

## Discrimination against Women and Human Rights

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### INTRODUCTION:

Human rights are those minimum rights which are compulsorily obtainable by every individual as he/she is a member of human family. The constitution of India also guarantees the equality of rights of men and women. The history of the struggle for human rights is one of a long and continuous struggle marching in step along with the process of socio-economic transition. The first generation of human rights is that which originated in Europe in the 18<sup>th</sup> Century. Concerned with the civil rights of the individual in society such as the right to individual freedom, freedom of speech, thought and faith, the right to own property and so on. The second generation of human rights emerged in the 19 century out of the political and economic struggles of the emergent working class and included political and economic demands, like the right to participate in the exercise of political power, the right to fixed hours of work; the right to minimum wages ;the right to form unions and so on.

The third generation of human rights emerged in the 20<sup>th</sup> Century through the socio-political turmoil of two World Wars and centered on the socio-cultural rights of nations and peoples including environmental and collective rights like the right to self-determination of nations and the rights of indigenous people. Thus, the history of human rights has moved a long way till the international community under the banner of the United Nations adopted the Universal Declaration of Human Rights (UDHR, 1948). Apart from civil and political rights, the Declaration recognized the basic human rights of the organized toiling masses of the world.

### Status of Women in North East India :

In north-east region, women enjoy greater mobility and visibility than women of other parts of the country, Practices such as dowry and bride burning are not very prevalent in the region. This is often cited to portray a picture of equity between men and women in the region and has given rise

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to the presumption that violence against women is not a major concern in the area. Data collected by the North East Network however suggests that violence against women, particularly domestic violence, is on the rise in the North-East. The rate of domestic violence in Assam is comparatively higher states of north east India (The Law Research Institute, Guwahati). As part of the Indian Union, the eight North Eastern States including Sikkim also come under the purview of the legal provisions available for securing the basic human rights of women in the Indian context. However, for historical and political reasons the North Eastern region of India has been cut off from the mainstream Indian society and certain peculiar problems relating to human rights in general and women's rights in particular can be seen here.

### Violence against Women – A Conceptual Framework :

Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement (World Women's Conference, Beijing 1995). Both men and women face violence, an overwhelming majority of victims of sexual assault and domestic violence are women. Women constitute half of the world's population and contribute 2/3<sup>rd</sup> of the world's working hours, earn just 1/10<sup>th</sup> of the world's property and own less than 1% of the world's property (PUCL Bulletin, 1999). The Report of the National Crime Record Bureau of India shows that every 51 minutes a woman is sexually harassed, every 54 minutes she is raped and every 102 minutes there is a dowry death. These estimates are conservative and do not include unreported cases. (PUCL Bulletin, *ibid*).

These figures are indicative of a social situation where women's position is at the lower rung of the social ladder. These are indicators of the cases of discrimination to which a woman is subjected to, be it in the public or private sphere. Discrimination is inherent in our social system. The social system, which is primarily patriarchal, advocates a dominant male position. The male domination over women is so total that dominant-subordinate relationship looks natural and no overt force is necessary to exert it. The domination of man over women is hardly questioned. Rather the role of woman within the family operates to strengthen the authority of man. Gender relations are skewed by the existence of patriarchy. In common parlance patriarchy means male domination. Religion has played an important role in creating and perpetuating patriarchal ideology. While it is estimated that at least 3 out of every 5 women in India face domestic violence, reporting of such cases is extremely low.

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One of the major factors for this is the culture of silence (Report by The North East Network, 2004). Domestic violence is considered as a private matter and not to be interfered by others. Mentally harassment, sexual and psychological violence are not taken into account by a majority of women, last few years, certain efforts have been made to bring consciousness among women that violation against women is a violation of women's human rights. Witch-hunting has been increasingly highlighted in the last few years in northeast India. It is a belief of superstitions. Suspected women are branded as witches and are accused of causing harm to communities. These women are physically and mentally tortured. There is evidence of some being buried and even burnt alive. Control over resources, personal hatred with powerful members of the community and the prevalence of superstitions are some of the factors responsible for witch hunting. Several local and regional level organizations have been voicing their concerns and have been mobilizing members of the communities to build public opinion against such instances of violence against the superstitions.

### **Results and Discussion:**

#### **Types of Violence against Women:**

Now-a-days Violence affects the lives of women and girls in all socio-economic classes around the world. It cuts across cultural and religious barriers and takes a variety of forms. Violence against women is largely unreported. Fear and stigma often prevent women from reporting incidents of violence or seeking assistance. In fact, 80 percent of women who have reporting been physically abused by their partners have never informed the Police NGOs or shelters.

Various types of violence which are discussed briefly as under-

#### **Drug Related violence:**

Alcoholism increases domestic violence against women and interruption takes place in the family. An alcoholic beats his wife and children. There are number of poor incidences has been occurred in the society. Besides, husband who used illicit drugs also disturbed his family and spends his money without planning and he depends on his wife. Women (who are engaged in different paid works) are not allowed to have at least some money that they can spend as per their wish.

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#### **Sexual Violence:**

In most of the cases the victim is branded as a woman of loose morals. Rape is viewed as a crime against the honour of not just the girl who is rape but also her family. Sometimes the nature of rape and the silence that tends to surround it makes it a particularly difficult human rights violation to investigate. Sexual violence has increasingly been used as a tool of war in the north east region. Hence for a long time, most cases of sexual violence resulting from the armed conflict involved states. Krishna Devi's case (a 30 year old woman lived in Manipur) illustrate the use of sexual violence in armed conflict scenarios in north-east India (report by North-East Network). Men also violate women's human rights through rape, threat of rape, forced prostitution etc.

#### **Dowry Related Violence:**

Past few years, there has been increased dowry related violence in north-east India especially in Assam. For that, death by burning is often punishment for the poor, innocent girls who is unable to satisfy the greed of her husband and family in-laws or take the decision of suicide for dowry related tortures.

#### **Domestic Violence:**

Domestic violence is one of the greatest obstacles to gender equality. It obstructs women to secure their fundamental rights to equal protection under the law and the right to life and liberty. Domestic violence is violence that occurs within the private sphere, generally between individuals who are related through intimacy, blood or law. It can take the form of mental, physical or sexual violence. It reflects the unequal treatment meted out to women in the areas of health, education and income. Due to the patriarchal structure of society, women have been relegated to a subordinate position.

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#### **Harassment at Work Place:**

Most of the women are engaged in different manual works and most of them are ill-paid, but do not leave the job due to increasing unemployment. Harassment at work place is all pervasive, Sometime they are not secured at their work place and face new challenges.

### **Women in Arm Conflict Situation:**

North-east region has been witnessed to an ongoing low-intensity conflict for a long period of time. While the entire region continues to suffer, women living in such conditions are most vulnerable due to the restrictions on their mobility, the limited access to health services and most importantly, the lack of opportunities for education, employment and even leisure. Women have been, in internal war, the targets of sustained and frequently brutal violence committed by both parties of armed conflict. Both the sides often use violence to punish or dominate women believed to be sympathetic to the opposite side. Women have been threatened, raped and murdered during the conflict. (Human Rights Watch 1998).

During the arm conflict situation, women managed households. Because the earner of the family has either fled, been killed or joined the ranks of the underground. Thus, women who were till then not allowed to join the formal economic sectors are suddenly left on their own and are forced to take out a living for themselves and their families. They are however not provided with any kind of support of alternate sources of livelihood. Nor are any avenues of employment made available to them. Here, unemployment may be considered as a major problem. North-East Network Report (2004) focused that often women have to resort to selling liquor, drugs or even prostitution to make enough money to run their household. They have lost their rights such as right to life, right to liberty and security etc.

Due to lack of awareness, illiteracy, lack of interaction, unequal access to information and other economic and non-economic resources, women's right can be violated.

### **Suggestions:**

Here are some suggestions for the protection of women's rights and elimination of violence of women's human rights:

1. The feeling that women are meant for household activities and bearing children needs should be replaced by a feeling of equal partnership of women and men.

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2. The women should be encouraged to organize themselves such as women's group. Self-help group, N.G.O.'s etc. Some successful women's organizations can also act as catalytic agents for encouraging women's participation in social and political activities.

3. The government should provide financial support and infrastructure to some of the successful women's organizations to take the responsibility to safeguard the women's rights and to create awareness amongst women, thereby eliminating powerful men taking advantage of the ignorance of women and controlling their decisions.

4. National Literacy Mission and other organizations engaged in the SarvaShikshaAbhiyan should also be assigned the responsibility of educating the rural women and men regarding the significance of Human Rights and empowerment of women. On the other hand, both print as well as electronic media can play a vital role in restructuring the rural society. It can act as an agent of political socialization for inculcating the values of gender equality and gender justice.

5. National Human Right Commission should knock at the doors of the offenders. Cases should not be pending. Strict action should be taken in this regard.

6. It is very essential to promote research works concerning violation of women's rights and human rights such as.

- Protection of Women from Domestic Violence Act, 2005.
- Amendment Proposed in Immoral Traffic (Prevention) Act 2005.
- Dowry Prohibition Act, 1961.
- The Commission of Sati (Prevention) Act and rules.
- National Commission for Women Act.

### **Conclusion:**

The importance of the Human Rights discourse in relation to the rights of women is that it brings in the issue of entitlements and the legal provisions for implementation, so that rights are not seen as abstract concepts but as living issues. In the North East with its strong traditions of community activities but lesser experience of modern democratic method of struggle, the importance of highlighting human rights and women's rights issues cannot be denied. Building up healthy human rights and women's rights movements that take holistic and not partial or top-sided views of the whole issue of human rights, particularly in its gender dimension, it is a necessary step in ending insurgency and conflict in the region, thus ensuing the human rights not just of women but of all.

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