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## Human Rights and Gender-Based Violence

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### Abstract

"Gender-based violence" (GBV) is violence that is directed at an individual based on his or her biological sex, gender identity, or the individual's perceived adherence to socially-defined norms of masculinity and femininity. GBV can occur throughout the lifecycle, from the prenatal phase through childhood and adolescence, the reproductive years, and old age and include female infanticide; harmful traditional practices such as early and forced marriage, "honor" killings, and female genital mutilation/cutting; child sexual abuse and slavery; trafficking in persons; sexual coercion and abuse; neglect; domestic violence; and elder abuse. Gender-based violence also has a range of economic effects at the national level, such as foregone foreign investment and reduced confidence in a given country's institutions. In 1996, the World Health Assembly declared violence a major public health issue. To follow up on this resolution, on Oct 3 this year, WHO released the first World Report on Violence and Health. The report analyses different types of violence including child abuse and neglect, youth violence, intimate partner violence, sexual violence, elder abuse, self-directed violence, and collective violence. For all these types of violence, the report explores the magnitude of the health and social effects, the risk and protective factors, and the types of prevention efforts that have been initiated. In this paper, I will discuss about the human rights for Gender Based Violence.

**Keywords:** Human Rights, Violence, Physical, Abuse, etc.

### Introduction

#### Meaning of Human Rights

When we talk about human rights we are talking about those rights which flow from the simple fact that a human rights of human beings exist and from no other consideration. Human Rights are an instrument effectively shaping the lives of individuals and nation. There are two categories of Human Rights: --Entitlement Rights and Personal rights. Entitlement rights are those rights which society must provide every human being so that they can exist in a modern society. The right to education, health care and economic social and personal security are also basic rights of entitlement to which every individual has claim. Personal Rights are those rights concerning control by an individual of their own persons. Entitlement rights recognized by the United Nations Universal Declaration of Human Rights. The Right to a livelihood is a fundamental human right which has been formally recognized in The United Nations Universal Declaration of Human Rights. The rights to privacy and the right of an individual to sovereignty over their own body are also fundamental human rights. If the rights of human beings are subordinated to the rights of a tiny minority to make profit it cannot be said that human rights are actually recognized. Human Rights must not be based on what is different about human being, but rather on what is common to all human beings. Implementation of Human rights does not ignore the role of society. One of the most important human rights is the right to conscience. The rights to conscience are of course, an individual rights but individual live in a society. Individual ideas and opinion are shaped by society. The ideas, opinion and decision of individual in turn play a role in shaping the future development of the culture, history and psychology of the society. Canada does not respect human rights in terms of demand of individual on society so United Nation Universal Declaration of Human Rights, have never been implemented in Canada. Human Rights promoted by the U.S and other imperialist powers are a definition based on the rights of individual capitals to freely exported capital anywhere in the world that it can achieve the maximum profits. The American definition of Human Rights is based on the concepts of individual and narrows self –interest. It is a definition in which the rights of nation to sovereignty are negated. It can be demonstrated with the precision of science that a society

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on the basis that things are more important than human beings cannot recognize and guarantee fundamental human rights. On the other hand, a society based on the premise that human beings are more important than things is not only capable of recognizing and guaranteeing human rights. Human rights must refer to those rights which are common to all people by virtue of their being human. They must be based guaranteeing those things which all human beings require to fully participate in a modern society, such as the rights to a livelihood to education and health care, to protection of their person and rights to conscience etc. A Government which paid more than lip service to human rights would certainly put the rights of human beings above the rights of capitalists to make profit. Human rights have different contexts in different cultures, yet are at same time universal, they are necessity written in very general language. This allows nations to interpret those rights within their own cultural context.

### Concept of Gender-Based Violence

Gender-based violence (GBV) is “violence involving men and women, in which the female is usually the victim; and which is derived from unequal power relationships between men and women. Gender is the term used to denote the social characteristics assigned to men and women. These social characteristics are constructed on the basis of different factors, such as age, religion, national, and social origin. People are born female or male (sex); they learn how to be girls and boys, and then become women and men (gender). Violence is a means of control and oppression that can include emotional social or economic force, coercion or pressure, as well as physical harm. The person targeted by this kind of violence is compelled to behave as expected or to act against her will out of fear. It may involve multiple types of and repeated acts of violence over a period of time

Gender-based violence can include female infanticide, child sexual abuse, sex trafficking, domestic violence, elder abuse etc. Women and girls are the most at risk and most affected by gender-based violence. However, boys and men can also experience gender-based violence, as can sexual and gender minorities. This does not mean that all acts against a woman are gender-based violence, or that all victims of gender-based violence are female. The surrounding circumstances where men are victim of sexual violence could be a man being harassed, beaten or killed.

### Gender-Based Violence in India

Human rights in india is an issue complicated by the country's large size, its tremendous diversity, its status as an developing country and a sovereign, secular democratic republic. The constitution of india provides for the fundamental rights, which include freedom of religion. Clauses also provide for freedom of speech, as well as separation of executive and judiciary and freedom of movement within the country and abroad. In 1829 The practice of sati was formally abolished by governor general William Bentinck, after years of campaigning by hindu reform movements such as the Brahma samaj of ram mohan roy against this orthodox Hindu funeral custom of self-immolation of widows after the death of their right to maintenance upon divorce, sparks protests from Muslim clergy. To nullify the decision of the Supreme Court, the Rajiv Gandhi government enacted. The Muslim women

protection of rights on divorce act 1986. Delhi high court declares that section 377 of the india penal code which outlaws a range of unspecified "unnatural" sex acts, is unconstitutional when applied to homosexual acts between private consenting individuals, effectively decriminalizing homosexual relationships in India. In india irrespective of the caste, creed, religion and social status, the overall status of a woman is lower than men and therefore a male child is husbands. Child Marriage Restraint Act, prohibiting marriage of minors under 14 years of age is passed in 1929. In 1955 Reform of family law concerning Hindus gives more rights to Hindu women. The shah bano case, where the Supreme Court recognized the Muslim woman's preferred over a female child. A male child is considered a blessing and his birth is celebrated as opposed to a female child where her birth is not celebrated and is considered more of a burden. Gender based discrimination against female children is pervasive across the world. It is seen in all the strata of society and manifests in various forms. Therefore, [education] and health care of the female child in India is an important social indicator to measure equality between men and women. According to the 2001 Indian census, overall male-female ratio was 927 females per 1000 males. Punjab states women rights commission received 1148 complaints during the period 1998-1999 This gives the trend of crimes against women and suggests systematic changes in tackling violence against women. Thousands of India women and girls dying during pregnancy, in child birth, in the weeks after giving birth. The complaints related Human Rights are also used as case studies for sensitization programmes for police, judiciary, prosecution, forensic scientist, Defence lawyer and other administrative functionaries. The thrust for future is to create atmosphere where there is a high degree of awareness about human rights. Women as a collective may make claims on society for must claims the rights against any kind of discrimination. Police and judiciary must play a productive role in implementation of human rights.

### Types of Gender-Based Violence

1. **Physical Assault**  
Beating, punching, kicking, biting, burning, maiming or killing, with or without weapons; often in combinations with other forms of sexual and gender-based violence.
2. **Trafficking, slavery**  
Selling and/or trading in human beings for forced sexual activities, forced labour or services, slavery or practices similar to slavery.
3. **Abuse/Humiliation**  
Non-sexual verbal abuse that is insulting, degrading, demeaning; compelling the victim/survivor to engage in humiliating acts, whether in public or private; denying basic expenses for family survival.
4. **Confinement**  
isolating a person from friends/family, restricting movements, deprivation of liberty or obstruction/restriction of the right to free movement.
5. **Forced marriage**  
Arranged marriage against the victim's/survivor's wishes, which is exposed to violent and/or abusive consequences if he/she refuses to comply.
6. **Honour killing**  
Murdering a woman or a girl as a punishment for acts

considered inappropriate with regards to her gender, and which are believed to bring shame on the family or community (e.g. pouring acid on a young woman's face as punishment for bringing shame to the family for attempting to marry someone not chosen by the family), or to preserve the honour of the family (i.e. as a redemption for an offence committed by a male member of the family).

**7. Infanticide and/or neglect**

Killing, withholding food from, and/or neglecting female children because they are considered to be of less value in a society than male children.

**8. Denial of education for girls or women**

Removing girls from school, prohibiting or obstructing access of girls and women to basic, technical, professional or scientific knowledge.

It is widely understood that GBV is not caused by any single factor. Rather, it is a combination of several factors that increase the risk of violence. Society-level factors include the cultural and social norms that shape gender roles and the unequal distribution of power between women and men. Intimate partner violence occurs more often in societies where men have economic and decision-making powers in the household and where women do not have easy access to divorce and where adults routinely resort to violence to resolve their conflicts. Community-level factors refer to the extent of tolerance towards GBV in contexts at which social relationships are embedded, such as schools, workplace or the neighbourhood. Poverty may also put women under pressure to find or maintain jobs and in turn render them vulnerable to sexual coercion, or push them in to occupations that carry a high risk of sexual violence. Poverty is not in itself the cause of violence against women. Rather, it is one of main factors that may aggravate or increase the violence that already exists. The socialization of both men and women has resulted in an unequal power relationship between men and women. The way parents bring up their children, which create disparity between boys and girls, also is a source of gender-based violence in later life. When a boy grows up, knowing that he is not supposed to wash his own clothes, cook or help in the house, if he grows up and gets married to a woman who comes from a home where duties are equally shared between girls and boys, this can create tension that might lead to violence. Violence absolutely impacts on children- a child who has undergone or witnessed violence may become withdrawn, anxious or depressed on one hand; on the other hand, the child may become aggressive and exert control over younger siblings. The effects of sexual abuse are the exploitation of power. Young people are especially at risk and this can have lasting consequences for their sexual and productive health.

**Suggestions**

Violence against women and girls is rooted in gender-based discrimination and social norms and gender stereotypes that affect such violence. There are so many negative effects of gender-based violence. Government as well as general public should try to reduce the gender-based violence. It also means making the home and public spaces safer for women and girls, ensuring women's economic autonomy and security, and increasing women's participation and decision-making powers—in the home and relationships, as

well as in public life and politics. The best way to end violence against women and girls is to prevent it from happening in the first place by addressing its root and structural causes. Working with men and boys helps accelerate progress in preventing and ending violence against women and girls. Women, in partnership with the World Association of Girl Guides and Girl Scouts (WAGGGS) has developed a global non-formal education curriculum to engage young people in efforts to prevent and end violence against girls and women. Government should promote gender equality in schools and widen access to education for girls. Girls that obtain higher levels of education are more likely to find employment and become empowered as a result of their financial contributions to the family and community. Government should revise marriage laws that are institutionally biased against women, particularly those that deny women custody over their children, inheritance, and land rights in cases of death, separation or divorce. The revised national constitution in Kenya is one example that has brought about unprecedented rights for women, including the right to oversee property-related transactions, manage family land and resources and retain a portion of land to live on and cultivate if widowed or divorced. So, Prevention should start early in life, by educating and working with young boys and girls promoting respectful relationships and gender equality for reducing the gender-based violence.

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