

EMERGENCE OF VIOLENCE AND OFFENCES AGAINST WOMEN AS A WORLD ISSUE: A QUICK REVIEW

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Abstract

The number of crimes committed against women is steadily increasing. When crime against women rises, it throws the entire society into disarray since it stifles both women's and society's progress. Discrimination arises from society's attitude bias rather than statutory inadequacy. Equal rights for men and women have been established as a global norm by recent legislation, ordinances, treaties, and conventions. Discrimination persists despite all of this. Women have been victims all over the world, the only difference is that their standing is greater in certain parts of the world than in others, making it an international issue. As a result, multinational activities are essential.

As a result, the Convention on the Elimination of Discrimination against Women was established (CEDAW). There's also the Universal Declaration of Human Rights (UDHR) from 1948, the International Covenant on Civil and Political Rights (ICCPR) from 1966, and a slew of others.

Introduction

Women held a significant position in society throughout the Early Vedic period. All yojanas and rites necessitated their presence. During this time, a large number of their works were mentioned. The beginnings of worshipping female goddesses can be traced back to this location, implying that the strata of girls in the society could be considered divine. However, as a result of social, political, and economic upheavals, women lost their prominence and faded into the background during and after the Vedic era. Many bad customs and traditions, as well as an overbearing patriarchy, subjugated and imprisoned women to the confines of their homes.²

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² Bhaswati Pal, "The saga of women's status in ancient Indian civilization" 23 *Miscellanea Geographia – Regional Studies on Development* 180 (1984).

Since then, every data on female sex-ratios, healthcare, education, work involvement, and political participation has been trending downward. On the other hand, social evils such as dowry deaths, underage marriage, assault, rape, harassment, and female labour abuse are common in many parts of India, and thus the world. In addition, the number of instances is steadily increasing.

GENDER BASED VIOLENCE

"Gender-based violence" refers to acts of violence that involve both men and women, with the female being the most common victim. Unbalanced power relationships between men and women are the most common cause of such crimes in society. When it comes to crimes against women, social role-plays have painted such a clear picture in society that women are being moulded and stereotypically characterised as men, and so the societal defence is exceedingly weak.

Physical, sexual, or psychological injury are some examples, although they are not the only ones. Many women's lives are affected by violence against women and children around the world. It is not restricted to a single social class, but can be found in all socioeconomic and intellectual groups. It triumphs over cultural and non-secular barriers, denying females' rights and reducing them to second-class citizens.

In today's world, violence against women may be a worldwide issue of major proportions. During the Fourth World Conference on Women in Beijing, former UN Secretary-General Boutros Boutros Ghali stated that violence against women is a global issue that can only be addressed by a widespread condemnation. "Female abuse is a hurdle to realising the goals of equality, prosperity, and peace," the Beijing conference's Platform for Action concluded³. When women are subjected to violence while exercising essential freedoms, their human rights are violated, injured, or invalidated.⁴

Women's violence is a demon in today's culture, and violence against women is a major concern. Except for a small percentage of women around the world, home no longer serves as a sweet haven, and its meaning has shifted dramatically. A house is a place of intimidation, fear, and violence for these women, as well as a place where they feel vulnerable. In fact, women are more likely to be

³Radhika Ghosh, "Offences Against Women And International Law" I Pleader, Feb 5, 2022

⁴ Ibid

subjected to horrible torture in their own homes in every corner of the world, and these injuries are frequently fatal. As a result, violence against women is one of the most common and desirable forms of violence. It is also the most common cause of mental and physical harm to women at home.⁵

Despite the fact that violence is a gender-neutral phrase that affects people of all races, socioeconomic classes, nationalities, religions, and ethnicities, women make up the majority of victims. Violence between lesbians, gays, bisexuals, and transexuals has also been shown to be similar to violence against heterosexual women.

Domestic violence as a significant human rights violation

Violence has recently gained prominence as a major human rights violation of girls, which has been viewed as a progressive phenomena. It's basically domestic violence committed by people with close family ties. According to research from around the world, the majority of violent perpetrators are men, and so the violence is usually perpetrated by a man against his female sexual partner.

International laws and policies to prevalent offences against women

At the international level, steps has been taken by constituting various conventions⁶:

1] Universal Declaration of Human Rights

The fundamentals of international human rights legislation are equality based on the concept of sex. Women have the same rights as males under all United Nations treaties. "Every individual is born free and with identical rights and dignity," says the 1948 Universal Declaration of Human

⁵ Gender And Sexuality, available at:https://courses.lumenlearning.com/suny-culturalanthropology/chapter/gender_and_sexuality/ (last visited on feb. 5, 2022).

⁶ Committee on the Elimination of Discrimination against Women (the CEDAW Committee) has drafted the obligations and duties of States parties to the Convention on the Elimination of All sorts of Discrimination against Women (the CEDAW Convention). This way, the elimination of violence against women, and particularly in its General recommendation 19 (1992) are often effective at the United Nations . Efforts are being put within the Human Rights Committee and therefore the Committee against Torture, to form clear that States parties' obligations under the International Covenant on Civil and Political Rights 1966 (ICCPR) and therefore the Convention against Torture and Other sorts of Cruel, Inhuman or Degrading Treatment or Punishment 1984 (CAT) feature out eliminating public and personal violence against women. Regional bodies also are urged to suits an equivalent

Rights (UDHR)⁷. Women's freedom, dignity, and equality, on the other hand, are routinely denied over the world on the basis of race, custom, tradition, culture, and religion, but men's rights are not. Women's campaign to establish that women are clearly people and thus entitled to the enjoyment of rights afforded to all or any 'human-beings' has a long history that spans nearly a century of battle.⁸

2] (Convention on Elimination of all sorts of Discrimination Against Women)

The 'United Nations (UN) Convention on the Elimination of Discrimination Against Women (CEDAW)' could be one of the most comprehensive treaties on the rights of girls, if one exists. The convention aims to address all forms of gender-based violence against women, condemns all forms of discrimination against women, and stresses the significance of ensuring women and men have equal political, economic, social, cultural, and civil rights. CEDAW stipulates that all women, regardless of their legal status, should have equal political, economic, social, cultural, and civic rights.⁹

Articles 1, 2 and 3¹⁰ require States to establish national legislation against discrimination. Article 4 discusses the convention allowing States Parties to impose temporary special measures to ensure and accelerate the attainment of equality in practise between men and women without discrimination¹¹, and Article 5 discusses the ability to impose actions even if it means changing social and cultural patterns that lead to discrimination¹². The signatories to contracts and other private instrument that limit girls' legal capacity "will be regarded null and void,"¹³ according to Article 15. The Convention also emphasises the need for equal access to education for all ages in Article 10.¹⁴

State parties are also asked under CEDAW to require due diligence and adequate steps to eradicate discrimination in marriage and family matters. It emphasises the equal obligations of men and

⁷ Yacine Ait Kaci, "Universal Declaration of Human Rights" United Nations (2015).

⁸ Radhika Ghosh, "Offences Against Women And International Law" I Pleader, Feb 5, 2021.

⁹ *ibid*

¹⁰ Convention on the Elimination of All Forms of Discrimination against Women, 1979, arts. 1, 2, 3.

¹¹ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 4.

¹² Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 5.

¹³ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 15

¹⁴ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 10

women in the context of family life in Article 16¹⁵. And, according to Article 11, the Convention must also emphasise the urgency of, and thus the need for, childcare and women's reproduction facilities, as well as other social services that will assist women in balancing their family obligations with other work responsibilities and genuine participation in public life.¹⁶

CEDAW requires non discriminatory health care for women, including birth control options, according to Article 12¹⁷. Special provisions are mentioned in Articles 6 and 14 for rural women's difficulties, as well as sexual trafficking and other forms of sexual exploitation of girls.¹⁸

States have expressed a number of reservations about CEDAW, including the fact that it intends to limit the treaty's domestic implementation in some way. The majority of the caveats are written to protect the authority of national or religious legislation, which may conflict with CEDAW, or to exempt the state from the arbitration provision included in Article 29¹⁹. CEDAW, on the other hand, remains the most generally implemented human rights treaty dedicated to women's rights.

3) (*UN Declaration on the Elimination of Violence Against Women*)

In 1993, the United Nations General Assembly passed the UN Declaration on the Elimination of Violence Against Women²⁰. The declaration encompasses all forms of physical, sexual, and mental abuse. also as a form of violence in society, both in terms of reception and so on The proclamation further states that UN member countries are asked to legitimise gender-based violence against women and seek to implement preventative measures so that the root cause of such crimes can be eliminated, and the world can become a safer place for women to live.²¹

4) Current state of international human rights law

¹⁵Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 16

¹⁶ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 11

¹⁷ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 12

¹⁸ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 6,14

¹⁹ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 29

²⁰ Violence Against Women, UN Women, available at:<https://www.un.org/womenwatch/daw/vaw/v-overview.htm> (last visited on feb. 05, 2022).

²¹ Ibid

Prior to and during the 1970s, when the CEDAW Convention was implemented, violence against women was viewed as a personal matter. And this shows that the laws and regulations aimed at safeguarding women from violence were governed by privacy laws and were not considered relevant in international debates. Furthermore, the international community did not even consider violence against women to be a legitimate concern. Despite the fact that it had previously been recognised, Belgium was the one that proposed include "assaults on the integrity of women" in the draught Convention²². After then, aside from Article 6, which discusses human trafficking and, as a result, the exploitation of girls' prostitution, the treaty did not address or include any specific language to protect women.²³

Initiatives on the problems of violence against women were manifested within the works of the United Nations congress on the 'prevention of crime and therefore the treatment of offenders,' which coincided with the growing need to talk more about the right issues and thus the fading out of boundaries and other obstacles regarding the responsibility of the State for both the general public and personal areas of life. The world conferences on women, held in Copenhagen in 1985 and Nairobi in 1985, as well as other gatherings such as the World Assembly on Ageing, began to emphasise these themes.²⁴

The abuse that children, including girl-children, face on a daily basis in many parts of the world was the primary focus during the development of the Child Rights Convention (CRC). As a result, Article 19 of that Convention was the first human rights treaty to require States to take all necessary legislative, administrative, social, and academic measures to protect citizens from all forms of physical or mental violence, injury, or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual assault against women.²⁵

CONCLUSION

²² Convention on the Elimination of All Forms of Discrimination Against Women, UN Women, available at: <https://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm> (last visited on Aug. 5, 2021).

²³ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 6.

²⁴ Ibid

²⁵ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 19.

The abuse that children, including girl-children, face on a daily basis in many parts of the world was a primary concern during the development of the Convention on the Rights of the Child (CRC). As a result, Article 19 of that Convention was the first human rights treaty to require states to take all necessary legislative, administrative, social, and academic measures to protect citizens from all forms of physical or mental violence, injury, or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual assault against women.

Finally, it is frequently emphasised that women-centric offences are more than just a legal issue that may be addressed by proper legal measures. It's also a social and psychological issue that could be solved by major changes in society and in attitudes toward women and children. While fines are intended to ease the symptoms of crimes against women, they can only do so much when it comes to addressing the root causes. In fact, despite a plethora of international human rights instruments and impressive economic, technological, and social progress that focuses on closing gender gaps, many women around the world are routinely abused and victims of various crimes and violence, a tragic crime that must be recognised and vigorously addressed.

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