Violence against Women: Gigantic Hindrance to Human Rights

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Abstract

Violence against women is one of the biggest hurdle in the achievement of basic human rigts. Infact, it proves to be the biggest stumbling block in the attainment of the objectives of UN Charter and UNDHR. It has become so widespread and common that no women or girl remain untouched by it. Contrary to the widely perceived notion that violence against women is a deep rooted problem of underdeveloped and developing nations, the real picture cannot be more different, as this problem is rampant in the developed world as well. In fact in all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of this violence. Violence against women throughout their life cycle is a manifestation of the historically unequal power relations between women and men. It is perpetuated by traditional and customary practices that accord women lower status in the family, workplace, community and society, and it is exacerbated by social pressures. This research paper attempt explore and deeply analyze what violence actually refers to, its various manifestations and how it impacts the basic human rights of women and the factors that are responsible for this violence and the solutions that can effectively tackle the issue.

Keywords: Violence, women, human rights, discrimination, inequality, public place

Violence as per Merriam Webster dictionary can be simply defined as the use of physical force so as to injure, abuse, damage, or destroy. It is when this violence is particularly aimed at women, it takes a gendered form and becomes violence against women (VAW). The World report on violence and health (WRVH), namely:

> The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal development, or deprivation. The definition encompasses interpersonal violence as well as suicidal behaviour and armed conflict. It also covers a wide range of acts, going beyond physical acts to include threats and intimidation. Besides death and injury, the definition also includes the myriad and often less obvious consequences of violent behaviour, such as psychological harm,

deprivation and mal development that compromise the well-being of individuals, families and communities. Violence is an act of aggression, usually in interpersonal interaction or relations. It may also be aggression of individual woman against herself, such as suicide, self-mutilation, negligence of ailments, sex determination tests, food denial and so on. Basically, then, violence brings into question the concept of boundary maintenance and a sense of self as well as a perception of another's autonomy and identity.

(World Report on Violence….,2019,4)

According to Liz Kelly, violence aginst women involves behavior "behavior that is violent, uses physical force or threat, is intimidating, coercive, or damaging to women"; it includes 'physical, visual, verbal or sexual acts that are experienced by a woman or girl at the time or later as a threat, invasion or assault' and acts 'that have the effect of hurting or degrading her and/or taking away her ability to control contact (intimate or otherwise) with another individual.'(Levy, 2008,2) Litke is of the opinion that the implication of violence lies in the body as well as the self as both are vulnerable to violation and each individual has a very different notion of what is one's body and what is done to one's body. Litke further emphasizes the dynamics of power & powerlessness involved in a violent act and insists that it is a coercive mechanism to assert one's will over another, to prove or to feed a sense of power. Given that violence is not limited to any single group, it can be perpetuated by those in power against the powerless or by the powerless in retaliation against coercion by others to deny their powerlessness. Govind Kelkar defines violence against women in the socio-economic and political context of power relations and believes that the widespread view that violence includes an act of illegal criminal use of force is not only inadequate and limited and should also include exploitation, discrimination, upholding of unequal economic and social structures, the creation of an atmosphere of terror, threat or reprisal and forms of religio-cultural and political violence. Violence against women represents a global problem of pandemic proportions as not only it is the leading cause of death among women between the ages of nineteen and forty four, but it causes more deats than malaria and car accidents combined, and gender based violence contributes to as many deaths and disabilities for women as cancer.

Violence against women is complicated. It is difficult to study, and research results about it are inconsistent. There is no truly objective way to think about the issue-values, beliefs, and emotions affect how we see it, or if we see it at all. Violent perpetrators are motivated by a complex range of factors: psychological, familial, economic, political, environmental, and social. Social structures that maintain the status quo of centuries of women's low status, even as these societies undergo change, are a powerful force in legitimizing violence against women and making it invisible. (Levy, 2008, 2)

Background

It must be noted that since the creation of UN, lot of attention and work was done in the field of advancement of women's rights and many resolutions concerning gender equality were passed and ratified. In fact from its inception to the 1990's many international conventions (the most important being CEDAW) vehemently opposed any kind of discrimination against women and supported gender equality in all spheres of life, be it public or private. But Violence as one of the biggest hindrance to the enjoyment of human rights by women and gender equality was not specifically targeted at. It was only when the "Declaration on the Elimination of Violence Against Women" was adopted without vote by the United Nations General Assembly in its resolution 48/104 of 20 in December 1993 that for the first time the right of women to a life free from violence was internationally recognized. The resolution is often seen as complementary to, and a strengthening of, the work of the Convention on the Elimination of All Forms of Discrimination against Women and Vienna Declaration and Programme of Action.It recalls and embodies the same rights and principles as those enshrined in such instruments as the Universal Declaration of Human Rights and Articles 1 and 2 provide the most widely used definition of violence against women. (Declaration…..Women, 2019)

The UN definition is important because it focuses on the responsibility of the state to address the human rights of women, and it recognizes violence against women as gender based and both public and private. It is significant to challenge the view that violence against women is only an individual, private problem of a particular victim, it's also important to recognize that this violence is institutionalized and supported by the state. We see violence as 'institutionalized' when it is justified as normal or acceptable by institutions such as religions, legal systems, workplaces and government policies.(Levy, 2008,4)

> "Article 1-For the purposes of this Declaration, the term "violence against women" means any act of genderbased violence that results in, or is likely to result in, physical, sexual or psychological harm orsuffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whetheroccurring in public or in private life.
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> Article 2-Violence against women shall be understood to encompass, but not be limited to, the following:
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> (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
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> (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual

harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3-Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia : The right to life; The right to equality; The right to liberty and security of person, The right to equal protection under the law; The right to be free from all forms of discrimination; The right to the highest standard attainable of physical and mental health, The right to just and favourable conditions of work; The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

Article 4-States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women."

(Declaration….Women, 2019)

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Violence in Public Places

Violence against women in public places in recent times has emerged as one of the most serious issues faced by the governments all over the world, especially in developing countries like India and underdeveloped countries. It is important to first discuss what public space actually refers to. 'A public space is a social space that is generally open and accessible to people. Roads (including the pavement), public squares, parks and beaches are typically considered public space.'(Public space, 2019) 'Public Place' is defined as any place to which the public has access whether as of right or not and includes all places visited by general public namely auditorium, hospital building, railway waiting room, amusement centers, public offices, court buildings, educational institutions, libraries, coffee houses, canteens, banks, clubs and also open spaces surrounding hotels/restaurants etc. (Prohibition……,2019) In simple words public places are meant for all and sundry irrespective of their gender but in

India public place means an 'exclusive men zone' only where women and girls are second class citizens whose safety is at the mercy of men. Crimes like eve teasing, molestation, sexual harassment have become so common that every girl or woman models her daily routine on her safety considerations.

Violence against women surrounds all of us, whether or not we are aware of it. Think about the small decisions you make everyday. If you are a woman, when you decide what to wear, where to go, how to get there, what time of day you are outdoors, and what affects your sense of safety and security, are you aware that you are afraid of being sexually assaulted? If you are a man when you think about your mother, sister, girlfriend, or wife, and their activities and acquaintances, are you aware of your urge to protect them or your anger at them because of your fear that they could be sexually assaulted. If you are a woman who has experienced or witnessed violence, how has this affected your daily decisions. Levy further says the effects of violence against women are experienced not only by individual survivors, but by their communities, and by the women, men and children who care about them.(Levy,1)

Bishakha Datta in her book '9 degrees of Justice' has aptly described that violence witnessed in public places has become so commonplace that it is often seen as normal.

"Is 'normal' violence the violence that is so ubiquitous that is no longer worthy of comment? Is it that which is sanctioned by power hierarchies and therefore unremarkable? Is it the internalization of these power hierarchies so that certain kinds of violence, exercises of power, appear legitimate? In the context of public space, normalized violence might be seen as the everyday violences that women face when accessing public space. It implies the daily repetitive performance of acts of intrusion and harassment which women are expected to take in their stride. These acts might involve a variety of ideologies, attitudes, and behavioural patterns that underscore the normative idea that women are out of place in public space." (Bishakha Datta,85)

Public space in India is considered an exclusively male-zone where men can do whatever they want. In fact it is like a second home for men. They can fool around, loiter without any purpose, ogle and stare at passers by in general and women in particular, shout or talk loudly at will or simply hang around near the road side stalls or market areas. In stark contrast to this, women must step out in the public arena only when they have a certain purpose, they should be very cautious of their surroundings as if they have come to a very dangerous territory where they just don't belong so as soon as their work is done they must leave the public space and move back into the safety of their homes. Women, unfortunately, too have accepted that public space is not meant for them due to the rampant violence present in the society and have imposed more and more restrictions on them. They are constantly suffering from anxiety and any obscene comment, lewd marks makes them even more anxious and insecure but they put the blame on themselves thinking if they were at the wrong place at the wrong time, or wearing wrong or inappropriate clothes, or behaving in the wrong manner. The fear of night or darkness has become so rooted in the psyche of women that they feel that stepping out in night is like inviting trouble so they have

themselves imposed restrictions on their mobility. This approach has made women isolated from the social aspects of life and they themselves play a part in normalizing violence. Feminist scholars point out that such normalized violence often leads to situations and states that are then further normalized as female pathologies. Esther da Costa Meyer observes that a social anxiety about the place occupied by women in public space also has an acute impact on women's own anxieties with regard to these public spaces, sometimes to an extent of pathology in the form of agoraphobia, the fear of open spaces, like, fear of markets, fear of public squares, dizziness in public squares and fear of the streets, and this agoraphobia often manifests itself in conditions of domesticity- which reinforce women's position within the home and deny them roles in the labour force.(Bishakha Datta, 86)

Brutally violent crimes against women are part of a range of violent acts against women in public space and stem from women's lack of claim to public space and step from women's lack of claim to public space. These acts of violence further contribute to reducing women's access to public space when they are flashed across television screens and newspapers, reminding women that they are not safe in the city. The perception of risk is sometimes as significant as the actual existence of risk of violence and media narratives of danger play no small role in circumscribing women's access to public space.(Bishakha Datta,87) It must be noted that the unscrupulous coverage of the 'Nirbhaya Case' by some sections of media stooped to a new low when they kept on focusing only on one aspect of the gang rape that the victim was returning with her boyfriend at night time. This resulted in many people imposing further restrictions on their female family members forcing them to completely avoid going during the night or hang around with their boyfriends. This fear mongering by the media not only proved to be a big obstacle to the freedom of women but instilled deep rooted fear among the masses regarding the safety of women. Instead of concentrating on the extent to which our societal values have degenerated and society, itself, has become a playground for perverts and sexual deviants, and trying to find the solution of the problem, some sections of the media indirectly promoted that women can be safe only in the confines of their homes and public space is not for them.

Barry Levy has aptly described the consequences of violence against the society. She says,``Violence against women doesn't affect just individuals and families; it has large scale ramifications for societies and nations as well. The consequences of widespread violence against women manifest in many different ways: countries, whether industrialized or developing, can't reach their full potential as long as women's potential to participate in society is denied. Violence against women undermines half of the population, affects child survival, and has a negative impact on the viability of the family. A single rape can affect many women; fear of rape leads women to restrict their residences, work, activities, and movements to avoid being raped. It's impossible to know the full effects of this restrictive fear on women's achievement of their potentials, health, and economic well-being.''(Levy,73) Violence, in brief, strips women not only of her human rights but reduces her to the margins of the society. Simone Beauvoir has aptly said humanity is male and man

defines woman not in herself but as relative to him; she is not regarded as an autonomous being.(Beauvoir,2011) This statement further intensifies that men view women as their subordinates who are mere puppets with strings in their hands and they can make them dance to their tunes.

It must be noted that while violence is a universal phenomenon, the intensity and frequency of violence is directly proportional to the development of nations and this is the reason why developing and underdeveloped nations have much incidents of violence against women as compared to developed nations. Developing countries like India where a strong cultural preference for male child exists, violence automatically becomes gendered in form and most of the violence and criminal acts stems from exercising superiority over the fairer sex. There is this superiority complex among the male population in the country and they firmly believe that violence is the best way through which this superiority and control can not only be exercised but also continue for perpetuity. Violence against women has unfortunately become the routine feature of the Indian society. It must be noted that while women are suffering violence in both the public and private sphere, it is the public sphere that needs urgent action because in private sphere women can exercise certain control and women who are self-dependent are no more living a victimized lives but in the public sphere women hardly have any control over the situation and most of them irrespective of class, caste, status, position, have experienced some form of violence in public space. In fact no measure of power, prestige, accomplishments can guarantee that a woman will not face violence in a public place in India. From women politicians to Bollywood actresses, business women have faced violence in the public space. In some very shocking instances, women police in India too have been victims of this violence.

Conclusion

One may wonder that after so many laws and so many steps taken by the government to stop violence against women, it still continues unabated showing no signs of slowing down. The very answer to this question can be that no amount of laws can bring any tangible change unless and until society in itself is willing to undergo drastic changes. Society is not an abstract institution and it comprises of the same people including the perpetrators as well as the victims of violence. These perpetrators are not from some outside planet, they too have families and they are also part of the same social structure. If they are made to understand that the violence that they are spreading can backfire upon them and if the female members of the family whether sister, wife, daughter can too be a victim of the same crimes, might bring reform in some if not all of them. Furthermore the victims too should not stay mum over the issue and should voice them with their full might. If crimes such as eve-teasing, molestation are nipped in the bud and the perpetrators are taught a lesson in the initial stages, the criminals will be vary of attempting such crimes in future. Law including the police and judiciary too should be sensitive to the cause of women and should not let the criminals get away by merely pointing out the loopholes within the system because the system can be changed only when people working within it are willing to change themselves and be true and honest to their duties.

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