks. This is how women are treated in Indian society and it is a biggest shame for our society.

International and national instruments for protection of women's rights

All the instruments for protection of women's rights were brought by some active women. They struggled past many decades for ensuring equality in the entire field, but they outburst in the nineteenth century and this was how the first International

⁵ Jennifer S., *Rape, racism, and the law*, HARVARD J LAW GEND (1983; 6:103).

⁶ <http://timesofindia.indiatimes.com/city/delhi/One-rape-every-20-minutes-in-country/articleshow/22040599.cms>.

Council of Women was set up towards the end of nineteenth century. With some of the events women had made others to think on their issue of paycheck, reproductive rights, social security, Medicare policy, etc. leads to Universal Declaration of Human Rights adopted in 1948, ensuring rights for empowerment of women and spreading equality. “Everyone is entitled to all the rights and freedom set forth in this declaration without distinction of any kind such as race, color or sex”.⁷

These are some basic declarations for creating equality and ensuring women’s rights, something was yet lacking behind and then the concern of political rights were kept in mind for uplifting the status of women resulted in Convention on the Political Rights of Women (1953), ensuring right of a women to vote and to take part in the elections. All these conventions are some step forward for genuine equality but in 1879 Convention on the elimination of All Forms of Discrimination against Women was adopted and enforced on 3 September 1981. This created State obligation to regulate the cruel conducts against women. “Discrimination against women”⁸ can be seen in all over part of the world, main reason of this convention is to provide equality in nations. Offence against women makes a question on human dignity and was a direct offence against humans. This convention focuses on elimination forms of discrimination against women and to abolish such type of practices, customs and religious ceremonies which are affecting women or exploiting them. It is States obligation to abolish customs, practices and rituals which discriminates women from men.⁹

This also led to making of an appropriate legislation for protection of women’s rights in a nation. Many legislative developments by nations have been seen for empowerment of women. In India constitution has provided rights which gave liberty to the women, the fundamental right of “Right to Equality”¹⁰ had been laid down for equal opportunities for women in all fields of development. Indian not only ensures equality among men and women but also regulate the deviant behavior against some special categories of women like that of married women.¹¹ And also sates punishment

⁷ Universal Declaration of Human Rights, 1948, art. 2.

⁸ *Explained in* Article 1 of Convention on the Elimination of All Forms of Discrimination against Women.

⁹ Convention on the Elimination of All Forms of Discrimination against Women, art. 2.

¹⁰ INDIA CONST. art. 14.

¹¹ The Dowry Prohibition Act, 1961.

for the cruel conduct against women.¹² The state shall take all the appropriate measure to eliminate all forms of discrimination form field like political, social and cultural.¹³ Every time after marriage women had to suffer by the dominance of men this should be taken into concern for ensuring women’s rights because main problem of suppression of women began after marriage so women had given the right to change or restrain their nationality.¹⁴ Violence exploitation is like of some common words for women, they had faced a lot through corridors of time. Declaration on the eliminating of violence against women was again a boon for elimination of cruel conducts against women.¹⁵ Women were seen as an object by the society they were like a means of sexual pleasure in the eyes of men but this should not be like this, women were an essential part of our society and “violence against women”¹⁶ should be eliminated from all over part of the world. Violence has to be understood then only we could cure it, women’s right were violated in their family only all forms of violence sexual abuse, dowry related violence and even marital rape which was not considered as violence.¹⁷

This all violence’s should eliminate by the root, but for this women had to take step forward and raise their voice. First of all a protected environment should be created so that they can work and enjoy their other rights too, right to life, right to the highest standard of physical and mental health, right to security etc.¹⁸ It is State’s duty to condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women.¹⁹ This declaration not only bound others for abolishing the violence against women and to ensure equality but also gave other measures to work properly and shall not be affected by this declaration which is more effective in regulating cruel conducts against women.²⁰

¹² I.P.C. §§ 375, 376, 498,498A etc.

¹³ *Supra* note 9, at art. 3.

¹⁴ *Id.* at art. 9.

¹⁵ Declaration on the Elimination of Violence against Women, 1993.

¹⁶ Article 1 of the Declaration on the Elimination of Violence against Women explains the term “violence against women”.

¹⁷ *Supra* note 15, at art. 2.

¹⁸ *Id.* at art. 3.

¹⁹ *Id.* at art. 4.

²⁰ *Id.* at art. 6.

National regulations for protection of women

These international instruments alone could ensure women's rights nations also have to work on this matter. Regional instruments were also been imposed in many nations for empowerment of women. India is one of the countries whose women had struggled to gain their importance and now Indian women are towards way to success. Certain legislations were formed in India for protection of women's rights and specially for creating a good image in the eyes of common men,²¹ which created a decent representation of women. Not only these provisions but a number of more for protecting a special category of women which were exploited in number of ways in India. Exploitation and torture starts after marriage as women were forced for dowry and giving birth to a male child, Indian women were at their most vulnerable condition when their family were not supporting. This made them to feel regret to be a women, but as soon as some ladies take stand and get support from some great reformers a path was discovered which leads to legislative development of some statues and defining punishment for deviant behavior against Indian women. Women had suffered cruelty and discrimination they were not given any kind of importance though they were an asset to our country.

Not only in India but also some other countries on their regional basis took actions and formed organizations for empowerment women of that area. The African charter Human and Peoples rights was adopted by the African countries and imposed obligation on the African state for eliminating all forms of discrimination and to ensure protection of women's rights.²²

Regional as well as international instruments had made some protecting terms on which women could relies upon but their respect should be created in the eyes of people which could be done on international level they should be represented in a way so that no one could suppress them. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others approved by general assembly and came into force in 1951. This type of provision created helps other nation to adopt similar type of regulation as India did by not allowing cinematography of women in an indecent form.²³

²¹ The Indecent Representation of Women (Prohibition) Act, 1986.

²² The African Charter of Human and Peoples Rights, 1981, art. 18.

²³ The Cinematograph Act, 1952.

Strange facts on violence against women

- In India, 8,093 cases of dowry-related death were reported in 2007; an unknown number of murders of women and young girls were falsely labeled ‘suicides’ or ‘accidents’.
- Women who are beaten by their partners are 48 per cent more likely to be infected with HIV/AIDS.²⁴
- In Australia, Canada, Israel, South Africa and the United States, between 40 and 70 percent of female murder victims were killed by their intimate partners.²⁵

Conclusion

Women were an essential part of our society but they were exploited throughout their life. From birth they were discriminated on the basis of gender which was affecting their human rights, women also possess human rights and have freedom to live according to what they want. Women around the whole world had faced problems and discrimination in the name customs and rituals. Gender discrimination create a situation of inequality and equality is the basic concern of human rights which now all the nations values, United nation had declared several rights for empowerment and protection of women which was a result of women. Men always dominate the society and suppressed women for maintaining superiority in the society. Women were also equally talented as that of men and should be given equal opportunities for their development they can also act like an asset to their own country and maintain peace in the society. All are born humans and we must think about everyone and no one's human right should be violated.

Women had raised their voice and made the society to think and showed others that they too had a position in this society. Society needs to learn that a girl pride is as important as a boy pride. Change in mentality of our society is now very important. In India, on one hand we worship a goddess and on the other hand we abuse women. Theoretically, women might have been given more freedom but in practice, they still suffer many hardship, inhuman dignities and unworthy treatment everywhere. The women themselves desire that their status and position in the society should be higher.

²⁴ UNAIDS, UNFPA and UNIFEM (2004). *Women and HIV/AIDS: Confronting the Crisis*, chapter 6.

²⁵ <http://www.endvawnow.org/en/articles/299-fast-facts-statistics-on-violence-against-women-and-girls-.html>.

Though a proper climate for a change is still wanting, yet there have been many structural and statutory innovations for the improvement of their position. The traditional status and role sets of women are breaking up and role-sets based on achievement, independence and equality are gradually coming up. People have to understand the importance of women and should respect them; women have to value themselves, for their empowerment some women had taken stand. Other women should learn something from each other's. Society has started respecting women and their position has started changing from a vulnerable position to a position and life of prosperity.

