Human Development and Violence Against Women

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Abstract

Human development is defined as the process of enlarging people’s freedoms and opportunities and improving their well beings. Human rights are the sign and symbol of human development and peace. The violation of the rights of women is a human rights violation of her body and her right as a person. Violence is an action or policy or an attitude that causes bodily or mental injury and debars or dehumanizes a person. In fact, women’s subordination throughout the world should be recognized as a human rights violation and with due account to those structures of oppression that intersect and compound such subordination. Full realization of women’s human rights requires the elimination of all forms of discrimination and achievements of equality for all women. It is persisted in different forms in times of peace as well as in conflict. Violence against women covered all forms of violence i.e, physical, mental and emotional. In such conditions, all the basic rights which are sanctioned/ guaranteed by the constitution and the laws of the country are violated. Provisions of the UN Charter, covenants etc are also meaningless for them. Gender stereotyping and violence at the domestic and social levels are some of the ongoing manifestation. The main causes of gender inequality are related to social and economic structure, which is based on informal and formal norms and practices. All the provisions of human development are meaningless for them. This small paper is an attempt to highlight that there is no meaning of human development in India, in a true sense because of the violation of the basic rights of the women, who constitute nearly 50% of the total population of the country.

Key Words: Development; Discrimination; Equality; Gender; Rights.
Introduction

Human development is about freedom with building up of human capabilities—the range of things that people can do, and what they can be. It is defined as the process of enlarging peoples’ freedom and opportunities and improving their well being. Individual freedoms and rights matters a great deal, but people are restricted in what they can do with that freedom if they are poor, ill, illiterate, discriminated against, threatened by violent conflict or denied a political voice. The most basic capabilities for human development are leading to a long and healthy life, being educated and having adequate resources for a decent standard of living. That is why the largest freedom proclaimed in the UN Charter is at the heart of human development. Different provisions of the UN Charter, Covenants, Resolutions of the World Conferences at the international level; and at the national level the Constitution of India and the laws of the country mentioned detail about the provisions of the freedom, justice, equality etc. which is the full embodiments of the human development. Under a democratic system, the dignity of the human self is recognized irrespective of male female distinction. But still women, who are treated as second class citizen in certain areas, are suffering from different forms of violence instead of the enjoyment of the fruits of the provisions of human development. Today no one is or can be separated from the violence. Everyone and everything suffers. Ninety percent in today’s deadly wars of the conflict situations are innocent civilians caught in war zones, most of them women and children, in fact, these innocents are fighting for the rights of all human being. More insidiously, what is considered domestic violence is often elevated to legitimate war strategy. Rape has only relatively recently been condemned as violence against women. But it is only rape of one’s own which is bad. In conflict and warfare, however, violence against the ‘other’ is legitimate. Global integration is forging deeper interconnection between countries. In economic terms the space between people and countries is shrinking rapidly—as trade, technology, and investment link all countries in a web of independence. In human development terms the space between countries is marked by deep and in some cases, widening inequalities in income and life chances. Human development goes within the members of the societies are as stark as the gaps between countries. These gaps reflect unequal opportunities—people held
back because of their gender, group identity, wealth and location. Such inequality is unjust. They are also economically wasteful and socially destabilizing.

OBJECTIVES: The main objectives of this research paper are:

1. To study the relevance of the provisions of human development in the contemporary society.
2. To highlight the real position of women in this contemporary society and the different forms of violence against women as well as its consequential impacts to the society.
3. To analyze the steps taken up in connection with the protection and maintenance of the rights of the women at the national and international level.

VIOLENCE AGAINST WOMEN: A common aspect of gender relations across cultures and throughout recent history is the subordination of women to men. Gender relations therefore are relations of dominance and subordinations with elements of cooperation, force and violence sustaining them. This is so because most societies are patriarchal or male dominated. If gender inequality is part and parcel of the poverty and discrimination in a society, it must figure just as integrally in the set of measures to eradicate these conditions. Violence against women, regardless of the nature of the perpetrator- individual, group, institution, the state or society, is a human rights violation and is treated as such whether in the home, within the family or outside of it. Violence is an action or policy or an attitude that causes bodily or mental injury and debars or dehumanizes a person. The violation of the rights of women is a human rights violation of her body and her rights as a person. Preventive measures against violence are as important as punitive ones. When there is power imbalance in the family that tilts in favour of the male, it promotes the same in children who carry forward to the future, the inequality and injustice. Extreme inequalities in opportunities and life chance have a direct bearing on what people can be and what they can do that is human capabilities. Inherited disadvantages in the opportunities are wrong for intrinsic reasons, it violates basic precepts of social justice. There are also strong instrumental reasons for a concern with inequality. The physical and mental violence women experience, and their need to gain respect within their own family and society have been obscured in other politicized
issues. As a result of the over imposed power to men and subordinate nature of women, we are witnessing a number of socio-economic crises in all parts of the globe. At the beginning women are internalizing their problems as their own. But it becomes a social issue nowadays. Different forms of social evils which we can find in this present day society as a result of gender discrimination are sexual harassment, infanticide, foeticide, illiteracy, low paid jobs, honor killings, unequal property rights. Power relations are woven into the social contract of the family. Maximum front pages of the daily web, national and local papers are witnessing with the crimes related with fake encounter, extra-judicial killings etc. The rate of child (girl) trafficking illegally inside and outside the country is on the rise. There have been no let up in triggering fake encounter, custodial killings and gross violation of human rights perpetrated by the security forces. The so called ‘abode of peace’ can be a site of conflict, violence and insidious abuse of women. The global community has finally begun to acknowledge the extent of violence against women, especially within the family. Such violence is now being called a Human Rights Violation, and fighting such violations is a part of any Human Rights agenda.

DIFFERENT WAYS OF VIOLENCE AGAINST WOMEN: As mentioned by Galtung, we can discuss violence into three different ways- direct violence; cultural violence; and structural violence.

--- Direct violence includes verbal and physical intended aggression against the body, mind and spirit, included all forms of domestic violence, rape sexual violence etc.

--- Cultural violence is a collection of mechanisms to legitimize, protect and sustain direct and structural violence, usually through icons as national flags and anthems, media representations supporting prejudices.

--- Structural violence refers to mere enduring and less physically visible form of violence-personal, domestic, community and societal – that are provoked by unequal power relations within social structures. This includes such ‘unintended’. Violence as poverty, starvation, spread of preventable diseases and human rights violations.
WOMEN'S RIGHTS ARE HUMAN RIGHTS: The Universal Declaration of Human Rights defines specific rights—civil and political as well as economic, social and cultural with equality and freedom from discrimination as a principle and recurrent theme. It spells out the rights to life, liberty and security of person, to fair trial. Not only to protect the human rights, it shows the lights for how to protect the basic rights of the human beings i.e., by giving punishment and how to develop the whole human world. Women could play an important role in the development process; the need of improving the status of women was felt accordingly, the General Assembly proclaimed 1975 as International Women’s Year. In 1975 first world conference of the International Women’s Year was held in Mexico City, where three themes—equality, development and peace were emphasized. The Indian constitution also lays down some provisions for the enforcement of the fundamental rights guaranteed by the constitution. Clause 3 of the Article 15 provides that this would not prevent the step from making special provision for opportunity in the public employment, education, exercise of political rights, and enjoy the same freedom and the same kind of judicial protection in case of infringement of any rights. The National Human Rights Commission and Manipur State Human Rights Commission and a number of voluntary organizations are working for the protection of human rights against all forms of discriminations at the National and state level.

In spite of the Universal Declaration of Human Rights under the United Nations Organizations and the Constitutional safeguards in India, women are subjected to various forms of discrimination in every sphere, be it at home or at work places. Violence against women— in all societies around the world – remains one of the gravest and most common human rights abuse today. It thrives because of impunity, apathy and inequality. "Women’s rights are human rights", this famous phrase is a proclamation of justice and human dignity for women, because whenever a woman is treated as inferior to a man she is also being treated as somehow less human than a man. Additional international and regional documents that relate to specific concerns have been established over the last 50 years and above. There have been broadly speaking three phases in the development of women’s human rights.

The first phase was based on ensuring that women had equal political rights such as the right to vote and the right to hold public offices. The first generation rights are civil and
political rights, enshrined in the International Covenant on Civil and Political Rights (ICCPR), which can be claimed by the individual against governments. These rights protect individuals from arbitrary interference by the state and are sometimes described as negative in that they require the state to abstain from certain acts such as torture or deprivation of life or freedom. These rights demand restraint from the state and that the state respects the autonomy of the individual, but they are also very paternalistic and tended not to question and, at times, to reinforce stereotypes of women. An International Labour Organization (ILO) treaty during this period stated, that women should not work at night, presumably because this would be seen as clashing with their family duties. The main effect of this was to limit women’s earning opportunities.

The second phase in the development of women’s human rights occurred between 1960 and 1980, and focused on equality and discrimination. This phase culminated in the setting up of the Committee on the Elimination of Discrimination against Women in 1979, which deals with the state’s obligation to eliminate policies that discriminate against women and then sets out different areas of discrimination such as political and public life, employment, health care, financial credit, the law etc. this is a binding treaty, which means that states that have signed up to it must abide by it. They must also make sure that people in their territories respect these obligations too (due diligence). However, for a long time women’s rights were marginalized from the UN system and CEDAW operated in isolation from other UN treaty bodies, which did not integrate the rights of women, so for example the Committee against torture that were gender-specific. Things began to change during the late 1980s; there was an increasing move towards interpreting gender-specific abuses and violations within the remits of existing international conventions.

The third phase in the development of women’s rights as human rights began in the early 1990s. Here we see the attempt to integrate in a much more systematic manner the issue of women’s human rights with UN human rights treaties.

**WOMEN’S ACTIVITIES AND VIOLENCE:** The division of labor in domestic chores and childcare is rarely renegotiated across the genders. Despite their increased labor input into paid work, women (particularly married women) either continued to bear the main burden of
domestic work, or share it with other female members of the household, often their daughters. By and large, gender inequalities in work burdens appear to be intensified. The attention to export oriented manufacturing and agriculture should not detract attention from an important fact of life. The vast majorities of working women do not work in these sectors but are to be found in the informal economy concentrated in the most actualized forms of waged labor and low value owned account enterprises. There has been a great deal of controversy about whether labor standards including the right to organize, can be improved through trade sanctions. Whatever the outcome of this debate, however, the reality remains. Globally enforced labor standards will do little to change the lives and livelihoods of the vast majority of working women in the informal economy where such standards are impossible or impossibly expensive, to enforce. A more inclusive approach would be to institute a universal social floor based on supporting all and supported by all. After the liberalization of the economy and in the new circumstances created by SAP for globalization, the traditional role of women is being undermined whereas mechanization and automation is becoming prevalent in the market based economy which has adversely affected the village based traditional economy. The opening of markets led to the commercialization of agriculture and new technologies penetrated into our agricultural lands. The transmission of knowledge about the new technologies like the use of tractors, high quality fertilizers, selection of HYV seeds, pesticides etc. became man-to-man affairs. Men were increasingly drawn into the modernizing agriculture sector, while the women stayed in subsistence agriculture with no access to credit, training and technologies. The agricultural development has normally and almost entirely been manned by men right from the decision making to implementation.\(^4\) Again women have also been excluded from owning or controlling land, even after the implementation of the Right to Property Act 2005, the most crucial productive resource in agricultural economies. Earlier women and men were equal partners in agriculture. Their knowledge and contribution and participation in decision making were recognized. But with the commercialization of agriculture, women’s job is taken up by men and mechanization has displaced a large segment of agricultural work.
STEPS FOR ELIMINATION OF VIOLENCE AGAINST WOMEN: Accordingly, the Vienna Human Rights Conference and the Fourth World Conference on Women gave priority to this issue which jeopardizes women’s lives, bodies, psychological integrity and freedom. Violence against women and girls constitute the single most prevalent and universal violation of human rights. The United Nations, in keeping with the spirit of the UN Declaration of Human Rights, work in many ways to eliminate this morally unacceptable scourge. UN Conference on Human Rights, the 1979 Convention on the Elimination of All forms of discrimination Against Women (CEDAW), the Beijing Declaration, the United Nations Development Fund for Women (UNIFEM) etc. are some of the instruments that would address the issue of gendered violence. Despite regard for the principle of non-discrimination in the enjoyment of the rights contained in the UDHR, ICCPR, ICESCR, and other human rights instruments, women were not treated equally at the global level. CEDAW acknowledged that discrimination against women violates the principles of equality of rights and respect for human dignity, and is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries. This in turn, affects the development of family and society as whole.

IMPACT OF VIOLENCE AGAINST WOMEN: Gender-based violence encompasses a wide range of human rights violation, including sexual abuse of children, rape, domestic violence, sexual assault and harassment, trafficking of women and girls and several harmful traditional practices. Any one of these abuses can leave deep psychological scars, damage the health of women and girls in general, including their reproductive and sexual health, and in some instances, result in death. Violence against women has been recognized as ‘the most pervasive yet least recognized human rights abuse in the world.’ Accordingly, the Vienna Human Rights Conference and the Fourth World Conference on Women gave priority to this issue which jeopardizes women’s lives, bodies, psychological integrity and freedom. Violence against women and girls constitute the single most prevalent and universal violation of human rights. Human rights violation has served to fuel conflicts and act as a recruiting sergeant for militant groups in many parts of the country.\textsuperscript{5} Arbitrary detention, torture, and the killing of peaceful critics have had the effect of closing democratic
and peaceful paths of opposition, forcing organizations underground and fuelling a growth in militancy. Not only from the side of the state actor, many militant groups have been responsible for human rights abuses, including torture, indiscriminate killing with bombs and landmines, hostage taking and targeted attacks upon civilians regarded as enemies.

Violence against women exists in various forms in everyday life in all societies. There are several instances where rape victims in any society do not report the atrocity committed against them for fear of physical safety. This speaks poorly of both—which is deeply patriarchal in its attitudes—and our law-enforcing machinery. Instead of enabling women who have been victims of sexual assault cope with their trauma, large sections of our society often heap indignity on them. Delhi is by far the most unsafe city for women in this country. But it is not just here that women are vulnerable of crime, especially of the sexual sort.

CONCLUSION: There will be no peace without development, and there will be neither peace nor development without social justice. We can understand development as an integral process of social, economic and political transformation which implies the humanization of the living and working conditions for both sexes within this context, the promotion of the status and role of women in development. Such development requires the maximum participation of women in all fields, not violent actions against them. So when violations against women or girls are not recognized as human rights abuses, women are collectively diminished as human beings and denied part of their humanity. Human rights are not a gift granted at the pleasure of governments nor can they be withheld by governments, or applied to some people and not to others. When governments act like this and deny human rights to a group of people in society, they must be held accountable. But governments are not the only one’s responsible for human rights abuses against women. Corporation, NGOs, private individuals, etc. should also be held accountable. Too often cultural relativism in the form of social and cultural tradition is used as an excuse to deny the human rights of women. But we need to take account this factor very seriously. The universality of human rights means that they apply equally to women as well as to men. This universality of rights—universality both in understanding and in application—is the most powerful tool against gender violence, intolerance, racism, xenophobia and terrorism. Violence whether justified in the name of
communism, nationalism or democracy or glorified in the name of class struggle or jihad, destroys not only human lives but even the very causes that are touted as justifications for their violence.
References


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