

Crime Against Women: A Stigma on Human Rights

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Abstract

Women are also human. Crime against women is a violation of human rights. Violence of women even occurs in their families and immediate circles. The crime rate against women is increasing in its volume and type. It has physical, sexual, and mental consequences on both immediate and long-term basis, even at the cost of life also. Moreover, the general wellbeing of women is affected sometimes as they are not a vital part of the family or society. Law regarding women welfare keeps on increasing in its volume; but the intensity of crime is growing. According to the National Crime Records Bureau of India, the reported crime against women increased 6.4% during 2012, and a crime against women occurs every three minutes. Despite of laws like Medical Abortion Bill, 2020, the Protection of Women from Domestic Violence Act

2005, the Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act, 2013 and Protection of Women from Domestic Violence Act, 2005, it never stops. And due to issues like poverty, illiteracy, unequal social grades, superstition, lack of awareness, excessive exposure to mass media and internet; the knowledge about methods of crime and pre-time knowledge about sex; crime increases. The consequences of law and punishment are also not very effective due to many legal and humanitarian reasons. The international plans like SDG 16 for promotion of peaceful and inclusive societies and SDG5 used for gender equality women issues are gaining momentum recently. It needs the action to be taken by the government, non-governmental organisations, communities and more by the family of the victims and the victim herself.

Keyword

National Crime Records Bureau, violence, human rights, Charter of United Nations, General Assembly, constitutional rights, legal rights

Introduction

Violence against women and girls is one of the most systematic and widespread human rights violations. Crimes against women seem as their lifetime process. They experience sexual, physical, financial, emotional and physiological violence in their homes, in their relationships, friendships, schools, communities, workplace and in areas of conflict. Moreover, they face dating violence and domestic violence and female genital mutilation and child marriage and killing of female foetuses; simply because they are female. According to 2013 global review of available data, 35% of women worldwide have experienced either physical or sexual intimate partner violence or non-partner sexual violence. It

needs exchange of experiences, strengthen knowledge to prevent and stop violence against women. In December 2006, the General Assembly developed and in 2009 adopted "U.N. Secretary-General's database on violence against women". In 2016 with the Agenda for Sustainable Development with the view for 2030 it again updated the "Global Database on Violence against Women".

Crime against women is all over the countries irrespective of age, race, sexual and educational background and socio-economic status. From ancient times the role and behaviour of male female are determined by gender inequality and discrimination. Females are considered as subordinates. This lower status hinders their ability to remove themselves from abusive situations or seek support. They have a lack of power to control the family and society. Other factors like ethnicity, disability, location, caste, age, health status, education, disability, religion and socio-economic status increases the rate of violence.

To create an enlightened, prosperous and stable society human rights of both men and women has to be balanced. The natural differences between them are not to create discrimination but to complement each other for the restoration of human civilization. So, crime against women is the stigma on human rights and never helps to create a physically and mentally healthy society to keep up the future of human beings on this planet. Women must live with dignity and respect as human beings.

Data

About 35% women have experienced either physical or sexual intimate partner violence at some point in their lives. And in some nations it goes up to 70% leading to higher rates of depression, abortion and contaminated to HIV. It is

estimated that of 87,000 women who were intentionally killed in 2017 globally, more than half (50,000- 58%) were killed by intimate partners or family members. It means 137 women across the world are killed by a member of their own family every day. Globally 49% adult women face human trafficking. More than three out of every four child trafficked girls are used for sexual exploitation. It is estimated that there are 650 million women and girls who are married before 18 years of age. At least 200 million women and girls aged between 15 to 49 have undergone female genital mutilation in about 30 countries.

In India according to the National Crime Records Bureau, in 2011, there were more than 228,650 reported incidents of crime against women, while in 2015, there were over 300,000 reported incidents. It shows a 44% increase in crime ratio. 65% of women tolerate violence to keep their family intact and even get beaten. In 2012 about 8,233 reported cases were there regarding dowry death. The Preconception and Prenatal Diagnostic Techniques Act of 1994 was modified in 2003 to deal with medical professionals. But it was ineffective as sex-selective abortions have totalled approximately 4.2-12.1 million from 1980 to 2010. According to the National Crime Records Bureau, one woman is raped every 20 minutes in India. India is one of the fifty countries that have not outlawed marital rape. From 2011 to 2012 there was a 5.3% increase in violations of the Immoral Traffic (Prevention) Act of 1956.

Summery

Adopted in 1945, the Charter of the United Nations says, "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in equal rights of man and women". Human rights and fundamental freedoms

are inherent for human nature. Discrimination against women in law and practice is everywhere. The real picture shows violence against women, women's under representation in public life, political sphere and decision-making, lack of access to education and adequate health services and disadvantages in the labour market, unequal access to land, property and inheritance and many more. Orthodox traditional and cultural practices are rampant in every country in the world. Women owe an inferior position in family and society.

Article 1 of the Charter tries to promote respect for human rights and fundamental freedoms, "without discrimination of race, sex, language or religion. The strategy tries to play a fair role by achieving gender equality as the main objective. The Convention on the Elimination of All Forms of Discrimination against Women is a milestone of gender equality and strengthened the political rights of women of 1952. The convention pressurised government officials and lawmakers to improve legislative frameworks and public policies and programmes to uplift gender equality. The theme of sex is repeated in Articles 1 i.e. mandate of General Assembly and Article 55 i.e. promotion of human rights. In 1993, at Vienna Conference on Human Rights, particularly issues like violence against women and violations of women rights were upheld. The "Rio+20" made commitments for equal right for women and leadership in the economy, society and political decision making and includes elimination of all forms of discrimination against women.

Article 1 of the United Nations Declaration on Violence against Women says, "Any act of gender-based violence like physical, sexual or psychological harm or threats such as, coercion or arbitrary deprivations of liberty, whether occurring in public or private life". Women's right to live in a

violence free world is upheld by international agreements such as Convention on the Elimination of all forms of Discrimination against Women (CEDAW), especially through General Recommendations like 12 and 19. The 1993 UN Declaration on the Elimination of Violence against Women also works on it. The United Nations works through the General Assembly and CSW with governments in adopting and enacting legal reforms with international standards. The Fourth World Conference on Women in Beijing in 1995 addressed the nature of discrimination against women to achieve full realization of human rights for all. The Beijing platform emphasises on women's participation in decision making with the preparation of a platform to consider the interests of women at all levels of decision making. It opted for

1. To ensure women's equal access to end full participation in power structures and decision making.
2. To increase women's capacity to participate in decision making.

The first point includes gender-balanced composition in governmental bodies and committees, and in public administration, judiciary, through specific targets by establishing positive action policy, to integrate women into elective positions in political parties to promote women's political rights and to reconcile work and family responsibilities for both sex. Secondly, it recommends a platform to take leadership and gender awareness training; the development of transport criteria for decision making positions and the proper monitoring. It was backed by the Commission on the Status of Women at its forty- first session in 1997, adopted Agreed Conclusions (1997/2), to attain equal decision making power. The Convention on the Elimination of All Forms of Discrimination against Women, in Article 7, calls to take

appropriate measures to eliminate state discrimination against women in the political and public life. In its resolution 1325/(2000) the Security Council opted for the role of women in peace building.

The U.N. General Assembly in 2000 convened a Special session on "Women: Gender Equality, Development and Peace for the 21st century to assess progress on women's issues. The United Nations General Assembly, at its fifty-eighth session in 2003, adopted resolution 58/142 that NGOs can play a vital role of women in decision-making, conflict resolution and restoration of peace. In February 2005 the Commission on Status of Women at its 49th Session viewed the progress on Beijing Platform for Action. On March 14, 2011 the Economic and Social Council Chamber discussed the present status of gender violence in the world. The Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights obligate states to ensure equality before law and equal protection of law without discrimination, including grounds of sex. The Convention on Rights of Child particularly aimed for the protection of girl children.

In India women have both constitutional and legal rights. Indian Constitution held the rights of women in its preamble, fundamental rights and directive principles of state policy. Articles 14, 19, 21 and 32 deals with sexual harassment of working women amounts to violation of rights of gender equality and right to life and liberty and also right to practice any profession, occupation or trade. So, the victim is entitled to find a remedy under Article 32 by the apex court directly. Moreover under article 21 and 14 deals with sexual harassment of female subordinate amounts to misconduct. Legal provisions like the Protection of Human Rights Act, 1990 for constitutional and legal safeguards of

women. Other acts like Protection of Human Rights Act, 1993, Protection of Women from Domestic Violence Act, 2005 to save women from physical, sexual, emotional, verbal, psychological and economic abuse, Protection of Women against Sexual Harassment at Workplace Bill, 2010 is there to protect women employee and client, customer, students, research scholars in colleges and universities, and also patients in hospitals. Indian women are barred by illiteracy, cultural barriers and subordination. Unfriendly process of law kept women away from the justice system. After the infamous "Nirbhaya" case, the Criminal Law (Amendment) Ordinance, 2013 was promulgated and many new laws passed.

Constitutional rights of Indian women

According to Article 15(1), the state shall not discriminate against any citizens of India on the ground of sex. Article 15(3) empowers the state to make any special provision for women i.e. it provides discrimination in favour of women. No citizen shall be discriminated against or ineligible for any employment or office under the state on the ground of sex as per Article 16(2). Traffic in human beings and forced labour is prohibited under article 23(1). Article 39(a) directs the state to secure adequate means of livelihood for men and women equally. Article 39(d) secures equal pay for equal work for both Indian men and women. The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength according to article 39(e). It also provides just and humane conditions of work and maternity relief according to article 42. Article 51- A(e) says that it shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women. One-third of the total number of seats to be filled by direct elections in every

panchayat shall be reserved for women as in article 243-D(3). One-third of the total number of chairpersons in the Panchayats at each level shall be reserved for women says article 243-D (4). Moreover, one-third of the total number of seats to be filled by direct election in every municipality shall be reserved for women under article 243- T(3). The offices of the chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide according to article 243-T(4).

Legal rights of women

Protection of women from Domestic Violence Act(2005)- it is a comprehensive legislation to protect women in India from all forms of domestic violence. It also covers women who have been/ are in a relationship with the abuser and are subjected to violence of any kind of physical, sexual, mental, verbal or emotional relationship.

Immoral Traffic (Prevention) Act(1986) - It prohibits indecent representation of women through advertisements or in publication, writings, paintings, figures or in any manner.

Commission of Sati(Prevention) Act(1987) - It provides for the more effective prevention of the commission of Sati and its glorification on women.

Dowry Prohibition Act(1961) - It prohibits the giving or taking of dowry before or anytime after marriage from women.

Maternity Benefit Act(1961) – It regulates the employment of women in certain establishments for a certain period before and after child- birth and provides for maternity benefit and certain other benefits.

Medical Termination of Pregnancy Act(1971) - It provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.

Pre- Conception and pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) - It prohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female foeticide.

Equal Remuneration Act(1976) - It provides for payment of equal remuneration to both men and women workers for the same work or work of a similar nature. It also prevents discrimination on the ground of sex, against women in recruitment and service conditions.

Dissolution of Muslim Marriages Act(1939)- I t grants a Muslim wife the rights to seek the dissolution of her marriage.

Muslim women (Protection of Rights on Divorce) Act(1986) – It protects the rights of Muslim women who have been divorces by or have obtained divorcefrom their husbands.

Family Courts Act(1984) - provides for the establishments of Family Courts for speedy settlement of family disputes.

Indian Penal Code(1860) - contains provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.

Code of Criminal Procedure(1872) - has certain safeguards for women like obligation of a person to maintain his wife, arrest of women by female police and so on.

Indian Christian Marriage Act(1872)- contains provision relating to marriage and divorce among the Christian community.

Legal Services Authorities Act (1987) provides for free legal services to Indian women.

Hindu Marriage Act (1955)- introduces monogamy

and allows divorce on certain specified grounds. It provided equal rights to Indian men and women in respect of marriage and divorce.

Hindu Succession Act (1956)- recognizes the right of women to inherit parental property equally with men.

Minimum Wages Act(1948)- does not allow discrimination between male and female workers of different minimum wages for them.

Mines Act (1952) and Factories Act(1948) –prohibits the employment of women between 7 P.M to 6 A.M. in mines and factories and provides for their safety and welfare.

Other legislations to safeguard women rights

Other laws like, Employees' State Insurance Act(1948), Plantation Labour Act(1951), Bonded Labour System(Abolition) Act (1976), Legal Practitioners (Women) Act(1923), Indian Succession Act(1925), Indian Divorce Act(1869), Parsi Marriage and Divorce Act(1936), Special Marriage Act(1954), Foreign Marriage Act(1969), Indian Evidence Act(1872) and Hindu Adoptions and Maintenance Act(1956) serve the women rights in different ways. There is also the National Commission for Women Act(1990)- provided for the establishment of a National Commission for Women to study and monitor all matters relating to the constitutional and legal rights and safeguards of women. The Sexual harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act(2013) provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organised or unorganised.

Despite trying to uplift women; India still ranks 118 among 177 nations on gender equality. Although child marriage has been banned since 1860, it still occurs in India. Traffic (Prevention) Act was passed in 1956, yet cases of

immoral trafficking of young girls and women have been increasing in 1961, Government of India passed by Dowry Prohibition Act. Though medical tests determining sex have been banned, India has a high masculine sex ratio. The Incident Representation of Women (Prohibition) Act was passed in 1987, but it is violated many times. The Protection of Women Domestic Violence Act, 2005 came into force on October, 26, 2006, but violence rate is increasing.

Findings

In spite of many international and national laws, the data of crime against women increases. Socio-economic position of women in societies negatively affects the representation of women in various fields. The sexual division of labour in society also imposes a burden on women. Women face a double burden to deal with family and profession. Most societies fail to distribute burdens of men and women in a family to share the responsibility of family and especially child-rearing. The gender mainstreaming efforts to have gender equality needs:-

The presence of individual women as critical actors to rebuild society.

1. To enhance women capability through critical actors.
2. To provide unprecedented opportunities to women by influencing the policy-making process at critical junctures.

The upliftment of women needs social movements, involvement of state institutions and proper framework and guidance of international organisations. The following factors are to be removed for empowerment of women:-

1. Lack Of representation in policy making and certain fields like military, macroeconomic policy and foreign affairs;

2. Lack of women friendly environment on parliaments;
3. Poverty and social marginalisation.

Girls who are the future of a nation are untapped resources. "They are the instigators of their own futures and leaders of change within their communities and globally. There is a role for leadership and legislators to make violence against women illegal and to punish offenders. Many countries already have appropriate laws in place, but they are not fully enforced. That has to change. States can actively implement current laws and conventions, and introduce new legislation where it is lacking" says Phumzile Mlambo-Ngcuka, the UN Women Executive Director. Implementation and time bound execution of law is necessary not only based on considering the penalty and the gravity of the incident but to create fear of law and consciousness in the minds of criminals. Law itself has many pores and corns. Thus, during the execution of law this must be covered based on facts and gravity of the crime. The law must consider the torture of the victim and her family. The recent data regarding the crime shows the increasing rate of crime, so proper scientific methods should be applied to define the crime. Crimes should be reported either by the victim or by family or community members immediately.

Before and after the commission of crime; life of a person changes. So, after undergoing mental and physical hardship; reestablishment in society is necessary. In this crucial time the victim should get help from the government, family, community. Above all the victim herself should try to stand firm. Self esteem should be built among the victim and the falsely accused person. The challenge remains before the governments and society to implement laws by giving access to women for safety and justice. It must not only prevent

violence but also deal with proper punishment methods till the criminals are unpunished. As Kaushilla Nepali, 27, said, "From where I stand; i did not let myself become a victim. I used my pain to raise" , was one of the participants of the three day Asia Pro Bono Conference held in Kathmandu, from September 13 to 15 was supported by the UN Women ICJ and CHCHR programme, " Enhancing Access to justice for women in Asia and the Pacific.

Suggestions

Legal changes

Criminal justice system should be an easy going step for assaulted women for accruing justice, protection or rehabilitation.

Review the existing constitutional, political, legislative and regulatory frameworks.

The gap between law and its applicability should be minimized to criminalise violence.

Laws tend to be piecemeal, focusing on specific forms of violence rather than dealing comprehensively with all forms of violence against women.

Law enforcement should be timely and vigorous to avoid victim's apathy,distrust and avoidance of the system. So, mechanisms like judiciary, police, and enforcement officials should be easily accessible and maintain their aim as it is a long process.

They should get free legal-aid.

Every crime should be reported.

Sexual assault complains must have legal representation with assistance like psychiatric and medical treatment.

Legal assistance should be provided at the police station, by the advocate appointed by court by trilling the

rights to deal with the distressed state of mind of the victim under a proper circumstance.

Police must tell the right of representation to the victim.

A criminal injuries board should be established and compensation should be provided by this board or by the offender.

Proper coordination should be established between investigating officers and public prosecutors.

Modern technique should be used.

To rule out gender bias attitudes the members of judiciary and Bar must be trained.

Setting up of special courts for sexual assault cases is necessary.

Special women investigating officers and doctors to deal with mental assault with special training can be appointed .

Counseling to family members is necessary.

A sensitive media action is a must.

Inquiry and punishment procedure through proper legal authorities with immediate action should be carried on.

Self- development

1. Challenge all discrimination and violence.
2. Make a respectful relationship with others.
3. Build empathy and respect for oneself.
4. A woman or girl must know their rights and be empowered to assert these rights.
5. They must actively participate in their lives and play an important role to change their lives.

Changes In societies and communities

Violence against women are community based, challenge attitudes. norms and behavior; including man and

women should be dealt with self-led change by analyzing harmful attitudes, beliefs and practices whether as social customs or religious beliefs on a long-term basis.

The respect and position of women should be protected by traditional and religious leadership.

Shift in gender roles at individual, household and community levels must be adopted.

Having open and honest discussions on this topic a safe environment will be created to stop violence.

Steps to be taken by different agencies

U.N.National governments, civil society organisations and other institutions must try to end violence, increase awareness about the causes and consequences of violence and adopt capacity building preferences to prevent and respond violence.

Promote changing norms and behaviour of men and boys to advocate for gender equality and women rights. Design appropriate programmes and mechanisms to develop and strengthen a culture of ethics in public service.

Creation of multi-sectoral response for survivors of crime covering safety, shelter, health, justice and other essential services.

Policy is to be developed to step up investments in prevention by cost-effective, long-term means to stop violence.

Dedicated national action plans are to be developed by coordinating diverse actors required for the sustained and meaningful action.

Awareness and understanding regarding women issues should be created within government officials, leading comprehensive services.

Women and women agencies should come forward to know

and claim their rights to combat violence.

They should find safe- space to financially support by proper training about rights, employment and take leadership positions in government and other sectors.

Non-formal education about violence, their rights, and to develop the skills and confidence to speak out and to take action against violence in their own lives and their communities by changing harmful norms and attitudes and behaviors; should be taught.

Everyone should be educated on the basis of cultural, social and legal contexts.

It develops a global curriculum that is adaptable, relevant and culturally appropriate.

It works in partnership with communities and builds relationships with parents, schools, community leaders, support services and women's organisations.

It must create a survivor –oriented approach that helps survivors and responds to their needs.

It takes an evidence-based approach to stop violence.

The entire mass should be educated about human rights to understand different forms of violence and recognise warning signs of violence

Skills should be developed to form their own relationships and support their friends.

An awareness must have the tips on think, identify, support and speak out and take action issues.

Girl-friendly, safe and supportive spaces should be created also in school.

Any government or community programme should include steps like attend training, assess risks of delivering curriculum, know your local child protection procedure, build

local partnerships, decide forms of relevant violence in the community, prepare yourself, create a safe and supportive space, sign up to the leader's code of conduct, build your curriculum and evaluation.

They should take part in decision making like political participation and proper representation.

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