

# Womens Violations of Human Rights: Within Marriage, Treatment By Law Enforcement, and Within Employment

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## **Introduction**

Women and Human Rights are of global importance, and it is vital that the two overlap as gender remains a critically important and largely ignored lens to view development issues across the world. The experiences of what occurred in the past has helped the United Nations (UN) form the declaration to ensure all human beings are treated fairly and equally, and will not fall into despair. This document consists of important the thirty Human Right laws that applies to everyone regardless of gender, caste, class, religion, ethnicity, color, etc...[11]. These rights were to protect against injustices of perceivably weaker sections of society that are susceptible to discrimination. Sexism is viewed as a social condition that entails having a prejudice against a gender because of your own connotation of that gender/sex. It is a related issue which can be felt everywhere in the world because of the mainstream patriarchal society is heavily institutionalize and prevails throughout the globe. India is a majority patriarchal society, women living in these patriarchal environments and structures can be classified as one of these targeted groups in which Human Rights was designed to protect. Every country attempts to safeguard and uphold these rights through their own means within their constitution as per the provisions of the Universal Declaration of Human Rights (UDHR) in order to prevent atrocities happening to its citizens and to not only hold themselves accountable but other countries as well. India's own Constitution guarantees these rights in parts III and IV [11]. However there is a complex and dynamic element to our understandings of the struggle of women in relation to Human Rights. Though under the charter women are protected and granted rights, these are not always upheld; this is the case around the globe, India's borders are no different. These women's stories and issues could never be given justice on paper nor by the voice of an outsider at that. Be that as it may, this essay will attempt to touch on women's violations that can, and have, occurred in: marriage, law enforcement's care, and employment.

## **Women's Violation Within Marriage**

In India, marriage is universal and has a long history, where many traditions and societal values immerge. A prominent feature of its history was the largely accepted practice of child

marriage, where cases of children were married by the young age of 7 out of family voluntary practice. With the enactment of the Sarda Act in 1929, by colonial rulers; later it was renamed the Child Marriage Restraint Act 1929. This Act prohibited marriage of girls below the age of 15 years and boys below the age of 18. This was rectified in 1978, when the law was amended to raise the minimum age of marriage to 18 years for girls and 21 years for boys. Because of these laws the average age of marriage has been moving up over the years. Nonetheless, according to surveys done by the United Nations in 2007, the average age of women was 23.7 for men in the country and 17.2 for women [3]. Since the average age of marriage for women is still lower than the legal age limit for marriage, this points to child marriages still occurring in India. While child marriage can happen to both boys and girls, in most places around the world, the practice mostly affects girls. There has been documented lingerings in the states of Rajasthan, Chidambara, and Haryana, that is not to say that this is not occurring throughout India [4]. In one case, a Jaipur court restrained a father from marrying off his two daughters, ages 3 and 6 within a Rajasthan Village, the police ended up failing to stop the marriage and these children became wives; the ending of this story is like that of so many children and especially girls, where they are cheated by such marriages and typically becomes neglected and therefore loses her only form of livelihood [4]. Child marriage harms girls' rights to health, education, equality and a life free from violence and exploitation [4]. These rights are enshrined in the Universal Declaration of Human Rights, the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and other international and regional human rights instruments [4].

In recent decades, global gatherings such as the International Conference on Population and Development Programme of Action and the Beijing Declaration and Platform for Action have recognized child marriage as a human rights violation [5]. On September 25, 2013, the Human Rights Council, the leading UN body responsible for the promotion and protection of human rights around the world, adopted A/HRC/24/L.34, its first ever resolution on child, early, and forced marriages [6]. The resolution, which calls on states to recognize "human rights obligations and commitments to prevent and eliminate the practice of child, early and forced marriage," received support from 107 countries around the world, including countries with some

of the highest rates of child marriage: Ethiopia, South Sudan, Sierra Leone, Chad, Guatemala, Honduras, and Yemen [6]. However the resolution did not receive support from India, even though the practice is still considered void. The Registration of Births and Deaths (Amendment) Bill, 2012 was introduced in the Rajya Sabha on May 7, 2012 after a series of efforts being made since 2007 primarily to include the registration of marriages within its purview. Registration of marriages is not compulsory across the country. Different states have taken their own measures in this regard. However, it is noticed that all state specific marriage registration laws talk about registration of every marriage, including a child marriage. This reinforces the practice of child marriage because once being registered, it is not only viewed by society as a valid marriage but also as a valid practice [7].

### **Women's Violation Within Law Enforcement**

Using rape as a means of keeping women in their place is not a new concept. Rape and group raping occur everywhere in India and across the globe [4]. There was even a case where a woman named Bhanwari Devi of Rajasthan was gang raped because she was a liability of reporting a child marriage which had occurred [4]. With India recording 106 rapes a day in 2016, there is no surprise that these would include those of police personnel [8]. Out of the total number of women who had been detained 70% have been subjected to physical and sexual violence (Chidambaram Padmini's Case) [4]. These cases of violence against women and sex discrimination by officers of the law have been reported to the *Asian Watch* and to the *Women's Right project division of US Human Rights Organisation*. However, cases keep piling up where law enforcement has been involved in sexual violence against women. The planned rape of eight-year-old Asifa in a temple by several men, including a police member, who later washed the clothes she was wearing to destroy evidence, was particularly horrific [9].

Rape is not the only way law enforcement violate women's rights but torture of women is a horrific reality. Police torture of women is inhuman and condemnable, cases of beating, hanging upside down, inserting pins and nails into sensitive areas of the body are just some of the methods used by police on women in custody, applying electric shocks and the burning of skin has also been reported [4]. These tortures can even end in death, as many as 80 custodial deaths occurred in Tamil Nadu between the years 1991-1996 but with little to no punishment of

police [4]. There has been many events in which the Tamil Nadu Ministry or the judiciary could have come down on police prior to 1997 when the chief minister instructed the Senior Police Officers of the State that they could not longer ‘disown responsibility’ [4]. The torture and death of these women were and still are infringement of human right violations, which would have highlighted the issue, since these statistics are not uncommon.

### **Women’s Violation Within Employment**

Women were not only consumers of income but within the agriculture and industrial sectors major generationers of income [4]. According to a study published by the UN called *The World Women* conducted between 1970 to 1990 found that Asian and African women worked on average of 13 hours more than men every week [10]. This is accounted for the domestic work that goes largely unrecognized and unpaid. However, it is not just domestic work, which women are unpaid. Women have failed to make gains in their agricultural workplaces, as per the analysis conducted by International Labour Organization [4]. In Punjab, it has been recorded that women get paid 5 Rs. for every 5 KG of cotton picked when the state official rate is 1.62 Rs. for a single KG [4]. This shows a discrimination against women at work within India. According to UDHR article 23, “Everyone, without any discrimination, has the right to equal pay for equal work.” In simple words, everyone has the right to equal pay for equal work without any discrimination like gender, race, and age but this is not being upheld, especially within the gender sphere [11] . Despite their non stop work, women are generally paid less than 60 percent of wages given to their male counterparts [4]. Children are also impacted, with around 5.6 girls in employment positions [4]. These girls are rarely given their deserved pay and often work in hazardous conditions [4]. A portion of these girls must work labour in order to pay for their age old loans of their families, and do not have the protection of a home as many live on the streets [4]. This may be a factor for the staggering statistic that stats one out of 6 girls will not live to see her 12 birthday [4]. This inequality of women is also due to living in poverty, illiteracy, education, and lack of other ways of social mobility.

### **The Need to Empower Women**

To conclude, human rights principles are recognized around the globe as a framework which protects everyone and limits actions by the town city or nation against individuals. The

principles also balance the rights of individuals to promote and show tolerance, equality, dignity and respect [11]. Empowerment marrets a mindset, attitudes, and values, which uphold the rights of a person's ability to self govern. Women in their historical journey through this patriarchal society have been forced into a less, marginalized role within mainstral life. Education is key in each of these issues. Each year of secondary education may reduce the likelihood of marrying before the age of 18 by five percentage points or more in many countries. However, in addition to institutionalized forms of education, there must also be education of the rights that women have. Until all nations, not only India, value the march towards progress and prosperity, the dreams of women will remain unfulfilled and unrealized. Until all women, of all walks of live actively participates in the upheaval of their rights as human beings and the developmental processes that go along with that, these injustices will continue [4].

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