



HUMAN RIGHTS: AN ANALYSIS ON WOMEN'S HUMAN RIGHTS.

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Abstract

Human Rights are the inborn and inevitable rights of an individual. Ensuring a dignified life in society is possible only with the access of human rights. State is responsible for the protection of human rights. International community has already taken many approaches to secure the rights of human being and following those international mechanisms the nation-states have adopted many measures to execute within their jurisdiction. The issue of women's human rights has become a major issue of concern. The violation against women has been continuing despite the presence of different mechanisms both at national and international level. Though the concept of human rights is old yet women are still deprived from their basic rights. The paper has tried to highlight the meaning, concept and different mechanisms of human rights, Paper has also tried to analyse, despite being human how and why women are deprived from their basic natural rights or human rights from time to time.

Key words: Human Rights, Women's human rights, violation, state, human being.

INTRODUCTION

The concept of Human Rights has emerged with the development of human civilization (Yasin & Upadhyay2006). Simply, the concept of human rights can be defined as the most essential innate or inviolable rights of every individual irrespective of caste, colour, religion, gender, language, nationality or any other factor. Human rights are considered as inborn rights of individuals by virtue of being human and are essential to lead a dignified life. The origin or root of the contemporary perception of human rights is traced back to the period of "Renaissance" and "Enlightenment" (Yasin & Upadhyay2006). The consequences of World War II were so devastated that it bound the World community to rethink about the protection of the rights of the individual from all kinds of crimes. Besides, most of the continents of the world were under colonial rule and the violation of human rights of colonised people was a common phenomenon in colonised nations.

The idea of human rights is not new, as its origin can be traced back to different acts such as, the English Magna Carta of 1215, the Habeas Corpus Act of 1979, the Bill of Rights of 1689, the American Declaration of Independence in 1776, the French Declaration of Human Rights of Man in 1789, the American Bill of Rights of 1791, the abolition of slavery in British Empire in 1833 and in America in 1862, the German Constitutions of 1919 and 1949 etc. However, the modern concept of human rights has developed with the adoption of the Universal Declaration of Human Rights, on December 10th, 1948 or after the World War Two. The United Nations Centre for Human Rights defines human rights as "those rights that are inherent in our nature and without which we cannot live as human beings" (Das, 2005). The evolution or growth of the present concept of Human Rights can be divided into three generations, where in the first generation of human rights includes political and civil rights of individuals, which were originated in the 18th century in the continent of Europe, as a result of American and French revolution. The human rights of the first generation emphasised the protection of human rights from the interference of govt. Moreover, these rights can be regarded as the consequences of the Liberal and democratic movements that took place since the 19th century. On the other hand, cultural, economic and social rights are included in second-generation human rights. The human rights of the second generation are the result of the Socialist Movements. Right to fixed hours of work, the Right to minimum wages, the Right to form union etc were the rights that are added or included in the second generation of Human Rights. These rights are emphasised or focussed to ensure the Economic, Cultural and Social security of individuals. Besides, the first nature of the Human Rights of the Third Generation is that these rights are concerned with the rights of groups rather than individuals and these are the Human Rights of new origin, which has made the horizon of Human Rights too broad. The human rights of the Third generation include environmental, cultural and developmental rights which are a response to the phenomena of global interdependence.

NEED FOR THE STUDY

Women comprise the half of entire population. Being a human, it is the inborn right of women to avail the human rights granted by state. However, despite having the presence of different mechanism at level, yet violation of women's human rights has become a universal phenomenon. So, in such context, academic discussions on such issues are quite necessary. Through academic discussion or deliberation, it could be possible to find out the reasons behind such issues and the findings could help in future to overcome the problem.

METHOD OF THE STUDY

The paper has adopted descriptive, exploratory and explanatory method of study to analyse the reasons of violation of women's human rights as well as to find out the solutions in this regard. The study is based on secondary data.

AN ANALYSIS ON WOMEN'S HUMAN RIGHTS:

Human Rights are inevitable parts of individual's life as it enables an individual to lead a secured, dignified and respectful life in society. These are essential to assure a 'good' & qualitative human survival (Das, 2005). The protection of human rights is entrusted in the hands of

State. These rights are must essential for the development of personality of individuals. Human rights are universal and almost all the states of the world have adopted Human Rights as an ingredient element of their society irrespective of their historical, economic, social and cultural differences or ideological persuasions. The international system of Human Rights not only includes the protection of human rights but also included the system of monitoring and supervision at the international level.

In the 17th and 18th centuries the Human Rights were confined to man, but later in the 19th century a few liberal reformers and radical utopian demanded the extension of these rights to women; and it was the first move for female emancipation. The writings of J.S Mill and Mary Wollstonecraft provided a foundation in late 19th and early 20th century to think about women's rights as human rights (Yasin & Upadhyay, 2006). To protect the rights of women or to enable women to led a dignified life by eliminating all form of discriminations against them, world community has adopted many mechanism which includes Universal Declaration of Human Rights or the two International Covenants on Human Rights, conventions of International Labour Organisation (convention on equal Remuneration for Men and Women Workers for work of Equal Value 1951; Convention concerning Night Work of Women employed in Industry, 1948 and Convention concerning Maternity Protection (revised) 1952.), conventions adopted by UN General Assembly (Convention on the Political Rights of Women, 1952, Convention on the Nationality of Married Women, 1957, Convention against Discrimination in Education, 1960, prohibiting discrimination an account of sex, Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962, prohibiting child marriages, Convention on the Elimination of All forms of Discrimination Against Woman, 1979 and Convention on the Rights of the Child, 1989 with special emphasis on girl child), stressed on women's development and their active involvement in all spheres of human life under declaration on Right to development in the year 1986, convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979 etc. (Das, 2005). The primary objective of all these conventions is to enable women to have a secured and protected life from all kinds of violence.

According to The Vienna Declaration and the Programme of Action "The human rights of women and of the girl-child are an inalienable, part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community." (Das, 2005). Though the concept of human rights is old and Human rights are considered as inborn rights of individuals by virtue of being human, yet human rights were primarily available for man, as civil, political, economic etc rights were only enjoyed by only a particular gender i.e male. Rights such as civil, political, economic as well as right to educations are essential to led a dignified life, but women are deprived from all that, as because they are women. Subsequently, with the growing emphasis on rights of women given by many thinkers from time to time has brought the issue of human rights of women in to limelight (Das, 2005). The existence of the patriarchal values in every part of world is one of the major reasons behind women's deprivation from their inborn rights and discriminations against them in every step of their life.

WOMEN'S HUMAN RIGHTS IN INDIA:

The United Nations defines violence against women as "any act of gender-based violence that results in or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (Singh,2015). Violation of women's human rights in India is prominent too. The patriarchal structure that prevails in Indian society is the major reason behind it. Sati Pratha (tradition), rape, domestic violence, wife battering, dowry harassment and death, sexual harassment, honour-killing, female infanticide, acid-attack, eve-teasing, molestation, kidnapping, etc. the verities forms of violation against women are continuing from years ago. Violence against women is not new rather the forms of it have just changed. Violation against women has become a universal phenomenon. Women are human and hence the violation of women's rights is the violation of human rights. Human rights are the inevitable rights of human by virtue of being human. The overall growth of a society is entirely depended on the development of all. Women comprise the half of the country's population. So, the deprivation of women from their inborn rights ultimately restrains them to reach the peak.

Government of India has already adopted many acts, policies and programmes to protect the rights of women vis-a-vis human rights, which includes Dowry Prohibition Act, 1961, amended in 1984 & 1986; Sati Prohibition Act, 1987; Indecent Representation of Women Act, 1986; Medical Termination of Pregnancy Act, 1971; Maternity Benefit Act, 1988; establishment of gender justice, the Central Social Welfare Board in the year 1953, Department of Women & Child Welfare in the year 1985, National Commission for women 1990 etc. (Das, 2005). However, though having the existence of such mechanism, women are still victims of rape, domestic violence, dowry, incest, genital mutilation, sexual harassment prostitution and trafficking, pornography, custodial violence and armed conflicts.

REASONS BEHIND VIOLATION OF WOMEN'S HUMAN RIGHT:

Indian society is patriarchal and hierarchical in nature, where women are treated as subordinate and men as superior both in public and private sphere. Patriarchy is a social and ideological system which considers men to be superior to women, men have more control over resources and decision making. It creates hierarchies and inequalities which not only harm girls and women but also families and societies. In most of the cases it has been seen that women are treated as property of male counterpart. They are not allowed to have any decision neither on any family issue nor even on their own life. The reproductive right of women are also violated by family, as any decision regarding reproduction is also forcefully taken by husband, rather than wife. As a result women are bound to suffer from unwanted pregnancy after their marriage. Besides, the issue abortion is itself controversial and the rights of women has violated in this regard too. Physical or mantel harassment on daughter-in-law or cruelty by husband on wife for dowry has become a common issue in now days.

Society has entrusted different role for both man and woman; where the role of women is regarded by society itself as subordinate, whereas the role of men as superior. The process of socialisation is also varying from boy to girl. Through the process of socialization, an individual can learn or acquire different traditions, customs, believes, rules, regulations, values, attitudes, way of thinking etc from the society and later through such learning the personality of an individual is mould. The values that are thought to boys and girls are highly discriminatory towards girl child. Besides, higher positions in societies or social institutions are usually reserved for the male members of society.

Women are also deprived from the right to education. The goal of a women's life is made limited to be a good wife and mother of a male child. In Indian society, family invests money in the marriage of their girl child rather on their education. On the other hand the education of male child is given utmost importance, as they consider male child as their future and the responsibility of family would be taken by him only.

Deprivation of women from economic rights is another issue of violation of women's right. Women are the daily labourer of numerous unpaid jobs. Economic independence of women is not considered as important in society. Economic dependence of women has become a habitual

phenomenon in our society. Adequate political participation of women is also absent in Indian society. Reservation for women in local self government is also considered as failure by critic.

Besides, women comprise the twenty two percent of India's workforce and the largest segment of women belongs to migrant, temporary and unorganised sectors. On the other hand States often do not include migrant workers in their labour standards; hence, they deprived of job security and benefits. Besides, they are mostly preferred in the "soft" industries such as apparel, shoe- and toy-making, data-processing, semi-conductor assembling industries etc that require unskilled to semi-skilled labour, as a result, their income is so low that they cannot fulfil their basic needs (Viswanathan, 2008). As women are uneducated and unaware about their rights, hence are the victims of exploitation on many grounds. Sexual violence is another issue of concerns, due to which women have also been suffering from time to time (Das, 2005). The sexual violence against dalit women is quite higher in comparison to the women of other castes, as they are exploited and discriminated not only being women, but also as being a dalit (Das, 2005).

FINDINGS:

Importance should be given on girl's education. Educated women will be aware of their rights and duties. Education will also help them to become the decision maker not only in family but also in society. Education will help them to secure higher positions in state administration as well as in different mechanisms of state. Rather investing money in giving "dowry", parent should help their daughter to avail their higher education which will ensure a secure future.

It is very important for women to be economically empowered, as economic right is backbone of every other right. Education will help a woman to be economically independent. Economically independent women can have independent decision making capacity. Otherwise economically dependent women are bound to bow down before every decision taken by others in many cases.

Political rights are another necessary ingredient of protecting women's rights. Reservation of seats for women is necessary. Women have been depriving from their economic, social, political, educational etc rights from years ago. Due to such deprivation women are still backwards in many sectors. Accessing political rights will help them to secure other rights too.

Equal position of women both in private and public sphere is utmost necessary. Women should raise their voice in social platform. Acceptance of women in social decision making process would help to reduce violations against women to an extent.

Beside, all those religious as well as cultural practices which maintain a subordinate position of women in society should be countered.

Moreover, despite being limited to the adoption of different legal or social mechanisms by State, emphasis should also be given on the proper implementation of the same.

CONCLUSION:

India will be successful in protecting its human rights goal only with securing women's human rights. The basic rights that are necessary to lead a dignified life should be allotted by state to women with the help of affirmative action if necessary. Proper implementation of existing state mechanisms for the protection of women's rights is need of the hour. For an example, though there is the dowry prohibition act in India and which has already crossed fifty-nine years from the time of its adoption, but still dowry is the prominent social hazard of Indian society. People used to term dowry in now days as "gift" and dowry even has become a competition among the people of India. Besides, awareness of women regarding their rights is necessary too.

Reference:

1. Singh, Jaspreet (2015), "Violence against women in cyber world: A special reference to India", *International Journal of Advanced Research in Management and Social Sciences*, 4(1): 60-76.
2. Viswanathan, V. N. (2008), "Human Rights in a globalised world- The Indian Experience", *The Indian Journal of Political Science*, 69(1):49- 57.
3. Yasin, Adil-UL- Yasin & Upadhyay Archana (2006), *Human Rights*, New Delhi: Akansha Publishing House.
4. Das. Satya Prakash (2005), "Human Rights: A gender perspective", *The Indian Journal of Political Science*, 66(4): 755-772.

