
AN INSIGHT INTO THE HUMAN RIGHTS OF WOMEN

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INTRODUCTION

The violation of the Human Rights of Women is an issue to be addressed in the world. Discrimination against women in the exercise of their fundamental freedoms and all other human rights is prohibited by international human rights law. Its comparative approach contrasts women's equality with men's enjoyment of rights, highlighting the universality of men as the subject of human rights law, whose rights are vigorously promoted and explicitly safeguarded, even though eliminating discrimination is essential to realising women's rights. To the extent that they are formally acknowledged in the founding human rights agreements, violations of women's rights are seen as a subset of the universal and are expressed as "protective" measures rather than as human rights. The rate of sexual violence against women is rapidly increasing in spite of the enforcement of many women's rights and enhancement of implementation strategy. The impact of sexual violence against women remains till the last breath of her to her health, career and profession. The issue of sexual crimes should be addressed by strengthening state legislation and laws.

WOMEN HUMAN RIGHTS

The Universal Declaration of Human Rights is a landmark step toward the development of Human Rights. The declaration was signed by the United Nations General Assembly in Paris on 10th December 1948.¹ Human rights are categorized under two subheads, civil and political rights and social and economic rights. Civil and Political rights include freedom of expression, prohibition of discrimination against race, gender and caste, right to vote, right to life, privacy, personhood etc. Social and Economic rights include the right to education, housing, work, health care etc.² The idea of human rights

¹ Universal Declaration of Human Rights, United Nation, last accessed on July 8, 2022 available @ <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Drafted%20by%20representatives%20with%20different,all%20peoples%20and%20all%20nations> .

² Ibid

is a political idea on moral and humane foundations. Human rights are one of the higher laws which drew a limitation line for the law to rule over humans. It is a guiding line to the relationship between humans and society. It is entitled to respect each individual of the society and ensure a peaceful and harmonious life for everyone.

Human Rights are based on moral and humane foundations. Domestic violence deteriorates the essence of Human rights. It is gender-neutral in nature not only confined to the dominant sex, males. The gender-biased domestic violence, by which women are real sufferers of the violent behaviour of men. Women are victims of numerous violence but they are invisible in the male-dominated society. Women are socially and economically disadvantaged in every country. Gender bias is embedded in the social and cultural norms of the social structure. This indicates the violation of women's human rights is conventional. Sometimes the state will be held responsible for the implementation of gender-neutral international human rights in a gender-biased manner. For example in 1986 Peruvian Prosecutor said the state of Ayacucho accepted soldiers raping civilian women during insurgency operations.³

A Woman is a victim of violence and crime in every stage of her life from childhood to old age. Before birth, she has to struggle to be born. Amniocentesis is a sex selection that is used to abort female fetuses. During childhood, the girls are fed less, breastfeeding is for a shorter period of time, no proper education, malnutrition and physical and mental abuse. During adulthood, women are victims of rape and physical abuse. Pregnancy before marriage and abortions are the reasons for teenage girls' suicide or depression. Each and every stage of women face challenges of discrimination against her.

The state considers domestic violence as the individual's personal sphere and private issue but if domestic violence is in every house then it is a public issue rather than a private problem. Women seek food, liberty, and the opportunity to live dignified lives free of oppression and violence. In this battle, women's rights can play an essential role if they are recognised as human rights. The interference of the state, in the strict implementation of women's rights, is in need. The state should come forward to

³ Thomas, Dorothy Q., and Michele E. Beasley. "Domestic Violence as a Human Rights Issue." *Human Rights Quarterly*, vol. 15, no. 1, 1993, pp. 36–62, <https://doi.org/10.2307/762650>. Accessed 12 Apr. 2022.

implement some rights of women like reproductive rights, freedom of sexuality whether it is lesbian or heterosexual, a law criminalizing rape and intensifying its punishment, and providing a decent education that avoids them from becoming the prey of abusive marriages, prostitution and exploitative works etc, female sexual slavery. The voice of women against her violence should be revolutionary and bring evolutionary changes.

INTERNATIONAL COMMITMENTS

The core principles of the United Nations are the attainment of gender equality and the eradication of all forms of discrimination against women. The declaration of discrimination against women is an offence against human dignity, the Declaration on the Elimination of Discrimination Against Women, adopted by United Nations Member States in 1967, calls on States to "abolish existing laws, customs, regulations and practises which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women."⁴

The Convention also outlines the various methods by which States Parties are required to end discrimination, including passing appropriate anti-discrimination legislation, ensuring the legal protection of women's rights, abstaining from discriminatory behaviour, protecting women from discrimination by any individual, group, or business, and amending or repealing discriminatory laws, rules, and penal provisions. The Convention gives special consideration to some phenomena like human trafficking, to particular groups of women, such as rural women, and to particular issues where there are particular hazards to women's ability to fully exercise their human rights, including marriage and the family. The implementation of the Beijing Declaration and Platform for Action has demonstrated that, despite significant improvements in some areas related to women's human rights, "discriminatory legislation as well as harmful traditional and customary practises and negative stereotyping of women and men still persist", particularly in relation to family, civil, criminal, labour, business, and administrative laws and regulations.

⁴ Women's rights are Human Rights, OHCHR, last accessed on July 8, 2022 available @ <https://www.ohchr.org/sites/default/files/Documents/Publications/HR-PUB-14-2.pdf>

SEXUAL CRIMES AGAINST WOMEN

Sexual assault and rape are incredibly upsetting, with consequences for the victim's health and wellbeing that last a lifetime. In September 2003, the UN General assembly denounced the practice of "sexual slavery of girls and women" and urged action to end it as an illustration of the kind of "moral clarity" needed in the worldwide "fight against terror."⁵ Women encounter violence in almost every aspect of their lives, whether at home, at school, at work, on the street, in governmental institutions, or during times of war or disaster, regardless of their status, class, age, caste, or religion. A woman experiences violence throughout her lifetime, and it also affects younger girls and senior women. However, certain subgroups of women who experience discrimination, such as lesbian, bisexual, and transgender women, migrant women, and women with impairments, are more susceptible to violence.

30 per cent of women globally have suffered physical or sexual violence by an intimate relationship, non-partner sexual assault, or both, according to a WHO review of prevalence data from 2000 to 2018 done on behalf of the UN Interagency working group on violence against women.⁶ According to the Beijing Platform of Action, women's rights include the freedom from coercion, discrimination, and violence in regards to their sexual and reproductive health.⁷

Violence that may qualify as gender-based torture includes rape and other sexual assaults like touching, "virginity testing," stripping naked, invasive body searches, insults, and sexually explicit humiliations, as well as forced abortion and denying access to safe abortion to women who have become pregnant as a result of rape. The victim's helplessness and the act's intended outcome are the most important factors in determining whether an act qualifies as torture or another form of cruel, inhuman, or degrading treatment. Acts of honour-based violence, sexual assault and harassment, slavery-like behaviours that are frequently sexual in nature, domestic violence (in the form of intimate partner violence), female genital mutilation, and human trafficking are examples

⁵ Alice Miller, *Sexuality, Violence Against Women, and Human Rights: Women Make Demands and Ladies Get Protection*, Yale University, Research Gate, January 2004 available @ https://www.researchgate.net/publication/238751087_Sexuality_Violence_Against_Women_and_Human_Rights_Women_Make_Demands_and_Ladies_Get_Protection

⁶ Violence against women, WHO, last accessed on July 8, 2022 available @ <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

⁷ Supra 4

of gender-based torture and other cruel, inhuman, or degrading treatments. Rape and sexual violence are also frequently used by all parties to wars as a military strategy with the aim of terrorising and humiliating the adversary. The shame associated with sexual violence is ever-present in hostilities and their aftermath. During war conflicts, the rate of violence against women specifically, sexual violence is very high. Raping and sexually harassing the women of the opposite country, is way to insult and suppress the country strength and family structure.