



## Child and Women Rights: Problems and Prospects

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**Abstract:** The lives of women and children are rightly knit, as are their rights. Women and children have both been subjected to discrimination, so they share that experience. But it is also true that women's health and social and economic status –even before a child is born- it is directly related to a child's prospects for survival and development. Historically, women have been the primary caregivers of children and resources put in their hands are more likely to be used to benefit children than those given to men. Discrimination against women is thus detrimental not only to women themselves, but also to the next generation.

**Key words:** human rights, freedom, protection

### Introduction

The denial of human rights and fundamental freedoms not only is an individual and personal tragedy, but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. Every individual has rights. With women, certain rights are specific to children or need to be reinterpreted in the case of children. These rights are outlined in the Convention on the Rights of the child. The legal rights of children were recognized in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, when the first legislation concerning children was drawn up. The adoption of the Universal Declaration of Human Rights in 1948- which stated that "all Human beings are born free and equal in dignity and rights"-was a turning point in the recognition of children as right holders. The international Bill of rights further cemented this view and became the fundamental, legally binding instruments through which effective advocacy and implementation of human rights-including children's rights were based. While the protection of women's rights is important in itself, it is also

important for the achievement of children's rights.

The lives of women and children are rightly knit, as are their rights. Women and children have both been subjected to discrimination, so they share that experience. But it is also true that women's health and social and economic status –even before a child is born- it is directly related to a child's prospects for survival and development. Discrimination against women is thus detrimental not only to women themselves, but also to the next generation. This distinction was based on gender. Since then women as a commune had waged struggle for recognition of their rights as a human being. Women execute multilateral role in society i.e. as a breadwinner of her family, as caretaker of the family as a mother, wife, daughter and service provider to the society. In spite of the fact that the women's contribution to the country's development is equal to that of the male counterpart, still they experience a number of limitations that restrain them from comprehending their potential for expansion.



### **Women's Rights Violation in India:**

United Nations Declaration on the Elimination of Violence against Women:

The Declaration on the Elimination of Violence against Women was adopted by the United Nations in 1993. It defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life". The resolution established that women have a right to be free from violence. As a consequence, in 1999, the General Assembly declared the day of 25<sup>th</sup> Nov, to be the International Day for the Elimination of Violence against Women.

**Crimes against women:** The National Crime Records Bureau reported in 1998 that by 2010 growth in the rate of crimes against women would exceed the population growth rate. Many crimes against women were not reported to police due to the social stigma attached to rape and molestation.

**Acid Throwing:** A Thomas Reuters Foundation Survey says that India is the 4<sup>th</sup> most dangerous place in the world for women to live in. Women belonging to any class, caste, creed or religion can be victims of this cruel form of violence and violence and disfigurement, a premeditated crime intended to kill or maim permanently and act as a lesson to put a woman in her place. In India, acid attacks on women who dared to refuse a man's proposal of marriage or asked for a divorce are a form of revenge. Acid is cheap easily available and the quickest way to destroy a woman's life.

**Child Marriage:** In India although there exist a law barring the marriages of children at the early age, but it is still being practiced in different parts of India. Child Marriage Act 2006 prohibits child marriage and declares 18 years and 21 years as the marriageable age for girls and boys. According to the National Population Policy, Over 50% of the girls marry below the age of 18, resulting in a typical reproductive pattern of "too early, too frequent, too many" resulting in a high IMR". Child marriage takes away from a girl child the innocence of her formative years of life necessary for the physical, emotional and psychological development.

**Domestic Violence:** Women are more likely to be victimized by someone they are intimate with, commonly called "intimate partner violence". The cases of IPV are not reported to the police and thus it is difficult to find the magnitude of the problem. According to the WHO, globally 38% of murders of women are committed by an intimate partner. In spite of the fact we have 'Protection of women from Domestic Violence Act 2005' domestic violence still remains a serious problem. The domestic violence had taken the form of psychological and physical abuse against women like slapping, hitting, public humiliation etc. National Crime Records Bureau reveals that a crime against a woman is committed every three minutes, a woman is raped every 29 minutes, a dowry death occurs every 77 minutes and one case of cruelty committed by either the husband or relative of the husband occurs every nine minutes. This occurs despite the fact that women in India are legally protected from domestic abuse under the Protection of women from Domestic Violence Act.



**Dowry:** In 1961 Govt. of India passed the Dowry Prohibition Act making dowry demands in wedding arrangements illegal. A 1997 report claimed that every year at least 5000 women in India die dowry-related deaths, and at least a dozen die each day in kitchen fires thought to be intentional. 'Bride burning' is criticized in India itself. Amongst the urban educated such dowry abuse has reduced considerably. In India, in 2011 alone, the National Crime Records Bureau reported 8,618 dowry deaths.

**Female infanticide and Sex selective abortion:** In India, the male female ratio is skewed dramatically in favor of males, the chief reason being the high number of females who die before reaching adulthood. Reports show that the higher number of males in India can be attributed to female infanticides and sex selective abortions. Ultra sound scanning constitutes a major step forward in providing for the care of mother and baby, and with scanners becoming portable; these advantages have spread to rural populations. However, ultrasound scans often reveal the sex of the baby, allowing the pregnant women to decide to abort female fetuses and try again later for a male child. This is the main reason for the change in the ratio of male to female children being born.

**Rape:** In India it is described as most common crime against women and by the United Nation's human rights chief as National problem. In 1980's, women's rights group lobbied for marital rape to be declared unlawful, as until 1983, the crime law( amendment) act stated that "sexual intercourse by a man with his wife, the wife not being under fifteen

years of age is not rape. According to the National Crime Records Bureau, in 2012, 25000 rape cases were reported. In India in the rural areas, the upper caste people use mass rapes as a strategy to have power on the members of the lower caste groups. The brutal gang rape case in Delhi had led to the passage of the strict law i.e. The criminal law (Amendment) Act 2013 to deal with the rape cases in India.

**Sexual harassment:** Eve teasing is a euphemism used for sexual harassment or molestation of women by men. Many activists blame the rising incidents of sexual harassment against women on the influence of "Western Culture". In 1987 the indecent Representation of women (Prohibition) Act was passed to prohibit indecent representation of women through advertisements or in publications, writings, paintings or in any other manner. The year 1997 is a landmark judgment; the Supreme Court of India took a strong stand against sexual harassment of women in workplace. In 2013 India's top court investigated on a law graduates allegation that she was sexually harassed by a recently retired Supreme Court judge. The sexual harassment of women at workplace (Prevention, Prohibition & Redressal) Act 2013 came into force on Dec.2013, to prevent harassment of women at workplace.

**Trafficking and Forced prostitution:** The immoral Traffic (Prevention) Act was passed in 1956. Many cases of trafficking of young girls and women are occurring. These women are either forced into prostitution, domestic work or child labour.

**Marital rape:** It non-consensual sex perpetrated by the victim's spouse, which



widely ignored by law. Spousal rape is now repudiated by international convention and increasingly criminalized.

**Violence against victims:** After the incident, victim may face violence or threat of violence from the rapist. Violence of the victim may be penetrated by the rapist or by friends and relatives of the rapist to prevent the victim to report the case and to withdraw from the case.

**Honor killings:** Women and girls are usually killed by the husbands, fathers, uncles and brothers because the women are believed to have brought shame and dishonor to the family. It occurs in the northern regions of the country.

**Protection of Women Human Rights by Constitution of India:** The Constitution of India confers special rights upon women. The constitution framers made some efforts to lift the women of our society. The state is directed to provide for maternity relief to female workers under article 42 of the Constitution, where as Article 51 –A declares it as a fundamental duty of every Indian citizen to respect the dignity of women. Indian parliament has passed the Protection of Human Rights Act,1993 for the proper implementation of Article 51-A. Indian Parliament have taken several steps through legislation to achieve goals of empowering women in India. Apart from this National Commission for women had established in 1990 to look into the women's problem. NCW have engaged them to deal with the cases relating to the violation of women rights.

**Measures to be adopted to protect the Women Human Rights:** All

human beings are born free and equal in dignity and rights. Yet, 60 years after these words were first enshrined in the Universal Declaration of Human Rights, many women still struggle daily to have their most basic rights protected. We always wish to live in a world where all women feel safe, have an adequate standard of living and a decent home, where they are not disadvantaged in the workplace because of their gender and where violence has no place. This is about respecting everyone, everyday, everywhere. It is the Government's responsibility to ensure women's human rights are respected, protected and fulfilled through policy, law and practice. Human rights are inherent, inalienable and universal. Due to some social structures, traditions, stereotypes and attitudes about women and their role in the society, women do not always have the opportunity and ability to access and enforce their rights on the same basis as men. Even though human rights exist as a birthright, to be effective they need to be supported by law and able to be used in practice. Our own awareness and support for human rights is one of the most important ways to enforce them. Governments however remain accountable by protecting the women human rights by implementing the following measures within their countries.

**Implementation of respective law and policy:** Government can work towards eradicating discrimination against women, including by introducing new laws or policies, changing existing discriminatory laws and providing sanctions for discrimination where appropriate.



**Working against the Trafficking and exploitation of prostitution:**

Government can ensure appropriate measures to suppress all forms of trafficking of women and exploitation of prostitution of women.

**By providing proper reservation in politics and public life:**

Government can set out women's reservation and can give the same opportunities as men.

**Equal right to choose the Nationality:**

Government should provide that women have the same rights as men regarding the nationality of their children. It provides that neither marriage to an alien nor a change of nationality by the husband during marriage will automatically change the nationality of the wife, make her stateless or force upon her the nationality of the husband.

**Ensuring the Education and Training:**

Government can make ensure that women have the same opportunities as men in all aspects of education and training—Governments are required to ensure that all education is free from stereotypical concepts of the roles of men and women.

**Ensuring the equal opportunity of employment:**

Government can take measures to eliminate discrimination in employment so as to ensure that women have the equal right to work, the equal right to the same training and employment opportunities as men and the right to receive equal pay for work of equal value.

**Measures to protect the Health of women:**

Government should take all appropriate measures to eliminate discrimination against women in the

field of health care to ensure women and men have equal access to health services including family planning and provide appropriate health services in relation to pregnancy and to grant free services where necessary.

**Economic life, sport and culture:**

Government should ensure that women have equal access to family benefits, forms of financial credit, including bank loans and mortgages, and the same rights as men to participate in recreational activities, sports and cultural life.

**Extending the support to women living in remote and rural areas:**

Government should take all appropriate measures to ensure that particular needs of rural women are met and to ensure rural women have access to health care services, training and employment opportunities and social security schemes.

**Equality before the law:**

Government should treat women and men equally in all matters relating to the law, including civil matters, contractual matters and property ownership.

**Eliminate all Violence against women:**

Government have an obligation to take positive steps to eliminate all forms of violence against women.

**Conclusion:**

Protecting women's rights is important in itself. But it also tends to reap benefits for their children. Conversely, protecting the rights of children- particularly girls- is the first step in promoting gender equality for women. The stereotyping of gender roles and gender – based discrimination begins in childhood. Efforts to support gender equality must start there and address the



roles of girls and boys, men and women in the household. Advocating for women's rights has been essential to advancing the situation of women worldwide. The same holds true for the promotion of children's rights and improvements in their ability to survive and thrive. However, if the rights of women and children are considered together, they can reinforce each other and make mutually supportive demands on society.

**References:**

1. Women's and Children's Rights: Making the Connection, 12-27, UNFPA, UNICEF, pdf.

2. Violence against Women –Wikipedia the free encyclopedia, page 7-13, 2015.

3. Saryal Sutapa,, Women's Rights in India : Problems and Prospects, International Research Journal of Social Sciences Vol.3(7),49-53, July (2014).

4. National Commission on Population, National Population Policy 2000-objectives, National Commission on Population, Government of India(2000) ([http://populationcommission.nic.in/npp\\_obj.htm](http://populationcommission.nic.in/npp_obj.htm))